

LEGISLATIVE COUNCIL

Thursday 25 May 2000

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The President offered the Prayers.

TRANSPORT ADMINISTRATION AMENDMENT (PARRAMATTA RAIL LINK) BILL

Bill received and read a first time.

Motion by the Hon. J. W. Shaw agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

ANTI-DISCRIMINATION AMENDMENT (CARERS' RESPONSIBILITIES) BILL

In Committee

Clauses 1 to 3 agreed to.

Schedule 1

Reverend the Hon. F. J. NILE [11.06 a.m.], by leave: I move Christian Democratic Party amendments Nos 1 to 6 in globo:

No. 1 Pages 3-4, schedule 1 [1]. Omit all words from line 30 on page 3 until line 7 on page 4. Insert instead:

- (ii) a de facto partner or former de facto partner of the person or of a de facto partner or former de facto partner of the person,
- (iii) a grandchild or step-grandchild of the person, of a spouse or former spouse of the person or of a de facto partner or former de facto partner of the person,
- (iv) a parent or step-parent of the person, of a spouse or former spouse of the person or of a de facto partner or former de facto partner of the person,
- (v) a grandparent or step-grandparent of the person, of a spouse or former spouse of the person or of a de facto partner or former de facto partner of the person,
- (vi) a brother or sister, or step-brother or sister, of the person, of a spouse or former spouse of the person or of a de facto partner or former de facto partner of the person.

No. 2 Page 4, schedule 1 [1], lines 20 and 21. Omit all words on those lines. Insert instead:

de facto partner of a person means:

- (a) if the person is a man—a woman with whom he is living as her husband on a bona fide domestic basis, or
- (b) if the person is a woman—a man with whom she is living as his wife on a bona fide domestic basis.

No. 3 Page 4, schedule 1 [1], lines 22-24. Omit all words on those lines.

No. 4 Page 4, schedule 1 [1], lines 26-30. Omit all words on those lines. Insert instead:

- (a) a child or grandchild of the spouse or former spouse of the person or of a de facto partner or former de facto partner of the person, or
- (b) a step-child or step-grandchild of the spouse or former spouse of the person (being a child or grandchild of the spouse's former spouse or de facto partner), or
- (c) a step-child or step-grandchild of the de facto partner or former de facto partner of the person (being a child or grandchild of the de facto partner's former spouse or de facto partner).

- No. 5 Page 4, schedule 1 [1], line 34. Omit "or of a spouse or former spouse". Insert instead ", of a spouse or former spouse of a person or of a de facto partner or former de facto partner".
- No. 6 Page 5, schedule 1 [1], lines 7 and 8. Omit "parties to a de facto relationship with each other". Insert instead "de facto partners".

Amendment No. 1 simply clarifies the types of relationships that fall into the category of "any immediate family member of the person who is in need of care or support, being one of the following". The amendment includes in that category a great deal more relationships than are currently referred to in the bill. Amendment No. 2 clarifies the meaning of the term "de facto partner". That applies to page 4, lines 20 and 21, where the following words appear:

de facto relationship has the same meaning as in the Property (Relationships) Act 1984.

The bill does not include what the term "de facto relationship" actually means. The wording of the bill does not contain a definition; rather, the provision refers to another bill, the Property (Relationships) Act 1984, which was amended last year. Anyone seeking a definition would have to refer to the other Act. My amendment removes any reference to the Property (Relationships) Act 1984 and replaces it with clear wording:

de facto partner of a person means:

- (a) if the person is a man—a woman with whom he is living as her husband on a bona fide domestic basis, or
- (b) if the person is a woman—a man with whom she is living as his wife on a bona fide domestic basis.

That amendment clarifies the male and the female who are defined by the term "a de facto partner" and makes it clear that people in the relationship are persons of opposite sexes. If a de facto partner is a man, he will be living with a woman in a de facto relationship. If the person is a woman, she will be living with a man in a de facto relationship. The amendment in no way weakens the rights of people who are living in a de facto relationship. The amendment is not an attack on de facto relationships. It is not an attempt to undermine the rights of people who are living in a de facto relationship. Everyone knows that those relationships exist. Sadly, according to recent statistics, those types of relationships are increasing. People who lived in a married state, who went through a marriage ceremony and have a registered marriage constitute a certain percentage of de facto relationships, and the number of de facto relationships has gradually increased in recent years.

Members of the Christian Democratic Party recognise—as I am sure all honourable members do—the increasing number of people who are living in the de facto relationship arrangement. The law now gives those people legal rights in the same way as people who are living in a registered or legal marriage relationship have rights. Honourable members might wonder what is the significance of the amendment. Amendment No. 1 will make it quite clear that "de facto partner" does not cover people of the same sex—that is, a male with a male, and a female with a female. That is the purpose of amendment No. 2. Amendment No. 3 proposes to alter page 4, lines 22 and 24, by deleting the words appearing on those lines. If amendment No. 1 is agreed to, those words will no longer be necessary. If amendment No. 2 is agreed to, amendment No. 3 will become virtually automatic and those words will no longer be required.

Amendment No. 4 will have the effect of omitting all words on page 4, lines 26 to 30. This is another instance of the bill's terminology not making clear which persons are covered by the wording in the provision. My amendment seeks to make the provision absolutely clear by removing paragraphs (a) and (b) which deal with a stepchild and a step-grandchild, or a child and a grandchild who would be clearly covered by my amendment. The amendment would delete reference to "(a) a child or grandchild of the spouse or former spouse of the person, or (b) a step-child or step-grandchild of the spouse ..." and replace those words with a refined wording which I believe would improve the provisions of this bill.

Amendment No. 5 will omit the following words on line 34, "of a spouse or former spouse of a person". Those words should be omitted and replaced with "of a spouse or former spouse of the person or of a de facto partner or former de facto partner". The proposed wording makes the provision clearer and provides clear protection for people living in a de facto relationship. Amendment No. 6 refers to the words appearing on page 5, lines 7 and 8, "parties to a de facto relationship with each other", and seeks to substitute "de facto partners" for those words. Based on previous amendments, this amendment would make it clear that the term "de facto partners" means that they would be people of the opposite sexes—that is, male and female, or female and male.

I indicate for the benefit of honourable members that the amendments I am proposing are based on submissions I received from various organisations, including the Catholic Commission for Employment

Relations [CCER] and the Catholic Education Commission of New South Wales [CEC]. Those organisations are very concerned about the impact of the bill and the present wording without the benefit of the proposed amendments. I place on the record that I am moving these amendments because, as I indicated earlier, the CCER and the CEC have indicated their support for them. Those organisations have asked me to place the following on the record:

The CCER and CEC, on behalf of the Bishops of NSW, fully support statutory provision for Carers responsibilities and the extension of this to those not currently covered. Indeed, Catholic sector employees have already enshrined such provisions in relevant Awards/Enterprise Agreements;

The Catholic church has always (in NSW since the early nineteenth century) seen as important the need to provide services in education, health, aged-care, and social welfare in conformity with the beliefs of the church;

Catholic sector employers, indeed all religious bodies, reserve the right to protect religious beliefs and manifest them. As part of this they see family and marriage as fundamental to society and that the NSW parliament has no jurisdiction to compromise this right of religious freedom;

Of course, religious freedom is protected by the Commonwealth Constitution and, I believe, by this State's Constitution. The document goes on to state:

Because this particular Bill effectively incorporates same-sex partners into the definition of spouse it goes to the heart of the concerns of most religious bodies over the definition of marriage and family;

As I mentioned during the second reading stage, I have received similar submissions from the Anglican Diocese of Sydney. The document says further:

While it is recognised that the NSW Parliament has no jurisdiction over marriage there is concern that this Bill has the effect of eroding the long-established statutory and judicial definition of marriage by redefining other social, domestic and personal relationships.

Persons who access these services (e.g. education, hospitals and aged care) generally expect, and are entitled to expect, services to be delivered in conformity with their conscientiously held religious beliefs;

Without the specific amendment the legislation will potentially intrude into the way religious bodies conduct themselves and infringe the rights of NSW citizens to access services provided by religious bodies;

This amendment is necessary to put beyond doubt the capacity of religious bodies to provide services, across the range of specific categories of service currently and historically provided by religious bodies.

I shall move amendment No. 7 at a later stage.

The Hon. M. J. GALLACHER (Leader of the Opposition) [11.19 a.m.]: During the past 48 hours the Opposition has had a significant opportunity to examine this bill and the proposed amendments and their implications, the ripple effect. The Opposition is vehemently opposed to this bill and the amendments thereto. The Opposition is of the view that the concept of these amendments, and their impact on the anti-discrimination laws of this State, is the wrong way to go. These matters are best dealt with under industrial law, as stated earlier by the Hon. J. M. Samios. The Opposition has examined the amendments and their implications in relation to the anti-discrimination proposals being put forward by the Government and it cannot support them. I am loath to say that the Attorney General—a person for whom I have a great deal of respect on matters of law—has embarked upon one of the most sneaky, underhanded and covert attempts of social engineering that I have seen since becoming a member of this Chamber.

I will support my proposition that this bill should not be before this Chamber in this form, thereby changing the Anti-Discrimination Act, by calling as my first witness the Attorney General. The amendments moved by Reverend the Hon. F. J. Nile question the interpretation of "family" under the proposed changes put forward by the Attorney General. The Attorney General, as this State's first law officer, is well and truly aware of the State family leave case and the implications that these amendments will have in conjunction with this bill on the findings of the Industrial Relations Commission [IRC] in respect of that case. The IRC, in its learned determination of the matter before it in the State family leave case, examined the question of the employee's immediate family with respect to carers and where the employee is responsible for the care of that person.

The most learned decision of the IRC changed the leave from "family" leave to "personal carers" leave. That is significant with respect not only to the amendments but, indeed, to the entire case put forward by the Attorney General with respect to this legislation. It is extremely important that all honourable members consider the reasons why the Opposition has taken this position. This legislation is nothing more than social engineering

by the Government. This matter is best determined in the Industrial Relations Commission, where the ripple effects would be extremely limited. This covert, sneaky attempt by the Attorney General to slip it into the anti-discrimination laws will have much wider implications across the State in relation to the administration and application of anti-discrimination laws.

The amendments moved by Reverend the Hon. F. J. Nile put forward his definition of "family" and thereby amend the proposition of the Government. The Industrial Relations Commission in its finding on the State family leave case employed the household criteria, but specifically referred to particular relationships within the household of the employee. Since 1995 the Government has tried to push for equity for all people. A letter drafted by a member of the Attorney General's Legislation and Policy Division speaks about the fact that the Government has been committed to the legal recognition of same-sex relationships since 1995. The Attorney General need only have looked at the determination of the IRC in the State family leave case to get a little bit more information about where the IRC sees these particular relationships and its own determination.

I refer honourable members to the definition put forward by the IRC in respect to who the employee has responsibility to care for. Who does it include? The Attorney General, through this covert, sneaky means by which to change the Anti-Discrimination Act, believes that he will introduce some equity into this system. Who does the IRC believe, in its own determination, is covered by the State family leave case? The definition includes the spouse of the employee, a de facto spouse who, in relation to a person, is a person of the opposite sex to the first mentioned person who lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis, although not legally married to that person—that is, de factos and married couples are covered. A child or an adult child, including an adopted child, a stepchild, a foster child and ex nuptial child, is covered.

A parent, including a foster parent, legal guardian, grandparent, grandchild or sibling of the employee or spouse or de facto spouse of the employee is covered. A same-sex partner who lives with the employee as the de facto partner of that employee on a bona fide domestic basis is covered. The very same proposition that the Attorney General is putting forward is covered by the IRC laws applicable to this State. The IRC determination also states that a relative of the employee who is a member of the same household is covered. It defines "relative". It talks about people who are covered by "affinity", a relationship with one spouse because of marriage or by ties other than those of blood. All propositions are covered in the determination of the Industrial Relations Commission in the State family leave case.

Why are we discussing these so-called much-needed changes today? We have been told that the bill will give everyone equity before the law. Why are we debating this bill when the learned Industrial Relations Commission has already made its findings, which are applicable across New South Wales? We are in an extremely curious situation because this determination has already been made. I have no doubt that the Attorney General will talk about the number of people who have moved away from the award structure and who have entered enterprise bargain agreements [EBAs] in this State and the need for such people to be protected. I refer the Attorney General to division 2, section 32, of his Industrial Relations Act 1996. It states that enterprise agreements are required to be approved by the commission.

If someone were to opt out of the award structure and go down the enterprise bargain agreement structure, such an EBA must be approved by the Industrial Relations Commission for it to be lawful. Section 35 (2) of the Industrial Relations Act states that certain protections must be put in place so that people cannot be disadvantaged as a result of moving out of the award system towards an EBA. This Government's own legislation is the mechanism whereby the Industrial Relations Commission provides the necessary protection to ensure that those who opt out of an award are covered.

I am sure the Attorney General would be the first to recognise that the Industrial Relations Court will be the strongest advocate in this State to ensure that all workers are covered, whether by an enterprise bargain agreement—the enterprise bargain agreement proposal that the Attorney General put to this Chamber in 1996—or by the award structure. The Attorney General might talk about those under contracts being in a position different from those covered by enterprise bargain agreements. I refer the Attorney General to part 2 of his own Industrial Relations Act, which refers to contract determinations. The Attorney General has been very outspoken in the past few days about the need to thoroughly examine transport workers, a classic case of non-employee contractors. That is exactly what we are talking about today: the application of this amendment and its subsequent effect on the anti-discrimination laws versus the need to move these legislative measures from anti-discrimination laws and into industrial relations legislation.

The Attorney General need only look at contract determinations to know that the Industrial Relations Commission has quite extensive powers to protect those who are not covered by an enterprise bargain

agreement or an award but are contractors—exactly the same people that the Attorney General has been saying for the past few days he wants to protect. These are the workers that the Attorney General's legislation spells out are safeguarded by the Industrial Relations Commission. What does part 2 of this industrial relations legislation talk about in relation to contract determinations? It refers to leave, annual or other holidays, sick leave, long service leave and other conditions. The Opposition contends that the appropriate legislative framework is the Attorney General's own legislation, the Industrial Relations Act. I call as my first witness, in support of my proposition that the Industrial Relations Act is the appropriate Act to deal with this matter, the Minister for Juvenile Justice, the Hon. Carmel Tebbutt. The Hon. Carmel Tebbutt, expressing concern about carers' rights, asked the Attorney General this question:

What steps has the New South Wales Government taken to ensure that industrial laws in New South Wales accommodate the needs of working women and men with responsibility as carers?

That is a straightforward question, with no hidden meanings. The first line of the Attorney General's response was:

Both the legislation and the practice of this Government show a commitment to giving assistance to care givers in our society under the relevant legislation, the Industrial Relations Act 1996.

Not the Anti-Discrimination Act but the Industrial Relations Act, the relevant legislation for carers and their rights and responsibilities. The Attorney General went on further in his response to defend the Industrial Relations Act:

The Industrial Relations Act also provides a framework for ensuring that the industrial system responds to the needs of workers with care responsibilities.

It gets worse! The Attorney General in 1998 dug himself into a sand hole that he cannot now get out of. It will be a svengali extrication of monumental proportions if the Attorney General can explain how in 1998 the Industrial Relations Act was the relevant Act in respect of carers' rights but that it is now unsuitable and simply not applicable. It is the movable feast with the Attorney General. However, his own words are coming back to haunt him. The Attorney General said further in his response:

One good example of this is the New South Wales personal carers test case.

That is the case that I referred to a short time ago in this debate. The Attorney General said:

That case established a basic entitlement for employees to take paid leave to care for a family member who was ill. New South Wales workers can now access paid sick leave, annual leave, rostered days off and time off in lieu of payment of overtime for the purpose of caring for a family member.

The question must be asked: What has changed since 1998 that makes the legislation so inappropriate that the Attorney General should turn his back on that much-touted industrial reform, legislation that was put forward by him as the saviour of the workers of New South Wales? Why does the Attorney now regard it as not being up to the task? The reality is that the Attorney General knows, as we do, what this debate is about trying to construct a new society in a way that the Attorney and his colleagues would have it. The Attorney, by this covert and sneaky measure, is attempting to slip in a couple of apparently minor changes that he thought would go unnoticed. I looked at the Attorney General's second reading speech on this legislation. If you blinked, you would have missed it.

The Attorney said that there was no opposition to the matter. The Attorney General must now be thinking, "Oops! I made a wrong call on that one." I am told that in the past 24 to 48 hours considerable concern has been raised by a number of significant individuals in our community, individuals who not only hold much higher office than honourable members of this Chamber but account to a much higher individual than we do. This legislation should be rejected. The Attorney General should acknowledge that he has been caught out, that he has been sprung, withdraw this legislation and reintroduce these measures as part of an industrial relations bill. I can see it now, the Industrial Relations (Carers' Responsibilities) Bill 2000. I like the sound of that. I encourage the Attorney General to bring on such a bill soon.

The Hon. J. W. Shaw: Would you support it? The Deputy Leader of the Opposition says he would support it.

The Hon. M. J. GALLACHER: The Attorney General asked whether the Opposition would support such a bill. The question is: Do we need to support it? The Industrial Relations Commission has already made a

determination regarding carers. Why is it necessary to introduce legislation, unless it is for the purpose of securing the determination of the Industrial Relations Court? If that is so, the Attorney General should reintroduce legislation to embody the findings of the Industrial Relations Commission in statutes of this Parliament, and should do so by amendment of the Industrial Relations Act of 1996 as amended. Bring those reforms forward. I urge the Attorney General to think twice about trying to use any future legislation as an underhanded means by which to set the social agenda of this State.

If the Attorney is so concerned about antidiscrimination laws, and is so strong in his resolve to implement the Law Reform Commission's findings regarding antidiscrimination laws, he should pump his heart up and bring in new antidiscrimination legislation so that we may debate it thoroughly in this Parliament under the watchful eye of the community. The Government should not be sneaky and introduce legislation by the back door, only to claim later that it was not intended to have the consequent implications. I say to the Attorney General: You are too bright for that. You thought you would get away with this. I hope the crossbenchers will support the Opposition on this issue. The Attorney has been sprung. This legislation must be defeated. It is unnecessary. The Attorney General should consider any further changes of an employment nature as a relationship between an employee and an employer, as an industrial matter, and deal with those matters under our industrial law. Do not try this under-the-table-trick again.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [11.39 a.m.]: I congratulate the Leader of the Opposition on his fine speech, which vindicated my continuing support for him as Leader of the Opposition. I have supported him for years as the bearer of that office. It is a pity, however, that his speech was tainted by errors. It is my solemn duty to correct those errors this morning.

It would be a travesty if the Coalition were to vote, for example, against the third reading of this bill. This bill is in support of family and other carers and their responsibilities to their children and their loved ones. Here is an implied criticism of me. It is, in fact, in place. The antidiscrimination provisions, in substance, are in place in every jurisdiction in Australia except South Australia. The antidiscrimination legislation, which the Leader of the Opposition says is so inappropriate, applies in every other State and Territory except South Australia, to protect the rights of people caring for their relatives. So it is a statement of the obvious that we ought to be supporting the substance of this bill.

I will come, of course, to what I regard as the more peripheral questions as to definition and the like in due course. But let me emphasise that what we are supporting today is like supporting motherhood. It is a self-evidently correct proposition to say that people should not be discriminated against in their employment because, for example, they have to care for a sick child. So let us start from a premise that this is good legislation and it ought to be supported. If the Opposition were to vote against the substance of this legislation it would be a travesty.

Honourable members in this Chamber have voted again and again for a non-discriminatory definition of what is a domestic relationship. In bill after bill we have taken the view that our provisions should not discriminate against those who live in a relationship which is other than an orthodox marriage. We, of course, have not sought to redefine marriage. Marriage is defined in the Commonwealth Constitution and it has its traditional meaning. We have said that people who might live in other lifestyles, in other relationships, ought to be protected from discrimination. We did that most substantially in the Property (Relationships) Legislation Amendment Bill last year and I believe that that has been accepted by the community.

There was no furore or controversy about that. We have said, "Let us not discriminate against people because they are in relationships which are not traditional." We regard people as having an opportunity, in a free and liberal-minded society, of living in a variety of relationships and they should not be discriminated against because of that. We did that—and I commend the Coalition for its stance—in a bipartisan manner. The Coalition voted for the legislation. Some members on the crossbenches were opposed to it and I understand and appreciate their conscientious and genuinely held convictions. But members of this Chamber overwhelmingly said, in a bipartisan way, "We will have property relationship legislation which is not discriminatory."

I cannot quote chapter and verse as to the votes, but we did that in respect of the Retirement Villages Amendment Act. This same definition applied—a non-discriminatory definition of what is a domestic relationship. We did it in respect of the dust diseases Act, legislation of which I am particularly proud, which gave additional benefits to the victims of asbestosis and mesothelioma. We talked about their relatives, their relations, people who were in a domestic relationship and their right to achieve compensation, and we defined it in a non-discriminatory way. Why then should we take a different stance in relation to this legislation? What is the logical reason?

Why should we take a different and, therefore, discriminatory stance and accede to these amendments which, in effect, would confine the beneficial effects of the legislation to heterosexual relationships? There is no rational reason for that and I cannot support the amendments. Let me refer first to the essence of the amendments. The provision in schedule 1 to the bill defines "de facto relationship" as having the same meaning as the Property (Relationships) Act 1984. Honourable members may be puzzled about that but the fact is that, when we changed what was then the de facto relationships Act last year, we changed the title but it retained its year of passage.

We are now talking about the Property (Relationships) Legislation Amendment Bill that this Chamber dealt with last year. In substance, the amendments—and some of them are consequential—seek to remove the de facto relationship definition as being the same as the Property (Relationships) Act 1984. Let me contemplate what in substance is the argument of the Leader of the Opposition for supporting the amendment. He cannot say that there is something inherently wrong with that definition. He cannot say that it is a shocking or horrible thing because he voted for it.

The Coalition voted for it last year. So Opposition members are trapped. They cannot say that it is somehow offensive to civilised values or it is the end of civilisation as we know it because they voted for it; they supported it. Opposition leaders actively advocated against members on the crossbenches. Let me turn my mind now to the argument of the Leader of the Opposition that this legislation is unnecessary. What a tepid and feeble argument. He is not saying that it is wrong or shocking, but that it is unnecessary; that it is redundant. The argument of the Leader of the Opposition is that it is redundant. It is not redundant. Let me correct that error quickly and succinctly.

The Hon. M. J. Gallacher: If that is the best that you can do, it is not a real good argument. You are saying that my argument that it is redundant is not a real good argument, but I am saying to you that a determination has already been made by the Industrial Relations Commission in relation to your own legislation.

The Hon. J. W. SHAW: That is the very point I was about to deal with to expose the error in the argument of the Leader of the Opposition. His only argument is that the legislation is redundant. He does not say it is bad in principle, wrong or appalling; he says it is unnecessary because of the test case in the Industrial Relations Commission relating to carers' responsibility and the fact that the Industrial Relations Commission adopted a broad definition of who was a carer.

The Hon. M. J. Gallacher: And you supported it.

The Hon. J. W. SHAW: I did. The Industrial Relations Commission said that in relation to leave, that is, sick leave, annual leave and the like, there should be flexibility. In other words, if someone is caring for a sick child he or she should have access to sick leave, annual leave and the like. That is a commendable proposition. I do not resile from a single word I said about it. But the problem about that is that it does not provide a general defence against discrimination on the ground of carers' responsibility. In other words, what the Industrial Relations Commission dealt with completely commendably was an industrial matter; that is, the industrial matter of leave. That is fine; that ought to be done.

But what is proposed today, which is qualitatively different, goes beyond anything the Industrial Relations Commission did or could do. What is proposed today is a prohibition against discrimination on the grounds of a person's responsibility as a carer. I hope I am getting this point through. Nothing in the award of the Industrial Relations Commission provides the general prohibition against discrimination on the ground of a person's responsibility as a carer. It commendably gives him flexibility about leave. That is an industrial matter; that is what the Industrial Relations Commission does. But in the antidiscrimination legislation there is a much more general, more plenary prohibition against discrimination. I refer to new section 49T, which may have escaped the attention of the Leader of the Opposition. New section 49T states:

A person ... discriminates against another person ... on the ground of the aggrieved person's responsibility as a carer if, on the ground of the aggrieved person having responsibilities as a carer, the perpetrator:

- (a) treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person who does not have those responsibilities, or
- (b) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons who do not have such responsibilities comply or are able to comply, being a requirement that is not reasonable having regard to the circumstances of the case and with which the aggrieved person does not or is not able to comply.

That is a ground of discrimination. So, we are dealing with two qualitatively different concepts here. If members of the Opposition think about it, they will appreciate that. One is the industrial issue of leave, flexibility about sick leave and the like, for a carer. The other qualitatively different concept and issue with which this bill deals is the concept of non-discrimination in employment generally, treating a person less favourably—for example, dismissing that person, demoting that person or denying that person some particular opportunity for promotion. That is the way our antidiscrimination law operates. So, we are dealing with two different fields of discourse, two different conceptual areas of legislation. One is the basic, traditional industrial matter of leave and the like, and the other is the broader, qualitatively different area of antidiscrimination.

I respectfully submit to the Committee that the argument about the lack of necessity for the bill is not correct and has been demolished. There is a necessity, because this bill adds on to the established industrial rights about leave and gives additional rights and protections to people in the category of carers. So, the bill is necessary, if you like. It is not redundant. It does, in a qualitative and tangible sense, add on as a superstructure to existing industrial rights we have created in the Industrial Relations Act. On reflection, if honourable members think about it, the only argument, the singular argument, the Leader of the Opposition has is the argument of redundancy. If that is not correct, his argument falls to the ground, it is demolished, it collapses, there is simply nothing there. I support the bill and oppose the amendments.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [11.51 a.m.]: The Attorney General, unusually, has made assumptions with a closed mind. I say unusually because the Attorney General is probably one of the most open-minded, decent people in this place. But, he has made assumptions that the Opposition is about to proceed in a form of discrimination. In making that assumption he did not listen to what we said we were going to do. I make it quite clear to the Attorney General that the Opposition is opposing this bill because we believe it is unnecessary legislation and its provisions are already covered. For the Attorney General's information, at no stage—and it would be important for the Attorney to realise this—did the Opposition say it would support Reverend the Hon. F. J. Nile's amendments Nos 1 to 6. We will support his amendment No. 7 because it is a different issue. It is not that we disagree with his amendments, we think they are proper amendments, but we believe that the legislation is unnecessary and because of this belief we will be opposing the legislation.

As the Leader of the Opposition said, these provisions are covered. It is unnecessary legislation and it is unnecessary to support those amendments, but we will not vote against them. We will support the seventh amendment because it is not covered elsewhere. The Leader of the Opposition quite properly indicated these provisions are probably already covered and, if they are not, as he said to the Attorney General, the proper place for them is in industrial relations legislation. I suspect that was already known and that this was a ploy by the Attorney General to move on the social agenda. Quite clearly that is the objective of this particular legislation. He tried to cloud the issue and paint the Opposition as being discriminatory, because he said the issue is already covered in other areas. He knows the Opposition supported those because it believed it was proper not to have discrimination in those areas, but this is unnecessary. The Attorney General is advocating a redefinition of the family that conflicts with the concerns of Christian members of this House and of the churches.

If there was an absolute reason why one needed to have this conflict, why one needed to have this special legislation, there would be some validity to it, but there is absolutely no reason for this legislation. It is moving the goalposts. The Attorney General has his own particular point of view about where he wants society to move and he has seen an opportunity to move society there. It is an improper move, it is a secretive move and one that has been found out. The Opposition opposes that move and will oppose this bill at the third reading because it is unnecessary. The Opposition considers the amendment that Reverend the Hon. F. J. Nile has moved on behalf of the churches to be a proper amendment and we will support his amendment No 7. We will not vote against his other amendments.

