

LEGISLATIVE COUNCIL

Tuesday 4 December 2001

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The President offered the Prayers.

The PRESIDENT: I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bills reported:

Insurance Protection Tax Amendment Bill
Liquor and Registered Clubs Legislation Further Amendment Bill

ABORIGINAL LAND RIGHTS AMENDMENT BILL

Bill received and read a first time.

Motion by the Hon. John Della Bosca 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.

NATIONAL PARKS AND WILDLIFE AMENDMENT (TRANSFER OF SPECIAL AREAS) BILL

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PERMANENCY PLANNING) BILL (No 2)

Messages received from the Legislative Assembly agreeing to the Legislative Council's amendments.

TABLING OF PAPERS

The Hon. Michael Costa tabled the following reports:

- (1) Annual Reports (Departments) Act 1985—Report of Ministry of Energy and Utilities for year ended 30 June 2001
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2001:
Election Funding Authority of New South Wales
Sustainable Energy Development Authority

Ordered to be printed.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS

Report: Person Referred to in the Legislative Council (Mr J. Bennette)

The Hon. Helen Sham-Ho, as Chair, tabled report No. 14 entitled "Report on person referred to in the Legislative Council (Mr J. Bennette)".

Ordered to be printed.

The Hon. HELEN SHAM-HO [2.36 p.m.], by leave: This report is the fifth report of the Standing Committee on Parliamentary Privilege and Ethics recommending that a right of reply be accorded to a person who claims to have been adversely affected by being referred to in the Legislative Council. On 9 October 2001 the President of the Legislative Council, the Hon. Dr Meredith Burgmann, received a letter from Mr Jerry

Bennette requesting the incorporation of a response under the Legislative Council resolution of 13 November 1997 relating to the protection of persons referred to in the Legislative Council.

The letter referred to a statement made by the Hon. Ian Cohen during debate in the Legislative Council on 13 October 2000. The President, having accepted the letter as a submission for the purpose of the resolution, referred it to the Standing Committee on Parliamentary Privilege and Ethics on 17 October 2001. The committee has considered the submission and recommends that a response agreed by Mr Bennette and the committee be incorporated in *Hansard*. The committee reminds the House that in matters of this nature it does not judge the truth or otherwise of statements made by honourable members or persons; rather it ensures that a person's submission, and ultimately the response it recommends, accords with the criteria set out in the House's resolution of 13 November 1997 to which I referred earlier.

PETITIONS

Council Pounds Animal Protection

Petition praying that the House introduce legislation to ensure that high standards of care are provided for all animals held in council pounds, received from **the Hon. Richard Jones**.

Circus Animals

Petition praying for opposition to the suffering of wild animals and their use in circuses, received from **the Hon. Richard Jones**.

BUSINESS OF THE HOUSE

Postponement of Business

General Business Notice of Motion No. 1 postponed on motion by the Hon. John Jobling.

UNIVERSITIES LEGISLATION AMENDMENT (FINANCIAL AND OTHER POWERS) BILL

HIGHER EDUCATION BILL

Second Reading

Debate resumed from 28 November.

Reverend the Hon. FRED NILE [2.43 p.m.]: I spoke briefly to the Universities Legislation Amendment (Financial and Other Powers) Bill and the Higher Education Bill before debate was adjourned last week. The Christian Democratic Party agrees with the legislation as drafted. As I indicated previously, we are concerned about some of the amendments proposed by the Greens. The Universities Legislation Amendment (Financial and Other Powers) Bill will amend the Acts that relate to the establishment of universities in New South Wales. The object of the bill includes: restating the principal and other functions of a university in order to update and standardise those functions, clarifying a university's commercial functions; clarifying a university's power to develop and provide certain services to the community; providing that a university has certain general and ancillary functions; and making it clear that a university can exercise its functions outside the State and outside Australia. The bill will also broaden the power of universities to provide facilities to students, clarify the functions and role of the governing body of the university as the body that acts for and on behalf of the university and that has the control, management of the affairs of the university, and will amend various other matters.

When I was a member of the Council of the University of Wollongong—which is equivalent to the senate at other universities—I noted the complex nature of the role of the university, and other universities, as a result of commercial activities. I support universities undertaking commercial activities. The University of Wollongong works in co-operation with major industry in the region, such as BHP and other steel companies, to the mutual benefit of the university and industry. The commercial activities assist students who are studying engineering and related degrees to become highly qualified in their field and to obtain employment in local industries. The university also developed some external university activities in Dubai and other places overseas. The business before the university council became extremely complicated, and council members, when making decisions, had to trust the advice of the vice-chancellor and other university staff.

I support the need to clarify a university's commercial functions to ensure that universities perform their principal function, that being one of education, not commercial operations. Some commercial operations provide financial benefit and assist the university in its educational role. They also provide opportunities for postgraduate studies and for students to develop their skills. However, I am concerned with some of the proposed amendments. In the same way that there has been a dramatic growth of independent schools, particularly independent Christian schools, in Australia, there should be a parallel development in the growth of universities. This should occur not in a way that would lower the standard of universities but to maintain and improve them, as has happened with many independent Christian schools. No-one would question the very high standard of those schools and the success of their graduates at university level.

Many discussions involving various denominations have taken place across Australia about this issue. In particular, the Catholic Church has encouraged the development of Catholic universities, which I support. I see a need for other independent universities to operate in Australia, which would free up the monopoly enjoyed by a few universities in each State following active discouragement of other universities. I am not talking about the shonky universities that have been set up to rip off students, particularly Asian students who believe they have enrolled in a recognised university. I support any moves to take action against such establishments. In no way do I defend those operations and I believe we should introduce strong laws to prohibit such activity.

I believe that the education market should be more open so that those who have resources may be encouraged to develop an independent Christian university offering both degrees and doctorates. Independent Christian universities would have to meet the high educational qualification standards pursued by traditional universities—and would probably excel those standards just as Christian high schools excel the achievements of their counterparts.

Last night I gave the occasional address at the presentation of prizes to students of the Redeemer Baptist School at Castle Hill. The school commenced in 1981 with only 16 students and has operated for 20 years. The school now has 600 students and cannot cope with the number of applications from parents wishing to enrol their children there. I was impressed by the standard, quality and achievements of the students. The school has developed a unique and high standard vocational training program that is supported by the State Government through the Department of Education and Training. Christian churches and communities will be able to develop primary schools, high schools and even universities.

Christian schools are effective in the United States of America, but similar proposals in Australia have been confronted by many obstacles. The possibility of expanded school development should be welcomed in our democratic society. A Catholic university has been established, and the Seventh-Day Adventist Church has founded an admirable educational operation in the Newcastle area. Such developments create great assets for our nation and further opportunities should be welcomed. I am wary of any amendments that may have been drafted with an ulterior motive of blocking development. I have no personal assurance but I believe the coalition Federal Government will be sympathetic to those proposals as it has been to the growth of independent Christian schools. I am sure the State Government would not put obstacles in the way of that development in New South Wales. We support the bills and the need for uniform legislation across Australia.

The Hon. HELEN SHAM-HO [2.52 p.m.]: The Universities Legislation Amendment (Financial and Other Powers) Bill and the Higher Education Bill are cognate bills. The Universities Legislation (Financial and Other Powers) Bill will amend the various Acts that establish universities in New South Wales. The bill clarifies the functions and powers of universities in this State and the governing bodies of each university, and will add new requirements and guidelines for the commercial activities of universities. I felt it was important to speak on this bill as I have had strong links with the governing bodies of some universities for a long time. I graduated in arts and social work from Sydney university and gained my Bachelor of Legal Studies as a mature age student at Macquarie University.