Reverend the Hon. F. J. NILE [11.55 a.m.]: I appreciate the Opposition saying it will support my amendment No. 7. As the Attorney General has indicated, we have slipped back into a second reading debate. It is as if the Opposition is running about two weeks behind with the legislative timetable, which is difficult in this House. The Opposition should have considered these matters and we should have had that vote on the second reading of the bill, if it has such strong views about it. The speech of the Leader of the Opposition has now blurred the debate about my amendments, which concern a totally different issue to that which he has been speaking about. Maybe there is confusion about what we are voting on. This is not a third reading vote, honourable members are to vote on amendments moved by the Christian Democratic Party. Those amendments were drafted in co-operation with the organisations I mentioned earlier, the Catholic Commission for Employment Relations and the Catholic Education Commission.

I would like to summarise what is at the heart of the amendments I moved which, I know, include a lot of words. Some members might have lost sight of the point of the amendments. It is crystallised on page 4, where the bill defines "de facto relationship" and the meaning of "spouse". That is the key reason why these amendments have been drafted. I would have drafted them irrespective of the concerns of the Catholic bodies or the Anglican Church, because it was obvious to me that this is something I could not support. While listening to the Attorney General respond to the amendments, I did not hear him defend the use of the word "spouse" or any definition of "spouse". I make it clear that is the key to my amendment. This bill redefines "de facto relationship" in the same way as the Property (Relationships) Act. The definition on page 3 of that Act says:

For the purposes of this Act, a de facto relationship is a relationship between two adult persons:

That is the same-sex definition of de facto relationship in that legislation and the Government wants to insert it into this legislation. I noted last night that the report of the Standing Committee on Social Issues recommended that every bill be changed progressively to bring in this new definition. So, we are going to have this debate every day from now on in respect of every piece of legislation. Honourable members may say they are happy to accept that but I ask every honourable member whether, on the basis of conscience, he or she can they honestly agree with that part of the bill which states, on page 4:

spouse of a person means:

- (a) the husband or wife of a person ...

That is quite acceptable, that is a traditional. We understand that. Then the bill says:

- (b) the other party to a de facto relationship with a person.

The "other party" may be a male in a de facto relationship with another male or a female in a de facto relationship with another female. This bill redefines the meaning of "spouse". I cannot for the life of me understand why the Attorney General and whoever is advising him are so anxious to create a new concept of "spouse" to cover same-sex partners. Nowhere in the world has this happened; indeed, it has not happened for thousands of years. But suddenly it is happening in the New South Wales Parliament, driven by the Attorney General.

How many Government members believe that "spouse" applies to a homosexual relationship or a lesbian relationship? I acknowledge that such relationships exist. I hear more about them and debate the issues probably more than any other member of this House. Why do we suddenly describe a person in such relationships as a spouse? People in relationships are described as partners; we have always said "partner". The pressure applied by these groups has been so strong that invitations are no longer addressed to men and do not include the words "and spouse". Even invitations issued by church groups no longer include the word "spouse"; they simply state, "bring your partner". The jargon of the homosexual world has undervalued the traditional meaning of "spouse", but homosexuals want to take "spouse" for themselves.

The Hon. I. Cohen: To look after their partners.

Reverend the Hon. F. J. NILE: They can still use the word "partner". I do not understand why "partner" has to be changed to "spouse" unless it is preparing the ground for a future debate in the Federal Parliament on legalising same-sex marriages. If we accept that "spouse" applies to same-sex couples, why not simply amend the Marriage Act to provide for officers registered under the Act to conduct weddings between two men or two women who are spouses because they are already spouses under New South Wales law?

That is the heart of the matter. I plead with honourable members to consider these amendments as a matter of conscience. They deal with one issue, which lawyers and advisers to organisations have identified. Perhaps they should have identified the issue earlier, when the property relationships bill was first raised. However, it has now filtered through the ranks of Christian organisations and denominations that something radical is taking place. The Attorney General must admit that, without any debate or community pressure, they have said, "Mr Attorney General, we want you to change the law to make 'spouse' apply to homosexual couples."

I hardly ever read in homosexual literature about their demanding this change. I know they would like to see legalised same-sex marriages, but I have never heard them say they want to be called spouses. However, that is what the Government is doing. Opposition members have raised another argument and no longer agree with the bill. They cannot seem to make up their minds whether to support the amendments. However, I

understand from discussions with them that they agree with the principle behind the amendments, so they should vote for them. It is difficult for honourable members to say that they agree with amendments but then abstain from voting. That puzzles me.

The Christian Democrats have never abstained from voting. Honourable members should vote either for or against something according to their conscience. They cannot say they agree with something but not vote for it. I plead with Opposition members to reconsider their position. I know that they must take advice from shadow Ministers in another place, but on this matter they should exercise their conscience and do the right thing.

The Hon. I. COHEN [12.04 p.m.]: I support the Government's position. The dissertation between the Attorney General and the Leader of the Opposition on these amendments was interesting, but they seemed to move far from the amendments now being debated in Committee. In the exchange between the Opposition and the Government on the relevance of this bill overall, the Attorney clearly said that the bill adds to established industrial rights regarding leave. The Greens accept that. This bill is not industrial legislation relating to leave rights; it will ensure that people in relationships who take time off to look after a partner—whomever that partner may be—a child or a member of their extended family are not discriminated against.

The Greens believe that this is good legislation as it does not discriminate against people. The Greens are of the view that different interpretations of "relationship" may be used. While I respect the perspective and position of Reverend the Hon. F. J. Nile in relation to these amendments, the amendments are rather aggressive in terms of society's needs and our position in society. The Government has put forward a reasonable, humanitarian position. I commend the Government for adopting a similar position on the dust diseases legislation. Also, the Greens strongly supported the Property (Relationships) Legislation Amendment Bill. During debate on that bill there was a similar argument about the rights of people in homosexual relationships or whatever relationship they may choose to be in.

I listened with great interest to the debate on these amendments. This bill is about the right of a person to protect and support another person to whom he or she is close in cases of sickness or in other circumstances. It should cover same-sex partners, as the Property (Relationships) Act does. The Greens have strongly and consistently supported that basic human right in our society. We believe that the narrow structure or nature of the amendments moved by Reverend the Hon. F. J. Nile would limit the freedom of people to act in a humanitarian manner. The Greens strongly and strenuously oppose any restrictions, although such restrictions may be acceptable to the honourable member and other honourable members who share the same philosophy or religion.

Reverend the Hon. F. J. Nile: Do you support the use of "spouse" for homosexuals?

The Hon. I. COHEN: That is irrelevant. I do not mind what homosexuals call themselves. I believe in the basic concept of peace, happiness, love and acceptance of people living their lives the way they choose. If that means that people have the right not to be discriminated against when they wish to help their loved ones, I clearly agree with the Government's position. That is a fundamental principle to which honourable members should adhere when dealing with legislation that will affect people in our community, regardless of the nature of their relationships. People have the right to choose to have a relationship based on love and support, whatever way it may be, and the Greens believe they should have legislative support for giving what I call Christian help to their fellow beings.

The Hon. M. J. GALLACHER (Leader of the Opposition) [12.09 p.m.]: I should like to briefly respond to the Attorney General's response to what I said earlier. In fairness to the Attorney General, at the outset I thank him for allowing me the opportunity to explore the implications, as the Opposition sees them, of not only this amendment but indeed the entire legislation. The Attorney General spoke about the Opposition's inconsistent perspective on a number of issues. He drew similarities between the dust diseases legislation, the retirement villages legislation, and the property relationships bill that was debated early in this session of the Parliament. The Attorney General would be the first to acknowledge that those three pieces of legislation were about equity, and the Opposition supported their quest for equity.

The Attorney General would also be the first to acknowledge that those three pieces of legislation—which he dealt with collectively although they were separate bills—had a limited impact, if any impact at all, outside their area of relevance. Those bills, now Acts, dealt with property and/or compensation; there was a dollar value in each one. That was the underlying premise on which the Opposition considered those bills in terms of whether they were equitable in allowing people access to certain rights regarding property or compensation.

The Attorney General's comments on those three selective pieces of legislation, which he simply plucked out of the air, could apply to any legislation. The Attorney General has suggested that this Parliament is inconsistent. Perhaps he suggests we should discriminate in relation to lotteries or parking space levies. Perhaps he suggests that some people should pay more for parking spaces or should not be entitled to them at all. The Attorney General put a fallacious argument in relation to whether this Parliament is consistent. The three pieces of legislation I referred to deal with equity and individuals' rights of access to property or compensation. However, the ripple effect of those three pieces of legislation is limited, to say the least.

I would love to hear the Attorney General's argument about how the dust diseases legislation could potentially have an impact on adoption laws in this State, or how the property relations bill could potentially have an impact on religious practices throughout the State, or indeed how the retirement villages legislation could have an impact on employment and access to employment in this State. There was no consistency or relativity in the Attorney's argument. This bill is about the introduction of what the Opposition refers to as the computer virus into the antidiscrimination laws. It is a very slick means by which changes are introduced to the antidiscrimination laws, albeit ever so discreetly, after very little consultation with the wider community. Once this virus carrier is opened it will spread through all areas of the antidiscrimination law. That is exactly what it will do. It will not be limited purely to carers, as a number of members have suggested. The Opposition supports the concept that carers deserve rights and access to rights.

However, we have put forward the proposition that this is an employment issue and therefore it should be dealt with under the Industrial Relations Act. By passing this legislation we will simply release the virus into the antidiscrimination laws of this State, and that will result in a number of conflicting definitions in those laws. When the third reading debate is concluded the Attorney General will click the mouse to release the virus. He is well aware of that, and I am sure that the people who support him are aware of it and anxiously await the Government's next move.

As the advocate for the Attorney General's Department who wrote to the crossbenchers said, this has been the Government's goal since 1995. For five years the Government has been slicing away, slowly but surely. But, of course, the Government knew that if it was to introduce the legislation holus-bolus in the form of widespread reforms to antidiscrimination laws, the situation in Macquarie Street would be totally different from the situation we see today. There would not be the free flow of traffic, and there would not be the quiet, harmonious sounds of birds singing in the trees in Macquarie Street. We would have thousands upon thousands of people in Macquarie Street demanding that this Government reverse its clandestine approach to restructuring society as they see it. We challenge the members on the crossbenches, who have indicated their support for this legislation, to go away and draft antidiscrimination laws that will bring about the reforms that they want to achieve, but to do so in an upfront manner, not in the sneaky, underhanded manner displayed by the Government.

Is this an antidiscrimination matter or, indeed, an industrial matter? The industrial relations portfolio rests with the Attorney General. He has the power to determine what is applicable and what is not applicable to industrial laws in this State. The Attorney General has the power to make the changes. If we can change the antidiscrimination laws in the manner adopted today, I am at a total loss to understand why we cannot change the industrial relations laws in the same way. The Attorney General has the power and the ability to determine and direct where reforms need to be made. We all know there is more to this than meets the eye. This is about setting the social framework that this Government wants to see in New South Wales.

The Hon. Dr A. Chesterfield-Evans: Point of order: The honourable member's speech relates to second reading subject matter rather than the amendments that are being considered. I ask you to direct the honourable member to speak to the amendments.

The Hon. M. J. GALLACHER: To the point of order: It is unfortunate that the Hon. Dr A. Chesterfield-Evans has taken this opportunity to rise like Dracula from his room after this debate has been going on for some time. Had he taken the time to listen to the debate he would have heard that this House has allowed flexibility on this issue. We are in the concluding stages of this bill, and this is an extremely important issue to the people of this State. Once what has occurred is revealed, it most certainly will be deserving of substantial examination. Under normal circumstances the point of order may well be legitimate, but given the flexibility that has been allowed in this wide-ranging debate it is uncalled for.

The CHAIRMAN: Order! I accept that there has been considerable flexibility and that most of the speeches in Committee have been more akin to second reading speeches. However, I uphold the point of order and ask the Leader of the Opposition to return to the amendments moved by Reverend the Hon. F. J. Nile.

The Hon. M. J. GALLACHER: Might I then conclude by adopting the Attorney General's own words: the relevant legislation is the Industrial Relations Act 1996.

The Hon. Dr A. CHESTERFIELD-EVANS [12.18 p.m.]: I was shocked at the moving of these amendments. I believe that there are good people in the churches who represent what Christianity is supposed to stand for. I am aware that struggles within the church have led to the Reformation and all sorts of other things, and that arguments have taken place and people have died for the issue of whether the Bible, with its call for us to love each other, versus various dogmatic approaches to what God said and what should be laid down by various hierarchies—

The CHAIRMAN: Order! I remind the honourable member of his point of order. I do not think the Reformation has much to do with the amendment.

The Hon. Dr A. CHESTERFIELD-EVANS: These amendments arise from church concern about the Property (Relationships) Act and the definition of "spouse", and that is as it may be. But the key question is: Will we look after carers who are looking after people who have problems in our society? How do we define who needs help, who will look after people who need help, and who may be empowered to provide help under this bill? As I said during the second reading debate—I will not repeat it—this legislation is about helping people and effectively giving support to someone who is carrying out a welfare function for someone they love. The definition that is sought to be changed by these amendments relates to those who are able to be helped.

When people are helping someone they love and to whom they have given their life, it is mean spirited to narrow the definition of who may be helped. This bill is designed to help people who are helping others by protecting the carers who, because of their desire to help a person as defined in the bill, may suffer discrimination in their employment. I shall remind those who do not want to help gay partners and those who do not support the definition of "spouse" in the Property (Relationships) Act of some parts of the Bible that are apposite to this debate. I turn first to Genesis:

And when God had me wander from my father's household, I said to her, "This is how you can show your love to me. Everywhere we go, say of me, 'He is my brother'."

The Hon. M. J. Gallacher: Is that the first time you have read that?

The Hon. Dr A. CHESTERFIELD-EVANS: For the information of the Leader of the Opposition, I know the order of my Books. Leviticus says:

Do not seek revenge or bear a grudge against one of your people, but love your neighbour as yourself. I am the LORD.

In the letter to the Corinthians, it is stated:

And now abide the **faith, hope, charity**, these three, but the greatest of these is **charity**.

At that time, "charity" meant "love", and that is what should be encouraged. The legislation seeks to help people to love and to give carers some assistance and benefit. However, it is also about defining categories of people. Any attempt to reduce the scope of this legislation is mean spirited. Simply because it does not suit some honourable members, and does not fit their definition of acceptable sexual practice, are we to stop people helping those they love? In Corinthians 13:1 Paul's letter says:

Though I speak with the tongues of men and of angels, but have not charity, I am become as sounding brass, or a tinkling cymbal.

In Corinthians 13:2 it is stated:

And though I have the gift of prophecy, and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not charity, I am nothing.

Jesus himself said:

A new command I give you: Love one another as I have loved you, so you must love one another.

The object of this bill is basically to show charity in the true meaning given by the Bible. Yet its provisions are sought to be turned by this mean-spirited amendment which states, in effect, that a person who has a same-sex

partner dying of AIDS cannot not get any help or benefit to look after his or her partner. These are mean-spirited amendments and they should be rejected out of hand.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 4

Mr M. I. Jones
Mr Tingle
Tellers,
Mrs Nile
Revd Nile

Noes, 21

Mr Breen	Mr Hatzistergos	Ms Tebbut
Dr Burgmann	Mr R. S. L. Jones	Mr Tsang
Ms Burnswoods	Mr Macdonald	Dr Wong
Dr Chesterfield-Evans	Mr Obeid	
Mr Cohen	Ms Rhiannon	
Mr Corbett	Ms Saffin	<i>Tellers,</i>
Mr Della Bosca	Mrs Sham-Ho	Mr Manson
Mr Dyer	Mr Shaw	Mr Primrose

Pairs

Mr Hannaford	Mr Egan
Dr Pezzutti	Mr Johnson

Question resolved in the negative.

Amendments negatived.

Reverend the Hon. F. J. NILE [12.31 p.m.]: I move my amendment No. 7:

No. 7 Page 12, schedule 1 [1]. Insert after line 20:

49ZD General exception—religious services providers

- (1) Without limiting the operation of section 56, nothing in sections 49V (1) and (2), 49W (1) and 49X (1) affects:
 - (a) the appointment of any person in any capacity by a religious services provider, or
 - (b) any other act or practice of a religious services provider that conforms to the doctrines of the religion propagated by the body that established or operates the religious services provider or is necessary to avoid injury to the religious susceptibilities of the adherents to that religion.
- (2) In this section, *religious services provider* means:
 - (a) a private educational authority, or
 - (b) a health service (within the meaning of the *Health Services Act 1997*), or
 - (c) a provider of social welfare services, or
 - (d) a provider of religious instruction, or
 - (e) a provider of a counselling service, or
 - (f) a provider of aged care services, or
 - (g) any other provider of religious services, established, or operated by a body established, to propagate religion.

This amendment inserts a definition that can be invoked only by organisations clearly linked to a religious body. This is not an exemption for the Catholic Church; it refers to all religious Christian organisations—Catholic, Anglican, Baptist—and Moslem, Buddhist and Jewish organisations, et cetera, many of whom operate welfare, educational or caring-type activities. The Hon. Dr A. Chesterfield-Evans omitted that point and the need to care and love when he quoted from the Bible. He did not make the next deduction: that is what is practised by Christians, particularly the Catholic sisters who care for the homosexuals with AIDS at St Vincent's Hospital without any discrimination. It is not accurate to twist that around to say that it shows a lack of love or care.

This amendment does not include organisations or individuals that are not connected to a religious body. The onus is on the religious body to prove its case. This is a defence, not an exemption. I prefer exemptions but in this case the Christian Democratic Party has followed advice and is only seeking a defence. Surely a democracy and a Labor Government will allow people to have a legitimate defence. I know that there are some arguments about blanket exemptions. Whoever invokes the defence carries the burden of proving that he or she meets its requirements, a burden which may involve lawyers and others to present the case.

The Catholic Church and other religious organisations, such as the Anglican Diocese of Sydney, are not opposed to carers' leave—indeed, they support it, a fact that was also misrepresented in this debate. The Catholic commission is the largest religious employer in New South Wales, with more than 40,000 persons in education, health, welfare and other religious services. It already has carers' leave within awards and agreements. The argument that section 56 suffices is unsafe because of conflicting interpretations of the application of that section, although it has never been tested. Some argue for a narrower definition, and others argue for a wider definition, of what constitutes a religious body—for example, a seminary versus a school. Because of that uncertainty the Act already contains separate exemptions and exceptions related to specific divisions of the Act—for example, part 3, sex discrimination, division 3, discrimination in other areas, and section 31A (3). I thank the Catholic Commission for Employment Relations for sending me additional explanatory material today. It states:

CCER has sought direction of the Catholic Bishops of New South Wales and other representatives of Catholic employers and their views are as follows:

- 1) Amendment 7 proposed by Hon. the Rev'd Fred Nile, MLC is reasonable and consistent with the rights already contained in the Anti Discrimination Act in respect of Religious Bodies and comparable Commonwealth Law.
- 2) The Catholic Bishops of NSW and Catholic employers reaffirm their agreement as a matter of principle to Carers Leave.
- 3) We do not see Amendment 7 as undermining Section 56 of the Anti Discrimination Act and appropriate clarification by the Attorney General in Hansard would ensure that there is no ambiguity as to the intent of Amendment 7.
- 4) Religious Bodies in NSW reiterate their grave concern that one of the effects of the passing of the Bill in its present form would be to seriously affect the religious right to operate accordingly to internationally accepted norms of religious liberty.
- 5) This amendment does not remove same sex couples from the Bill.
- 6) The rights of Carers and religious freedom need to exist along side each other. Amendment [7] seeks to maintain existing rights under the Anti Discrimination Act.
- 7) Amendment 7 is a defence not an exemption.

I hope that will assist honourable members to fully understand the intent and purpose of amendment No. 7. I hope honourable members will support it.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [12.39 p.m.]: With the utmost respect, the amendment of Reverend the Hon. F. J. Nile seems to seek an exception rather than a defence, contrary to the submissions he has made. It is, for example, headed "General exception", and then provides in effect that nothing in the new sections affects the appointment of any person in any capacity by a religious services provider, and so on. The more substantive point I desire to make is that we would contend that the position of religious bodies is adequately taken into account by section 56 of the Anti-Discrimination Act 1977. That is the original exemption for religious bodies. It has been a matter of some controversy. Various groups in the community have criticised this exemption and its generality. But the exemption has been in the Act and nothing in this bill affects it.

I must put on the record that yesterday I met with representatives of the Catholic Education Office, who were propounding that the section ought to be strengthened and/or that a provision in the Commonwealth

legislation, which provides a defence or response for religious bodies, ought to be looked at. We have examined that overnight. We would like to put forward to the Committee a view that, in substance and in effect, the existing section 56 in the State Anti-Discrimination Act reflects the provisions of section 37 of the Commonwealth Sex Discrimination Act 1984. We would say that section 56 is virtually identical. Both sections provide general exceptions relating to the following categories of religious activity.

The first is the ordination or appointment of priests, ministers or members of a religious order—and there the New South Wales and Commonwealth provisions are identical. The second is the training and/or education of people seeking such ordination or appointment—and there again the New South Wales and Commonwealth provisions are identical. The third is the appointment of persons to perform other functions or capacities in relation to religion. The Commonwealth Act focuses upon persons who perform duties or functions in relation to religious practice, while the New South Wales Act is wider: it concentrates upon the appointment of any other person in any capacity by a body established to propagate religion. Fourth, both provisions except any other acts or practices of bodies established to propagate religion which conform to the doctrines, the word used in the New South Wales Act, or the doctrines, tenets or beliefs, the terminology used in the Commonwealth Act, of that religion, or is necessary to avoid injury to the religious susceptibilities of adherence to that religion.

So, in short, despite minor technical differences in drafting, the effect of the two provisions, Commonwealth and State, is clearly the same. We would say that in effect any suggestion from church groups that there is disconformity between State and Commonwealth legislation in terms of these religious exemptions for the purpose of antidiscrimination law is not soundly based, although it is no doubt sincerely propounded by those who would put it. So far as I am aware, the religious exception contained in section 56 of the Anti-Discrimination Act 1977 has not caused any difficulty or controversy for the churches—or religious bodies, to use the terminology in the Act—since its inception.

The Hon. J. F. Ryan: There is a large body of evidence to the contrary.

The Hon. J. W. SHAW: There has been no case law calling it into question.

The Hon. J. F. Ryan: It might not have been litigated.

The Hon. J. W. SHAW: Essentially, it has been upheld, and it is in conformity. We also think there would be a difficulty, and it would be problematic, to provide a different form of religious exemption for these new carer provisions compared to the exemptions that exist more generally in the Act. I am prepared to undertake to work with religious bodies, to consult them—as I did yesterday about this matter—to see whether there is any more general revision required of the religious exemption. But I do not think, with respect, it is appropriate to change that exemption in relation to this particular and specialist amendment to the Act in relation to carers' responsibilities.

The Hon. Dr A. CHESTERFIELD-EVANS [12.44 p.m.]: I am disappointed that this exemption has been requested.

Reverend the Hon. F. J. Nile: Defence.

The Hon. Dr A. CHESTERFIELD-EVANS: I believe, as does the Attorney General, that this is an exemption provision. It actually comes under the heading of exemption, and presumably a judge would read it as such if the bill were to be passed by this Parliament. If the church already gives carers leave, as has been said in some of the correspondence that I have received from the churches, I do not see why the churches should ask for an exemption in respect of this Act. The churches will not need an exemption if they are to be so very good for the people who work for them and give them leave to undertake a carer's role. If the churches are saying that they already have such provisions in place, it seems odd that they would ask for an exemption when they are already leading the charge, as it were, in terms of looking after the interests of carers. If they are not mean-spirited employers, why do they ask for the exemption?

I would like to respond to the comment made by Reverend the Hon. F. J. Nile that many Christian nurses look after people with AIDS. They do. But the church does not have a monopoly on kindness and caring and looking after people. This issue it is about people who may perhaps be working for religious organisations. I use the term "religious organisations" in a very broad sense because religious organisations are now involved in education, various forms of health care and many other fields that I cannot name off the top of my head. This measure is about assisting employees to fulfil their role as carers. Merely because a group in the Catholic Church is involved in a caring role for people with AIDS does not mean that every administrator of human resources in the entire church establishment will show the same kindness that those nurses show.

This legislation is about getting people to employ people. Of course, we are naturally concerned about the bottom line, which is to extend a benefit to people who are caring for others and basically saving the State a fortune by caring for those people and showing such love. I do not think the point that some Christian nurses look after people with AIDS, or look after people who are homosexual or have been in de facto relationships, or whatever, really relates in any way to the exemption sought. Naturally, some will show great charity, as the Christian nurses and other nurses do, but some will function as employers and will not show those attributes, and thus they should come under this legislation and should not appropriately ask for an exemption.

I recall a very disappointing exchange that occurred at a hearing of a committee inquiry into de facto relationships. Last night and this morning I searched for the transcript of that hearing, but without success. This lack of success was attributable, I think, to filing or processing functions. The point was being made by witnesses at the hearing that the church had an exemption and wanted to retain it. I asked whether organisations that acted contrary to religious teachings should have an exemption in respect of employing people who were in same-sex de facto relationships. The answer was to the effect that if the behaviour of those employees was inconsistent with the teachings of those religious parties, naturally they would be asked to leave their employment. I asked whether, in effect, that meant it would be all right if the employees stayed in the closet but if they came out of the closet it would not be. There was some exchange about that. I think the answer was yes, but the response was clothed in considerable euphemism.

One might anticipate that a body that seriously asks for an exemption to sack people who are in same sex de facto relationships, and would sack persons simply because they were in such relationships, might not show much charity towards those who are trying to care for persons who are in such relationships. Therefore, if we are interested in protecting the carers who would lovingly look after persons whom they cared for, we should not provide this exemption. Consequently, I urge the Committee to reject the amendment.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [12.50 p.m.]: I indicated earlier that the Opposition supports the amendment moved by Reverend the Hon. F. J. Nile. The Opposition, unlike the Hon. Dr A. Chesterfield-Evans, does not see this provision as an exception; it sees it as an acknowledgement. We should not include in an antidiscrimination bill provisions that attempt to discriminate against the fundamentals of our society. After all, this is a Judaeo-Christian society. We have accepted many other religions with great tolerance, and we are quite properly precluded from discriminating against those religions.

If this amendment is not carried we will be asked to discriminate against Christians. Our argument is not complex; it is simple. That is why the Opposition has taken this stance. We support the request by the Christian churches to be acknowledged within the Anti-Discrimination Act. They should not be discriminated against by an Act that is supposed to prevent discrimination. We are not talking about rocket science; we are talking about simple, logical legislation that is intended to back up our great society.

The Hon. Dr P. WONG [12.51 p.m.]: I seek clarification from the Minister. Earlier the Minister quoted from section 56 (d) of the Anti-Discrimination Act, entitled "Religious bodies." Section 56 (d) states that nothing in the Act affects:

any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

The amendment moved by Reverend the Hon. F. J. Nile will amend section 49ZD by inserting a new subsection (2), which states:

In this section, *religious service provider* means:

The subsection has paragraphs (a) to (g). Paragraph (g) is:

any other provider of religious services, established, or operated by a body established, to propagate religion.

Does section 56 of the Anti-Discrimination Act cover Reverend the Hon. F. J. Nile's proposed subsection (2)? I acknowledge the argument of the Opposition. If we believe in non-discrimination we should not discriminate against religious bodies. If in the future there is discrimination against a religious body would the Minister or the Government be willing to negotiate with those bodies and amend the legislation to alleviate this fear of discrimination against religious bodies?

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [12.54 p.m.]: It is difficult to answer the first question posed by the honourable member because it comes down to a question of fact. One would need to ask whether the body established is one to propagate religion conforming to the

doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion. It would be easy to see that religious-based schools, for example, would clearly conform to those criteria and one could imagine a variety of other activities which would also do so.

I think one needs to look at the facts and circumstances of the case. As I said earlier, this is an exemption which has been in place since 1977. I am not aware of any agitation or any strong submissions about it. I cannot recall any strong submissions from religious bodies stating that it is inadequate to protect their activities with respect to a series of areas where it might be said that an act of discrimination has occurred. It was the subject of debate, in the carers' responsibilities case, in the Industrial Relations Commission, but my recollection is that it was unnecessary to determine the precise construction of the provision in that section because there was essential agreement between the Catholic Education Office and the union representing independent teachers. All of those I apprehend worked out amicably.

That is the best I can do in dealing with the first question posed by the honourable member. I have already indicated my preparedness to sit down and work through the general construction and wording of that provision if there are concerns from religious bodies, but I think it ought to be done as a general matter rather than in an ad hoc manner with respect to a particular ground of discrimination which it is proposed the Parliament should add, that is, the ground of discrimination about carers' responsibilities.

I do not think it is satisfactory to engage in the sort of patchwork proposed in the amendment. If it is to be looked at, it ought to be looked at in all of its generality. I do not believe that any provision in the Anti-Discrimination Act can be said to discriminate against a religion. Rather, it proscribes acts of discrimination generally in the community by employers, whether secular or religious, but then it provides a particular provision exempting religious bodies from that general prohibition. I think that is the correct way to view the provision. I am not sure why there is this emphasis in this debate on whether this amendment is an exceptional defence, frankly. But I would say, looking at its heading, that clearly it is an exception.

The Hon. J. F. RYAN [12.57 p.m.]: I do not wish to prolong debate in this matter, but I wish to respond to some of the things that the Attorney General said. The Attorney General said earlier that there is not much concern within religious communities about the effect of the Anti-Discrimination Act. I have been to many meetings organised by people who run social services, hospitals and schools. People at those meetings were in genuine fear about the impact of the Anti-Discrimination Act on their services. The Attorney General quite rightly said—I do not in any way dispute what he said—that the Anti-Discrimination Act and this bill will not have any impact on religious practices such as the ordination and training of clergy.

I imagine that the Attorney General was referring to concerns expressed by those who have doubts about whether or not they can refuse communion in divine services to particular adherents. Religious communities are becoming concerned about discrimination in those sorts of social services provided by many religious bodies. Discrimination is a live issue in the recruitment of foster parents. Many religious organisations that recruit either potential parents or foster parents are concerned that one day—and it will happen one day—they will face litigation from members of a disgruntled family who have not been accredited or favoured by an organisation and who believe that they have been discriminated against on the basis that they are homosexuals, lesbians or non-Christians.

These are real concerns. Without any doubt many agencies were established by Christian organisations not so much for the propagation of the Christian faith. If we limit discrimination to the question only of propagation, organisations such as this fear recriminations because of their positive discrimination towards Christian families when there are no other options, or their positive discrimination towards Christian families because they are concerned about the moral impact on a child. I do not have to spend half an hour explaining how this could be an area of concern to Christian organisations. They are worried that, one day, they will face litigation. Amendments to a substantive bill, such as the ones we are debating today, will be the basis on which that litigation is launched.

Earlier the Hon. Dr A. Chesterfield-Evans quoted at length from Corinthians 13:1. I endorse every line of that most beautiful passage. Many religious communities, such as the Christian, Jewish and Hindu communities, who are concerned about this legislation are not being mean-spirited. It is not a case of being mean-spirited. The very organisations seeking the exemption proposed in the amendment moved by Reverend the Hon. F. J. Nile are often the epitome of the Christian love described in the passage of the *Bible* quoted earlier by the Hon. Dr A. Chesterfield-Evans. Organisations such as the Salvation Army or the Sisters of Charity would not deliberately sack a cleaner in a hospital because he or she was in a homosexual relationship. I know of no examples of that sort of thing.

I accept that in passing an amendment like this we are giving to some Christian or religious organisations a certain responsibility that they would not seek to exercise these exemptions irresponsibly. I simply ask the Attorney General to accept that when one is defining the issue of propagating religion according to section 56, which he referred to as an exemption, the propagation, maintenance or nurture of a religion can be a matter of opinion and it is a very fine line to draw with regard to a social service. There are other things that religious or Christian organisations seek to protect. Sometimes it is just a matter of staff ethos. Members of Christian organisations might want to meet in the morning to pray, which is not unreasonable or unexpected, but they may have doubts about whether they can legitimately request members of staff to conform with that particular practice.

While they might be able to accept the odd benign abstention, it sometimes gets to the stage where Christian social organisations can lose their identities altogether because of the agitation of a particular member of staff or the way members of staff might express themselves. They have to make a decision whether to ask that person to leave the organisation. I ask the Attorney General to consider the position of the Liberal Party or the Labor Party or any other political organisation that had this sort of problem. There would be no question that the Labor Party could dispense with someone in its organisation who did not adhere to supporting the Labor Party in an election. It would not be considered an act of discrimination if that person were dismissed. In fact, it is done in political parties frequently. Sometimes religious organisations have to make those sorts of decisions too, and I ask the Attorney General to give consideration to this defence.

The Attorney General has not suggested that the acceptance of this defence would create any anomaly. He has simply said it may not be necessary. It would create no anomaly but would create some level of comfort for many of those organisations that serve the community wonderfully by what they do. I urge honourable members to cut the emotion out of this issue and try to understand that it is not an unusual event for senior people from the Catholic and Anglican churches to make submissions to Parliament on matters of concern to them. They are hardly harebrained or unusual. They are clearly responsible. Plenty of people within those organisations have legal expertise equivalent to that of the Attorney General. They see an exemption like this as being necessary and they are asking Parliament to do it. It is responsible for us to address this issue.

Reverend the Hon. F. J. NILE [1.03 p.m.]: I wish to clarify something that has been raised in this debate. The whole purpose of the amendment was to have a defence. We are controlled by the Parliamentary Counsel as to how the amendments are drafted but the purpose of the amendment was a to have a defence. As the Attorney General well knows, section 56 of the Anti-Discrimination Act of 1977 says this about exemptions:

Religious bodies

Nothing in this Act affects—

It goes on to state who is exempt. That is an exemption. This wording is different from the wording in the Anti-Discrimination Act. It is a defence. In other words, suppose a carer has been sacked because she took leave and the employer was not happy with it. The carer makes a complaint to the Anti-Discrimination Board, and the Catholic hospital or whoever it may be has to go before the board and defend itself, using this section. If it had an exemption it would not have to go before the court or the board. This amendment means that if an employee considered he or she had been unfairly treated by a religious organisation—it could be a Catholic hospital or an Anglican welfare organisation or a City Mission employment agency—that person could go to the Anti-Discrimination Board and make a complaint, and the employer would have to defend itself. That is when this provision would apply. It is a defence, not an exemption. An exemption would be as stated in the Anti-Discrimination Act.

The wording of section 56 of the Anti-Discrimination Act is very specific, very narrow. On the other hand, the role of the church has broadened. Not merely the Catholic Church but many religious organisations are now involved in a multitude of things. Honourable members would be aware of the recent controversy about Christian organisations running the employment agencies of this nation. There has been debate about that aspect. They applied and were successful in obtaining contracts. The churches are now deeply involved in many activities, not just church schools that teach Christianity and other subjects, or run hospitals. Standing behind the organisation would be the institution of the Catholic Church or the Anglican Church, and so on. Because of that grey area, because the church is now involved in so many different activities, this amendment is absolutely essential for the future application of this legislation.

My amendment No. 7 encompasses all those other areas. The obvious one is education but it includes social welfare, religious instruction, counselling services, aged care services and any other provider. The church

may enter into many other activities that we have not even considered in the past. I have already mentioned employment. Paragraph (g) of new section 49ZD (2) in my amendment will allow an organisation to have a defence if the case is brought before the antidiscrimination tribunal. That is all the amendment is seeking to achieve, and I would have thought the Attorney General would have been generous enough to understand and accept that amendment.

The Hon. P. J. BREEN [1.07 p.m.]: I urge honourable members to reject this amendment. It seeks to extend the exemption provided in section 56 of the Anti-Discrimination Act. No-one has put forward any evidence to suggest that provision does not protect religious beliefs and doctrines. The right to freedom of religion is protected under the Commonwealth Constitution and I venture to suggest that would be one reason why there have not been any challenges to section 56. The Deputy Leader of the Opposition says the amendment is an acknowledgement that somehow Christian churches need to be protected against discrimination, but again there is no evidence. In the absence of evidence that religious doctrines and beliefs are somehow under threat, I submit that this amendment ought to be rejected.

The Hon. D. J. Gay: You are talking about the rest of the bill.

The Hon P. J. BREEN: I am talking about this provision, not the rest of the bill. The reason there have been no cases on the issue is that the law as it stands is perfectly adequate, and I suggest the amendment is out of order. I urge honourable members to oppose it.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 16

Mr Bull	Mr M. I. Jones	Mr Samios
Mrs Forsythe	Mr Lynn	Mr Tingle
Mr Gallacher	Mrs Nile	
Miss Gardiner	Revd Nile	<i>Tellers,</i>
Mr Gay	Mr Oldfield	Mr Jobling
Mr Harwin	Mr Ryan	Mr Moppett

Noes, 21

Mr Breen	Mr Hatzistergos	Ms Tebbutt
Dr Burgmann	Mr Johnson	Mr Tsang
Ms Burnswoods	Mr R S. L. Jones	Dr Wong
Dr Chesterfield-Evans	Mr Macdonald	
Mr Cohen	Mr Obeid	
Mr Corbett	Ms Rhiannon	<i>Tellers,</i>
Mr Della Bosca	Mrs Sham-Ho	Mr Manson
Mr Dyer	Mr Shaw	Mr Primrose

Pairs

Mr Hannaford	Mr Egan
Dr Pezzutti	Ms Saffin

Question resolved in the negative.

Amendment negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

[The President left the chair at 1.17 p.m. The House resumed at 2.45 p.m.]

Adoption of Report

Report adopted.

Third Reading

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [2.46 p.m.]: I move:

That this bill be now read a third time.

The Hon. M. J. GALLACHER (Leader of the Opposition) [2.46 p.m.]: Before we proceed to the vote on the third reading I take this opportunity to place on record a number of matters to ensure that all members of this House are fully cognisant of the position the Opposition has taken with regard to this bill. It is fantastic to have the Hon. I. M. Macdonald in the Chamber. It is important that the Opposition ensures that its views with regard to the bill and the position it has taken are fully understood so that the crossbench members, who may well be still considering their position in relation to this matter, are fully aware of them. Wide-ranging debate took place during the Committee stage of the bill, and honourable members may have become confused about the Opposition's position in relation to a number of matters.

The Opposition's position is one of ensuring consistency with earlier bills that have been debated in this House. The Opposition has been consistent in terms of its approach to this bill. It was in no way a debate on the rights or wrongs of amendments to the Anti-Discrimination Act with respect to allowing same-sex partners access to the same rights as carers. That matter is not in issue. I am sure all honourable members would be aware that the Opposition did not seek to argue for or against the validity of same-sex partners having access to equal rights. That is an issue for another day. The question about which the Opposition had to satisfy itself was whether this debate was best served under antidiscrimination law or, as we believed to be the case, industrial law in this State.

I have put forward what I believe is a strong case in support of the Opposition's proposition. I am pleased to say that the Opposition's proposition is supported by comments made in October 1998 by the Attorney General with respect to issues regarding carers' rights being best served by the relevant legislation, namely, the Industrial Relations Act. It is the position of members of the Opposition, as Opposition members indicated earlier, that we are opposed to amendments to the Anti-Discrimination Act because of the reasons to which I have already alluded. There are a number of issues related to proper process that would be best dealt with in the industrial courts of this State rather than under antidiscrimination legislation.

I call upon all honourable members to consider the proposition that is supported by the Opposition. Members of the Opposition believe that the best course is for this legislation to be defeated with support that I hope the Opposition will receive from the crossbench. The legislation should be defeated. The Attorney General should be left in no doubt about the clear rejection by this Chamber of the clandestine manner in which he sought to introduce significant changes to antidiscrimination laws. The Opposition suggests the Attorney General reconsider carers' responsibilities issues and re-present this legislation in an industrial context. The Opposition undertakes to continue its equitable approach which has been consistently demonstrated by its understanding of the issues.

As the Attorney General rightly pointed out, the Opposition has demonstrated that approach in relation to other legislative procedures associated with the dust diseases tribunal bill, the Retirement Villages Bill and the Property (Relationships) Legislation Amendment Bill. The Opposition will consider any changes proposed by the Attorney General if he sees fit to reintroduce this legislation in an industrial context in a manner similar to the way in which the Opposition has approached these matters previously. I ask all honourable members to be fully aware of the ripple effect that the passing of this legislation under the Anti-Discrimination Act will cause. I hope that all honourable members will join with Opposition members in voting down this legislation.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [2.54 p.m.], in reply: I urge the House to agree to the third reading of this important bill, which protects carers exercising responsibilities for their loved ones and their families. The Opposition's approach to this bill is beset by a conflict of disloyalties. The Opposition has created a situation in which its stance can only be characterised as bizarre. The Opposition did not oppose the second reading of the bill: In other words, members of the Opposition did not vote against it. A series of amendments moved by Reverend the Hon. F. J. Nile that sought to change the definition of "carer" were boycotted by the Opposition which abstained from voting—something that I do not recollect happening in the past. Alternatively, if it has happened, it was certainly a rare and extraordinary event.

The Opposition supported the second reading—most certainly, members of the Opposition did not oppose it—and they boycotted a whole series of amendments by abstaining from voting, notwithstanding a vigorous speech made by the Leader of the Opposition which I took to be made in support of those amendments. In spite of members of Opposition members speaking in favour of the amendments moved by Reverend the Hon. F. J. Nile, they did not actually vote for them. There are some inexplicable aspects about this whole saga. Moreover, of course, the one amendment moved by the Reverend the Hon. F. J. Nile that was supported by members of the Opposition was unsuccessful.

As I apprehend it—although this is an extraordinary proposition—members of the Opposition apparently wish to vote against the third reading of this important bill which will benefit people who have dependants and people who are beneficiaries in a domestic relationship. Apparently, members of the Opposition propose to vote against the third reading of this important and beneficial legislation. Attempting to fathom the reasoning behind the stand adopted by the Opposition staggers the imagination, if "reasoning" is the appropriate term. The behaviour of the Opposition is irrational and inexplicable. Frankly, when the Opposition behaves in such an inconsistent manner, it shows the virtue of this House allowing the third reading of a bill.

The Leader of the Opposition claims that his motivation is consistency. The only consistency in his position is the Opposition's inconsistency. This bill has been dealt with appropriately and in accordance with due process. It has laid on the table and has been given the normal time for consideration. It is not as though the bill has been rushed. It has been presented in an orthodox manner in accordance with the standing orders of this House. Against that background, it is extraordinary to observe the toings and froings of the Opposition. As I stated at the outset, the sequence of events demonstrates the existence of a conflict of disloyalties on the part of the Opposition.

Reverend the Hon. F. J. Nile: Mr Deputy-President—

The DEPUTY-PRESIDENT (The Hon. H. S. Tsang): The Minister has spoken in reply. Therefore the debate has concluded.

Reverend the Hon. F. J. Nile: Point of order: Mr Deputy-President, you did say that I could speak in reply.

The DEPUTY-PRESIDENT Unfortunately, the Minister has spoken in reply.

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

The House divided.

Ayes, 20

Mr Breen	Mr R. S. L. Jones	Mr Shaw
Ms Burnswoods	Mr Kelly	Ms Tebbutt
Dr Chesterfield-Evans	Mr Macdonald	Mr Tsang
Mr Cohen	Mr Obeid	Dr Wong
Mr Della Bosca	Ms Rhiannon	<i>Tellers,</i>
Mr Dyer	Ms Saffin	Mr Manson
Mr Hatzistergos	Mrs Sham-Ho	Mr Primrose

Noes, 17

Mr Bull	Mr Harwin	Mr Ryan
Mr Corbett	Mr M. I. Jones	Mr Samios
Mrs Forsythe	Mr Lynn	Mr Tingle
Mr Gallacher	Mrs Nile	<i>Tellers,</i>
Miss Gardiner	Revd Nile	Mr Jobling
Mr Gay	Mr Oldfield	Mr Moppett

Pairs

Mr Hannaford
Dr Pezzutti

Mr Egan
Mr Johnson

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time

NEW SOUTH WALES LOTTERIES CORPORATISATION AMENDMENT BILL**Second Reading**

The Hon. J. J. DELLA BOSCA (Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [3.06 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government has established a comprehensive financial policy framework for government trading enterprises and State-owned corporations over recent years, with the aim of providing management of these organisations with sufficient autonomy to operate commercially, while ensuring accountability to government for their performance. A vital part of this framework relates to corporate governance, which deals with the interaction between shareholders, boards of directors and management, as well as relationships with regulators, auditors and other stakeholders. It is essential that governing boards of commercial entities are given clear commercial objectives and the authority and autonomy to achieve them. Clear delineation of powers and responsibilities between the portfolio Minister, shareholders and the board is needed to ensure that the board has full and effective control over the organisation that it is "governing" and that public and organisational accountability is maintained.

At present the board of New South Wales Lotteries Corporation is responsible to its shareholders for operational matters but there is no clear line of accountability from the chief executive officer to the board for the organisation's performance. There is also ambiguity in the role of the portfolio Minister in regard to the exercise of discretionary power over the board and the corporation. This ambiguity may diminish the board's authority or diffuse its commercial focus and accountability. The New South Wales Lotteries Corporatisation Amendment Bill will modify the standard governance arrangements of New South Wales Lotteries Corporation as adopted under the State Owned Corporations Act 1989 and the New South Wales Lotteries Corporatisation Act 1996, such that: the appointment of the chairperson and directors of the board are made by the voting shareholders, rather than the Governor on the recommendation of the shareholders; the arrangements for the appointment, remuneration and removal of the chief executive officer are made by the board, after consultation with the voting shareholders, rather than the Governor on the recommendation of the portfolio Minister; and the chief executive officer is confirmed as a member of the board rather than being an optional appointee.

These revised procedures will streamline the appointment process and make more transparent the need for directors of the board to represent the commercial interests of the shareholders. New South Wales Lotteries Corporation is ultimately responsible to the portfolio Minister for matters related to industry policy, regulation and probity in the conduct of lotteries. Oversighting the operations of the corporation is the board. The board is responsible to the shareholders for the commercial performance and efficiency of the organisation. Best practice corporate governance requires the board to have the power to appoint and remove the chief executive officer. This recognises that boards of directors cannot be held fully accountable for an organisation's performance and operational matters unless they have the authority to appoint the chief executive officer.

The chief executive officer should in the same way have clear lines of accountability to the board. This will not affect the regulatory obligations of the organisation established under the State Owned Corporations Act 1989 and the Public Lotteries Act 1996 to the portfolio Minister, who ensures the integrity, minimisation of harm and maintenance of the public interest in the conduct of lotteries in New South Wales. Transitional arrangements will provide that the persons currently holding office as directors of New South Wales Lotteries Corporation will continue to hold office for the remainder of their terms under their existing conditions, and will be taken to have been appointed under this new Act.

The proposed framework for corporate governance for New South Wales Lotteries Corporation is consistent with that adopted by a number of commercial entities operating in a competitive environment, including the energy and rail sectors, and more recently by the Superannuation Administration Corporation. By adopting this model, New South Wales Lotteries Corporation will operate under a more effective and transparent governance structure. The New South Wales Lotteries Corporatisation Amendment Bill will ensure that the governance roles of the Ministers and the Board are more clearly defined, and that the ability of the board of New South Wales Lotteries Corporation to add value is maximised. I commend the bill to the House.

The Hon. R. T. M. BULL [3.07 p.m.]: The Opposition supports the New South Wales Lotteries Corporatisation Amendment Bill, which will clarify the accountability of the board of directors of the corporatised New South Wales Lotteries. It will make the board more accountable and under the existing structures of State-owned corporations it will make it more commercially orientated to make decisions in the corporate world. This bill makes small changes to the New South Wales Lotteries Corporatisation Act 1996. Instead of the election of the board of directors being at the pleasure of the Governor, the voting shareholders, which include the Treasurer and the Assistant Treasurer, will under corporate law appoint at least two and not more than five other directors at their discretion. Some directors will be elected by the shareholders and one director will be appointed by the voting shareholders on the recommendation of a selection committee comprising two persons nominated by the portfolio Minister, and two persons nominated by the Labor Council, being a person selected by the committee from a panel of three persons nominated by the Labor Council.

The two shareholders have a lot of power under this legislation to appoint directors other than those proposed by the Labor Council, and also to remove directors from time to time. The directors will appoint a chief executive officer and may also from time to time appoint an acting chief executive officer. For all intents and purposes the two voting shareholders will have considerable power under those changes. No doubt they will accept that responsibility with due diligence. We want the directors of New South Wales Lotteries to be able to work without too many government constraints so that they can take advantage of any entrepreneurial opportunities to conduct New South Wales Lotteries to the best of their ability and get the very best results from New South Wales Lotteries for the shareholders and the taxpayers—the public of New South Wales—following the corporatisation, when it will come under the State Owned Corporations Act.

It is important that New South Wales Lotteries be able to perform at a high level, because the gaming and wagering market is now very competitive. Lotteries revenue is at the smaller end of government revenues compared with revenue from gaming machines and wagering. It is nonetheless part of the enjoyment of those who like a flutter on the scratchies or lottery tickets. I do not think too many people take it seriously. However, if this debate goes on for too long someone no doubt will bring to the attention of the House that some purchasers of lottery tickets are as much problem gamblers as those who go to casinos. For the vast majority of the population, however, lotteries are a lot of fun even if the odds of winning are extremely remote.

On the basis of the chance of winning, lotteries are about the worst investment one can make. But I do not want to run down New South Wales Lotteries, because it is important that the new directors are able to govern the new corporatised structure to the best of their ability. If I had had my way, New South Wales Lotteries would have been sold by now. I am not sure what opportunities there are to do that now. I understand that the current Government is absolutely opposed to the sale of New South Wales Lotteries; it is opposed to selling anything at the moment, including the electricity industry. No doubt New South Wales Lotteries falls into the same category. With those few remarks, some pertinent and others not so pertinent, the Opposition supports the legislation.

Reverend the Hon. F. J. NILE [3.12 p.m.]: The New South Wales Lotteries Corporatisation Amendment Bill is a machinery measure that will neither increase nor decrease gambling. I note that the Hon. R. T. M. Bull intimated that the bill could increase gambling; he said that the directors could use their skills to promote gambling unfettered by government control. That is why I would like control over some of these bodies. I hope the board of directors of the corporatised body does not go overboard and saturate newspapers with excessive advertising to attract people to this form of gambling. That is my concern about the effect of this legislation.

Another matter that I will mention but briefly is that the board will include one director nominated by the Labor Council of New South Wales in place of the staff director nominated under the COC Act. I am not sure whether the staff are happy to have the Labor Council appoint someone who may have absolutely no interest in their employment or in staff problems. Why is not the director to be a nominee of, or a person elected by, the staff? I think that would be a better approach than having the Labor Council nominate a director.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [3.15 p.m.], in reply: I thank both honourable members who contributed to the debate and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

TRANSPORT ADMINISTRATION AMENDMENT (PARRAMATTA RAIL LINK) BILL**Second Reading**

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [3.15 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This legislation is one more example of the Carr Government's commitment to developing the Parramatta rail link. In the last few months this project has made great progress. Its environmental impact statement was placed on public exhibition and registrations of interest have been sought as the first step in the tendering process. Now I am introducing a bill that will make the project possible. The Parramatta rail link is the centrepiece of the Carr Government's integrated transport plan for Sydney Action for Transport 2010 and a key component of our post-Olympic jobs plan. It will be the most significant expansion ever undertaken of the Sydney rail network.

The preferred project outlined in the EIS involves 27 kilometres of new track with a total of 12 stations directly included in the link. This new line will link western Sydney with employment and education opportunities at Rydalmere, North Ryde and the lower North Shore. It will improve public transport access to Parramatta, reinforcing its position as Sydney's second CBD. Being fully integrated into the CityRail network, the Parramatta rail link will ensure that CityRail can meet growing demand for rail services. The Main Western Line is currently running at close to its capacity. Without this project, it will reach saturation point in 2006. The extra capacity of the Parramatta rail link will provide the potential for an extra 13,000 seats from western Sydney to Sydney CBD in the morning peak. In its first year it is expected that 26 million passengers will use these new services.

The EIS acknowledges that the project will create localised environmental impacts during construction and operation. However, most of these will be temporary and a range of mitigation measures are proposed to limit impacts. Overall, it has been shown that the project has positive, long-term environmental benefits. Alternatives to the Parramatta rail link have been examined extensively throughout the process of project development. Prior to the EIS, 66 different route and mode alternatives were considered. The EIS itself further considered alternatives, including those raised by the community through a public Call for Alternative Transport Proposals. The preferred project has come through this rigorous process as the best way of meeting our future public transport demands.

This legislation has two primary aims. The first is to give specific powers to enable the Parramatta rail link conforming scheme, as outlined in the registrations of interest document, to be developed. The second is to use this opportunity to improve statutory powers to protect the State's investment in its existing and future underground rail facilities. It needs to be emphasised that this legislation in no way pre-empt the planning approval to be sought from the Minister for Urban Affairs and Planning. This approval will still be required for the Parramatta rail link to proceed. The proposed section 123 confirms that applications for, consideration of, and determination of that planning approval will proceed as usual through the existing provisions of the Environmental Planning and Assessment Act.

Legislation is required to address land use and acquisition restrictions contained in the National Parks and Wildlife Act 1974 to enable the preferred project described in the EIS to be developed. Land in Lane Cove National Park and Parramatta Regional Park is required for the project. The EIS identified a site within Parramatta Regional Park as necessary for construction of the tunnel and the tunnel portal. This required both temporary and permanent use of land for construction and operational purposes.

In response to issues raised by Parramatta Park Trust, Parramatta City Council, local members of Parliament and the community, I directed that a new construction plan be developed. The new plan, announced in March this year, reduces the environmental impact of the proposal and ensures that Parramatta Park's heritage assets are preserved and protected. There is no permanent impact on the park and Parramatta Golf Course will be able to remain open for business during the construction period. The temporary land requirements, which have the support of the Parramatta Park Trust, are to use an existing gravel carpark as a construction site and to relocate Park Parade to allow tunnel construction.

The preferred project in the EIS also involves a bridge crossing of the Lane Cove River. The bridge enables two additional stations—Delhi Road and UTS Ku-ring-gai—to be included in the project. While it is recognised that the bridge option has localised environmental impacts, it provides greater public transport benefits for Sydney. This avoids having an unbroken eight-kilometre stretch of tunnel from Macquarie Park to Chatswood. The bridge option also provides significant safety and operational advantages including greater flexibility in train operations.

The bridge requires the acquisition of approximately 1.9 hectares of land in the Lane Cove River valley as a construction site. Of this land, about 0.8 of a hectare is national park and the remainder is a mix of public ownerships including Crown land, road and public open space. Part of the route between the proposed Delhi Road station and the bridge also passes under national park land for approximately 600 metres. As a result, a stratum of subsurface land adjoining Delhi Road also needs to be acquired for the project.

Restrictions in the National Parks and Wildlife Act 1974 prevent the use or acquisition of land within Lane Cove National Park and Parramatta Regional Park for the Parramatta rail link. Legislation is therefore required to progress the project. This legislation will allow specified land, including native title rights and interests, to be acquired for the project. Subject to receiving planning approval, a "public purpose acquisition" would then take place which would revoke the reservation of land as a national park or regional park and would proceed consistently with the Native Title Act 1993 and the Land Acquisition (Just Terms Compensation) Act 1991. It needs to be emphasised that this legislation does not revoke the existing dedication of this land. The land is clearly defined and limited in the plan of "Project Park Land" presented to the Speaker.

Sheets 1 and 2 reflect the revised construction plan for Parramatta Regional Park. Lot 1 would be a temporary surface acquisition during construction and would also be a permanent subsurface acquisition for the tunnel. Lots 2 and 3 would both be temporary surface acquisitions for construction purposes. Sheets 3 and 4 relate to the tunnel section between the proposed Delhi Road station and the crematorium. Lots 1 to 6 on these sheets would be a permanent subsurface acquisition.