Since becoming a parliamentarian in 1988 I have been the elected representative of the Legislative Council on the governing bodies of three different universities, the University of Western Sydney, Macquarie University and the University of Technology Sydney [UTS]. I have held the latter position since 1999. On Tuesday 13 November I arranged for the Registrar of the University of Technology, Dr Jeff Fitzgerald, to brief the crossbench members on this bill as he had previously expressed concerns about it to me. At the briefing Dr Fitzgerald mentioned that the university had many problems with the first draft of the bill but that significant changes had been made after the university sought legal advice and consulted with the Department of Education and Training. It was a pleasant surprise for the crossbench to be informed that UTS was content with the bill in its current form.

The registrar recommended that the bill be supported by the crossbench without amendment. Of course, this bill is not just about UTS; it affects every university in New South Wales. As far as I know there are no major concerns by other universities about the bill, although I am aware that the National Tertiary Education Union [NTEU] does have concerns, which I shall refer to later. I was pleased that UTS was able to get its concerns across to the Government, that changes were made to the bill, and that the university is now satisfied with the form of the bill. However, I do question the process that the bill went through to reach this stage. The Government could have more widely consulted each university prior to drafting the bill. This would have been a far simpler process as the Government would have known exactly what each university required. I think it was a waste of resources for the university to have to seek legal advice on the first draft of the bill.

Concerns about the future of higher education in this country have been aired in the public arena for a long time. In the recent Federal election campaign one of Labor's main platforms was the push for Australia to be a "Knowledge Nation". Honourable members will recall that in mid-October Rupert Murdoch, Chief Executive Officer of News Corporation, delivered the inaugural Keith Murdoch Memorial Oration in Melbourne. He argued that more public spending on education was needed. He stated that no country in the developed world needs educational improvements more urgently than Australia. Murdoch's call for more funding found support with many in the Australian Vice-Chancellor's Committee [AVCC], academia and the National Union of Students.

Earlier this year the AVCC called for a minimum 20 per cent increase in base operating grants to universities. Pressures on students has increased over the past few years as the higher education contribution scheme [HECS] fees have increased for most courses, which has made it harder for many people, particularly mature age students, to go to university. I know that the only way I was able to study law at Macquarie University as a mature age student was because there were no HECS fees. The student-teacher ratio is also worrying. In 1990 the ratio was 12.9 per cent and in 2000 it had risen to 18.8 per cent, according to AVCC figures. It is my strong belief that education is the key to Australia's future.

Our universities need to be able to offer the best education possible for students and they need to be given substantial financial support to do this. If we do not improve funding to our universities and value their great importance for the future of our country, we will find it hard to compete with the rest of the developed world. That we are already having difficulty can be seen in the Business Council of Australia's recent statement that Australia is ranked twentieth in a list of 28 OECD countries for the level of education of 25- to 34-year-olds. Funding cuts to all universities have led to increased commercial activities by universities and strong corporate links with industry. There is no doubt that this has been done to help universities compete and has been necessary to enable them to survive.

This bill is timely as it provides requirements for universities with regard to commercial activities. Proposed section 21B recommends guidelines for university commercial activities and proposed section 21C establishes a register of commercial activities. As a member of the UTS council which will be responsible for any guidelines for commercial activities and for the register of commercial activities, I know these provisions are welcomed by the council. The council understands that its decisions on commercial activities can affect not only the university community, that is, students and staff, but also the wider community. I am aware that the Greens will move identical amendments to each university Act to incorporate many of the National Tertiary Education Union's concerns about the bill. Earlier today the crossbench was briefed on both bills by Mr Greg McConville from NTEU. I have consulted the Registrar of UTS on this amendment and I have been informed that UTS is happy to support the Greens amendments that are supported by the Government.

The UTS also supports the amendment to be moved by the Greens which requires the university's register of commercial activities to keep details of the sources of funding used for such activities. It will also require the university to state what it thinks will be the anticipated return from such activity. The UTS supports the proposal as the university will already be maintaining the register. It will be beneficial for the university to have on that register details about where funding for its commercial activities has come from and what it intends to get back from that funding. Any commercial activity must reflect the interests of the university and, therefore, must always be accountable.

I now turn to the cognate Higher Education Bill. This bill will repeal the Higher Education Act 1988. The bill is important because it will ensure that university education in New South Wales continues at a high standard by registering higher education institutions. At the crossbench briefing this morning Mr McConville also explained that the NTEU supports the principle of this bill but wants the definition of "university" to be the same as the definition in the National Protocols on Higher Education Approval Processes, agreed to by the Commonwealth, State and Territory education Ministers in 1999. I understand that the Greens will move an amendment to that effect, which I will support.

The NTEU's other concern is that if an Australian university offers courses overseas the standard of those courses are not lower than the standard of courses offered in Australia. I believe that is important and I am supportive of it because it affects the reputation not only of individual universities, but all Australian universities. The Greens will move an amendment in relation to this aspect, which I will also support. The bill provides for penalties for institutions in New South Wales that pretend to be authentic universities offering real degrees, when in fact they are scams that offer far less. Many students, but particularly international students, have been drawn in by offers and have paid a lot of money to people who offered degrees only to find that the offers were not true and they could not get their money back.

The bill is important for the international reputation of Australian universities and their ability to attract overseas students, which is very important for our country. For the UTS this bill will confirm its high standing as an excellent university in regard to its international student programs. As the Minister stated in his second reading speech, the bill will ensure that New South Wales is included as part of a new national framework dealing with accreditation and quality assurance of Australian higher education. I commend the bills to the House.

The Hon. Dr BRIAN PEZZUTTI [3.02 p.m.]: I wish to speak briefly to the Higher Education Bill and the Universities Legislation Amendment (Financial and Other Powers) Bill. I had the privilege of serving on the University of New South Wales council for approximately five years and on the Southern Cross University interim council when that university was first established. During that time I learned a lot about the functions of universities, which I simply did not know. I am speaking about my personal experience as a member of those councils. To my knowledge, those universities have been dedicated to the fostering of knowledge among their students. The University of New South Wales also went to extraordinary lengths to ensure the pastoral care of its students.

I was impressed by the activities of the University of New South Wales and of the new Southern Cross University—the rising star, it would appear, of universities in this nation. The universities go out of their way to ensure that these students have a broad education rather than a mere technical application of that knowledge. I think it is important for honourable members to understand the difference between, for example, the University of Sydney and the University of New South Wales in this regard. In the days when I was a member of the council, the University of Sydney, in its medical student intake, took the tertiary entrance rank [TER] score and included a number of exemptions.

The University of New South Wales accepted substantially every student on the basis of his or her TER, but the TER was modified in that it required that students include English as one of their TER subjects. That is valuable, when one takes into account the fact that the university included English as one of the TER subjects for medicine, because medicine—and some other sciences, such as architecture and the law—requires a degree of communication between client or patient and the person providing the service. English comprehension and the ability to communicate is vitally important to enable those people to do the job. That is how the University of Sydney got into strife and turned up its entire degree to a graduate degree. That university had a problem because a lot of its students lacked communications skills.