Sheets 5 and 6 relate to the construction site for the Lane Cove River bridge and tunnel portals. As a result, lot 1 would be acquired as a mix of temporary and permanent surface and subsurface acquisitions in consultation with the National Parks and Wildlife Service. The remaining lots shown on sheets 5 and 6 are residue lots resulting from the subdivision of land and will not be acquired. It needs to be emphasised that the acquisition of these lands is not being taken lightly. Substantial efforts have been made in the preparation of the EIS and in response to community comments to maximise the benefits of the project and reduce its impacts.

Legal advice provided to Rail Access Corporation has questioned the use of powers under sections 80 and 82 of the Public Works Act 1912 for the temporary occupation of land for construction purposes. These powers are used either for the occupation of land while compulsory acquisition mechanisms are being finalised or in situations where the short-term nature of the works makes compulsory acquisition inappropriate. Amending the legislation to allow this is necessary in order to confirm the availability of these powers in order to demonstrate that the construction plan outlined in the EIS is achievable.

In light of these concerns, this legislation makes it clear that sections 80 and 82 of the Public Works Act apply to the project before the land to be used for construction is acquired. For example, this will enable activities such as geotechnical assessment and surveys to be carried out for the project. Of course, these powers are subject to existing obligations of constructing authorities under the Public Works Act. The bill also confirms that these powers apply to the project park lands but in these cases are clearly subject to those sections of the National Parks and Wildlife Act which protect relics, Aboriginal places and fauna. The rail authorities will consult with the National Parks and Wildlife Service in the exercising of these powers.

The amendment to the Environmental Planning and Assessment Act 1979 is proposed to ensure consortia members and their parent companies cannot avoid responsibility for defective building work. The major contract packages for this project are expected to involve consortia of numerous companies and parent company guarantees of consortia member obligations. The obligations and liabilities of consortia members would ordinarily be assumed on a joint and several basis. However, section 109ZJ of the Environmental Planning and Assessment Act 1979 limits the liability for defective building work in cases where more than one party is responsible.

This provision was primarily introduced to ensure accredited certifiers carrying out local government building inspections could be insured. Despite any contractual intent, persons who are contractually jointly and severally liable for loss or damage, and those who contractually guarantee the liabilities or performance of another person, may attempt to use this provision to avoid their contractual liabilities. As this new section of the Act has not been subject to judicial scrutiny, it is not clear whether the project contracts can be cast to overcome this issue.

For certainty in the tendering process, section 126 is intended to ensure that this existing insurance regime does not limit or affect the liability of guarantors or the liability of others who may be jointly and severally liable under contract. The proposed section allows the parties to deal with the issue of liability for defective work by agreement. Similar legislation was amended by the Victorian Parliament for the Melbourne City Link project. This amendment is proposed for the purposes of the Parramatta rail link so the existing insurance scheme is not affected, pending consideration of a whole-of-government approach to this issue.

This legislation will also amend the sequence of approvals required for the Parramatta rail link. Section 127 allows the approval process under the Environmental Planning and Assessment Act to proceed prior to heritage approval. This section retains the approval role of the Heritage Council. The Heritage Council will continue to influence the overall planning approval through its advice to the Minister for Urban Affairs and Planning during the assessment of the EIS. In addition, it will give the Heritage Council a more practical role in project approval which reflects the reality of the development of major projects. Rather than basing approval on conceptual designs, the Heritage Council approval will be based on more detailed design plans. This role is similar to that of numerous other authorities such as the Environment Protection Authority, Department of Land and Water Conservation and the Waterways Authority. For example, the Environment Protection Authority has an approval role for a project of this magnitude which arises after the ministerial approval.

The amendments I have outlined, which together form a new division 6 of part 9 of the Transport Administration Act, apply solely to the Parramatta rail link. The bill also inserts into the Transport Administration Act a new schedule that provides an appropriate level of protection to underground railway infrastructure generally. This protection applies to existing facilities as well as future works such as the Parramatta rail link. The definitions for this schedule reflect the intent to cover rail projects which the Government develops jointly with the private sector. They also extend to all underground rail facilities to cover structures such as tunnels, stations and access ways.

Through this schedule, this legislation is also using the opportunity to clarify the power to operate trains in tunnels acquired under section 62 of the Land Acquisition (Just Terms Compensation) Act 1991. Legal advice obtained in the development of other transport projects has identified a potential discrepancy within section 62 of that Act, which outlines the circumstances where compensation is not payable for acquisition of land for a tunnel. This is because section 62 (1) refers to construction and maintenance while section 62 (2) only refers to construction. Clause 2 of the new schedule confirms beyond doubt that these provisions are not limited to merely construction but apply to the purpose for which the acquisition was undertaken.

There is currently no adequate statutory protection in the Transport Administration Act 1988 for underground railway facilities. Protection is limited to compensation from people who knowingly damage rail infrastructure. This is in contrast to the security provided under legislation to other underground public infrastructure such as road, water and sewerage tunnels. For example, the Sydney Water Act 1994 creates a statutory covenant over land on which a "work of the Corporation" is installed to ensure the work is not destroyed, damaged or interfered with. Similarly, under the Roads Act 1993, public roads are subject to a right of support and tunnel protection was incorporated into the Sydney Harbour Tunnel (Private Joint Venture) Act 1987.

This legislation will provide a level of protection consistent with the State's investment in this infrastructure. The measures proposed in this bill to protect these vital assets and maintain the ability to operate the rail network are: clause 3 makes a person

who causes destruction, damage or interference to an underground rail facility liable to pay compensation to the rail authority that owns it; clause 4 creates a right of support for underground rail facilities so that a person has a duty of care in negligence not to do anything that removes the support provided to underground rail facilities by supporting land; clause 5 provides that land above, under or adjacent to an underground rail facility is subject to a covenant for the protection of the facility; and clause 6 authorises a rail authority to require the removal of any structure or object placed in contact with or near an underground rail facility that interferes with the operation of the facility and to compensate the rail authority for subsequent loss or damage.

The Parramatta rail link will be the most substantial public transport project ever constructed in Sydney. It is vital to achieving the Government's environmental, urban planning and social equity priorities and is a key part of the Government's post-Olympic jobs strategy. The Government's commitment to this project has already been demonstrated through the exhibition of the EIS, the commencement of the tendering process and a commitment to funding under Action for Transport 2010. This legislation is critical for the project to proceed and to deliver its environmental, social and economic benefits. I commend this bill to the House.

The Hon. J. H. JOBLING [3.16 p.m.]: On behalf of the Opposition I support the bill. It is the Opposition's view that the construction of a railway line, adding a link from Parramatta to Lane Cove, is an important extension of public transport in New South Wales. No doubt the rail link will assist people engaged in education, employment, commerce and retail business. It will link several major centres and developing major centres, which is important as access between them at the moment is extremely difficult. Parramatta has the second busiest central business district outside the Sydney central business district, and thus the linking of Parramatta to Chatswood is long overdue.

This project will provide great benefits over the period of construction. It will not be cheap. The estimated cost is \$1.4 billion, but it is anticipated by many that the cost is highly likely to exceed \$2 billion. The project involves a 27-kilometre rail link and the construction of at least five new railway stations. However, questions have been raised about a number of options that may or may not have been sufficiently considered, including the placement of certain stations, the number of trains operating each hour, in both directions, and what additional train traffic the Harbour Bridge can carry. There are very few arguments that one could raise against such a project. However, there is enormous concern about the possible effects of the rail link on the Lane Cove National Park. I would like to deal with that matter in a moment.

It is noteworthy that this project was borne of an idea that the Coalition raised during the Parramatta by-election in 1994. Indeed, it was an election promise of the Fahey Government in 1995. Obviously, therefore, the Opposition is happy to continue to support the development of this initiative and hopes that the link will be built without some of the latter-day problems that appear to be besetting the airport railway extension. We need to consider the environmental impact of the project, the manner in which it has been handled, what community support there is for it, and whether the Government has undertaken appropriate measures to ensure that all questions about the environmental impact are satisfactorily answered. The question is whether the proposed Y-link and other options have been fully examined. Clearly, the registration of interest should be closely looked at. I understand that process is under way, but it appears to be pre-empting issues that should have been canvassed in an environmental impact study.

Clearly, residents are mainly concerned about Lane Cove National Park and Parramatta Park. It is conceivable to build a station in a slightly different position to ensure better access to Lane Cove National Park and the University of Technology, Sydney, [UTS] Ku-ring-gai campus. One of the concerns of residents is that a large bridge—up to 250 to 350 metres—is to be built over the Lane Cove River. Anyone who has looked at a map or visited the site would be aware that such a bridge would be a large scar on the landscape. The regular running of trains would upset the quiet repose of people in the area and it would impact on families and groups of people using that park.

The Lane Cove Park, now one of our important national parks, was established in 1925. A successful and widespread popular movement to preserve the park for future use was led by Alderman Rudder, and after a number of delays it was declared a national park in 1936. The park is located in Sydney's north, but approximately 80 per cent of the people who enjoy its amenities and bushland area come from other areas of Sydney. Lane Cove National Park is particularly well known and loved.

The proposed building of a bridge over Lane Cove River has created quite a storm in the local area. I, and I know many other honourable members, have received reams of correspondence and many phonograms from people protesting vigorously about the construction of a bridge and questioning whether options such as the Y-link to St Leonards and a tunnel under Lane Cove River have been properly, effectively and comprehensively examined and canvassed. People want to know whether the only acceptable option is to build this large bridge, which, once constructed, will be extremely difficult to get rid of.

Correspondence has been received from Pam and David Grover, Helen Sagan, Philip Wolfers, Anthony Whitten, David Robinson and the Fullers Bridge Residents Association. People in close proximity to this area are extraordinarily concerned about this proposal. Have we effectively examined all the matters that need to be examined? Are we sure that the course of action we are taking is the right one? I will briefly canvass the options with which we are confronted. The Parramatta rail link is affectionately called the St Leonards or Chatswood Y-link option. I am sure honourable members would be aware that the Y-link route diverges from the original environmental impact statement [EIS] preferred route at Delhi Road in Ryde and proceeds by tunnel adjacent to Epping Road, bifurcating northwards to Chatswood and southwards to St Leonards, where Epping Road meets the Gore Hill Freeway.

The benefits of the Y-link over the proposed route in the EIS can be summarised as follows. There will be travel time benefits for the 70 to 80 per cent of passengers using the Parramatta rail link who have destinations south of Chatswood. There will be greater patronage through servicing the expanding Epping Road growth corridor. A greater number of cars and buses will be removed from the roads—which is highly desirable. Rail operation advantages over the proposed EIS route as opposed to the Y-link include fewer train terminations, no requirements to quadruplicate the North Shore line between Chatswood and St Leonards—a difficult exercise which would be very expensive—and greater operational flexibility.

Heaven help us if there are any cancelled, delayed or late-running trains. State Rail needs assistance to achieve more operational flexibility. Other advantages include trains on the proposed northern beaches line—which I suggest is long into the future—being able to run directly to Parramatta via Chatswood; obviating the necessity to cross the Lane Cove National Park picnic area, the environmental and social costs of which are not considered for the preferred EIS route; and obviating the necessity to construct and maintain what, at the end of the day, will probably be an uneconomic station at the UTS Ku-ring-gai campus. I refer now to the background for the Y-link option. The EIS for the Parramatta to North Shore rail link [PRL] was released for public comment on 1 February 2000. I seek leave to table a map relating to the EIS preferred direct route to Chatswood.

Leave granted.

Document tabled.

A great deal of controversy has been generated within the community about the route location at each end of the proposed \$1.4 billion rail link. Recently, the Government bowed to community pressure and rerouted the line at the western end of the link so that it does not impinge on Parramatta Park. However, the Government still maintains that a direct route to Chatswood via a bridge—a thundering big bridge at that—over Lane Cove National Park picnic area and a station at UTS Ku-ring-gai are essential for the viability of the link. I challenge that statement and suggest that the Government should take other matters into account.

Clearly, this will occur despite the inability of the North Shore line to cope with the increased traffic generated by the Parramatta-North Shore rail link, with a single entry point at Chatswood, and the inability of the current EIS preferred route to match travel times from Parramatta to the central business district currently provided by the main western line. It is equally clear that the social and environmental costs of the Lane Cove National Park crossing were not quantified in the EIS. I am worried about the lack of current information and the lack of service provided by the EIS preferred route to the expanding corridor along Epping Road south of Delhi Road.

This is a wonderful opportunity to develop rail transport services in commercial areas. People would then be able to use heavy rail transport and avoid having to travel by car. After asking questions of the university and seeking other expert advice, I am concerned about the non-viability of the proposed station at UTS Ku-ring-gai. Will the campus continue to be used as a university? There are some grave doubts in that regard, and whilst it is open to debate and conjecture, one would need to be reasonably sure there was some hope for future growth and a projection of profit before building a railway line.

With those difficulties in mind, a number of background papers have been prepared and examined to try to find a better solution. Clearly, two alternatives that were given had inadequate consideration in the preparation of the EIS. At the end of the day I believe they are superior to the EIS-preferred direct route to Chatswood. It is my view, and that of many other people, that the better alternative is the Y-link. The proposed route for the Y-link options is detailed in the EIS background paper "The Initial Alignment Study—June 1996: Alternatives A1 and A2". Criteria for the route include a minimum 800-metre curve radius in tunnels and a minimum 400-metre curve radius at junctions.

This may not sound terribly important, but the radius on railway lines is important, as the authorities are finding out on the link to Homebush Bay and Olympic Park. On that link the radius is extremely tight and a great deal of concern is being expressed about the wear on the wheels of the units travelling on that link. In addition, the wheels are cutting into a number of the rails and causing an extraordinarily high rate of wear. The proposed Y-link would follow the EIS-preferred direct route to Chatswood as far as Delhi Road, but instead of the veering east it would continue south, parallel to Epping Road, where it would cross the Lane Cove River. It then has potential to be part of a combined tunnel with the M2 Gore Hill road tunnel up to the Pacific Highway.

The Pacific Highway would then bifurcate north towards Chatswood and south towards St Leonards, connecting with the North Shore line north of Mowbray Road and south of Dalleys Road respectively. These are fairly important matters that one needs to look at. The link would enhance the Lane Cove West industrial area, which is a growth area that more people are moving into, and stations could be located at the Longueville Road intersection near the Lane Cove shopping area, and in the Artarmon industrial area on Reserve Road, south of the Gore Hill freeway. Those who travel on this road would realise that the Gore Hill freeway has cut off access from this area to Artarmon station.

One needs to inspect the proposed Y-link route. Rather than the line passing through one small university, a national park and a residential area on its way to Chatswood, as proposed in the EIS, a better proposition would be for it to run along an established road transport corridor through the public transport starved Lane Cove industrial area—and I do not think that description of the area is an understatement—and commercial area, and Artarmon industrial area. It would service both Chatswood and St Leonards directly. If the estimates of those who take surveys and ask questions are correct, some 70 per cent to 80 per cent of passengers using the Parramatta rail link will have destinations to St Leonards, North Sydney and the central business district. Clearly, the commercial and industrial heart of St Leonards is growing and will continue to grow at a faster rate than was previously anticipated or allowed for in the figures in the EIS. The savings in travel time, instead of going via Chatswood, would be 20 per cent to 30 per cent.

From the train operators' point of view—and this is fairly critical because we have a lot of difficulties getting the trains on the line and over bridges—the Y-link would allow more passengers to travel to their destinations without having to change trains. It would reduce overcrowding due to capacity limitations on the North Shore line, which is another matter mentioned in the address by the Minister in the other House. Therefore, it is a considerable worry and large weighting should be given to the problem in an effort to resolve it. It will allow also trains to run along the future northern beaches line to Parramatta without having to terminate at Chatswood and it would allow train detouring in the case of an accident. Finally, there would be no crossing of the sensitive Lane Cove National Park picnic ground, with the beneficial results that would come from that.

The question is: Was a rigorous evaluation undertaken? There must be some considerable doubt that this occurred. In evaluating the alternatives, the comparison and elimination of a number of proposed routes would result in a recommendation for the proposed heavy rail line direct to Chatswood. I believe it is premature to rule out the Y-link option, which follows a similar route but with a spur to Chatswood. The evaluation of alternatives carried out in the EIS paper "Evaluating the Alternatives" uses the following criteria for evaluation: Parramatta to Chatswood travel time benefits, operational benefits, land use benefits, forecast patronage, environmental impact, economic performance and risks. That seems to cover the broad spectrum.

Therefore, in comparing a number of these areas one must use those figures. I do not propose to go into a large dissertation about the travel time benefits or the number of passengers who will be using such a link and the time it will save them. The issue of operational benefits should be placed on the record, because I foresee a major difference. At the outset the EIS paper found no difference between the Chatswood and the St Leonards route, with the comment that "a St Leonards connection with a Y-link would have less capacity for city bound services than either direct route". When one looks seriously at the statement one begins to ask a series of questions. I seek leave to incorporate in *Hansard* a table that shows the number of trains scheduled southbound per hour.

Leave granted.

Number of trains scheduled southbound per hour

Station	7.00– 8.00am	7.30– 8.30am	8.00– 9.00am	8.30– 9.30am	3.30– 4.30pm	4.00– 5.00pm	4.30– 5.30pm	5.00– 6.00	5.30– 6.30pm
Chatswood	10	13	12	10	9	10	11	12	11
St Leonards	10	13	12	10	10	10	11	13	11
Nth Sydney	11	14	14	12	13	15	14	12	12

The Hon. J. H. JOBLING: As honourable members will see, a maximum of 13 trains per hour is currently scheduled through St Leonards and Chatswood at peak hour. The EIS transport background paper states that "the number of trains over the two-hour peak on the North Shore line will rise by three by the year 2006" when the Parramatta rail link comes into operation. The EIS states that "10 trains per hour are planned for the Parramatta rail link at peak hour". Given that the trains are timetabled with a minimum three-minute headway for safety, the theoretical maximum number of trains that can cross the Harbour Bridge is 20. It is optimistically assessed that the maximum number of passenger-carrying trains that can actually cross the Harbour Bridge is 90 per cent of the theoretical maximum, which is 18. This is to allow for the normal mix of express and all stations trains which cannot be evenly spaced, hence the difficulty of co-ordinating services from different lines.

The EIS claim that only two trains will have to terminate at Chatswood therefore becomes highly questionable. On a very technical argument there is great doubt as to what will happen and whether the bridge can handle this, and the quadruplication of the line will be a major problem. If one were to look at the morning peak hour on the Y-link option, depending on demand, some trains on the North Shore line heading south may be routed direct to Parramatta along the Parramatta rail link for travellers wishing to travel west. The North Shore line capacity would be increased. The evening peak hour runs into the same problem. Taking out the existing trains, only 3½ trains would be able to service the Parramatta rail link directly from the city. Rather than all the remaining 6.5 Parramatta rail link trains having to commence at Chatswood, the Y-link option would allow trains to start from both Chatswood and St Leonards. Clearly, this would relieve a great deal of overcrowding.

All these matters show that the environmental impact statement has not correctly and properly addressed the options. The evaluation of the patronage of these services needs to be examined. The work force at St Leonards is calculated at 38,000 and increasing to 45,000 in 2020, compared to 22,000 at Chatswood and increasing to 35,000. The conclusion is that St Leonards is a higher trip generator than Chatswood. Further, in a more recent development, I understand that Lane Cove Council announced its intention to establish a major bus-rail-bike interchange with expanded bus routes and implementation of a regional bus route at St Leonards. That matter needs to be considered. The Chatswood option, which would link with the Chatswood bus interchange, can no longer claim a specific advantage over the St Leonards option in relation to a bus interchange. A line must be built.

I will not take up the time of the House with other points, as I hope that the amendment I will move shortly will be accepted. I am concerned about an article that appeared in the *Sydney Morning Herald* of 22 May under the headline "An oasis of quiet saved in a political trade-off". It would be excellent if Browns Waterhole is added to a national park. However, if the writer of the article is correct and the Greens and the Government have done a swap—a pond for a bridge—as a solution to the long-term problem that has vexed both parties, under what terms and conditions was the deal struck? What effect would such a deal have on a project to extend the F3 to the M2, and whether that is underground? I am concerned that the deal for not going under Lane Cove National Park is to construct a large bridge over the national park because, frankly, until the environmental impact statement is properly examined it is premature to be doing such a deal.

The Hon. C. J. S. Lynn: Surely the Greens wouldn't do a deal like that.

The Hon. J. H. JOBLING: I am sure the Greens will explain if there is any substance to the claim, and I am sure the Minister will explain the Government's reasoning for the deal, the benefits of it and the political trade-off.

The Hon. C. J. S. Lynn: It would certainly destroy any claim the Greens had to the political moral high ground.

The Hon. J. H. JOBLING: Indeed. It raises an extraordinarily large number of interesting questions.

The Hon. C. J. S. Lynn: Surely the Minister wouldn't have done a deal like that.

The Hon. J. H. JOBLING: A deal may well have been done, and I am sure the Minister will explain that in his reply. I look forward to that with interest. Also, I am sure my colleague Ms Lee Rhiannon will put her point of view. I do not desire to verbal her; I simply want to know what happened and why. Browns Waterhole is an excellent addition to a national park. I have a number of questions about funding for the project. The Government does not seem to be providing funding to the National Parks and Wildlife Service. Clearly, if this

project is to be effective and workable, the Government will have to provide additional funding. A simple way to get answers to these questions is to conduct a short, sharp inquiry into the proposed rail bridge in Lane Cove National Park. Before honourable members say that the Opposition does not support this project, I make it clear that we do support this project. When I say "short, sharp" my intention is that the report will be tabled by 20 June this year.

The Hon. C. J. S. Lynn: They would need to do that to answer those serious allegations.

The Hon. J. H. JOBLING: Indeed, and that is why I will move an amendment. I move:

That the question be amended by omitting the words "now read a second time." and inserting instead:

"referred to General Purpose Standing Committee No. 4 for inquiry and report in relation to the proposed rail bridge in Lane Cove National Park.

2. That the committee report by Tuesday 20 June 2000.

I hope that such an inquiry will allay my concerns and fears.

The Hon. C. J. S. Lynn: And it will help the Greens clear their names against this slur.

The Hon. J. H. JOBLING: If that is so, I concur with my colleague's view. An inquiry would not delay this proposed 27-kilometre rail link project, which is worth between \$1.4 billion and \$2 billion. The rail-link option of new stations is better suited, would result in more people using the rail system, would increase the number of trains using the line each hour, and would relieve much of the pressure on the main line, which, as I said, would need to quadruple. The improvement in public transport must be supported, and the Opposition does support it. I am simply expressing the concerns of the people who have written to me, spoken to me on the phone or come to see me. They are concerned that the Government suddenly wishes to put a very large rail bridge, with the noisy trains that will be traversing it regularly, across one of the most popular national parks in Sydney. It will destroy the ambience of the park.

I hope the Government will ensure that it satisfied all the parties, including those living in the area who are justifiably concerned about the proposed train line, as they are concerned about a large expressway or freeway and the noise it would generate. My amendment would enable the Government to answer our questions, and any necessary amendments could be made before the project commences. At the end of the day we would gain what we want—that is, the link we originally proposed and which we support. I ask honourable members to support my amendment to refer this matter to General Purpose Standing Committee No. 4 to enable our questions to be answered.

Ms LEE RHIANNON [3.47 p.m.]: I have great delight in supporting this bill. As honourable members know, the Greens have a long and proud history of fighting for public transport. Indeed, during the five years that my colleague the Hon. I. Cohen has been in this place, and during his many years of environmental activism, he has worked hard to increase the number of public transport projects. He has brought that important work to the Parliament, and dividends are now flowing from that. Sydney is desperate for new public transport. This project is most important for many reasons because it offers a win-win situation: a win for the environment and a win for public transport. The horrible brown smudge we see across Sydney's horizon day in and day out would start to dissipate as the project came on line.

This \$1.4 billion project represents the largest expansion of Sydney's rail network ever undertaken. Some 27 kilometres of rail will link Parramatta to Chatswood via Epping. Altogether, it will add five new stations to the current network and upgrade seven existing stations. The Parramatta rail link is due to open in 2006. I am only in this place for one term, and the year 2006 will be near the end of that term. I look forward to participating in the opening of the project because it will be a most significant event. It will be good to have a bipartisan celebration of such an important public transport project.

The environmental benefits of the rail link will be enormous. It will dramatically improve public transport access to several important centres, including Parramatta, the University of Western Sydney at Rydalmere, Epping, Macquarie University, the Ku-ring-gai campus of the University of Technology, Sydney, and Chatswood. People who live along the proposed route will, for the first time, be able to have access to the entire CityRail network. For many years now the percentage of trips made in Sydney on public transport has been falling in comparison to the percentage of trips made by private car. This shift has been driven by government policy. The construction of new freeways and motorways has proceeded apace whilst public transport has simply languished. New suburbs have been created where residents have no choice but to drive.

As honourable members would be aware, in many suburbs, particularly those on the outskirts of Sydney, families need at least one car, and in many cases two cars, just to carry out life's basic functions. In effect, we have seen a shift away from public transport because people have developed a reliance on cars. This trend has serious and far-reaching consequences for Sydney's air quality. Declining air quality impacts heavily on the health of all of us. Some people suffer enormously, particularly young children, the elderly and people who have a disposition to various illnesses. The latest figures for the number of asthma sufferers in Sydney are alarming. It is estimated that one in five children in our primary schools suffers from asthma. When I went to school in the 1950s and 1960s it was rare to know anyone who suffered from asthma. These days it is very common, and those of us who have children always have friends whose children suffer from asthma. This is another reason why important public transport projects such as these are urgently needed.

The Parramatta rail link has the potential to turn this situation around—that is, the community's increasing dependency on cars. As a massive new addition to Sydney's public transport infrastructure, it will take large numbers of cars off Sydney's roads. The link will drive a shift back to public transport, a shift that our city desperately needs if we are to enjoy it to its full and wonderful capacity. Apart from the environmental benefits of the link, new public transport infrastructure brings enormous social benefits. For the first time, people from western Sydney and the Blue Mountains will have access to universities such as Macquarie University and the Ku-ring-gai campus of the University of Technology. Those university campuses are currently heavily biased towards students from the affluent suburbs on Sydney's North Shore, because that is the only way that people can easily access the campuses. This opening up of access to educational opportunities is one of the greatest benefits to flow from the rail link.

In addition to access to education, the rail link will open up access to the growing commercial centres of North Ryde and Chatswood. North Ryde is at the heart of Sydney's own Silicon Valley, a rapidly growing area of highly paid employment in the information technology field. Once again, access to this area will have major benefits for the people of western Sydney and the Blue Mountains. On a more general note, public transport is a fairer and more equitable mode of transport. Much of our society is excluded from travel by car, including those who are too young or too old to hold a driver's licence and those who are unable to afford the cost of buying or running a car. Car-based travel excludes great swathes of our society. Public transport, on the other hand, provides for everyone. This is another reason why the Greens, since the party was formed, have fought so passionately for public transport. Public transport does not exclude people on the basis of age and it is much less likely to exclude people on the basis of their ability to pay.

The Greens acknowledge that the rail link comes with some environmental cost. However, we believe that this cost is a hundred times outweighed by the environmental benefits that will flow. The proposed route will require a small area, about 1.9 hectares, to be excised from the Lane Cove National Park near Fullers Bridge. Once construction is complete, much of this area will once again be available for public use—that is, the area under and around the bridge. I note that last night the Leader of the Opposition acknowledged that the area was formerly used as an artillery range, and I also understand that parts of the area have been used as an orchard. Much of the area to be excised is not bushland at all but is a cleared and grassed area.

The Hon. C. J. S. Lynn: It hasn't stopped you people from turning some of it into wilderness.

Ms LEE RHIANNON: I urge Coalition members to listen so that they may learn about how the system is working and the benefits that will flow from the project. The Government has given clear and repeated assurances that the area of affected bushland will be regenerated and remediated to the highest possible standard.

The Hon. J. H. Jobling: With a bridge and a train going through, the ambience is shot!