That was not the case at the University of Newcastle, where students were chosen on the basis of their understanding of the world around them, and their ability to communicate at interview and during the various tests they were subjected to before interview. There are many ways of skinning a cat, but each university went about it in a different way in order to solve the problem for their graduates and for the people they serve, which is basically the Australian community. This template legislation arose out of an agreement between all State and Territory Ministers at a Federal level. It is important that we have a national approach to the way in which universities operate so that there are not differences in standards or the application of those standards between individual State universities. The financial controls will also follow the minimum set out in the agreement.

I would make the personal observation that, whilst I had the privilege and opportunity to serve on the councils of the universities I have referred to, it seemed odd to me that the States have absolutely no responsibility under the legislation, except to supervise. I do not object to that model because it goes with the principle that the funder should not be the keeper of all controls. In other words, if a State government agrees to standards set at a national level, each government is responsible for policing those standards in its own State. I thought it odd that the New South Wales Minister for Education and Training had a large number of appointees to university councils, when all they were doing was managing Commonwealth money or money that came from the community. No funding was provided by the New South Wales State Government.

The other point I would make is that the universities needed members on their councils who could assist them by lobbying the funding agencies. The funding agencies are the Commonwealth and the private sector. The private sector is well represented on those councils. Both the University of New South Wales council and the Southern Cross University council had good members who had been nominated by the Minister. In the days when I was a member of those councils Minister Chadwick appointed a number of excellent nominees from the community who had business and legal expertise, and so on. Most universities require a member of the board to be elected or appointed by the two Houses of Parliament, but those selected by the Labor Government in the other House were not local and had no particular interest in the university.

The same applies to upper House members appointed to those bodies. Members of university councils can get up to mischief. I refer to the mischief wrought by Madam President and Ms Lee Rhiannon at the University of New South Wales—probably the leading Australian university and recognised internationally as one of the leading universities in Australia—and the upset in terms of micromanagement when members are appointed to the council simply to be of service and ensure that the university upholds its laws.

Now it appears that John Niland is to be drummed out of town because of some of the harping that went on. It is a shame. He was a sterling vice-chancellor, one of the best this State has seen. He followed in the footsteps of the previous vice-chancellor of the University of New South Wales, making that university leapfrog over all the other universities in this State. Now, with Gavin Brown, the University of Sydney is just starting to catch up, having got into a very deep hole under a previous vice-chancellor.

The Hon. Jan Burnswoods: Don't you mean a previous chancellor?

The Hon. Dr BRIAN PEZZUTTI: I said a previous vice-chancellor. If the honourable member had been listening she would have heard that.

The Hon. Jan Burnswoods: No, I asked whether you meant—

The Hon. Dr BRIAN PEZZUTTI: I did not mean Dame Leonie Kramer, who served this State, this nation and the university with enormous distinction. A whole series of changes will come through in due course to reflect the new Higher Education Act and the financial arrangements under the Universities Legislation Amendment Act. I again ask that we think about the desirability of having members of Parliament from the two State Houses as part of the agenda. Perhaps it may be more appropriate to have people from the Federal parliamentary sphere on university councils. At least they would have more direct access to asking questions of the Federal education Minister about funding of various universities and appropriate support for new courses at various universities at the estimates committee hearings in Canberra. We may have a great interest but we have no financial push. For example, Ian Causley or Larry Anthony might be the representatives on the council of Southern Cross University, and perhaps here Tanya Plibersek or somebody who can have a say or a good import.

The Hon. Michael Costa: What about John?

The Hon. Dr BRIAN PEZZUTTI: I was not going to mention the Hon. John Hatzistergos. He would not thank you for drawing his presence to my attention. This is not the time or the place for me to comment upon his behaviour and the behaviour of many of the black knights at Sydney university, dragging that university, to its enormous shame, through a whole series of scandals.

Ms Lee Rhiannon: Did you back Kramer? You are a Kramer backer, are you?

The Hon. Dr BRIAN PEZZUTTI: The honourable member should know that I do not need encouragement from her. But as she has asked, I did support, and have enormous admiration for, Chancellor Dame Leonie Kramer. I am sure that some of the criticisms made of the honourable Dame Leonie Kramer by some members here would have been avoided had she had a senate that was functional, and that was interested in the university and the furtherance of some of its aims and aspirations.

They should have assisted Dame Leonie Kramer in gathering the financial support she needed to basically rebuild a university with one of the most difficult infrastructures of any university in this nation. That fine university has very old and heritage buildings and there are enormous financial constraints and financial drains on it. If members had supported the alumni associations many people in this State and throughout the nation would have been very concerned about the way in which the senate behaved. It drove away the university's ability to attract the very best students and the best researchers, and that is a shame. I hope that things are now on an even keel. Who is the lower House member on the senate?

The Hon. John Hatzistergos: Kevin Greene.

The Hon. Dr BRIAN PEZZUTTI: I am sure he does an excellent job and I am sure he is extraordinarily capable, but I have never heard of him. I assume the new chap from Georges River is a graduate. It is important that this legislation recognise the need for councils to act in an appropriate way and for councils to have guidance on what they are to do.

Ms Lee Rhiannon: Do you want a rubber stamp council; is that what you want?

The Hon. Dr BRIAN PEZZUTTI: The honourable member would know that any council I served on would be no rubber stamp. I read just about everything that comes across my desk and I read in detail all the submissions and all the papers before I went to the council meetings. You can ask that marvellous chancellor, the Hon. Gordon Samuels, who chaired that council with great distinction and leadership.

The Hon. Jan Burnswoods: How many decades ago was that?

The Hon. Dr BRIAN PEZZUTTI: He became governor shortly after he retired. He was replaced by the Chief Justice of the High Court of Australia, Sir Anthony Mason, who also served with great distinction and leadership. The council did not get in the way of the leadership of the Hon. Gordon Samuels and the two vice-chancellors I served under. When I was there the council was committed to furthering the university and making it better. And we had a very clear understanding of our role. We had a great deal of advice on our responsibilities, which we carried out with a fair amount of debate. Apart from a few bickerers, we concentrated on doing the job to make the university better for the people of New South Wales, the students, the teachers and, of course, research.

The bills, with some amendments that I understand we will support, will go a long way to making that same standard that I used to see at the University of New South Wales come to all of the universities in New South Wales and across Australia. I hope that Ms Lee Rhiannon will see in this legislation—since she has had a fair bit of interest in trying to amend it—a little more guidance on how she might behave in the interests of the people of New South Wales and what that university seeks to accomplish for the people of New South Wales. Universities can enhance Australia's international reputation through alliances and offer the people of this State better options. I support the bills and I hope that the Government will take note of what I have said in formulating council rules for each of the universities. Again, it is important that the State Government has some ownership of the rules so that the Commonwealth, the funder, does not have both the funding and the directing powers.

The Hon. JOHN HATZISTERGOS [3.18 p.m.]: I did not intend to speak in this debate but in light of the outrageous provocation by the Hon. Dr Brian Pezzutti I feel compelled to do so. Before I deal with some of the issues raised by the Hon. Dr Brian Pezzutti I put on record my sincere appreciation of the work done by the previous Education Minister, John Aquilina, particularly in relation to these bills. Exposure drafts were put out at our university—

The Hon. Patricia Forsythe: And in caucus.

The Hon. JOHN HATZISTERGOS: No, before it went to caucus. Our university made some comments on the—

The Hon. Dr Brian Pezzutti: Which university is "our" university?