Ms LEE RHIANNON: I was a botanist in previous jobs and had a close association with bush regeneration. I am therefore aware that extraordinary achievements can be gained from bush regeneration and that it can restore an area to a point where it is very hard to distinguish it from original bushland. For the record, the decision to support this small area being excised from the park was not an easy one for the Greens. The issue was debated at length within our internal party processes and different points of view were presented. The end product of the Greens' democratic decision-making process was the position that the Greens are presenting in this debate.

The Greens are far from alone in believing that the proposed route is justified on environmental grounds and that the rail link is a tremendous and much-needed project. Many environmental organisations have

indicated their support for the Greens position on this issue. Friends of the Earth, Eco-Transit, Action for Public Transport, the Coalition of Transport Action Groups, the transport committee of the Nature Conservation Council and the Blue Mountains Conservation Society are just some of the groups that have written to the Greens to indicate their support for the work the Greens have negotiated with the Government on.

The Greens believe that the proposed route of the rail link is justified on environmental and social grounds, so long as certain conditions are met. The primary condition is that a larger area of bushland be added to Lane Cove National Park than is being taken away, and that the land be of equal or higher ecological value. Some weeks ago when the Greens formulated this position, we presented our conditions to the Government. I am happy to say that the Government responded to our party's position positively. The Greens will move an amendment to the bill to add an excellent parcel of land, known as Browns Waterhole, to the park. The Government has indicated a willingness to support the Greens amendment.

In recent days confusion has arisen about the nature of the Greens dealings with the Government on this matter. I wish to make the position clear. The Greens have a policy on the rail link, as I have just outlined, and I have detailed how the policy was formulated. The policy was presented to the Government, and the Government indicated a willingness to adopt and support elements of it. Unfortunately the Government has not come to the party on all aspects. The Greens, in association with other environmental groups, will continue to campaign regarding the need to have a boost in the budget for Lane Cove River National Park.

The Hon. C. J. S. Lynn: So you did a deal? You did a grubby deal. You sold out on your principles.

Ms LEE RHIANNON: No. You are a walking tragedy! The Coalition is desperate. Now that its support is below 30 per cent of the vote, it knows no bounds. The Coalition is really hard up and does not know how to proceed. Through this process the Greens have also won a victory for urban bushland right next to the Fullers Bridge site.

The Hon. C. J. S. Lynn: You are a disgrace to the people you are supposed to represent. People are going to suffer for years as a result of the grubby deal you've done.

Ms LEE RHIANNON: The Coalition is desperate. Now that its percentage of the vote is less than 30 per cent, it is really hard up. The University of Technology Sydney [UTS] owns a large area of high-quality bushland at its Ku-ring-gai campus. This is another area in which the environment has had a win. Throughout negotiations between the Greens and the University of Technology Sydney, the bushland has been the subject of sustained community efforts over several years to have the area made subject to a protective conservation agreement that will give the bushland the equivalent of national park status. Although UTS was initially responsive to the idea when it was put forward by the community, in recent months it has backed away from the conservation agreement.

There is widespread and well-justified concern both in the local community and among Greens over the construction of a train station, UTS Ku-ring-gai, which could eventually lead to higher levels of development in the area and the consequent loss of bushland. When Professor Tony Blake, Vice-Chancellor of UTS, wrote to me last week seeking Greens support for the rail link, I wrote back and expressed concern. I am happy to announce that in subsequent correspondence, Professor Blake committed UTS to enacting the conservation agreement by the end of this year. As a result, 5½ hectares of high-quality bushland—which is the habitat for the endangered red crown toadlet—will be locked in and protected. What a significant achievement!

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WORKCOVER INSURANCE UNDERWRITING

The Hon. D. J. GAY: I direct my question to the Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast, who is the President-apparent of the Australian Labor Party. As the Special Minister is responsible for WorkCover, will he undertake now to this House that he will honour the 1999 legislation of his Government to commence a private underwriting of WorkCover insurance on or before 1 October 2000?

The Hon. J. J. DELLA BOSCA: I intend to make a lengthy statement in the near future about a number of matters in relation to WorkCover, specifically in relation to the issue of private underwriting. In fact, the question asked by the Deputy Leader of the Opposition is quite prescient in the sense that, with the knowledge he has, he seems to be a little bit ahead of his time, which would be a first for him.

The Hon. D. J. Gay: I am always ahead of my time. I am a member of the National Party, so that is self-evident.

The Hon. J. J. DELLA BOSCA: The Deputy Leader of the Opposition is almost as good as the Leader of the Opposition in this place who is about two days ahead of time so far as publicly released documents is concerned.

The Hon. D. J. Gay: What is the Special Minister of State trying to say?

The Hon. J. J. DELLA BOSCA: The Leader of the Opposition in this House has very good forensic skills as a result of his personal attributes, and private and professional training. The WorkCover trial has given the Government the opportunity to further monitor the financial progress of the 1988 reform. I refer the honourable member to both the sense of and the issues raised in an answer that I gave to a question yesterday in this Chamber. As I have stated on previous occasions, a financially viable workers compensation scheme with reasonable premiums will certainly attract more jobs to New South Wales. When considering the workers compensation system and reforms, the focus must first and foremost be on the injured worker, his or her recovery, wellbeing and quality of life.

In any workers compensation system, there needs to be an ongoing emphasis on treating injuries. This point was emphasised in the last round of WorkCover reforms which dealt with both injury management and injury prevention issues. A critical part of the ongoing scheme has been the finalisation of issues related to the private underwriting of the scheme. As I said previously, more information on this matter will be available shortly.

NATIVE FISH STOCKING PROGRAM

The Hon. A. B. KELLY: My question is directed to the Minister for Mineral Resources, and Minister for Fisheries. How successful has the fish stocking program been this year? Is this good news for New South Wales?

The Hon. E. M. OBEID: This is tremendous news for New South Wales. I thank the convenor of Country Labor for being so conscientious about what is involved in regional New South Wales. This Government has excellent news for country New South Wales because members of this Government are dedicated to providing services for the regional community.

The Hon. D. J. Gay: Are you a member?

The Hon. E. M. OBEID: All members of this Government are interested in Country Labor. We are all part of the provision of country services and we are all dedicated to the service of the regions, which is more than can be said for members of the National Party. I am very pleased to announce that another record has been set this year for stocking juvenile New South Wales freshwater fish.

The Hon. D. J. Gay: Point of order: The Minister may be inadvertently misleading the House because he claimed that the Hon. A. B. Kelly is the leader of Country Labor whereas yesterday in this House the Treasurer claimed that he was the leader of Country Labor. I ask the Minister for Mineral Resources, and Minister for Fisheries to get it straight and not to mislead the House.

The PRESIDENT: Order! There is no point of order.

The Hon. E. M. OBEID: Typical of the honourable member, his ears are not listening to his mouth.

The Hon. D. J. Gay: But I do read *Hansard*.

The Hon. E. M. OBEID: I invite the honourable member to check *Hansard* because what I said was that the Hon. A. B. Kelly is the convenor of Country Labor.

The PRESIDENT: Order! There is no point of order. The Minister clearly said that the Hon. A. B. Kelly is the convenor of Country Labor.

The Hon. C. J. S. Lynn: He must be a really staunch convenor of Country Labor. He does not even live in the country.

The Hon. E. M. OBEID: I can understand why members of the Liberal Party are not interested in country issues. They want to see their Coalition colleagues sink. They do not want to see their Coalition colleagues survive, and that is the problem with the National Party. Members of the National Party are busy kowtowing to their colleagues who they think are leading them along the path to good government. What is actually happening is that the Liberal Party is destroying the National Party whose members do not even understand the problem. Members of the Labor Party keep reminding them because we realise that members of the National Party are a relic of the past. At one stage, members of the National Party were very good. That was when they were really interested in their constituencies.

This year, New South Wales Fisheries released a record 7.2 million trout, salmon and native fish into the major waterways of New South Wales. That figure represents a dramatic increase from last year's total release of 5.6 million fish and is great news for freshwater recreational anglers throughout this entire State. It is also great news for tourism and good news for those who are interested in the creation of regional jobs. This State's freshwater anglers should be congratulated on their support of the Carr Government's massive fish stocking program. It has been a bumper year for juvenile trout and salmon. More than 4.7 9 million trout and salmon fry and fingerlings have been released into the cool waters of the New England area, the Central West and Monaro.

This year, Gaden Hatchery near Jindabyne produced a record 1.6 million of rainbow, brown and brook trout which represents an increase from 1.3 million last year. Dutton Hatchery, which is located approximately 80 kilometres east of Armidale, surpassed all records and produced 3.1 million juvenile trout which represents an increase of 1.9 million from figures for the year before. These are tremendous results. The New South Wales Government is listening to the experts—our recreational fishers. They recommended that \$300,000 of the freshwater funds be directed to the fish stocking program and \$70,000 of that amount has been used to produce a record hatching of 307,000 Australian bass at the Port Stephens research centre. These fish were released into 24 waterways from Bega to the Blue Mountains and from Parramatta to Uki.

It has been a record year for the New South Wales Fisheries hatchery at Narrandera. Last year's record of 210,000 Murray cod has been broken by this season's bumper production of 343,000 fry. This year, Narrandera produced a total of more than the 2 million native fish species including the Murray cod, golden perch, silver perch and the endangered trout cod. The Carr Government's successful dollar-for-dollar native fish stocking scheme is well under way with a further \$200,000 allocated from the freshwater licence scheme. In short, funds from this licence have helped to boost fish production and fish stocking programs across New South Wales to an all-time record. This is yet another example of the Carr Government working with anglers to improve freshwater recreational fishing. Once again, I thank anglers throughout New South Wales, particularly freshwater anglers, for their overwhelming support for the freshwater fishing licence.

WORKCOVER INSURANCE SCHEME DEFICIT

The Hon. M. J. GALLACHER: My question without notice is directed to the Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast. Given that yesterday the Minister told the House that the projected deficit has risen to \$2 billion as at 30 July 2000, which is an increase from \$1.6 billion in 1999, and given that he has refused today to undertake to honour the commitment to privately underwrite workers compensation on or before 1 October 2000, what is the projected deficit as at December 2000?

The Hon. J. J. DELLA BOSCA: It is obvious that the Leader of the Opposition thinks I am a very clever person, because he thinks I can tell him in May what is going to happen in December. I am not in a position to answer that question. Indeed, no-one could answer it. However, I will brief the Leader of the Opposition about the financial position of the current scheme. The recent valuation of the scheme in October 1999 confirmed that the performance of the scheme had improved substantially. The underlying scheme costs had fallen from 3.08 per cent to 2.95 per cent, and the scheme's deficit had reduced with the scheme retaining a modest profit after four years of losses—four years consequent upon the changes by the current Leader of the Opposition and Federal Finance Minister. The fundamental financial weakness of the scheme had its origin in

those very wrong-headed mistakes and changes made by the former Minister for Industrial Relations and Employment, Ms Chikarovski, during the reign of former Premier John Fahey. It is sufficient to say that that is in the past and our job is to look towards the future to see what other things need to be done.

[Interruption]

As I stated clearly what is happening in the scheme, I will not canvass the issue again. I have made it clear to the Deputy Leader of the Opposition just where to shoot home the blame for the financial problems of the scheme. The Opposition, in a craven act, surrendered to one particular interest group the health of the workers compensation system and the occupational health and safety of New South Wales workers, and placed the WorkCover scheme in jeopardy. Due to the great work done by my colleague the Attorney General, and Minister for Industrial Relations, the scheme has been fixed up in the most important respects, but we need to take a few things forward.

The Hon. D. J. Gay: Why has he still got it?

The Hon. J. J. DELLA BOSCA: Because he has a lot of other important things on which to concentrate. I will correct the Leader of the Opposition on this critical point. We need to start thinking about the linkage between a more efficient injury-managed scheme and the basis on which one would proceed to private underwriting. They are two distinct issues which do not necessarily have to be intimately related. I said a couple of minutes ago to the Deputy Leader of the Opposition that more detailed information will be provided. We have to educate ourselves and the first part of the education is to break the linkage between injury-management based issues, the financial basis of the scheme and private underwriting. Indeed, we could have a privately underwritten scheme and still have a serious and problematic deficit. We could also have a privately underwritten scheme that operates very healthily. Indeed, we could have a managed fund which could achieve many of the outcomes. The reasons for shifting to private underwriting and for shifting to an injury-management based approach to workers compensation, are all part of the program of change in the WorkCover area. We have to cease viewing them as linked components of the system.

The Hon. M. J. GALLACHER: I ask a supplementary question. Given the current \$400 million blow-out in the deficit since August last year, will the Minister now undertake to the hundreds of thousands of small business operators in this State that they will not be subject to an additional payment—let us call it a deficit reduction levy—to reduce this spiralling cost?

The Hon. J. J. DELLA BOSCA: The Opposition is prescient in these matters. Unfortunately it is prescient about most of the wrong things. The biggest problem to be dealt with, as honourable members know, is the impact on the WorkCover scheme of the new Federal tax system. The Leader of the Opposition might care to have a bit of a giggle about this serious issue of WorkCover. It is true that the WorkCover premium level, and the operation of WorkCover system, is of concern to small business. The Government gives a guarantee to small business that it will generate and produce the best possible WorkCover scheme, one that still protects the health and safety of New South Wales workers. The Leader of the Opposition will have to wait like the honourable Deputy Leader of the Opposition for a more specific outline of proposals, but he will not have to wait long.

NUCLEAR WASTE

Ms LEE RHIANNON: I direct my question to the Special Minister of State, representing the Premier. Is the Government involved in negotiations with the Federal Government to use Olary which is located on the border of South Australia in western New South Wales as Australia's first nuclear waste dump now that the South Australian Premier John Olsen has refused to have the dump built in South Australia? Will the Minister give an undertaking that the New South Wales Government will follow the initiative of the Olsen government and also Richard Court in Western Australia and refuse to allow a nuclear waste dump in New South Wales?

The Hon. J. J. DELLA BOSCA: The question comes as somewhat of a surprise to me. Ms Lee Rhiannon may know that the Parliament already has legislation in place to ban such facilities. Indeed, that is probably a sufficient answer to her question.

The Hon. D. J. Gay: What legislation is that?

The Hon. J. J. DELLA BOSCA: She has asked the question, not you! I am aware of no negotiations along the lines the honourable member is concerned about.

PRIVACY AND PROTECTION OF PERSONAL INFORMATION

The Hon. R. D. DYER: I ask the Attorney General, and Minister for Industrial Relations when the Government intends to fully commence the Privacy and Protection of Personal Information Act 1998. What are the implications of its commencement?

The Hon. J. W. SHAW: On 1 July the citizens of New South Wales will have enforceable privacy rights against government agencies under the Privacy and Personal Information Protection Act. The Act has two main functions. First, it establishes the office of the Privacy Commissioner, known as Privacy New South Wales—Mr Puplick. The Privacy Commissioner can investigate complaints and contact, research and provide advice on privacy related matters. Second, the Act regulates the way public sector agencies deal with personal information relating to the people of New South Wales.

The Act requires that public sector agencies develop privacy management plans. The plans must describe how agencies will meet the requirements of the Act, how they will communicate their privacy policies and practices to their staff, and how they will deal with privacy complaints from the public. Agencies must provide a copy of their plans to the Privacy Commissioner by 1 July. The information protection principles in part 2 of the Act describe how public sector agencies must deal with personal information. The principles regulate the collection, use, disclosure, storage and destruction of personal information. The principles also give individuals the right to access and correct their personal information.

There are special restrictions on the disclosure of sensitive information, including information about people's health, political or religious beliefs, and racial or ethnic background. If public sector agencies are legitimately unable to meet the requirements of the information protection principles or the public register provisions, they may seek an exemption by drafting a code of practice. Any such code must be approved by myself following consultation with the Privacy Commissioner and must be made for the purpose of protecting the privacy of individuals.

I take the view that agencies should endeavour to meet their statutory obligations, even if that involves changing some of the information-handling practices before seeking to make a code. Part 6 of the Act provides a scheme for regulating access to personal information which is held on public registers. Agencies which hold public registers will be required to limit access to registers, and to suppress or remove personal information in certain defined circumstances. Again, those provisions may be modified by way of a code of practice.

If an individual believes that a public sector agency has breached an information protection principle, a public register provision or a code made under the Act, he or she may request an internal review under part 5 of the Act. An individual who is unsatisfied with the outcome of the review may seek to have the matter brought before the Administrative Decisions Tribunal. The tribunal may order that the agency meet certain requirements under the Act or a code, refrain from certain contact, or make corrections to information. From 1 July 2001 the tribunal may order that the agency pay the individual up to \$40,000 in damages. If a privacy complaint is not about a breach of principle, code or public register provision, or if it is about a private sector body, it may not be investigated by the Privacy Commissioner. The commissioner does not have power to make orders or to award compensation, but will conciliate a complaint where possible.

Sections 62 and 63 of the Act provide further protections for the privacy of an individual's personal information. Section 62 makes it an offence for public sector officials to corruptly disclose personal information, or for an individual to induce or attempt to induce a public sector official to disclose personal information. Section 63 makes it an offence for an individual to offer to supply personal information that has been corruptly disclosed. Those provisions commenced on 1 July 1999. So the offence provisions are in place and in force and effect.

As I reported to this House on 11 November 1999, Privacy New South Wales is continuing a number of initiatives to implement the Act. Privacy New South Wales provided information and advice to agencies about their obligations under the Act in the form of training in February and March 2000. Privacy New South Wales staff continue to visit agencies and give presentations on the requirements of the new legislation. Privacy New South Wales has prepared a set of guidelines on the Act, and copies have been forwarded to all agencies. The commissioner and Privacy New South Wales staff have met with representatives of agencies that may be particularly affected by this legislation and will offer ongoing advice to those agencies.

This House should be pleased with the privacy legislation that has been put in place. It has been innovative, in a sense contentious, and has been a good thing. It does not cover the private sector, but my colleague the Federal Attorney-General, Mr Williams, is moving in that area. There is an argument that private sector regulation ought to be national. I acknowledge in principle that argument. After all, many businesses, for instance banks and institutions, are national. I have listened to their argument. We should have a uniform national code of privacy. The New South Wales Government has achieved a balance and has got it right. It has dealt with public sector agencies and departments in this State. Dare I descend to vulgar politics? The former Coalition Government was unable to get this legislation up. This Labor Government has it in place. This State has effective privacy legislation in relation to public sector agencies.

The Hon. J. F. Ryan: Andrew Tink referred to privacy legislation in Melbourne.

The Hon. J. W. SHAW: In opposition. In government, they could not do it. Speak to Ministers of the Coalition Government; they came up against the Opposition and the bureaucracy. This Government has put privacy legislation in place. I am pleased that it has. That legislation is coming into effect this year. That is another achievement of the Carr Labor Government.

VICTIMS COMPENSATION SCHEME

The Hon. HELEN SHAM-HO: I address a question without notice to the Attorney General. I refer the Attorney to the New South Wales Victims Compensation Scheme and the February 2000 report of the Joint Select Committee on Victims Compensation. Does the Attorney General intend to introduce further amendments to the Victims Compensation Act 1996 following the recommendations of the committee? Is the Attorney General aware that any increase in the current threshold will disproportionately affect victims of crime on low incomes? Does the Attorney General agree that it is unacceptable and unjust to simply raise the height of the bar to ease the administrative and financial burden on the Victims Compensation Fund, particularly since the Charter of Victims Rights is supposed to protect the rights of victims and ensure they are cared for properly? Can the Attorney General give assurances to the House that the Government will not seek to raise the threshold eligibility for receiving compensation to \$7,500?

The Hon. J. W. SHAW: In November 1999 the Parliament reconvened the Joint Select Committee on Victims Compensation, which in February this year released its report titled "Ongoing Issues concerning the New South Wales Victims Compensation Scheme". Obviously, the Government has taken that report seriously, as it should. I think it can be reasonably contemplated that the Government will introduce legislation at an appropriate time based on that committee report, which I understand was bipartisan and unanimous. The committee was concerned that the legislative amendments in 1998 left unclarified the new category of psychological injury. The tribunal is to be satisfied that the compensable injury requires that three elements be established: a chronic or long-lasting condition, which can be diagnosed as a disorder, which has affected the person to the extent that the person is disabled. The tribunal has ensured that there are practice notes to guide applicants applying for the new injury.

The issues raised in the committee's report, as I have said, are being given serious consideration. I anticipate legislation to give effect to those recommendations to come before this Parliament. I believe that will happen in the near future. Whether the threshold is to be increased is a matter for ministerial discretion under the legislation previously provided by this Parliament. That question also will be considered in the light of the committee's unanimous, bipartisan recommendation.

WORKCOVER INSURANCE CROSS-SUBSIDIES

The Hon. J. F. RYAN: My question without notice is to the Special Minister of State. I assume from a previous answer that the Minister gave the House that he has now ruled out a deficit reduction levy. Will the Minister inform the House whether he will rule out any plan to eliminate cross-subsidies, which are very helpful for small business, in regard to WorkCover insurance?

The Hon. J. J. DELLA BOSCA: It is remarkable. I do not think I have ever had an example of someone so adeptly putting words into my mouth. I think the record will show that I did not rule anything out.

The Hon. D. J. Gay: That is what I thought, too.

The Hon. M. J. Gallacher: Yes.

The Hon. J. J. DELLA BOSCA: I note that the Leader of the Opposition and the Deputy Leader of the Opposition agree with me when I say that I did not rule anything out. The Hon. J. F. Ryan has just ruined the press release of his leader.

The Hon. D. J. Gay: I can see the press release now: "Minister refuses to rule out—".

The Hon. J. J. DELLA BOSCA: Not as good news as the contrary claim. I will give the short answer to the Hon. J. F. Ryan's question, but before doing so I take the opportunity to educate him on a matter that I would have expected he knew something about, but apparently does not. It is important to understand that cross-subsidies in the system take away reinforcements that the Government—and, I assume the Opposition, based on previous support for the notion of private underwriting—has to allow market impulse to play a bigger role in the workers compensation scheme, which is the main justification, in a policy sense, for doing so. Schemes only work if one does something about the level of cross-subsidisation in the schemes. Otherwise, why would it be to anyone's advantage to change their risk levels and practices to attract lower premiums? That is one problem. But the Opposition cannot have it both ways. It says, "We are all in favour of private underwriting" and then comes into this place and says to the Government, "You have got to keep the cross-subsidies."

Opposition members are interjecting. I am taking the opportunity to give a full answer to the question. The Leader of the Opposition does not need to bring his forensic skills into this place; we are all equals here and do not need policemen. The second point is that implicit in the honourable member's question is the notion that cross-subsidies in the system advantage small business. That is an absolute furphy. It is not true. Any close examination of how cross-subsidies work will reveal many instances of small businesses in fact cross-subsidising medium and larger businesses. Therefore the whole basis of the honourable member's question founders not only on logic but on basic fact.

The Hon. J. F. RYAN: I ask a supplementary question. Does the Minister have any calculations as to the impact on small business of the elimination of cross-subsidies? If so, will he inform the House of them?

The Hon. J. J. DELLA BOSCA: I am able, as the Minister responsible for WorkCover, to produce a range of statistics. When I make a statement later about the WorkCover scheme, which I intend to do, I will incorporate an analysis along the lines asked for by the honourable member.

REGIONAL RECREATIONAL AND WHEELCHAIR SPORTS PROGRAM

The Hon. JANELLE SAFFIN: I direct my question without notice to the Special Minister of State. How is the Government helping people permanently injured in motor vehicle accidents to access sporting and recreational activities?

The Hon. J. J. DELLA BOSCA: The Motor Accidents Authority has provided project funding of \$289,690 to the New South Wales Wheelchair Sports Association for the development of a regional New South Wales recreational and wheelchair sports program. The main purpose of the project is to give regional people an opportunity to participate in the sport of their choice, and it is designed to cater for all levels of ability, from beginners to experts. The sporting opportunities offered are archery, athletics, basketball, fencing, lawn bowls, power lifting, rugby, shooting, swimming, table tennis, tennis, water sports and winter sports.

All sports have been made available in the western region, North Coast, Hunter, New England, Illawarra-South Coast and Riverina areas. Each major centre has a sports committee that co-ordinates its local sporting program, consisting of regular, weekly and/or monthly sports sessions. The highlight of the regional calendar is the Motor Accidents Authority regional development games, which are held in Sydney annually. The program also incorporates a country assistance scheme that provides financial assistance for coaches and athletes living in regional and rural areas. The scheme includes travel subsidies, accommodation and coach education.

The program has developed close working relationships with ParaQuad, the Northcott Society, the New South Wales Department of Sport and Recreation and the New South Wales Council for the Disabled. This enables better access to the disabled population, assists in establishing the most appropriate venues, and provides better access to the media. The regional networks were established under the guidance of the New South Wales Wheelchair Sports Association and the program continues to build on the solid base that has been established. To complement this program the Motor Accidents Authority has also provided funding of \$298,300 to the New South Wales Sports Council for the Disabled to specifically develop sporting opportunities for

people with brain injuries to become more involved in sport. These programs, which have been developed with numerous sporting organisations, will be maintained by those organisations under the guidance of the New South Wales Sports Council now that the project has been completed.

PORT MACQUARIE BASE HOSPITAL

The Hon. J. S. TINGLE: My question without notice is directed to the Special Minister of State, representing the Minister for Health. Is the Minister aware of reports that the Main Nickless Group, which owns and operates the Port Macquarie Base Hospital, through a subsidiary company, and under an agreement with the State Government, might sell the hospital to a Singapore-based company? Given that this was the first public hospital built in New South Wales as a private enterprise, will the Minister advise the House whether there is any truth in this claim?

If the reports are true, what are the implications for the future of the hospital and its capacity to serve the Hastings and wider areas of the mid North Coast, which it serves as a central hospital? Will the Minister say what guarantees or assurances are in the agreement between the Government and the hospital which would, first, protect the health interests of mid North Coast people in the event of a foreign takeover and, second, limit the ability of the Main Nickless Group to sell the hospital without consultation with the Government—it has an agreement with this Government—and without guarantees of the standard of performance of any new foreign owner?

The Hon. J. J. DELLA BOSCA: The honourable member asks an important question on behalf of the people of Port Macquarie. I am not aware of any proposed takeover of the facility by a company other than the Main Nickless Group. I will refer that aspect of the honourable member's question to the Minister for Health in the other place and obtain a prompt answer. If there are any such developments I am sure the Minister would be aware of them and that he will diligently follow up if any difficulties arise. In respect to more general aspects of the honourable member's question, in keeping with the Minister's approach to rural and regional health, I am sure that any changes will include adequate safeguards along the lines implied in the honourable member's question.

WORKERS COMPENSATION PREMIUMS

The Hon. R. T. M. BULL: My question is addressed to the Special Minister of State. Is the Government considering any proposals to cap increases in workers compensation premiums to protect small business? If so, what does the Minister consider to be a satisfactory level?

The Hon. J. J. DELLA BOSCA: What a fruit salad of initiatives coming from the Opposition! A number of options have been fairly widely and publicly canvassed about policy initiatives that can be taken with WorkCover. I will soon make a statement in the House about WorkCover and the challenges for the scheme in the future. In relation to the general question about whether workers compensation premiums are increasing, the Attorney General has already implemented wide-ranging reforms to the workers compensation system that have produced substantial savings. Under that Minister, premiums have been kept low.

Mrs Chikarovski, the Leader of the Opposition in the other place, chose to ignore the real underlying premium rate. It has been left to a Labor government to bring some sense back into the scheme. The Carr Government is committed to continuing improvements to the workers compensation scheme. I have stated on previous occasions in this House that I hope to be able to continue the work of the Attorney General and produce outcomes that balance the cost of insurance with the levels of compensation and the financial responsibilities of the scheme.

MINERALS EXPLORATION

The Hon. A. B. MANSON: My question is directed to the Minister for Mineral Resources, and Minister for Fisheries. With more than 40 per cent of New South Wales already geologically surveyed by the Minister's department, what commitment does the Carr Government have to completing this crucial research and encouraging investment in New South Wales?