The Hon. JOHN HATZISTERGOS: The University of Sydney made some comments.

The Hon. Dr Brian Pezzutti: You do not own it.

The Hon. JOHN HATZISTERGOS: I like to think of myself as part of it. In any event, our university made some comments, and those comments were incorporated in the final draft of the bill that was presented. I think that ultimately it has facilitated in ensuring that this is much better legislation, particularly the provisions that allow, in effect, self-certification of the courses. That does not appear to transgress the independence of universities in their course offerings.

The part of the bill that deals with the commercial activities of universities is very welcome. Previously the Auditor-General criticised some of those activities. It is an increasing trend for universities to set up

campuses and activities internationally and to market themselves internationally. Universities are responsible to a diverse community. I make no apologies for anything I did as a member of the University of Sydney senate in the past year: in fact, I am very proud of it. I hope that all representatives of all university councils take the time, as I and some of my colleagues have, to ensure that, where appropriate, the affairs of universities are appropriately exposed to public scrutiny.

I do not need to justify why a member of State Parliament ought to be a member of a university council. I have always believed that the job of any member of Parliament who is a member of a council is to represent the public interest. Those institutions have a responsibility to represent the public interest; they do not represent only the interests of academics or the narrow interests of their students. Ultimately the professionals who gain degrees and service the community are of great public interest.

The Hon. Dr Brian Pezzutti: And they respond to the needs of the community.

The Hon. JOHN HATZISTERGOS: Yes, they respond to the needs of the community. Universities serve a broad base of needs and, therefore, there is public interest in their activities. I continually tell the University of Sydney senate that it must understand that it does not serve an isolated community as though it exists in a cocoon. A university is part of a broader community. It serves the public, which ultimately may use either the services of the professionals it generates or its research work. Therefore, whatever happens in university circles should be subjected to appropriate public scrutiny, and the university should listen to people from time to time. For example, a recent newspaper article that referred to nursing stated that the university admission index is to be increased because a particular tertiary institution does not want to concentrate on servicing particular nursing needs.

The institution referred to believes that it could generate more income and more students by, for example, moving its courses away from midwifery to more glamorous areas or to postgraduate work. The university should be accountable for those decisions, and those decisions should be reviewed from time to time. Such decisions have the potential to impact enormously upon the broader community. I do not say this is an attempt to justify my presence on a university council, but I believe there is an important need for representatives of the community, including members of Parliament, to serve on university councils.

The Hon. Dr Brian Pezzutti: And also on Commonwealth councils.

The Hon. JOHN HATZISTERGOS: That debate, which may have some merit, is for another time. I note that the report to the senate on universities in crisis recommended something along those lines. In compliance with the legislation, I will continue to fearlessly advocate to the University of Sydney senate what I believe are community concerns. I will not personalise this debate around Dame Leonie Kramer, whom I believe rendered distinguished service to the university for 10 years. I want to discuss the broader issues to which those circumstances gave rise. We cannot deny that the Ombudsman and the Auditor-General produced critical reports on the university.

Without meaning any disrespect to my colleagues, I believe that the parliamentary representatives on the university senate were amongst the leaders in ensuring that the issues raised in the sequence of reports were addressed positively by the university. The Auditor-General's report was somewhat critical about the transparency of the senate, and the vice-chancellor went through those criticisms one by one. We had meetings with the Auditor-General and discussed his various concerns. We are now about to set up a separate audit committee, a break-away from the finance committee, as he recommended. That is an important move, for which the university should be commended.

With other systems we are, likewise, on the move to become more open and transparent. There is nothing wrong with that. The university's independence and autonomy are not threatened by opening up its processes and allowing people to understand this very big industry. The University of Sydney consumes not only \$600 million of public money but also private money which, in a sense, is generated from the public as a major investment into the university's operations. For all that money and staff, for all those students and their careers, and for the community that universities ultimately serve, they are public institutions in both the broadest sense of the word and the smallest sense of the word.

The Hon. Dr Brian Pezzutti: They are also private institutions.

The Hon. JOHN HATZISTERGOS: I still think they are public institutions. Ultimately they serve the public, and for that reason it is important that their activities should, as far as possible, be open and

transparent. University councils have an important responsibility in ensuring that those processes are followed and that the institutions do not use autonomy as some sort of cloak or smokescreen to prevent a proper analysis of their activities. Under enormous provocation in the past year, the University of Sydney senate acted commendably and with great restraint. It stuck to its task and produced an outcome. I do not want to go over the past: Dame Leonie Kramer paid great service to the university for 10 years, but she has gone. We now have a great chancellor in Justice Kim Santow.

It was said by many that that appointment was designed to get rid of the vice-chancellor, Gavin Brown. But that did not happen. A month or so ago we renewed the vice-chancellor's contract. We put an end to that mischief-making, that furphy. We engaged a consultant to look into our governance. We now have a good program to take us forward. I believe that the future is very bright for the University of Sydney. I will not hear any nonsense from the Hon. Dr Brian Pezzutti trying to drag down the University of Sydney as some sort of second-rate institution. It is a very fine centre of learning, and I am very proud of it. I will be even more proud of it when the processes that we have embarked on continue into the future.

The Hon. Dr Brian Pezzutti: I did not say that.

The Hon. JOHN HATZISTERGOS: The University of Sydney will remain the number one university. The Hon. Dr Brian Pezzutti said that the University of Sydney is second to the University of New South Wales. That is not true. The University of Sydney is still the best institution.

The Hon. Patricia Forsythe: I think that is what it claims these days.

The Hon. JOHN HATZISTERGOS: The Hon. Patricia Forsythe said that the University of New South Wales has some claim. There is no claim to it. She should remember where the Rhodes scholarships came from this year and last year. Who won the world debating competition? The University of Sydney! Who won the rugby? The University of Sydney!

The Hon. MICHAEL COSTA (Minister for Police) [3.29 p.m.], in reply: I commend the bills to the House.

Motion agreed to.

Bills read a second time.

In Committee

The CHAIRMAN: The Committee will deal first with the Universities Legislation Amendment (Financial and Other Powers) Bill.

Clauses 1 to 3 agreed to.

Ms LEE RHIANNON [3.30 p.m.], by leave: I move Greens amendments Nos 1, 11, 21, 31, 41, 51, 61, 71, 81 and 91 in globo:

No. 1 Page 3, schedule 1 [2], proposed section 7, lines 10-26. Omit all words on those lines. Insert instead:

7 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs and aspirations of the residents of western and south-western New South Wales,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,

- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 11 Page 13, schedule 2 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 21 Page 23, schedule 3 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 31 Page 33, schedule 4 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.

- (2) The University has the following principal functions for the promotion of its object:
- (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 41 Page 43, schedule 5 [2], proposed section 6, lines 10-26. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
- (a) the provision of facilities for education and research of university standard, having particular regard to the needs of the Hunter region, the Central Coast and surrounding areas,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 51 Page 53, schedule 6 [2], proposed section 6, lines 10-25. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
- (a) the provision of facilities for education and research of university standard, having particular regard to the needs of the north coast region of the State,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,

- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 61 Page 63, schedule 7 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 71 Page 73, schedule 8 [2], proposed section 6, lines 10-24. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 81 Page 83, schedule 9 [2], proposed section 8, lines 10-26. Omit all words on those lines. Insert instead:

8 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs and aspirations of residents of Greater Western Sydney,

- (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
- (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community, beginning in Greater Western Sydney,
- (d) the participation in public discourse,
- (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
- (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

No. 91 Page 93, schedule 10 [2], proposed section 6, lines 10-25. Omit all words on those lines. Insert instead:

6 Object and functions of University

- (1) The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.
- (2) The University has the following principal functions for the promotion of its object:
 - (a) the provision of facilities for education and research of university standard, having particular regard to the needs of the Illawarra region,
 - (b) the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
 - (c) the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
 - (d) the participation in public discourse,
 - (e) the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
 - (f) the provision of teaching and learning that engage with advanced knowledge and inquiry,
 - (g) the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

These amendments cover the objects and functions of our universities. They seek to emphasise research as one of the principal functions of a university and to more adequately specify some of the functions of a university as described by the national protocols on higher education approval processes. These amendments make clear that the objects and functions of a university should address matters of free inquiry, the relationship between teaching and research, and recognition that teaching and learning within universities occur across a range of fields leading to synergies across disciplines that enhance the body of knowledge on which teaching and learning are based.

If agreed to, this formulation would clearly consolidate the notion of free inquiry, which is fundamental to the Greens. It would ensure that higher education is not compromised and help safeguard the very principal objectives of our universities. These amendments would express the breadth and depth of the range of objectives that a university should have. They enshrine in legislation the importance of a broad intellectual focus and make it clear that any institution with a narrow vocational focus should not be called a university. I will return to that later because the definition of a university needs to be questioned under the present regime. It ensures, for instance, that a business college that only offers a Master of Business Administration could not be called a university, nor would it have the ability to self-accredit. Although it could operate as a higher education institute, it would require specific approval for other degrees. This apparently protects the reputation and admission of universities as key institutions within our society.

During the first part of his contribution to the second reading debate Reverend the Hon. Fred Nile made some interesting comments about the concept of free inquiry. He said that the Greens, when they introduced that concept, had a hidden agenda to destroy private universities. I found that to be a curious

comment and I would be interested to hear him expand on it. Does it mean that the staff of the Catholic University, for instance, are not involved in free inquiry? It would be useful if Reverend the Hon. Fred Nile would enlighten the Committee on that key issue as it goes to the heart of the purpose and role of our universities and is the essence of my amendments. Reverend the Hon. Fred Nile today also outlined his support for Christian universities.

I found his comments to be sectarian. Maybe he supports universities that adhere to Islam, Buddhism, Hinduism and other sects or religions but the Greens regard it as an inappropriate way for universities to be constructed. However, if he expands on his views about the Christian University, it would soften his sectarian statement, which was, in fact, anti-multicultural. Reverend the Hon. Fred Nile supports bodies whose foray into a tertiary education is on level with a snatch-and-grab raid—they grab a few students, snatch a few profits and students are left the worse for wear in terms of their education, if one can call it that. These amendments clearly spell out the objects of universities. I commend the amendments to the Committee.

The Hon. MICHAEL COSTA (Minister for Police) [3.35 p.m.]: The Government supports these amendments.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.35 p.m.]: The Australian Democrats also support these amendments. We believe it is important to define a university in a social context. The Greens have done a good job with these amendments. Of course, the alternative relates to the courses being offered. For example, English language schools are having a race to the bottom on price because a standard has not been defined for them, and that is a problem. Once a standard has been defined universities can market them to that standard, but at present the opposite is happening with English language schools. As they are not accredited they are being dominated by price, and the agents who sell them overseas make most of the money, driving down the price. We do not want that to happen with universities. The criteria should be to have appropriate quality control, which is maintained, so that universities are a viable export commodity.

The Hon. PATRICIA FORSYTHE [3.36 p.m.]: The Opposition does not oppose these amendments. When I compared the original bill to the amendments, the wording in the original bill was clearer. Certainly, the proposed amendments, particularly the reference to free inquiry, is not controversial, but I was interested to hear the Hon. Lee Rhiannon take up points made by Reverend the Hon. Fred Nile on the concept of free inquiry. I always understood the basis of a university was the concept of free inquiry. I ask the Government to give me an assurance that these amendments will not make it difficult for the Catholic University to operate as it does at present. I do not believe that is the intention of the amendments but, as the matter has been raised, perhaps it should be clarified.

I would not want to do anything that inhibits the operation of the Catholic University or any other university because I did not understand that to be the purpose of the amendments. I also noted the concept of participation in public discourse, which I assume is necessary if it adds to the object and function of the university. However, most people would regard that as a given, and I do not know why the Greens regard it necessary to include that as a separate object and function. Perhaps I could be enlightened on why that measure has been added.

The Hon. MICHAEL COSTA (Minister for Police) [3.38 p.m.]: My advice is that the operations of the Catholic University would not be affected by the amendments.

Reverend the Hon. FRED NILE [3.38 p.m.]: It would take me some time to answer all questions asked by the honourable member from the Greens and I would be happy to discuss them, although I do not think the Committee would be happy if I gave a theological or philosophical lecture. However, I wish to take up a couple of minor points in answer to the very innocent member representing the Greens in this Parliament. As Ms Lee Rhiannon and I know, I have been confronting the stifling of free speech and free inquiry by radical and left-wing organisations for more than 20 years. I know how they operate and I know about code words—words that have a special meaning; words about which honourable members may be oblivious but which have a special meaning to the Greens.

These words could be used in future—in some way that even the Government is unaware of—to take legal action against a Catholic university, for example.

Ms Lee Rhiannon: Can you give an example from the bill? Which words do you mean?

Reverend the Hon. FRED NILE: I refer the honourable member to the phrases "free inquiry" and "participation in public discourse". I believe the phrase "free inquiry" is a code, which is used in the Greens manifesto to mean prohibiting other beliefs and inquiries. That is the intention of that phrase. For argument's sake, the phrase could be used to prohibit some aspects of Christian teaching or statements of absolute values, such as the Ten Commandments. That is evidenced by the Greens' actions in seeking to ban prayer in this place, which is supported by the majority. A minority tried to force its will on the majority. An up-to-date example is the Southern Cross University's directive that prohibits Christians witnessing about their faith on university grounds. So much for real, free inquiry! The Greens would probably claim that free inquiry is prohibiting the beliefs of a particular group.

I have another example. Only last week a Catholic chaplain at the Western Australian university, who was approved by the university but appointed by the Catholic Church, dared to sign an advertisement that was published in the newspaper opposing the lowering of the age of consent. Groups such as the Greens protested against his actions, and he was sacked from his position as university chaplain. So much for free inquiry! To the Greens, that phrase means free inquiry from their point of view, not from mine. That is why I believe we must weigh these words very carefully. They do not appear in the original bill, and I want to know whether they are in the Commonwealth legislation. I understand that there is supposed to be uniform legislation in this area. Are we now moving to create legislation that is peculiar to New South Wales and that will put us out of step with the other States of Australia? Must the New South Wales Minister for Education and Training take this bill to the Federal Minister for Education, Science and Training and say, "New South Wales has veered off in some left-wing direction and now has a set of university regulations peculiar to it"?

In Greens jargon the phrase "participation in public discourse" may mean more students opposing globalisation and smashing the windows of McDonald's restaurants. Phrases such as this have particular meanings, and often words are used as bullets in the battle of ideas. Words are very important. I agree with the legislation, which I think is well written. We understand that universities are places of inquiry, but by putting words such as these in the objects of universities we are elevating and emphasising them more strongly than was intended in the normal operation of universities. That is my concern.