The Hon. E. M. OBEID: The honourable member has asked an important question of value to regional New South Wales. The Carr Government is committed to encouraging mineral exploration and investment in New South Wales. Everyone in our community benefits from the development of our mineral

resources. It is especially important in regional areas where mining and exploration create jobs and support local businesses. This Government has provided the funds and expertise needed to increase exploration in our State, and the results speak for themselves.

This \$30 million commitment to the five-year Discovery 2000 program resulted in an additional \$150 million of minerals and petroleum exploration in New South Wales. A key element of our strategy is to encourage mining to provide Australian and international investors with state-of-the-art information. Aerial surveys are essential in gathering this information. More than 40 per cent of New South Wales has already been surveyed, using state-of-the-art technology. Last week I announced that this surveying is now under way in the Wagga Wagga area.

For the next five weeks a specially equipped Cresco 750 aircraft will be surveying 6,000 square kilometres east of Wagga Wagga, stretching from Tarcutta to Gundagai, Tumut, Adelong and Tumbarumba. This survey team is searching for new deposits of gold, silver zinc and nickel. For the first time modern technology is being used to thoroughly investigate this historic gold and tin mining area. The New South Wales Government has provided more than \$260,000 for the program, which is being carried out by Kevron Geophysics Pty Ltd.

I am advised that the new survey increases the chances of locating new and potentially large deposits of these minerals. The local community is also directly benefiting from the information gleaned. For example, the team is gathering data about local soil types, and this will help local farmers with salinity problems and assist land care groups and local government. With almost half of the State surveyed, the Carr Government is getting on with the job of completing the program. It is also getting on with the job of encouraging mining investment and creating jobs in our State. That is good news for everyone in New South Wales. I suggest that the Hon. J. F. Ryan should sometimes listen to himself. He will be sitting on that backbench for a long time, especially with that style of hair. I am sure the Hon. C. J. S. Lynn will make sure he stays there.

AIRCONDITIONING AND WATER STORAGE SYSTEMS INSPECTIONS

The Hon. Dr P. WONG: I ask the Assistant Treasurer, representing the Treasurer, representing the Minister for Health, whether, in view of the recent legionella outbreak in Victoria, connected to the airconditioning system at Melbourne aquarium, there are any legislative requirements in New South Wales to mandatorily and regularly inspect and test airconditioning and water storage systems. If not, what other measures are there to counter the threat of a legionella outbreak in New South Wales?

The Hon. J. J. DELLA BOSCA: In my own capacity I can say that I am aware there are some legislative protections against the issues the honourable member has raised. Legionella disease has been in the headlines and on the news, and I will undertake to get a detailed response from the Minister and relay it to the honourable member at the earliest convenience.

COBHAM JUVENILE JUSTICE CENTRE LOCKDOWN

The Hon. PATRICIA FORSYTHE: My question without notice is to the Minister for Juvenile Justice. Why was it necessary for juvenile detainees at Cobham to be locked in their rooms last Friday from 1.00 p.m. to 8.00 p.m.? Were they given only a 30-minute break outside before being locked in for the night? Is it a fact that no cooked meal was provided to the detainees during that time? Was the problem due to severe staff shortages? If so, what strategies does his department have in place to address its ongoing and serious staffing problems?

The Hon. CARMEL TEBBUTT: It may come as some surprise to the Hon. Patricia Forsythe that I am not aware of what is happening at every point of time to the some 350 detainees in detention centres. I am not aware of the issues the honourable member has raised with regard to Cobham Juvenile Detention Centre but I will take on board the comments she has made and make further investigations to assure myself that there was nothing untoward or improper in that lockdown of detainees. At times a lockdown of detainees is a necessary feature of juvenile justice. It is something that should be kept to a minimum and the department endeavours to do that.

On the subject of staff, this Government has an exemplary record by comparison with the Coalition Government's record. One can clearly see the commitment we have made to improve the qualifications, experience and ability of staff to respond properly to juvenile justice issues. This Government substantially

increased funding to juvenile justice. This Government increased the recurrent budget for juvenile justice by some 40 per cent since 1994-95. This Government specifically put money into training. This Government oversaw the introduction of a juvenile justice stage three certificate so that juvenile justice staff can gain a certificate qualification, have their prior learning recognised and then use that qualification to go on to further study at a degree level. This Government increased the amount of training for new staff, increased the induction training and introduced initiatives arising from the Drug Summit plan of action that has dramatically improved the ability of staff to deal with the very difficult detainees now coming through the system. As I said, I will undertake further investigations to ascertain whether anything untoward happened at Cobham last Friday.

DRUG DIVERSION PROGRAMS FUNDING

The Hon. J. HATZISTERGOS: My question is to the Special Minister of State. Will the Minister inform the House how he reconciles the New South Wales Government's drug message "Act Now: New South Wales Government and You, taking a stand against drugs" with the Commonwealth Government's message "Tough on Drugs"?

The Hon. J. J. DELLA BOSCA: This morning I attended a joint press conference with the Premier and the Prime Minister. I am pleased to say that both governments were there to make an important announcement about funding drug diversion programs. Behind the lectern were two posters, one from the Commonwealth proclaiming the message "Tough on Drugs!" and one from New South Wales with our message "Act Now: New South Wales Government and You, taking a stand against drugs". At a cursory glance, it may seem strange to have two apparently different messages. Previously in the House I have explained the Government's message. Standing at Odyssey House today, flanked by drug counsellors, clients undergoing rehabilitation, and the media, it occurred to me that the Commonwealth slogan is also appropriate. We need a Commonwealth government that is tough on drugs where the Commonwealth best fights drugs—by preventing their importation. It is a role in which the State Government, and particularly the Premier, has had cause to criticise the Howard Government. We will continue to look for leadership from the Commonwealth in this area of interdiction.

Today's joint announcement by the Prime Minister, the Premier and me, with the two messages, reflected a growing maturity in Australia's approach to drugs. Commonwealth money will support the five diversion programs now being put in place by the New South Wales Government. The Prime Minister and the Premier agreed to funding and arrangements for five diversion initiatives aimed at giving people caught using drugs the option of undertaking treatment and/or education aimed at helping them to stop using drugs, rather than putting them in the criminal justice system. The Prime Minister and the Premier have agreed, with funds allocated under the national illicit drugs strategy, that the Commonwealth will contribute \$31.8 million over four years to five diversion initiatives recommended by the New South Wales Drug Summit. Those initiatives are the statewide cannabis cautioning scheme, which commenced in April; the Young Offenders Act extension to cover minor drug offences; an early court intervention pilot for the far North Coast, operating out of the Lismore Local Court; drug offenders compulsory treatment pilots for the far North Coast and Illawarra; and a youth drug court pilot in western Sydney.

One of the major themes to emerge from the historic May 1999 New South Wales Drug Summit was the importance of diverting drug offenders from the criminal justice system into assessment and treatment. The Summit recognised that criminal justice responses have not always helped to address the underlying problems in people's lives that give rise to drug use and dependency. Contact with the law can be an opportunity not only for dealing with offenders but also for providing offenders with access to treatment and support to help overcome drug use before it takes hold. At a special meeting of the Council of Australian Governments [COAG] in April 1999 it was agreed that national diversion initiatives should be implemented under the national illicit drugs strategy. The Commonwealth has provided funding over four years for State and Territory diversion programs under this initiative.

In response to both the Drug Summit and the COAG agreement, New South Wales is putting in place a comprehensive program of drug offenders diversionary schemes, consisting of the existing Parramatta Drug Court pilot along with a further five new schemes. The establishment of a cohesive program recognises the importance of utilising opportunities for diversion at every stage in the criminal justice process, for both adult and young offenders.

This will increase the chances of rehabilitation for both short-term and long-term drug users. The new schemes are being established on a trial or pilot basis, and will be rigorously evaluated and assessed. Two of the

schemes are already in place: the cannabis cautioning trial and the Young Offenders Act trial. As to co-operation between the Commonwealth and the State, the Premier noted that there has been substantial co-operation between the public views of the parties on these matters. In regard to the overall policy approach, which will enable the community to be led through this complicated debate, I hope there will continue to be a bipartisan approach not only between the Commonwealth and State jurisdictions but also across the political divide.

BARRISTERS COURT ATTIRE

The Hon. P. J. BREEN: My question without notice is to the Attorney General, and Minister for Industrial Relations. Does the Attorney agree with the move by Victoria's Attorney General, Mr Rob Hulls, to abolish the wearing of wigs and gowns by barristers in Victorian courts? Does the Attorney agree that wigs in particular are a throwback to the eleventh century and have outlived their usefulness? Are there plans to abolish the wearing of wigs and gowns in New South Wales courts?

The Hon. J. W. SHAW: My feeling for many years has been against the wearing of wigs in courts. I know that some of my friends and colleagues have argued to the contrary, but I think wigs are an anachronism. One compromise might be the continued wearing of a plain black gown, which is not untoward and is not offensive to contemporary standards. I have also taken the conservative position that one should work these things through with the courts, rather than impose some kind of Executive Government fiat. While I have expressed my views over the years about getting rid of wigs, I have not felt it appropriate to impose them in an authoritarian or pre-emptory way. I suppose I am essentially sympathetic to the honourable member's sentiments. However, as I said, I think the idea of a plain gown for solicitors and barristers—let us equalise them—is appropriate.

Reverend the Hon. F. J. Nile: Would you consult the industry and the Law Society? Did the Victorian Attorney consult the industry?

The Hon. J. W. SHAW: Certainly. I always consult the profession and the leadership of the courts before making changes of this kind, and I hope that any changes are made in a consensual way, rather than by pre-emptory action by government.

ELECTRICITY THEFT

The Hon. J. H. JOBLING: My question without notice is directed to the Special Minister of State. Is the Minister aware of recent reports of the overall cost of electricity theft to the New South Wales electricity industry? Is he aware also of concerns in the electricity industry that privacy provisions contained in the operating code for the National Electricity Market will make it virtually impossible for power distributors to track people who are suspected of stealing electricity? What will the Government do to ensure that New South Wales distributors are not disadvantaged in this regard when full retail contestability begins?

The Hon. J. J. DELLA BOSCA: They say that when the Hon. J. H. Jobling gets up, sparks fly; and it looks like sparks will fly. I concede that the honourable member has raised a number of issues that bear a considered response. I will take the question on notice so that I can provide the honourable member with a full and considered response along the lines that he is obviously looking for.

WORKPLACE INJURY PREVENTION CAMPAIGN

The Hon. P. T. PRIMROSE: My question without notice is addressed to the Attorney General, and Minister for Industrial Relations. Can the Minister indicate the effectiveness of the recent workplace injury prevention advertising campaign?

The Hon. J. W. SHAW: WorkCover has undertaken two major advertising campaigns on workplace safety. The objective of the first campaign, last financial year, was to raise awareness of work safety in the wider community and to place it high on the public agenda—the same as road safety. The current workplace injury prevention campaign targets high-risk industries and unsafe work practices and it is more specific about how safe procedures are vital to preventing accidents and injuries. The campaign is being run for the first five months of this year, using statewide television, radio, billboards and press. It forms part of the overall WorkCover advertising program aimed at reducing accidents and injuries in the workplace and improving injury management.

Tracking research reports of the advertising indicate that there has been extremely positive movement in awareness and involvement with the issue of work safety. Specifically, awareness levels of the television advertising have been measured among both the general public and employers. A benchmark measure was taken in January 2000, just before the current campaign started, and measures of awareness have been taken continuously throughout the campaign, which will run until the end of May 2000.

While the first campaign had been off air for eight months at the time the benchmark measure was taken, residual awareness of that first campaign was high at 45 per cent. This demonstrates that raising awareness of work safety as a major public issue has been successful with the theme of WorkCover's first major campaign "OK NSW, let's get serious about work safety." I pay tribute to the upper House committee that dealt with workplace safety and occupational health and safety matters, because the suggestion of a public awareness advertising campaign was a specific and clear recommendation of that committee. I thank all members who unanimously endorsed that idea. The Government has carried it through, and it will continue to do so by rewriting the Occupational Health and Safety Act in conformity with the substance of the Legislative Council committee's decision.

That partly answers some of the critics who say that the Legislative Council is not doing constructive work. This is an example of a constructive, tangible idea that the Executive Government has embraced in terms of, firstly, the advertising campaign and, secondly, the rewriting of the legislative framework on occupational health and safety, which will come before the House shortly. Indeed, today I gave notice of that bill. So we will see the fruits of the bipartisan work of that committee shortly.

The Hon. J. F. Ryan: Are you anticipating the debate on that bill?

The Hon. J. W. SHAW: If I am, I should not be, so I stand corrected. Since the current campaign started there has been a strong positive trend from 45 per cent before the campaign started—the high residual awareness of last year's campaign—to reach 65 per cent after eight weeks on air. The awareness level among employers is even higher, at 82 per cent. This score is considered to be well above average by comparison with other television campaigns. In other words, two out of three members of the general public and four out of five employers can recall seeing the WorkCover campaign advertisements. This shows that the essential message—that work safety starts before you start the job—is reaching both employers and workers alike.

The advertisements also score very highly on levels of interest and involvement, at 79 per cent and 87 per cent respectively. This is the measure of whether people believe that television commercials are interesting and worth watching. People are taking vital safety messages from this advertising campaign, and those messages are relevant to them in the workplace in a practical and real sense. We intend to translate this into safer work practices. The raising of awareness, combined with stiffer fines, a well-informed safety inspectorate and industry specific safety campaigns will, we believe, overcome complacency about safety at work.

That is why we recently increased the number of inspectors in the workplace by 25 to 301, and that is also why we have had this sustained advertising campaign. That is why we have beefed up the prosecution rate and are prosecuting employers who have clearly breached the Occupational Health and Safety Act. The Government has those runs on the board, it has made those positive gains over the past few years, and I am proud of that record.

OLYMPIC GAMES COSTS AND BENEFITS ANALYSIS

The Hon. Dr A. CHESTERFIELD-EVANS: My question without notice is directed to the Special Minister of State, representing the Treasurer, representing the Minister for the Olympics. Is the Government aware of the suggestion by the Council of Social Service of New South Wales that there should be a public and transparent analysis of the costs and benefits of the Olympics? If so, what does the Government intend to do?

The Hon. J. J. DELLA BOSCA: I believe that the question should be answered in detail by the Minister for the Olympics. I will ask him to provide an answer for the honourable member as soon as possible.

FORMER AUSTRALIAN PARALYMPIAN Mr CHED TOWNS

The Hon. C. J. S. LYNN: My question is directed to the Special Minister of State, representing the Treasurer, representing the Minister for the Olympics. Is the Minister aware that former blind athlete, Australian Paralympic representative and adventurer Ched Towns was selected to carry the Olympic torch in his home city

of Penrith? Is the Minister also aware that Ched's son, Caine, who swam, rode and cycled with his father to act as his guide in ironman triathlon events, wants to carry the Olympic torch in honour of his father, who died earlier this year during his final training exercise to become the first blind person to climb Mount Everest? Given that the rules pertaining to the ability of selected torch bearers have been accommodated to allow Mr Gosper's daughter to carry the torch in Greece, Mr Coates' laudable decision to allow Mr Norman May to carry the torch in Sydney, and Mr McLatchey's generous offer for the Starlight Foundation to carry the torch on his leg, will the Minister give special consideration to allowing Caine Towns to carry the torch in honour of his father, Ched, in his home city of Penrith?

The Hon. J. J. DELLA BOSCA: Obviously this is a very serious question and one that clearly comes from the heart. Already it is a matter of some public comment. I am sure the Minister for the Olympics will give the matter due consideration when I refer it to him.

If honourable members have further questions I suggest they place them on notice.

WENTWORTH AREA HEALTH SERVICE CHIEF EXECUTIVE OFFICER

The Hon. J. J. DELLA BOSCA: On 23 May the Hon. C. J. S. Lynn asked me a question without notice relating to the resignation of the Wentworth Area Health Service Chief Executive Officer. The Minister for Health has provided the following response:

Recent hysterical commentary in this House and in the Blue Mountains Gazette newspaper on the departure of the Chief Executive Officer of the Nepean Area Health Service should not be allowed to stand.

Dr Elizabeth Barrett recently vacated that position and has been offered a senior appointment in the vital area of rural health services where her knowledge, skills and long experience will prove invaluable. On behalf of the Government, I would like to wish her well in this vitally important work.

However, cheap, political point-scoring comments in the Blue Mountains Gazette by Liberal MP Kevin Bartlett, an obscure Blue Mountains Councillor by the name of Egan and a Dr Englund have continued almost unabated since Dr Barrett left her former position.

These comments and their implications have been mischievous, and potentially very damaging to Dr Barrett.

I call on these people, including the Hon. Charlie Lynn, to desist from making these damaging comments in order to manipulate public perceptions and get their names published in the Blue Mountains Gazette.

COBHAM JUVENILE JUSTICE CENTRE LOCKDOWN

The Hon. CARMEL TEBBUTT: Earlier in question time the Hon. Patricia Forsythe asked me a question about Cobham Juvenile Detention Centre. I have received advice from the department advising that last Friday the detainees at Cobham Juvenile Justice Centre were locked down from 2.00 p.m. until 4.40 p.m.—that is, a total of two hours and 40 minutes—to allow the staff to hold a staff meeting. A barbecue was held for detainees afterwards, and I am advised that they ate very well. That indicates that the Hon. Patricia Forsythe has once again got the facts wrong and asked a question that is quite misleading.

Questions without notice concluded.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2000-01

Debate resumed from 23 May.

The Hon. M. J. GALLACHER (Leader of the Opposition) [5.03 p.m.]: I lead on behalf of the Opposition in response to the Government's Appropriation Bill and cognate bills. The Treasurer continued his tradition of calling this budget "every inch a Labor budget"—it is a Labor budget of half-truths and selective statistics, every inch a Labor tradition. It is a budget without a vision beyond the Olympics, beyond the Sydney corridor and beyond the next election. The Treasurer boasted of lower taxes, and yet the Government's budget papers contain a number of what we might call highlights, including a billion-dollar, over-budget tax haul and an unbudgeted extra \$767 million in stamp duty.

Despite these windfalls, the Government still hit us with a 3 per cent reduction in capital expenditure—a reduction in capital expenditure that fails to make up for the loss of capital infrastructure that country areas

suffered as a result of Olympic-related spending in Sydney. Once again the "N", "S" and "W" in New South Wales—that is, Newcastle, Sydney and Wollongong— have benefited more than the country in what is a visionless budget. Throughout the budget what appears to be good news is anything but good news. Tonight I will highlight many of the points of concern to the Coalition in areas such as industrial relations, fair trading, health, education, policing and roads.

On 16 March the Premier told 2UE news, "Governments don't create jobs—the private sector does." Lo and behold! A revelation from the Premier! He has seen the light of the economic reality. We heard from the Premier of a Labor Government that it is the private sector that creates jobs, not his Government. If the private sector creates jobs, let us look at what stops the Labor Government from creating jobs in this State. I will speak later tonight about one of the greatest deterrents to employers setting up shop in New South Wales and employing more staff—payroll tax. By announcing a reduction in payroll tax the Government may have unveiled what it thinks is a vote winner for business, but it has badly underestimated the impact that payroll tax has on business investment and employment.

Equally detrimental is workers compensation premiums—premiums that continue to rise. Yesterday we heard from the Special Minister of State about workers compensation premiums. We heard some very interesting non-answers again today, as he continues to fumble his way through this portfolio after extracting it from the fingers of the Attorney General, the Minister formerly responsible for workers compensation matters under his industrial relations portfolio. The departments of the Minister for Industrial Relations have suffered a significant drop in funding. The Department of Industrial Relations copped a \$1 million decrease in funding, and the Workers Compensation (Dust Diseases) Board copped a \$2.1 million decrease in funding.

Budget subprogram 27.1.1, Private Sector Industrial Relations, has as its objective to develop and promote workplace changes, and to assist the community and industry to understand and comply with the industrial laws of New South Wales. Average staffing is set to be slashed from 236 equivalent full-time positions this financial year to 200 positions next financial year. Less than a week after significant announcements by the Minister for Industrial Relations about changes his Government would like to make to industrial relations in this State, the Coalition would like to know why staff in the very unit that will explain any industrial relations changes to the public is being slashed by more than 15 per cent.

The Minister for Industrial Relations has not endeared himself to the industrial relations community by choosing to make significant industrial relations announcements last Friday, 19 May, on the eve of the New South Wales Industrial Relations Society conference. The conference is an annual event that is held on about the same weekend every year. The Minister has made a habit of attending the conference every year, but he did not attend this year. What was the reason for the Minister choosing not to attend? We were told that he was unavailable. This year the Minister elected to send an underling—I apologise to the House; I mean his Parliamentary Secretary, the honourable member for Wyong in another place—to try to explain the proposals. I felt sorry for the honourable member for Wyong, who tried extremely hard to explain the proposals, which involved complicated issues, that the Minister had announced in the previous 48 hours.

I spoke to a number of the members of the society who attended the conference. They told me that they were very disappointed that they did not receive the answers they were looking for. If I may give some advice to the Minister for Industrial Relations, I suggest that next year he should go along to the conference himself. Even if he does not need to explain any future changes or proposed changes, I believe it would be worthwhile for him to be there. The Special Minister of State made an interesting announcement yesterday in this House. He spoke of WorkCover scheme reforms and the impact of Advisory Council reforms on the scheme. It would appear that the Minister had finally seen copies of the report of Trowbridge Consulting into the WorkCover scheme.

I am sure that when he received the report it formed the basis for some significant sober reading on his part. This is a Minister responsible for WorkCover. Until the matter was raised some weeks ago in this House, the Special Minister of State had little knowledge of Trowbridge Consulting, WorkCover's actuarial consultants. I am pleased that the assistance we gave him in relation to that issue has no doubt focused his attention on ascertaining the location of that report. I would like to think that given the comments the Minister made yesterday the report has found its way into his thoughts in terms of reforms to the scheme.

Yesterday it was surprising to hear the Special Minister of State announce, in a truly Damascus-style revelation, that the true cost to employers of the workers compensation scheme has reached 3.27 per cent of wages. That revelation lies in contrast to the information that has been fed to the Opposition over the last couple of years and indicates a figure that is considerably lower. We now know that the deficit will balloon to

\$2 billion. Since 1995, the workers compensation scheme's deficit has grown consistently. The total premiums collected by WorkCover have not met the claims for payments. When the Carr Government won office in 1995, the WorkCover deficit was \$593 million. By June 1999, the scheme had a deficit of \$1.64 billion. Honourable members were told yesterday—and the Special Minister of State confirmed this today—that the deficit as at December 1999 had reached \$1.8 billion and is projected to reach more than \$2 billion by 30 June.

A deficit of \$2 billion is the black hole that faces every employee and employer in this State. Consistently, this Government endeavours to step back from its responsibilities regarding workers compensation and fails in its responsibility of meeting the requirements of the scheme. All honourable members would be aware of the recommendations made in 1998 by the Auditor-General regarding the ownership of the problem, yet the people of New South Wales are continually confronted by this Government which, in the hope that one day the problem will simply go away, does nothing about the deficit. Of course, the problem most certainly will not go away.

Some of the comments that were made by the Special Minister of State today indicate not only that the problem will not go away, but also that he does not have the answers to make the problem go away. Alternatively—and this is the concern that is being expressed by the business community—he has the answers but because he knows that the outcry in the business community would be deafening, he does not want to reveal what he must do to fix the scheme. Today the Opposition asked the Special Minister of State questions on private underwriting and whether he would commit his Government to meeting its own legislative program and introduce private underwriting on or before 1 October 2000. The Special Minister of State refused to answer that straightforward question.

There are no hidden traps in a question on whether legislation will be introduced on private underwriting on or before 1 October, but the Special Minister of State refused to answer. In other words, the Special Minister of State squibbed. He was asked other questions about the workers compensation scheme projections, particularly in relation to the deficit which seems to continue to escalate. There was no response to a fairly simple question about what the deficit will look like based on actuarial advice which the Special Minister of State obviously would have available to him. Either the Special Minister of State is endeavouring to mislead the House or he is not being informed by his departmental staff. The Special Minister of State's statement in this Chamber today that he has no idea what the scheme will look like in December is obviously fallacious. If he does not know, then he is unsuitable for bearing responsibility for the scheme.

This is a fairly simple matter. If it is known that the deficit will reach \$2 billion in June—in other words, there is a \$2 billion black hole—what will be the situation confronting the people of New South Wales in six months from that date? What will be the position at the end of this year regarding workers compensation? By the Special Minister of State's own admission yesterday—heaven knows why he has put these matters on the record of this House—and again today when asked a number of supplementary questions, he elected not to answer the questions but to say instead to the Opposition and to this House, "I will get back to you later on that. I will make some announcement soon, but I do not want to tell you now what it will be now."

What was the idea behind the Special Minister of State coming into this Chamber yesterday and presenting such a bad set of figures on workers compensation while not being prepared, following scrutiny by the Opposition, to back up the responses he gave the previous day? These are fairly significant matters, but they are not cryptic. There should be no difficulty in answering them because the Opposition is convinced that the Special Minister of State has statistical information available to him. In spite of that, the Special Minister of State elected not to expand on what he had said yesterday. It is an interesting situation for him. Hopefully, he will explain to honourable members why he took that course yesterday and then jumped back into his foxhole again today.

The Opposition sought information through questions regarding a guarantee that small business would not be slugged by a levy that the Opposition contends will be imposed as a direct result of this Government's incompetence and inability to meet the ballooning deficit in the workers compensation scheme. As I said earlier, the deficit is increasing at an accelerated pace. If private underwriting which this Government's legislation provides had been undertaken in October 1995, quite simply—by the Minister's own admission—honourable members would not have before them a deficit blow-out of \$400 million in workers compensation. The question must be asked: Who will foot the bill for that \$400 million deficit?

Today the Opposition asked a straightforward question: Will the Minister give an assurance that he will not pass on to struggling small businesses in this community the ballooning deficit in the form of a levy to cover

his tracks and the incompetence of this Government which failed to have its legislation passed by this Parliament? Again the Special Minister of State refused to answer the question and, again, he refused to guarantee that small business would not cop it in the neck. The approach adopted by the Special Minister of State is one of limiting himself to prepared answers that are provided by bureaucrats and his staff. When he is asked questions that he is not prepared for, he answers them in conceptual terms but fails to address what is going on in workers compensation.

The Special Minister of State has to work out whether he is serious about trying to get his head around the problems of workers compensation or whether he really wants to be the national President of the Australian Labor Party. The Special Minister of State has to sort out those matters and get his priorities right. A few people in the community are really feeling the pinch from workers compensation in this State and he owes it to the people of New South Wales to get his priorities right. In that context, I suggest that he should contact the New South Wales Workers Compensation Advisory Council and speak to Mary Yaager of the Labor Council of New South Wales. I understand that she knows about these problems and might have a few answers that could be of assistance to the Minister. Hopefully the answers she sees fit to provide to the Minister might be of some benefit to him.

It appears that advisers who are closest to the Special Minister of State in his up-front approach to workers compensation simply are not getting the required information to him. I appreciate that they are probably trying hard but, unfortunately, the information is either not getting to him or he is not listening to them. I have just been informed that the Premier of this State, Bob Carr, has endorsed the nomination of the Special Minister of State, and Assistant Treasurer, the Hon. John Della Bosca, as national President of the Australian Labor Party. Apparently the long-suffering small business community of New South Wales can expect more pain, more cold-shoulder and more turning of deaf ears by the Australian Labor Party and the New South Wales Government which tries to ignore the problems resulting from its incompetent handling of the workers compensation private underwriting scheme.

Two years ago the Minister for Industrial Relations commissioned the Grellman inquiry into the scheme which made several key recommendations, including the formation of the New South Wales Workers Compensation Advisory Council to devise and implement the new legislation and regulation based on the proposed model; the formation of industry reference groups to focus on particular industries; the transfer of the underwriting function from the Government to a limited number of private licence insurers; and the implementation of the new benefit structure with a focus on return to work. According to one workers compensation consultant:

... the New South Wales Workers Compensation Advisory Council failed in its prevention role ... To date the Advisory Council has been unable to provide the guidance necessary for IRGs [industry reference groups] to properly undertake their tasks ... The Advisory Council needs to focus on achieving outcomes ... The Advisory Council must take a more active role in formulating prevention strategies and developing effective that returned to work processes.