The Hon. PATRICIA FORSYTHE [3.43 p.m.]: In deciding that the Opposition will not oppose the amendments, I was mindful of the fact that the national protocols for the higher education approvals process, under the heading "Criteria", say that Australian universities will demonstrate features such as the commitment of teachers, researchers, course designers and assessors to free inquiry and systemic advancement of knowledge. Therefore, I took the words in the Greens amendments as being in accordance with the principles that were established in the protocol.

The Hon. MICHAEL COSTA (Minister for Police) [3.43 p.m.]: That is also my advice. The phrase "free inquiry" is in the national protocols as agreed by Federal and State Ministers.

Ms LEE RHIANNON [3.44 p.m.]: The words "free inquiry" have been dissected in this discussion. I am concerned by some of the remarks of Reverend the Hon. Fred Nile, who said that he believes they are code words that will prohibit the teaching of certain beliefs. That could not be further from the truth in terms of how the Greens operate both in moving amendments in this place and in working in the wider community, where we try hard to safeguard people's rights to speak freely and openly. We object to a particular religion arguing for exclusive rights—which is what we hear from Reverend the Hon. Fred Nile time and time again. He believes there is something special and righteous about Christianity, and thus seeks special rights both in this place and outside it. That is extremely worrying. Free inquiry is absolutely vital and must be enshrined in this legislation. Reverend the Hon. Fred Nile's comments have demonstrated why that is so important.

It is intended to ensure that universities can be involved in contemporary debates about any matters relating to their teaching and research. The amendments provide a sound foundation for staff to act as whistleblowers and offer new ideas, no matter how controversial. Those provisions are extremely important and must be enshrined in the bill. I am glad that the Government has seen its way clear to support these amendments, which originate from a New Zealand education Act. As honourable members will be aware, New Zealand often leads the way in many areas.

Amendments agreed to.

Ms LEE RHIANNON [3.46 p.m.], by leave: I move Greens amendments Nos 2, 3, 12, 13, 22, 23, 32, 33, 42, 43, 52, 53, 62, 63, 72, 73, 82, 83, 92 and 93 in globo:

- No. 1 Page 3, schedule 1 [2], proposed section 7, lines 10-26. Omit all words on those lines. Insert instead:
- No. 2 Page 3, schedule 1 [2], proposed section 7. Insert after line 26:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
 - (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.
- No. 3 Pages 3 and 4, schedule 1 [2], proposed section 7, line 27 on page 3 to line 5 on page 4. Omit all words on those lines. Insert instead:
- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,
- No. 12 Page 13, schedule 2 [2], proposed section 6. Insert after line 24:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
 - (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.
- No. 13 Pages 13 and 14, schedule 2 [2], proposed section 6, line 25 on page 13 to line 3 on page 14. Omit all words on those lines. Insert instead:
- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,
- No. 22 Page 23, schedule 3 [2], proposed section 6. Insert after line 24:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
 - (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.
- No. 23 Pages 23 and 24, schedule 3 [2], proposed section 6, line 25 on page 23 to line 3 on page 24. Omit all words on those lines. Insert instead:
- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,
- No. 32 Page 33, schedule 4 [2], proposed section 6. Insert after line 24:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,

- (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.
- No. 33 Pages 33 and 34, schedule 4 [2], proposed section 6, line 25 on page 33 to line 3 on page 34. Omit all words on those lines. Insert instead:
- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,
- No. 42 Page 43, schedule 5 [2], proposed section 6. Insert after line 26:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
 - (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.
- No. 43 Pages 43 and 44, schedule 5 [2], proposed section 6, line 27 on page 43 to line 5 on page 44. Omit all words on those lines. Insert instead:
- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,
- No. 52 Page 53, schedule 6 [2], proposed section 6. Insert after line 25:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
 - (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.
- No. 53 Pages 53 and 54, schedule 6 [2], proposed section 6, line 26 on page 53 to line 4 on page 54. Omit all words on those lines. Insert instead:
- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,
- No. 62 Page 63, schedule 7 [2], proposed section 6. Insert after line 24:
- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
 - (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
 - (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.

No. 63 Pages 63 and 64, schedule 7 [2], proposed section 6, line 25 on page 63 to line 3 on page 64. Omit all words on those lines. Insert instead:

- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,

No. 72 Page 73, schedule 8 [2], proposed section 6. Insert after line 24:

- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
- (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
- (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.

No. 73 Pages 73 and 74, schedule 8 [2], proposed section 6, line 25 on page 73 to line 3 on page 74. Omit all words on those lines. Insert instead:

- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,

No. 82 Page 83, schedule 9 [2], proposed section 8. Insert after line 26:

- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
- (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
- (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.

No. 83 Pages 83 and 84, schedule 9 [2], proposed section 8, line 27 on page 83 to line 7 on page 84. Omit all words on those lines. Insert instead:

- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others, with particular regard to the need to contribute to the development of Greater Western Sydney,

No. 92 Page 93, schedule 10 [2], proposed section 6. Insert after line 25:

- (h) the encouragement of a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning to the creation of new knowledge through research and original creative endeavour,
- (i) the promotion of commitment by teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge,
- (j) the acquisition and maintenance of sufficient financial and other resources to enable the University's academic programs to be delivered and sustained in the future.

No. 93 Pages 93 and 94, schedule 10 [2], proposed section 6, line 26 on page 93 to line 4 on page 94. Omit all words on those lines. Insert instead:

- (3) The University has other functions as follows:
 - (a) the University may exercise commercial functions comprising the exploitation or development primarily for income-producing purposes, for the University's benefit in the public interest, of any

facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, practical knowledge and intellectual property), whether alone or with others,

These amendments insert more protocols into the objects and functions of each university. They encourage a culture of sustained scholarship, commitment to free inquiry and the systematic advancement of knowledge, the development of appropriate processes and the acquisition of sufficient resources. They also improve the definition of the commercial functions of the university and make clear that such activities should be undertaken only in the public interest. It is vital to have that point in this legislation. Commercial activities will occur but public interest must be the primary objective in determining those activities. This is essential to protecting independence of inquiry in universities and to ensuring that commercial arrangements do not constrain the ideas that can be expressed and directions that can be taken in our universities.

As universities are driven by inadequate public funding to seek ever greater private funding, it is essential that this does not happen at the expense of crucial social benefits that are delivered by universities. We must be very clear about this point or we will allow our universities to be compromised. University Chairs sponsored by corporations should give no leverage to their benefactors to determine or undermine the independence of teaching, inquiry and research. I commend the Greens amendments to the Committee.

The Hon. MICHAEL COSTA (Minister for Police) [3.48 p.m.]: The Government opposes the Greens amendments, which we believe either duplicate existing functions or are unnecessary. Commercial functions are already defined appropriately in the bill, which includes provisions requiring university governing bodies to act in such a manner as they believe is best calculated to promote the objects and interests of the university. In addition to obligations on governing bodies to promote the objects and interests of the university, ministerial approval guidelines for commercial activities will also ensure that consideration is given to each type of commercial activity in order to determine that it is consistent with the objectives and functions of universities.

Amendments negatived.

Ms LEE RHIANNON [3.49 p.m.], by leave: I move Greens amendments Nos 4, 14, 24, 34, 44, 54, 64, 74, 84 and 94 in globo:

- No. 4 Page 6, schedule 1 [11], line 6. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 14 Page 15, schedule 2 [9], line 21. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 24 Page 25, schedule 3 [9], line 21. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 34 Page 35, schedule 4 [9], line 21. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 44 Page 45, schedule 5 [9], line 24. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 54 Page 55, schedule 6 [9], line 24. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 64 Page 65, schedule 7 [9], line 21. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 74 Page 75, schedule 8 [9], line 21. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 84 Page 85, schedule 9 [9], line 26. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".
- No. 94 Page 95, schedule 10 [9], line 24. Insert "that are consistent with the object and interests of the University," after "(whether or not incorporated),".

These amendments cover the extremely important issue of the powers of the council, a matter very close to the hearts of members in this place. The commercial environment in which universities now operate brings into focus the pressures placed on governing bodies in balancing the traditional activities of the university with those aimed at producing income. These amendments specify that the involvement of the university in establishing

trust companies must be consistent with the objects and interests of the university rather than an interpretation of those objects and interests. I commend the Greens amendments.

The Hon. MICHAEL COSTA (Minister for Police) [3.50 p.m.]: The Government opposes these amendments. The arguments I put on the previous amendments apply to these amendments.

Amendments negatived.

Ms LEE RHIANNON [3.51 p.m.], by leave: I move Greens amendments Nos 5, 6, 7, 15, 16, 17, 25, 26, 27, 35, 36, 37, 45, 46, 47, 55, 56, 57, 65, 66, 67, 75, 76, 77, 85, 86, 87, 95, 96 and 97 in globo:

- No. 5 Page 6, schedule 1 [14], proposed section 19A (1), line 18. Omit "the Minister under this section". Insert instead "the regulations".
- No. 6 Page 6, schedule 1 [14], proposed section 19A (2), line 19. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 7 Page 9, schedule 1 [16], proposed section 24B (3). Insert after line 7:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 7 (2)).
- No. 15 Page 16, schedule 2 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 16 Page 16, schedule 2 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 17 Page 18, schedule 2 [14], proposed section 21B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 25 Page 26, schedule 3 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 26 Page 26, schedule 3 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 27 Page 28, schedule 3 [14], proposed section 21B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 35 Page 36, schedule 4 [12], proposed section 15A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 36 Page 36, schedule 4 [12], proposed section 15A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 37 Page 38, schedule 4 [14], proposed section 20B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 45 Page 46, schedule 5 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 46 Page 46, schedule 5 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 47 Page 48, schedule 5 [14], proposed section 21B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 55 Page 56, schedule 6 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".

- No. 56 Page 56, schedule 6 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 57 Page 58, schedule 6 [14], proposed section 21B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 65 Page 66, schedule 7 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 66 Page 66, schedule 7 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 67 Page 68, schedule 7 [14], proposed section 26B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 75 Page 76, schedule 8 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 76 Page 76, schedule 8 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 77 Page 78, schedule 8 [14], proposed section 21B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).
- No. 85 Page 86, schedule 9 [12], proposed section 22A (1), line 10. Omit "the Minister under this section". Insert instead "the regulations".
- No. 86 Page 86, schedule 9 [12], proposed section 22A (2), line 11. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 87 Page 88, schedule 9 [14], proposed section 32B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 8 (2)).
- No. 95 Page 96, schedule 10 [12], proposed section 16A (1), line 8. Omit "the Minister under this section". Insert instead "the regulations".
- No. 96 Page 96, schedule 10 [12], proposed section 16A (2), line 9. Omit "The Minister may, by order in writing, permit". Insert instead "The Governor may make regulations permitting".
- No. 97 Page 98, schedule 10 [14], proposed section 21B (3). Insert after line 28:
- (f) preventing subsidisation of commercial activities from funding provided to the University by way of grant or donation for the purpose of enabling the University to perform its principal functions (as referred to in section 6 (2)).

These amendments cover both the controlled entities and commercial activities. They deal with ministerial approval to engage in activities not contemplated by the Act. The Act, as amended by the bill, would be broad, so the permission to undertake further activities that are outside the Act should be granted after an appropriate degree of deliberation. These amendments seek to replace authorisation by the Minister with regulation to create greater parliamentary oversight and public accountability—words we hear often in rhetoric that do not generally play out in reality. As to commercial activities, the amendments would add a requirement in relation to university council involvement in commercial activities to prevent subsidisation of commercial activities from funds intended for the university to perform its principal, that is, non-commercial, functions. I commend the Greens amendments.

The Hon. MICHAEL COSTA (Minister for Police) [3.52 p.m.]: The Government opposes these amendments. The bill as drafted reflects amendments made last year to the Public Authorities (Financial Arrangements) Act 1987 in response to concerns raised in the New South Wales Auditor-General's Report to the Parliament for 1999, Volume 2. The provisions as set out in the bill are practical and effective and should be retained.

Amendments negatived.

Ms LEE RHIANNON [3.53 p.m.], by leave: I move Greens amendments Nos 8, 18, 28, 38, 48, 58, 68, 78, 88 and 98 in globo:

- No. 8 Page 9, schedule 1 [16], proposed section 24B (3). Insert after line 7:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 18 Page 18, schedule 2 [14], proposed section 21B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 28 Page 28, schedule 3 [14], proposed section 21B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 38 Page 38, schedule 4 [14], proposed section 20B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 48 Page 48, schedule 5 [14], proposed section 21B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 58 Page 58, schedule 6 [14], proposed section 21B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 68 Page 68, schedule 7 [14], proposed section 26B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Senate in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 78 Page 78, schedule 8 [14], proposed section 21B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 88 Page 88, schedule 9 [14], proposed section 32B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Board in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
- No. 98 Page 98, schedule 10 [14], proposed section 21B (3). Insert after line 28:
- (f) establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.

These amendments relate to guidelines for commercial activities. They add a requirement in relation to university council involvement in commercial activities to establish a mechanism aimed at preventing conflicts of interest on the part of council members. Problems have arisen at a number of universities when governing council members have experienced conflicts of interest. As members would remember, the University of Melbourne faced a major problem when it floated Melbourne Enterprises International and council members were awarded preferred shares. I would hope that no member in this place would be happy with such action. The University of Wollongong experienced a problem when it was given legal advice on the Ted Steele case by a firm, an employee of which was a member of the council. Universities and council members must be protected from these kinds of damaging conflicts because, as we have seen, they play out in a way that not only compromises the council but ends up with the university being seen in a lesser light by the wider community. The community has a right to expect that its universities are governed with probity and without undue influence. By adopting these amendments we will be able put that provision in place. I commend the Greens amendments.

The Hon. MICHAEL COSTA (Minister for Police) [3.55 p.m.]: The Government supports the amendments.

Amendments agreed to.