Those comments were not made by a layman but by a person in the industry who knows what is occurring in industrial relations and workers compensation reform in this State. Those comments cannot be ignored. The Government's challenge is to placate the concerns of this House and the wider community that the work being conducted by the advisory council is focused and is meeting outcomes—that is if the Government set outcomes. Did it give the council carte blanche? Will the Government be satisfied with whatever sounds good on the day? The Opposition hopes that the council is meeting the outcomes and that there will be an expedited reporting back process to this Chamber so we can explain to the community what is happening.

I shall refer to the regional tours that I have undertaken since becoming shadow Minister for Industrial Relations and to the way in which the Government has failed to keep the business community informed about what is being proposed with the private underwriting of workers compensation. In June 1998 the Government announced its decision to defer the introduction of private underwriting from October 1999 to October 2000. In October 1999 an article from the professional journal "Workers Compensation Report" stated:

... the office of the NSW Minister for Industrial Relations Jeff Shaw has not ruled out ... that the NSW Government might abort its long and twisted path towards private underwriting of the State's [workers compensation] scheme.

No honourable member would be convinced that private underwriting of workers compensation is a given, especially when we consider the thin arguments that were presented by the Special Minister of State during question time today. Opposition members asked him some straightforward and easy to understand questions about the proposed reform of the scheme. I have looked through the budget papers and closely examined what has been presented in relation to private underwriting and, indeed, workers compensation. The budget simply stated:

The commencement of competitive underwriting of workers compensation insurance, which was due to commence from 1 October 1999 has been delayed.

There is no future projection! There is no indication! Many people will read the budget papers, as will many key stakeholders in this Minister's respective portfolio responsibilities regarding workers compensation. They will scour the budget papers looking for an indication of whether the millions upon millions of dollars that have been invested in preparing the insurance industry for private underwriting of workers compensation has been wasted. They would have read, as did Opposition members, that workers compensation is being delayed.

The Minister for Industrial Relations has maintained that underwriting would commence on 1 October following the delay of last year's commencement. Now we see the truth. Nowhere is it more evident that this Government is backing away from commencing workers compensation private underwriting on or before for 1 October than the excuses given by the Special Minister of State after question time today. On 26 October 1999 I asked the Minister for Industrial Relations when he intended to implement private underwriting in the workers compensation scheme or whether he had decided to abandon private underwriting, as reported in the workers compensation report. To his credit the Minister provided the following response:

Private underwriting is dealt with in legislation passed by this House. It provides that private underwriting shall take place from 1 October 2000 or such date earlier as specified by the Minister. That is the law. If this House decides to take some other position, so be it, but that is the position at present time. I have talked to insurers about this matter and an amicable discussion is going on about timing. The present legislative framework set by Parliament states that private underwriting will take place on or before 1 October 2000.

I am sure all honourable members are convinced that that will not be the case. Seven months later, and less than five months before it is due to commence, the budget papers only state that it has been delayed and today all we get from the Minister is obfuscation. The New South Wales Auditor General already warned the Government that WorkCover premiums would need to be increased to contain the deficit, but even he could not predict the abyss into which this scheme was going to fall. The Auditor General said:

The 1999-2000 breakeven premium rate could increase to 3.04% of wages, with the rate for 2000-2001 increasing 23.28%. Maintaining the premium rate of 2.8% is therefore likely to increase the Scheme deficit, with or without privatisation.

Yesterday the Special Minister of State told us, and today he confirmed it, that the annual cost of WorkCover as a percentage of wages paid is now 2.97 per cent and that it has been as high as 3.27 per cent. The Auditor General has predicted that:

... the actuary's projection regarding the scheme's deficit is that it will grow from its current level of \$1.636 million at 30 June 1999 to approximately \$2.6 million by June 2004. If the change to private underwriting does not occur, the actuary expects the deficit to be approximately \$400 million higher, at around \$3.0 million".

That represents a doubling of the deficit in only five years. As we now know, the deficit will be \$2 billion by 30 June, a bigger blow-out than even the Auditor General had predicted. Tonight the Minister has given us a series of excuses for his inability to take further the debate that he instigated yesterday. Yesterday he talked about the blow-out in figures and today, after the Opposition had an opportunity to examine the question asked by the Hon. J. R. Johnson, he simply was not capable of taking the debate any further. As I said earlier, one wonders what brought about this change in heart yesterday and, indeed, the subsequent reversal of his approach today. We wait with interest the proposed reforms to the workers compensation scheme.

The Treasurer announced during his speech a \$2.4 million rebate scheme, over two years, to help farming families put rollover protection systems on their tractors. We heard that last year in New South Wales 16 people died and 328 were permanently disabled as a result of farming accidents, mostly tractor related. All will agree that that is a terrible loss of life and limb. I acknowledge that you, Mr Deputy-President, live on the land and that I am in the mould of a classic Pitt Street farmer in that I spend some time at my family home. There I have become accustomed to the inherent dangers posed by farm machinery. It has taken me a considerable time to become more relaxed about using the Massey-Ferguson 135 on the hilly property on which I live, operating a mulcher to keep the grass down.

From the one or two hours that I occasionally drive the tractor and cut the grass down so that we will see snakes that might come close to the house, I appreciate the inherent dangers for those who live and work on farms. I congratulate the Government on this initiative. It is a move in the right direction for the beleaguered farming community of this State. I only hope that this aid will be available quickly and that people will be able to gain access to it with a minimum of paperwork and fuss. Almost \$1.1 million was allocated for occupational health and safety education and services to the rural and regional sector. Whilst this is badly-needed funding, I

ask the Special Minister of State—who, unfortunately, is unable to be in the Chamber during my presentation this evening—to consider the burden of workers compensation premiums on regional New South Wales.

Having travelled around the State quite exhaustively in the past couple of months, I am amazed at the paucity of information that the Government is disseminating to advise the small business community about what is proposed for the private underwriting of workers compensation. I am sure that chambers of commerce, executives of chambers of commerce as well as business enterprise centres, because of their ongoing interaction with government agencies, would have a much better understanding of this issue. However, information is not filtering through to the business community. The New South Wales Government has taken quite a disastrous approach to keeping the country and regional business community up to speed with what is going on.

As honourable members would know, small business proprietors find it difficult to keep their businesses operating efficiently because of fluctuating circumstances that have been affecting the business community in country and regional New South Wales for a decade or probably longer. I do not point the finger at any one government. It is a fact of life that as the economy has continued to grow and redirected itself in a number of different ways, the information that is filtering through to the operators of small and medium country enterprises is indeed poor. Whist travelling around the State I have become the advocate for the Government through discussing and talking up the concept of private underwriting.

My difficulty has been, of course, that country businesses have no understanding of the Government direction and policy in respect of the concept. Fortunately, I have been able to discuss the issue with many business operators and employees over the past couple of months. One can see relief in their faces and demeanour when you talk to them about the potential that private underwriting of workers compensation will present for them in a few months, if the Government introduces the legislation on or before on 1 October 2000. It is extremely important that the Government does not delay these reforms and ensures that they are consistent with the debate that has taken place inside and outside this Chamber, thus ensuring that at the end of the day an individual insurance company will be able to tailor workers compensation schemes and premiums for every business in the State. Premiums for other forms of insurance are set according to the variables available to actuaries.

It is important that the Government pursue to its finality the potential benefits of private underwriting of workers compensation. With such private underwriting comes the many concessions that are noticeable in other forms of insurance, such as no-claim bonuses. They are potential winners for the entire community, as they are for this Parliament as a whole, if the Government could only get its act together. One of the biggest difficulties facing the business community in this State is the disparity that exists in the application of workers compensation premiums, especially in country and regional New South Wales. Mr Deputy-President, as someone who occasionally has the opportunity to go to country and regional New South Wales, you would understand what I am saying when I describe what happens at one of the last remaining abattoirs in this State.

This takes me down another path, but it is unfortunate that the Government has failed to support and encourage the retention of abattoirs that have been the lifeblood of many country towns. At these abattoirs, when I talk about workers compensation people are obviously pleased to know that at least the Opposition has its eye on the ball. The Coalition would be quite happy if the Government and Country Labor were to catch up to the Coalition's position on this issue. Coalition members would be happy to spend time with Government members, to explain to them what is happening in country and regional New South Wales so far as workers compensation is concerned.

The Hon. J. R. Johnson: Knock it off, Mick!

The Hon. M. J. GALLACHER: The Hon. J. R. Johnson obviously is urging me to keep going and wants me to give more detail about what is occurring in New South Wales. I will give him the example of an abattoir in western New South Wales that I visited. It had a significant work force, but the operators detailed to me their frustrations and hardships caused by current workers compensation premiums. As an example, operators on the boning line are on the same rate of workers compensation premium—about 13.5 per cent—as the 17-year-old receptionist in the office. Does she have the same element of risk in the eyes of the Government when answering the telephone as does the boning line operative who splits carcasses with a type of electric chainsaw? Is her risk the same as those who work at high speed using fileting knives to carve up the slaughtered beast? No, but they are on the same rate of workers compensation premium, as is the person who cuts the grass and tends to the gardens outside the office.

The Hon. D. J. Gay: It is a nice job.

The Hon. M. J. GALLACHER: It is a nice job. But is he at so much risk that his employer must pay a premium of 13.5 per cent for workers compensation? What is the unforeseen risk in pulling plants from the garden and cutting grass? Those must be frightening prospects for that fellow! Of course, I am being facetious.

The Hon. D. J. Gay: But it is a joke.

The Hon. M. J. GALLACHER: It is a joke. It is a joke that this Government is failing to address the issue.

The Hon. D. J. Gay: A sad joke.

The Hon. M. J. GALLACHER: As the Deputy Leader of the Opposition rightly points out, it is a sad joke, but it is a joke that is being played out on a daily basis, particularly in regional and rural New South Wales. This Government must get its act together as quickly as possible. Somebody should advise the Special Minister of State what is going on under our present system of workers compensation. If the Minister does not have the time when he takes on his new role after shafting Jonesy for the national presidency, and after they take the body away, at least some Minister should get a handle on what is going on.

The Hon. D. J. Gay: I put my money on Jonesy.

The Hon. M. J. GALLACHER: The money or the box? It will be interesting to see how this Government addresses these problems. I place another matter on the record. This time I will move away from country New South Wales, zero in on regional New South Wales and talk about an area close to my heart, that is, the Central Coast. Once again the Central Coast has been ripped off by the New South Wales Labor Government. We forewarned the Government last year that this would happen and that warning has come to fruition. There is a total absence of support for the relocation of WorkCover to the Central Coast. The Opposition intends to hold this Government to account in relation to the claims that it made and it continues to make in its advertising campaigns about relocating WorkCover to Gosford, on the Central Coast.

I am sure that the honourable member for Gosford will welcome that relocation. An influx of people to Gosford will result in more people getting to know the honourable member for Gosford and that seat will become a safer Liberal Party seat. My parliamentary colleagues are well and truly aware that, during the last election campaign, we were confronted by continual claims by the Government that it would relocate the WorkCover Authority to Gosford. There was a degree of expectation that the Government would keep its promise. It appears at this stage that the Special Minister of State is shuffling his feet and looking over his shoulder, as he did in relation to workers compensation private underwriting, and we are beginning to see a redefinition of the word "relocation". During that election campaign full-page advertisements were taken out in the *Central Coast ExpressAdvocate* and the *Central Coast Sun*—two outstanding publications.

The Hon. J. H. Jobling: What does Marie Andrews say?

The Hon. M. J. GALLACHER: Unfortunately she was not on the coast that year so she missed out on the announcement.

[Interruption]

She has the skates on and she does not even know it. This matter was also publicised in the *Daily Telegraph* and the *Sydney Morning Herald*. Applications for employment were sought from the hills of the Watagan Forest through to Chain Valley Bay and Woy Woy. People opened the paper and said, "This Government is wonderful. It is creating more jobs on the Central Coast and we will no longer have to travel up to two hours each way per day to and from Sydney. We will be able to see our families again."

The Hon. J. H. Jobling: Don't hold your breath.

The Hon. M. J. GALLACHER: We are trying to maintain a scintilla of hope that this will happen but when we start to read through the fine print in the budget, that little bit of hope starts to slip through our fingers. Tuesday night's Budget Speech revealed the truth. There it was in black and white. The authority is proposing to relocate its head office to Gosford in 2002—not the entire authority, as was suggested to the community in the lead-up to the last election. The Government is now talking about head offices. It is starting to define more closely what is going to be done. One would have thought that that would mean relocating the head office, which is presently situated in Sydney. Perhaps that is not quite true.

Further into the budget one sees a single line item that is causing concern for some Central Coast Liberal members of Parliament. I am sure that those who are looking forward to the proposed relocation of the WorkCover Authority to Gosford would also be concerned about the budget line item that refers to the provision of \$800,000 for the fitout of the central business district [CBD] south office of the WorkCover Authority.

[Interruption]

It is not so much a question of where the money is going. If the Government proposes to relocate the WorkCover Authority to Gosford, as promised in the lead-up to the last State election, why is it spending just under \$1 million fitting out a WorkCover Authority office in the Sydney CBD? It does not make sense.

The Hon. J. H. Jobling: It is profit driven.

The Hon. M. J. GALLACHER: It may well be profit driven. The Minister must inform the House of his intentions in relation to the relocation of the WorkCover Authority. The Government should not define that relocation as being the WorkCover Authority head office as we might find out later that only six people and a parking attendant have been relocated. The Minister would do better if he took the time to come into this Chamber and detail exactly how many personnel are to be relocated to Gosford. That would be a far better indication of the Government's sincerity to honour its promise.

I know what I will say to Edgar Adams, the editor of the *Central Coast Business Review*—another esteemed Central Coast publication—when he next espouses the virtues of the WorkCover relocation. In the words of Michael Caton I will "tell him he is dreaming". The Government simply will not fully honour the promise it made prior to the last State election. On Tuesday night I turned with anticipation to the budget papers relating to the Department of Fair Trading. I thought to myself: Had a badly managed portfolio by a junior Minister finally received the much-needed funding boost it needed? How disappointing it was to open the budget and to see my worst fears realised.

The Hon. D. J. Gay: People in New South Wales say, "John Watkins stay away."

The Hon. M. J. GALLACHER: I echo the comments of the Leader of the National Party in this Chamber. I am sure that the Hon. C. J. S. Lynn will be interested to hear that this Government is spending \$550,000 to move the Register of Encumbered Vehicles [REVs] as part of its relocation program—a bit like its proposal to relocate the WorkCover Authority in Gosford. The Minister for Fair Trading has a budget allocation of \$550,000 to move the REVs office from Liverpool to Parramatta. I am sure that that fantastic and erstwhile move will be money well spent.

The Hon. Jennifer Gardiner: It is a Country Labor initiative.

The Hon. M. J. GALLACHER: It is a Country Labor initiative for western Sydney as opposed to south-western Sydney. I am sure that all honourable members would agree that that money could be better spent. Is this part of the recentralisation program of Country Labor and the Minister over the coming years? However, what was more troubling was the budget line item 44.1.2, Marketplace performance, which has as a project objective to detect, remedy and deter unfair trading practices. With the introduction of the goods and services tax and the bleating of the Minister about unfair trading one would think that the figures for investigations, prosecutions and civil proceedings would be through the roof. Not so, according to the budget figures.

The Minister expects only 500 home building inspections to be completed. Over the years the Hon. J. F. Ryan has been an extremely vocal advocate for those who have suffered as a result of this Government's inactivity and lack of support. I am sure that he would be interested in that figure. The Minister anticipates a significant drop in the number of home inspections, from 858 in 1997-98 to 550 this financial year. What is the Minister doing that is so different to restore community confidence? Will the number of home inspections be reduced? The evidence is just not available to show that current home insurance legislation is working. Many honourable members would recall the numerous submissions put forward by the Hon. J. F. Ryan over the past few years in response to that well-known builder Mr Vitalone. This move by this Government will see a reduction in home building inspections. We will be interested to see whether or not that occurs.

I continue to be appalled at the level of complaints I receive about the home building industry. The number of complaints continues to grow at an alarming rate, especially complaints about the home warranty

insurance scheme for both home owners and businesses. I urge the Minister to dramatically increase the number of checks being made on the quality of building work, particularly of those companies that have a history of complaints to the Department of Fair Trading. Most companies provide a higher level of quality building work. It is the rebels who continue to give the industry a bad reputation. The sooner some builders leave the industry the better. It is such a shame that the Government does not possess the intestinal fortitude to resolve the issue and get more of these shonky builders out of the industry.

I also ask the Minister to explain to the House the extraordinary movements in retained revenues throughout his portfolio, in particular recoupment of administration costs from general government agencies. More than five years after the Government promised to cut the rate of New South Wales payroll tax to 5 per cent the businesses of New South Wales held their breath as the Treasurer said to honourable members in the other place, "I announce now that the next instalment of payroll tax reductions will be brought forward by six months, with payroll tax cut to ..."—and there was a collective intake of breath as we waited for the figure—"6.2 per cent." The Treasurer was so close to saying the words that business owners throughout New South Wales wanted to hear, and had waited to hear since April 1995, that magical figure of 5 per cent. Five per cent would have given us equity, and would have brought New South Wales head to head with Queensland, but the Treasurer, with his greed, continues to take an increased share of the tax cake.

On Tuesday night the Treasurer no doubt retired to his bed with a hot water bottle filled to the brim with the \$4 billion in payroll tax he will collect this year. Unfortunately the businesses of this great State were not blessed with such warmth, especially businesses that border Queensland and Victoria. In March I visited the Tweed region and spoke with many business people about the need for tax concessions so that local businesses can compete against Queensland firms. One such business owner told us that he could only speak to us that day because over the next couple of days he would be travelling to Burleigh Heads. His business employed between 60 and 80 people. It was a fluctuating business depending on the season, but he was going to Burleigh Heads to look for alternative premises.

The business owner in question was prepared to meet the cost of relocation—and he was told that the Queensland State Government, the local council and their respective regional development corporations were prepared to look at the relocation cost—because the tax burden in New South Wales was driving him to the point where, if he stayed, he would have to close. Fortunately for him most of his employees live in Queensland, where it is cheaper to live than under the Treasurer of this State. When they drive to work they are paying 8.1¢ per litre less for petrol than their New South Wales counterparts.

My colleague the Hon. Jennifer Gardiner will speak during this debate on the impact of the budget on fisheries. I know the Minister for Fisheries will be listening intently to how he is—hook, line and sinker—taxing the life out of fishing in this State. We on this side of the Chamber are looking forward with great anticipation to the first presentation in a budget debate by the Hon. Jennifer Gardiner in her role as shadow Minister. What an outstanding presentation that will be, one I expect we will learn from in New South Wales.

My colleague the Hon. C. J. S. Lynn will be speaking later in the debate about the impact this budget has had on western Sydney. I can provide a preview for members of what will surely be a colourful address. Western Sydney was once again treated with contempt by members of the New South Wales Government. Yet again the residents of Western Sydney got a big glossy brochure, no doubt printed anywhere but in Western Sydney, to tell them how much they were not getting this time around. What can we expect from a government that takes for granted anything west of Sussex Street?

On the issue of the environment, the Treasurer announced 180 new national parks or additions to parks and 200 new jobs in the National Parks and Wildlife Service, but being a typical Labor Treasurer he increased funding by only \$19 million. If one takes away the almost \$16 million that it will cost to employ 200 new staff, that leaves \$3 million to cover the many other demands of managing parks, associated activities and maintenance. We will hear more about that as the debate takes place. I am sure the Hon. J. F. Ryan, who has a real interest in the environment, will add to the exposure and the post-mortem on this Government's paltry environmental performance. The Minister for Transport in another place has cut operating grants to CityRail and Countrylink. They have been slashed from \$262.73 million to \$165.97 million. This is despite at least 25 major derailments in the past year, with on-time running statistics the worst for years, and violence rising by 146 per cent in the past 12 months.

That figure is more than alarming, it is frightening. The Hon. D. J. Gay has several interesting portfolios. Every day he comes to work knowing there will be another embarrassing revelation for this

Government that it is simply incapable of answering. I look forward to his participation in this debate. It will be a very interesting debate indeed. Let us return to the Ministers in the other place, first the Minister for Roads. Regional New South Wales saw the Coalition's 3 x 3 fuel levy for road funding disappear down a pothole in the budget, and the allocation of a miserly \$115 million for the rebuilding of country roads. That was the priority the Government gave to the rebuilding of roads in this State.

The Hon. J. F. Ryan: And nothing for main roads, either.

The Hon. M. J. GALLACHER: That's right. The road blackspot program also suffered at the hands of a government that has seen fit to drive out almost \$6 million of funding in the past two budgets. But, it is not all bad news for regional New South Wales. Next time people from regional New South Wales visit the electorate of the Minister for Roads and his neighbouring electorates they can gaze with wonder at the sights where \$790 million is being spent on bus transitways, or they can take a bus to see \$37 million being spent on upgrading ferry terminals and bus interchanges in the city. When they return home and stand under a bus shelter with no sides, their hearts will swell with pride—as will their shoes with water—at the achievements of this Government in regional areas. Clearly, the Government has turned its back on regional New South Wales.

The west Charlestown bypass from Kotara to Windale, first budgeted for in 1997-98 at \$68.6 million, had a completion date of 1999. By the next budget the project was estimated to cost \$75 million, with an estimated completion date of 2001. As John Turner, my colleague in another place, pointed out on Tuesday night, the project is now estimated to cost \$78 million, with a completion date of 2002. It is now costing almost \$10 million more and is at least three years late. The residents of Newcastle deserve a better deal.

Tourism has turned out to be one of the important industries in this State with the Olympics less than four months away. Millions of tourists will be streaming into Sydney seeking information on popular tourist destinations, short breaks and extended stays from visitor information centres. The budget shows yet another missed goal by the Government; during a year that will showcase Australia and at a time when we will have more visitors than ever, a miserly \$1.1 million in extra funding will be provided for tourism. While I am on the subject of the Olympics, let us look at the budget for the Olympics. Despite the Treasurer's claim that he has paid off all the costs of the Olympics, the budget overruns are considerable. However, far from using this forum to attack the Olympics, I simply ask the Treasurer to acknowledge that a debt-free Olympics comes at a price.

The budget records unadjusted health funding for the Central Coast increasing to \$32.5 million per year and for the Hunter increasing by \$57.6 million per year. Given the tremendous population growth in these areas, particularly the Central Coast, and the rapidly ageing demographics, how does the Minister for Health expect hospitals on the Central Coast and in the Hunter to cope with this inadequate funding?

The growth in wages, goods and services and the repayment of debts all but assure that the two area health services will be worse off at the end of 2000-01. The Department of Community Services budget has been increased by only 0.6 per cent over and above actual expenditure this financial year. That is cold comfort for families that rely on assistance from DOCS each year, particularly those on the Central Coast. There is absolutely nothing in this budget for the growing social and economic crisis in Australia of homelessness. Of the 105,304 homeless persons in Australia, 29,600 are in New South Wales—the largest number in Australia. The \$230 million Federal-State Supported Accommodation Assistance Program released a report in March which showed that 116,000 homeless people were turned away from refuges and accommodation last year.

In March of this year my colleague in another place the honourable member for Gosford held a forum on homelessness issues on the Central Coast. During the course of the forum, estimates were given that homelessness on the Central Coast is increasing by as much as 30 per cent each year. Sadly, of the nine crisis and supported accommodation services in the Gosford area, only one caters for men over the age of 24 years. This is at direct odds with the needs of the 51.1 per cent of homeless people who are single males. A working party was established at the forum and will, for the first time, develop a comprehensive list and network of local Central Coast services available, and identify ways in which the needs of homeless people on the Central Coast can best be met.

The Hon. Jan Burnswoods: What are you going to do with this speech? Are you going to send it to your constituents?

The Hon. M. J. GALLACHER: The Hon. Jan Burnswoods is showing her contempt by continually interjecting. She is an inter-city pond dweller who has absolutely no comprehension of the problems faced by

the homeless in our community. She would be best served by skulking back to her office. We have not seen or heard from her all week, and it has been pleasant. Opposition members have enjoyed the lack of face-to-face confrontation, and we look forward to her departure shortly.

The Hon. D. J. Gay: She has no heart. She didn't even care about the toy poodle.

The Hon. M. J. GALLACHER: The Hon. Jan Burnswoods could not care less. My colleague the Hon. Patricia Forsythe has been a harsh critic of the Government's handling of the current crisis in education. I have been told that her analysis of the budget will make sober reading for honourable members. I shall conclude my speech by putting on the record my serious concerns about what is occurring with policing. Honourable members are aware of my commitment, and that of all honourable members on this side of the House, to improve police services and the working conditions of police. Over a number of years we have shown our dedication to improving the problems being experienced by police in New South Wales. Like all honourable members on this side of the House, when I talk to former colleagues I am saddened to hear about the problems they are experiencing.

The Hon. Jan Burnswoods: We are pretty sad each time you talk too.

The Hon. M. J. GALLACHER: The honourable member should go back to sleep because her contribution is unwarranted.

The Hon. Jan Burnswoods: I have not been asleep—that is the problem.

The Hon. M. J. GALLACHER: We cannot tell the difference. The concerns of police in New South Wales are simply being ignored. Nowhere is that more evident than on the Central Coast. What is happening in the Brisbane Water local area command is an absolute disgrace. Of the 202 police officers at the Brisbane Water command, 31 are on sick leave, and the Government is doing nothing to get them back to work. The officers on sick leave are all suffering from one acute problem: job-related stress. Honourable members will be aware that I was stationed on the Central Coast for a number of years. The area presents a number of significant social problems, including high unemployment, particularly youth unemployment, domestic violence, drug-related crime and graffiti. This places extreme levels of stress on the overworked police, resulting in unmanned police stations.

In terms of unmanned police stations, we need only look at what is occurring in areas such as Kincumber and the Woy Woy Peninsula, particularly Umina. The Government could not afford to provide police personnel to Umina police station so it provided big cardboard cut-outs of police officers, which were placed in the window. They were the local police in the Umina area. The reality was that the cardboard cut-outs of the officers matched the cardboard cut-out of the local member, and no-one noticed the local member.

The Hon. D. J. Gay: Who is the local member?

The Hon. M. J. GALLACHER: The local member is Marie Andrews. Another area of concern, of which the Government should be aware, is the continuing plight of police officers at Raymond Terrace. Over many years a former Minister, Bob Martin, made numerous promises about officially recognising the police station at Raymond Terrace by placing it on the list of capital works for the New South Wales Police Service. It made its way to the top of the list finally, with promised funding of \$1.5 million or \$2 million for it to be completely rebuilt. At present four separate buildings and a number of demountables make up a corner block in Raymond Terrace. I do not know where the funding has gone, but this new station has simply been taken off the list.

The Hon. Patricia Forsythe: The Government is not taking the people of the Hunter seriously.

The Hon. M. J. GALLACHER: The Hon. Patricia Forsythe rightly says that once again the Government has been exposed for not taking the people of the Hunter seriously. I shall conclude by thanking honourable members, especially those opposite, for their encouragement during my speech this evening. I could tell from the looks on some of their faces that they were most alarmed by what the Opposition has exposed as black holes in the budget. In particular, I look forward to working with the crossbench members, particularly Ms Lee Rhiannon, as we continue to go through the budget in detail in the ensuing weeks and expose this Government's mismanagement of the State's finances.

Debate adjourned on motion by the Hon. Helen Sham-Ho.

TRANSPORT ADMINISTRATION AMENDMENT (PARRAMATTA RAIL LINK) BILL**Second Reading****Debate resumed from an earlier hour.**

Ms LEE RHIANNON [6.10 p.m.]: Earlier I spoke about the environmental wins the Greens had achieved at the Ku-ring-gai campus of the University of Technology Sydney. Professor Blake has committed the University of Technology Sydney to enacting the conservation agreement by the end of this year. That will result in about 5½ hectares of high-quality bushland right next to the bridge site—habitat for the endangered red-crowned toadlet—being protected and saved from destruction. We can clearly chalk up another environmental win for the Greens.

I feel that the hypocrisy of the Liberal Party on this issue cannot go unnoted. Recently we have heard about how much the Liberals care about urban bushland on the North Shore, and about how the Liberals just love to fight to protect urban bushland. Let us cast our minds back just a few short years to when the Coalition was in power and we had that horror project called the M2, which still runs a huge scar through the northern suburbs. The Coalition Government championed the M2 tollway, which runs very close to the route of the Parramatta rail link. The Coalition Government championed the M2, and rode roughshod over the objections of the communities along the route. The M2 was never the subject of parliamentary scrutiny. The Coalition was in power, and it did nothing, and there was no approval process by the Department of Urban Affairs and Planning.

Last night the Leader of the Opposition told us a great deal about how she listens to the community, and that is why she is responding on this issue. Where were the ears of the Coalition when it came to listening to the concerns of the community about the M2? Where was the Coalition when 114,000 trees were decimated because of the M2? The Coalition was promoting the projects. In all likelihood, it was the greatest single destruction of urban bushland in Sydney that has occurred in our lifetime. Members representing the electorates of Ku-ring-gai, Lane Cove, Willoughby and Hornsby spoke last night about their distress and horror regarding this project. But again, where were they when the destruction of the 114,000 trees occurred, when all those bulldozers ripped through this area? The bushland that was destroyed in the Devlin's Creek area in particular was unmatched for its beauty and ecological value. Where were these Liberals who are now so concerned about urban bushland then?

What the Liberals are really saying on this issue is that if it is a motorway anything is justified. They simply say, "Rip it out and cement it over. If it's a motorway, just bulldoze anything in the way—especially if it's a private tollway and a great deal for the Liberals' mates has been sewn up at the big end of town. But if it's a railway, then we're concerned about every tree and every tree becomes sacred. If it's a railway, then even the best compromise is totally unacceptable." The reality of this situation is that the Greens have secured from the Government a tremendous compromise—a compromise that adds to the park area and allows this fantastic project to proceed. We have thoroughly scrutinised the project, we have worked on the issue, and we have reached a good compromise.

If the Coalition had worked on this project and come up with the agreement that the Greens reached, members of the Coalition would be boasting about it all over the place. Last week the Coalition tried to cut a deal. They did not come up with any ideas, because they are bereft of them now that they are the under-30s and are so hard up. Now the Coalition is talking about this pathetic inquiry. I urge honourable members to look closely at the Hon. J. H. Jobling's speech. He really could not put forward adequate reasons why this inquiry should be conducted. And what an inquiry! It is a disgrace to the parliamentary process.

The Hon. J. F. Ryan: It's called scrutiny.

Ms LEE RHIANNON: I have a great deal of respect for the Hon. J. F. Ryan. However, he had a slip of the tongue when he just said that word, "scrutiny". What can the Coalition do in three weeks? The Coalition when it was in government and the Labor Party now that it is in government had worked on this project for eight years, and now the Coalition comes up with a three-week inquiry. It is pathetic, and it shows that the Coalition is in a desperate state and is desperately hard up. The Greens have done the scrutiny, and the Coalition is desperate for ideas.

The report of the inquiry is due by 20 June. It is impossible to come up with anything meaningful in that time, and it is clearly a misuse of the committee process. The Coalition's ludicrous tactics seem to be

directly related to how it does in the polls. As the Coalition slides and crashes down past 30 per cent of the vote, we see an escalation in harebrained schemes. The under-30s are hard up, and they have harder times ahead if this inquiry is the best political tactic they can come up with. The Coalition is in a desperate state.

While we are talking about the masters of tragic tactics, I should like to inform members about a letter that the shadow Minister for Transport wrote to the Victorian Premier. When I first read the letter I wondered whether the poor shadow Minister for Transport had forgotten that there was an election. Does he think his mate Kennett is still in power in Victoria? In a letter dated 21 March addressed to the Victorian Premier the shadow Minister for Transport wrote:

I write with an unusual request.

It sure is an unusual request:

I am interested in the franchising of public transport in Victoria. I am visiting Melbourne next month to talk to a couple of the private sector companies involved and would appreciate the opportunity to learn of the public sector perspective on the deals.

The Hon. D. J. Gay: Where did you get that letter?

Ms LEE RHIANNON: It was lodged with the library, along with a whole lot of other material. I would like to dismiss this as another whacky blunder by the Coalition. However, the letter highlights an extremely worrying obsession of the Liberal Party—that is, the selling off of publicly owned assets.

The Hon. J. F. Ryan: The Labor Party does a bit of that too, you know.

Ms LEE RHIANNON: Yes, it sure does. And I have beat up on the Labor Party too, and you know it. Last night the theme of the shadow Minister's speech on the Parramatta rail link was in many ways a promo for the private sector—the takeover of public transport. Let us remember what privatisation means. It means a downgrade in services, a reduction in safety, and a loss of jobs. That is the history of privatisation, and the Coalition knows that, and it is its agenda. This inquiry is a joke. It is an insult to the committee processes of this House. It is a sign of the political desperation that deserves to be dismissed in its entirety. I urge all members to support the bill with a degree in this amendment. We commend the bill, with our amendment, to the House, and we are very proud of the whole process.

Debate adjourned on motion by the Hon. Jan Burnswoods.

ADJOURNMENT

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [6.18 p.m.]: I move:

That this House do now adjourn.

AUSTRALIAN CONSTITUTION

The Hon. HELEN SHAM-HO [6.18 p.m.]: I would like to speak about two provisions of the Australian Constitution that I believe should be removed or amended because of their racially discriminatory nature. I refer to sections 25 and 51 (xxvi). Section 25 provides:

... if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth [for the purpose of calculating the number of seats from a State in the Commonwealth Parliament], persons of that race resident in that State shall not be counted.

The existence of section 25 would be a surprise to most Australians, as it is rarely discussed in the public domain. To the best of my knowledge, it has never been invoked, and this may explain why the provision has remained largely unnoticed. In effect, section 25 provides for a mild sanction against racially discriminatory voting laws. However, it is discriminatory because the wording assumes that racial discrimination in State elections would be lawful. I am sure that most honourable members would agree that such a provision is inconsistent with our antidiscrimination laws and multicultural values and the reconciliation process. Accordingly, it should be removed or replaced by a provision affirming the right of all Australians to vote at all elections at both Federal and State levels.

I now turn to section 51 (xxvi), which has been the focus of much controversy in the past few years in connection with the Hindmarsh case. This section empowers the Commonwealth to make laws with respect to "people of any race for whom it is deemed necessary to make special laws". It may be remembered that this provision was also put to the people in the 1967 referendum. The people of Australia were asked to consider whether the phrase "other than the Aboriginal race of any State" which used to sit in the middle of this section should be removed. As we all well know, the referendum in 1967 is the only one of the 42 referendums that has resulted in constitutional change. It amended section 51 (xxvi) as well as allowing Aborigines to be included in the census, that is, to be counted as Australian citizens.

However, as we know from the Hindmarsh case, the issue of whether section 51 (xxvi) can be used by the Commonwealth to enact laws that adversely discriminate against a race has not been resolved. In fact, there is nothing about the wording of the section, or its origins, that would suggest that the scope of the section is limited to the making of laws for the benefit of a particular race only. It may be of interest to note that the origins of the section are in fact firmly embedded in racist values of the colonial days during the last century, and it was intended to further those values. Sir Edmund Barton stated in the 1898 Constitutional Convention that the section was necessary to empower the Commonwealth "to regulate the affairs of the people of coloured or inferior races who are in the Commonwealth". Other evidence from the period makes clear that the section was intended to be used in what would now be regarded as racially discriminatory ways. For example, in the *Annotated Constitution of the Australian Commonwealth* the authors noted that section 51 (xxvi) could be used, among other things, "to localise them [people of alien race] within defined areas, to restrict their migration ... [and] to confine them to certain occupations ...".

It is a pity that these provisions of our Constitution were overlooked by the recent republican convention and the republic referendum last year. That referendum would have been the ideal time to put these racist anomalies in our Constitution to the people, especially in a context in which the reconciliation process has been high on the nation's agenda. I raised this issue last year in a number of forums, including that of this House, as well as with the chairman of the Ethnic Affairs Commission. I was and continued to be disappointed at the lack of interest. I know that the Constitution is not easily changed, but the 1967 referendum demonstrated that it is possible, especially where issues of racism are concerned. I just hope now to engender some interest in this issue well in advance so that the next time Australians go to a referendum over the republic these provisions will also be put to the people. In the meantime, we have lost a highly appropriate opportunity to change our Constitution for the better.

BURMA GOVERNANCE

The Hon. JANELLE SAFFIN [6.23 p.m.]: I draw the attention of members to the date of 27 May. In Burma on 27 May 1990 there were so-called free and fair democratic elections where the National League for Democracy [NLD], the Opposition party, the secretary of which was Daw Aung Suu Kyi, won 392 of 485 seats. It will be the tenth anniversary this Saturday. I pay tribute to members of the National League for Democracy and the other democratic parties, and ethnic democratic parties, that won that election. I share their sorrow at not being able to take up their position in Parliament. I pay tribute to the members of Parliament who stayed inside Burma and the ones who are outside—U Tin Thut and U Daniel Aung, who live in Sydney—and other members of Parliament around the world and all the different groups. They include NCGUB, NCUB, NDF, DAB, ABSDF, BLC, ethnic people's organisations, AKO, Friends of NLD, the Burma Support Group, the Burma Office, and the Free Burma Coalition. A number of these groups and members of the Burmese community were in Canberra today outside the Burmese embassy demonstrating about the lack of democracy and the rule of law in Burma. I pay special tribute to the monks of Burma, the sangha—pongyis—because they have become very active lately and they are suffering severe restrictions as a result. In a sense, there is nothing new in Burma.

They say that they are going to effect a constitution. They talk about the national convention process. In the year 2000 and beyond action will be taken. The World Bank and Japan through its official development assistance [ODA] office want to give aid. If one looks back through history one sees similar events as early as 1974. They had a one-party State Government military dictatorship. In 1974 they took off their uniforms, put on their longyis and shirts and effected a Constitution through dictatorial means. The World Bank and Japan offered aid and support. Their history keeps repeating itself because they have not been able to effect peace in their country and go through the changes necessary after colonisation.

As recently as 20 April Colonel Tin Hlaing, the Minister of Home Affairs, or the Home Minister as he is called, called in the Director-General of the Myanmar police, Colonel Soe Luin, and the regional police commanders and said that it was their duty to smash the NLD by administrative means and they want it done by

December 2000. On 23 July 1999 instructions were sent out, again from Home Affairs to police and to everybody else in the bureaucracy to treat the NLD as the enemy and get rid of it. My real tribute is to put the facts of the 27 May 1990 election on the record. It was an election to elect members of Parliament to what is called the Pyithu Hluttaw to form a government. Burmese law obliged the military to cede power and let the elected members of Parliament take up their position and form a Parliament and government.

The May 1990 election was authorised by law and supported by public undertakings given by the military dictatorship leaders. On 10 September 1988 the then ruling BSPP consented to the holding of a multi-party election. On 11 September 1988 the People's Assembly endorsed that as well. On 18 September 1988 a military coup took place. On 19 September 1988 announcements No. 1 and No. 2 1988 installed SLORC and abolished institutions of the State. Announcement No. 1, paragraph 2, said:

The present Elections Commission for holding democratic multi-party elections will continue to exist for the successful holding of multi-party general elections.

On 21 September the new law of the elections commission for holding democratic multi-party elections was decreed and the mandate of the commission was unchanged to that of the former. SLORC requested and got support of Opposition leaders in the implementation of the elections. In March 1989 the commission for holding multi-party Democratic general elections published a draft People's Assembly election law which said, *inter alia*:

As it was no longer possible now to strictly adhere to provisions concerning elections as prescribed in the constitution adopted in 1948 and the constitution adopted in 1974, the draft election law now published has been drafted on the basis of the following principles: holding free and fair multi-party and democratic elections in a systematic and orderly way; enabling citizens of the Union of Burma to enjoy democratic rights in full; and cultivating democratic practices among student youths who will become leaders in the future ...

Sadly, none of those have been adhered to and nobody has been able to effect democratic government. [*Time expired.*]

Mr JOHN WADE AND THE NELSON BAY RSL CLUB

The Hon. C. J. S. LYNN [6.28 p.m.]: Tonight I speak on a grave injustice inflicted upon Mr John Wade, his wife Maxine and their three teenage children as a result of a cowardly and vindictive vendetta by the President of the Nelson Bay RSL club, Mr Les Dwyer. Members of this Parliament were used, unwittingly I believe, by Les Dwyer in a cowardly, deceitful and cruel vendetta against Mr Wade and his family. Today I was pleased to learn that the Attorney General has directed that Mr Wade's court costs will be covered by the Government after the serious allegations made by Dwyer were dismissed. The Attorney General was obviously influenced in his decision by a court report which advised:

That if the prosecution had, before the proceedings were instituted, been in possession of evidence of all the relevant facts, it would not have been reasonable to institute the proceeding against the Wades.

The police involved in the prosecution of this case—I refer specifically to Detective Sergeant David Cochrane—were either unduly influenced by the bitter and twisted mind of Les Dwyer, were lazy or just plain incompetent. I will be writing to the Minister for Police to have him investigate the prosecution of this case. The job of the Police Service is to protect members of our community—not to be a party, either wittingly or unwittingly, to the personal destruction of the lives and careers of innocent people. The unfounded allegations made by Les Dwyer have had a profound effect on the life of Mr and Mrs Wade. Adverse publicity led to cruel taunts against the teenage children in their local community. Their eldest daughter was placed on medication to help her handle the stress, and both she and her sister needed special counselling sessions at school to cope.

Mr Wade has not been able to resume his promising career as a club manager since the allegations were made. He lost his job at the Nelson Bay RSL Club. He had been appointed as general manager of the Newcastle Knights but the appointment was terminated after one day as a result of the publication of the allegations in the *Newcastle Herald*. He has made more than 100 applications for a position since then but has not been successful. His once promising career has been destroyed and this has had a devastating effect on his personal health and the health and welfare of his family.

I therefore have to question the motives of Les Dwyer. I note that Mr Dwyer, in his application for election as president of the Nelson Bay RSL Club, advised that he had been in the navy and naval reserves for 35 years. He purports to have served overseas in diplomatic postings and in warships, culminating in a position on the personal staff of the Chief of the Defence Force. I would not normally question the claims of a former serviceman, however, I feel that any person who wilfully acts so dishonourably deserves to be exposed. Mr

Dwyer implies that he was a diplomat, a sailor at the sharp end and a top-level adviser to the Chief of the Defence Force. I doubt that any serviceman who honoured the proud traditions and values of the armed forces would be party to the cruel and cowardly destruction of any respected family's credibility.

Therefore, I call on Mr Dwyer to provide more exact details of his so-called service career. What rank did he hold? What were the job details of his diplomatic postings? What warships did he serve on? Which war zones were the ships assigned to? What was his job on these ships? What position did he hold on the personal staff of the Chief of the Defence Force and what were his responsibilities? I am a former serviceman and I took great pride in that vocation. I was very fortunate to serve with some of the finest people I have ever met and could ever wish to meet. It therefore distresses me when I learn of dishonourable people such as Les Dwyer who are willing to resort to what I would call "conduct unbecoming of a former serviceman".

WORLD MARITIME DAY

Ms LEE RHIANNON [6.31 p.m.]: The Greens would like to support the calls for World Maritime Day to be officially recognised in Australia. Each year an increasing number of communities around the world celebrate this day on 24 September. The International Maritime Organisation [IMO], the United Nations maritime body, actively promotes this day. It is an event that deserves to be recognised by all levels of government in this country. Indeed, the Greens will be writing to the Premier and to the Lord Mayor of Sydney to inform them of the significance of this day, to remind them of our rich maritime history, and to urge them to determine appropriate ways to celebrate World Maritime Day. The great Sydney Harbour is the perfect venue for such celebrations. Australia's record of maritime achievements is remarkable. Australia always has been and will remain a maritime nation.

The doors to the inland of our country are the ports, and it was the incredible skills, fortitude and tenacity of mariners that brought them into being. Apart from the politically created Canberra, every city and the vast majority of major towns had a maritime birth as the ports became the economic, political and administrative control centre for the opening of this country. Until the railways began to cover the continent, the only way across and around the tyranny of distance was the sea. Shipbuilding was our first true industry. This continent was populated via the sea, charted and explored from the sea. Our early survival depended on food carried in the hulls of vessels from overseas or internally. The world's first refrigerated cargoes were invented by Australian engineers in Geelong in the late nineteenth century. The *Kooringa*, an Australian ship, was the world's first designed and built container ship and similar designs were copied internationally.

Therefore, it is important to mark World Maritime Day for the indispensable role that the maritime industry has played throughout our history and continues to play today. Maritime workers, both ashore and afloat, constitute the framework for some of our major trade. Together these workers serve as the varied import-export interstate trade components of our national economy. The wartime death ratios of Australian and allied seafarers dwarf that of the armed services and for this they were never sufficiently recognised or rewarded. I repeat: World Maritime Day is an important occasion on which to remember and pay tribute to the many Australian seafarers who lost their lives in war.

During the Second World War alone some 35,000 allied merchant seaman lost their lives in enemy action—that is, one in eight Australian merchant seaman died in war. One of the shameful aspects of our history is that it took some 80 years for First World War seafarer veterans and 50 years for Second World War veterans to receive Veterans Affairs benefits from the Australian Government. World Maritime Day also marks the founding of the International Maritime Organisation in 1958. The IMO, over the past 50 years, has played an important role in promoting the international maritime industry, safeguarding the aquatic environment, and promoting healthy and safe work practices. The Greens support the IMO's aim of safer and cleaner oceans.

I had the privilege to work for the Maritime Union of Australia [MUA] when it was known as the Seamen's Union of Australia, both when I was 14 and then later on in my thirties, when I edited the *Seaman's Journal*, as it was then known. It is a most democratic organisation. I think few in this House would know that once a month they have a stop-work meeting. Unfortunately, one Coalition member laughs. We need democracy in all our organisations. At that monthly stop-work meeting MUA workers at the ports come together and scrutinise the officials of the unions, talking to them about how the union should be run and campaigns that they need to be involved in. So we will be taking a message to the Premier and the Lord Mayor that World Maritime Day on 24 September must be recognised. This year, as it coincides with the Olympic celebrations, would be a great occasion on which to link this day with the Olympic events and make it an international celebration on the shores of our great Sydney Harbour.

DAIRY INDUSTRY DEREGULATION

The Hon. A. B. KELLY [6.36 p.m.]: I wish to express to the House my disappointment and alarm at the campaign of deceit and misinformation currently being waged by the Coalition over the upcoming deregulation of the dairy industry. Country Labor has been appalled at the low levels to which the National Party in particular is sinking in order to confuse the community over who is behind this plan to destroy the livelihoods of dairy farmers throughout New South Wales. We are seeing daily in the rural and regional press National Party members, with hands on their hearts, condemning the Carr Government for deregulating the dairy industry. This is dishonesty at the highest level.

For the benefit of the House, let me make it quite clear who is behind this dreadful deregulation plan: the Howard Government and the Victorian National Party have been driving the deregulation of the dairy industry from day one. For example, if this Parliament does not pass the dairy deregulation bill when it comes forward the Howard legislation automatically means that no dairy farmer in Australia will get compensation under that Government's plan. The Howard Government is holding this Parliament and dairy farmers in New South Wales to ransom on this issue. Let us be very clear about that.

Already we are seeing the first signs of the pain and dislocation that the regulation will bring to many rural and regional communities. Dairy farmers are now being forced by the big milk companies into accepting drastically reduced prices for their milk. From the 54¢ a litre they received under a regulated market, dairy farmers are now receiving bids of between 27¢ and 35¢, a cut of more than 50 per cent. We are now faced with the prospect of half of our State's dairy farmers going out of business. This is the reality of the Howard Government's obsession with deregulation and ripping the heart out of the country.

What are the benefits of deregulation? Customers are not benefiting from it. Dairy farmers certainly are not benefiting. The main beneficiaries are the large corporations, which no doubt look forward to the huge windfall profits at the expense of consumer prices and the livelihoods of dairy farmers. In June 1998 dairy farmers were getting about 50¢ a litre for their milk, when the price of milk to consumers was \$1.16 a litre. After deregulation, dairy farmers will get something of the order of 27¢ a litre, and the price of milk will be of the order of \$1.40. So dairy farmers will be getting about one-fifth of the retail price, instead of half, as they were getting before.

I welcome the opposition of the New South Wales National Party to the deregulation of the dairy industry. However, I object to the blatant lies being bandied about by some National Party members of Parliament. To try somehow to blame the Carr Government for deregulation of the dairy industry not only makes no sense but also demonstrates the desperation of that party, which continues to mislead the people on the facts behind the regulation. Issues like dairy deregulation are too important to play party politics over.

Rather than trying to fool the electorate and make the Carr Government a scapegoat for a federally driven scheme—a scheme that an editorial in this week's edition of the *Land* lamented was the product of a National Party Minister for Agriculture helping get efficient farmers off the land—the National Party should take up the matter with its Federal colleagues. Although it has little impact on State affairs, the National Party should be expending its energies trying to convince its Federal colleagues of the error of their ways. This is where the ultimate tragedy of the Nationals lies: they have little say in a Coalition dominated by the economic rationalism of the Liberal Party. It simply astounds me that the once great Country Party has been reduced to a Liberal lackey that will sacrifice the interests of its heartland for the demands of the Coalition.

The communities of country New South Wales need representatives who can be relied upon to stand up for them and to defend their interests. They do not need dishonest members who seek to muddy the waters and to divert the communities' wrath away from the anti-country policies of the Howard Government. This is why the National Party is polling at such a low level in New South Wales. Voters are beginning to realise the ineffectiveness of the junior Coalition partner. The National Party's lies about dairy deregulation—like its hypocrisy over issues such as the teachers dispute, competitive tendering and public transport—are the last gasps of an irrelevant party that has betrayed its voters for too long, and now seems doomed and headed for the dustbin of political history.

FEDERAL GOVERNMENT RURAL HEALTH INITIATIVES

The Hon. JENNIFER GARDINER [6.41 p.m.]: What a load of rubbish. I have never heard so much rubbish from the Hon. A. B. Kelly. I do not know who wrote his speech—probably someone in the Premier's

office. I take this opportunity to draw attention to the extremely high priority given to rural health initiatives in this year's Federal budget. This year's rural health package builds upon earlier initiatives by Tim Fischer and others to turn around the shortage of doctors in country areas. The Federal Government's 2000-01 rural health package allocates \$562 million over four years to programs aimed at providing more doctors, more medical and health education opportunities and better and more flexible services.

The package was put together by the Federal Leader of the National Party, Minister for Transport and Regional Services, John Anderson, and the Minister for Health and Aged Care, Dr Michael Wooldridge. In previous budgets the Liberal-National Party Government had established the general practitioner rural retention program, but it acknowledged that more had to be done to address imbalances in the number of health professionals in rural and regional areas. So when Federal Treasurer, Mr Costello, delivered his latest budget, it was most gratifying to see that the highest priority in the Budget Speech was given to the rural health package. Some \$210 million has been allocated for the coming year to programs to further increase the number of doctors, specialists and allied health professionals—for example, nurses, psychologists and podiatrists—working in rural and regional Australia.

One of the most exciting—indeed revolutionary—aspects of the latest initiatives is that they provide unprecedented education opportunities for young people wishing to enter the health professions and to take up those opportunities in non-metropolitan places of learning. The Federal Government recognises that, while 25 per cent of young Australians live and are educated in rural Australia, less than 10 per cent of the medical school intake at some universities have a rural background. It has been shown that young people from rural areas have a 45 per cent chance of returning to country areas if they train as health professionals. This package reinforces that fact and aims to give rural students a fairer chance of taking up studies in the health professions.

I turn now to the specifics of the package. Some \$210 million has been allocated to increase the number of doctors, specialists and allied health professionals working in rural and regional Australia. An amount of \$102.1 million over four years has been allocated to increase access to general practitioner services in regional Australia, starting immediately. There are 50 more places for vocational post-graduate training for general practitioners, which makes a total of 450 each year—200 of which will be in rural and regional Australia.

The Federal Government will allocate \$49.5 million over four years to increase the range of allied health services, including nurses, psychologists and podiatrists, to support local doctors. It has allocated \$48.4 million so that rural and regional people can receive specialist services in their own communities rather than having to travel long distances to access them. This allocation will help meet travel costs for specialists conducting outreach specialty work and acting as mentors for local health professionals to help them increase their skills. In addition, \$10.2 million will be devoted over four years to support rural doctors, particularly those starting up in rural practice. Rural divisions of general practice will be assisted so that they can expand their role in order to attract and retain doctors in areas of need.

Doctors will be assisted with professional and family support and there will be links with other health professions, mentoring of medical students and continuing medical education. An amount of \$160 million has been allocated for training and educational opportunities aimed at increasing the number of doctors in rural and regional areas, including provision for 100 new medical students each year to gain university places in return for their going into rural practice. There are opportunities for graduates to work off their higher education contribution scheme debt in regional areas, and there will be an expansion of the rural Australian medical undergraduate scholarship scheme.

An amount of \$117.6 million has been allocated for nine new clinical schools in rural and regional areas and three university departments of rural health in addition to those that have already been established. So for the first time Australia will have a national network of medical training. That means that there will be more health service training in rural and regional areas. I believe that the two Federal Ministers, John Anderson and Michael Wooldridge, are justified in saying:

Never before has there been such systematic long-term reform to revolutionise rural and regional health as we know it. This is the product of a vision, a window to the future where our unique geography is no longer a barrier to first-class health care.

AUSTRALIAN LEBANESE ASSOCIATION NINTH ANNUAL YOUTH AWARDS NIGHT

The Hon. PATRICIA FORSYTHE [6.46 p.m.]: Last Saturday night I was pleased to attend, as guest of honour, the ninth annual youth awards night of the Australian Lebanese Association of New South Wales. I

saw a different picture of young Lebanese youth from the picture painted by members of the Carr Government, in particular the Premier and the Commissioner of Police. They used a broad brush to paint a picture of Lebanese youth as violent gangs—a different image from the image I saw. I saw young people who had excelled in the Higher School Certificate [HSC]—in sport, art and music—being acknowledged by the Australian community.

I said at the time that I was sad that the media did not take the opportunity to promote and support young people who were making a contribution to society—young people who felt denigrated by the words spoken in the past year by the Premier and the Commissioner of Police. I was delighted that representatives from the Department of Education and Training and the New South Wales police force were present to give these young people encouragement and support. Some students had achieved 99 per cent and more in the HSC and some students had made a contribution in representative sport.

That positive image of young people in New South Wales is the image that the Carr Government should be promoting. I call on the Government to acknowledge the work of these young people. Earlier this year I was pleased to attend the Australia Day awards for members of the Lebanese community who contributed to Australia over the past 70 years. That was another opportunity for the Carr Government to say that there were people in our community who deserved to be acknowledged. The media should also have acknowledged those people. We want good news stories, not bad news stories. These young people felt let down. I was delighted to be present to witness their positive contributions and efforts. I congratulate all those involved in the ceremony.

BATTLE OF CRETE FIFTY-NINTH ANNIVERSARY

The Hon. J. M. SAMIOS [6.47 p.m.]: This year marked the fifty-ninth anniversary of the battle of Crete and the Greek campaign. As happens annually, the celebrations were organised by the Greek Federation of Australia and New Zealand. Last weekend I represented the Leader of the Opposition at the annual ball at Marrickville. Peter Debnam, the member for Vaucluse, attended the wreath-laying service at the cenotaph on Saturday and the later reception. The Battle of Crete, like Gallipoli, saw Australian soldiers fighting against insurmountable odds, with allied troops lacking adequate arms and artillery, and bereft of even a single aircraft as they faced a well-armed Axis force which had, to its advantage 1,000 German Luftflotte aircraft.

[Time for debate expired.]

Motion agreed to.

House adjourned at 6.48 p.m.