Ms LEE RHIANNON [3.55 p.m.], by leave: I move Greens amendments Nos 9, 10, 19, 20, 29, 30, 39, 40, 49, 50, 59, 60, 69, 70, 79, 80, 89, 90, 99 and 100 in globo:

No. 9 Page 9, schedule 1 [16], proposed section 24C (1). Insert after line 28:

- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,

No. 10 Page 10, schedule 1 [16], proposed section 24D, lines 7-10. Omit all words on those lines. Insert instead:

- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
- (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

No. 19 Page 19, schedule 2 [14], proposed section 21C (1). Insert after line 16:

- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,

No. 20 Page 19, schedule 2 [14], proposed section 21D, lines 30-33. Omit all words on those lines. Insert instead:

- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
- (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

No. 29 Page 29, schedule 3 [14], proposed section 21C (1). Insert after line 16:

- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,

No. 30 Page 29, schedule 3 [14], proposed section 21D, lines 30-33. Omit all words on those lines. Insert instead:

- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
- (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

No. 39 Page 39, schedule 4 [14], proposed section 20C (1). Insert after line 16:

- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,

No. 40 Page 39, schedule 4 [14], proposed section 20D, lines 30-33. Omit all words on those lines. Insert instead:

- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
- (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

No. 49 Page 49, schedule 5 [14], proposed section 21C (1). Insert after line 16:

- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,

No. 50 Page 49, schedule 5 [14], proposed section 21D, lines 30-33. Omit all words on those lines. Insert instead:

- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
- (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

No. 59 Page 59, schedule 6 [14], proposed section 21C (1). Insert after line 16:

- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,

- No. 60 Page 59, schedule 6 [14], proposed section 21D, lines 30-33. Omit all words on those lines. Insert instead:
- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
 - (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.
- No. 69 Page 69, schedule 7 [14], proposed section 26C (1). Insert after line 16:
- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,
- No. 70 Page 69, schedule 7 [14], proposed section 26D, lines 30-33. Omit all words on those lines. Insert instead:
- (1) The Senate must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
 - (2) The Minister may at any time request a report from the Senate as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.
- No. 79 Page 79, schedule 8 [14], proposed section 21C (1). Insert after line 16:
- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,
- No. 80 Page 79, schedule 8 [14], proposed section 21D, lines 30-33. Omit all words on those lines. Insert instead:
- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
 - (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.
- No. 89 Page 89, schedule 9 [14], proposed section 32C (1). Insert after line 16:
- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,
- No. 90 Page 89, schedule 9 [14], proposed section 32D, lines 30-33. Omit all words on those lines. Insert instead:
- (1) The Board must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
 - (2) The Minister may at any time request a report from the Board as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.
- No. 99 Page 99, schedule 10 [14], proposed section 21C (1). Insert after line 16:
- (e) details of the sources of any funding used to support the activity, and the anticipated return to the University from the activity,
- No. 100 Page 99, schedule 10 [14], proposed section 21D, lines 30-33. Omit all words on those lines. Insert instead:
- (1) The Council must provide to the Minister an annual report as to all commercial activities of the University undertaken during the reporting period. The Minister is to keep the reports in a register that is open to public inspection under such conditions as the Minister may determine from time to time.
 - (2) The Minister may at any time request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.

These amendments cover the register of commercial activities and reporting to the Minister on commercial activities. In effect, they will provide ways to further tighten requirements to overcome problems with commercial activities at our universities. To provide more appropriate scrutiny of the financial arrangements relating to commercial activities, the proposed amendments will add to the register of commercial activities that universities must maintain for details of funding sources and anticipated financial returns. That is not much to ask and should have been included in the bill by the Government. The Greens saw that this provision was lacking and that there was a need for the amendments.

The amendments relating to commercial activities seek to strengthen a university's accountability by requiring each university to make an annual report on all commercial activities, rather than providing the Minister with the power to request a report, as is proposed in the bill, and by requiring the Minister to make these reports available to the public. The amendments leave in place the power of the Minister to seek a report at any time on all activities or on a particular activity. I draw the attention of members to the Auditor-General's report on the education testing service at the University of New South Wales, which clearly pointed out the need to properly regulate the activities of non-academic undertakings of our universities. The Auditor-General made it clear that a university's good standing was as vulnerable to these non-core activities as it was to the quality of its teaching and research. For many reasons, we believe that these amendments are urgently needed to safeguard our universities. I commend the Greens amendments.

The Hon. MICHAEL COSTA (Minister for Police) [3.57 p.m.]: The Government opposes these amendments. Annual reporting arrangements, together with the reporting provisions in the bill, already serve to ensure sufficient strong accountability requirements. Further, ministerial approval guidelines for commercial activities will ensure accountability and transparency with regard to the application of funds.

Amendments negatived.

The Hon. MICHAEL COSTA (Minister for Police) [3.58 p.m.], by leave: I move Government amendments Nos 1 to 10 in globo:

- No. 1 Page 10, schedule 1 [16], proposed section 24E, lines 19 and 20. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 2 Page 20, schedule 2 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 3 Page 30, schedule 3 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 4 Page 40, schedule 4 [14], proposed section 20E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 5 Page 50, schedule 5 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 6 Page 60, schedule 6 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 7 Page 70, schedule 7 [14], proposed section 26E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 8 Page 80, schedule 8 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 9 Page 90, schedule 9 [14], proposed section 32E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.
- No. 10 Page 100, schedule 10 [14], proposed section 21E, lines 9 and 10. Omit all words on those lines. Insert instead:
- (b) as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the *Ombudsman Act 1974*.

The Government seeks to allay concerns of the New South Wales Ombudsman about the wording in the original bill. The Ombudsman's Office will continue to have discretion to decide which complaints it will investigate. I commend the amendments.

Amendments agreed to.

Schedules 1 to 10 as amended agreed to.

Schedule 11 agreed to.

Pursuant to sessional orders progress reported from Committee and leave granted to sit again.

QUESTIONS WITHOUT NOTICE

TRADE UNION MEMBERSHIP

The Hon. MICHAEL GALLACHER: My question without notice is to the Minister for Industrial Relations. Is the Minister aware of comments made by Maurie O'Sullivan of the Public Service Association [PSA] that he intends to "out" Labor staffers and members of Parliament who are not members of a trade union? What measures has the Minister taken to remind the PSA that such action would contravene the Industrial Relations Act 1996, particularly section 209 (2) relating to freedom of association and section 210 (1) (b) relating to freedom from victimisation? Can the Minister assure Labor staffers and members of Parliament that they will not be subject to harassment and victimisation if they choose not to join a trade union, or will he simply cave in to pressure from his union mates?

The Hon. JOHN DELLA BOSCA: It is the beginning of the silly season! That is about as silly a question as the Leader of the Opposition could have come up with. He would understand that I am a great friend and fan of Maurie O'Sullivan, but I do not follow every single comment he makes in the rough and tumble of industrial political debate. I am not aware of any particular comment he has made about outing anybody for any particular reason. The Leader of the Opposition has offered me a copy of his latest download of *Workers Online*.

The Hon. Michael Gallacher: They have you as the centrefold.

The Hon. JOHN DELLA BOSCA: He said I am in the centrefold, but I do not believe that. I will be happy to read Mr O'Sullivan's comments. However, I assure the Opposition and all members of this House, and any staff who might be interested, that, of course, they have the full protection of the industrial law in all respects.

MID NORTH COAST RECREATIONAL FISHING HAVENS

The Hon. AMANDA FAZIO: My question is to the Minister for Fisheries. What action has been taken to improve recreational fishing on the mid North Coast?

The Hon. EDDIE OBEID: I thank the Hon. Amanda Fazio for her question and commend her for her continuing interest in recreational fishing. The New South Wales Government is currently in the process of creating recreational fishing havens to make sure we share this community resource between recreational and commercial fishers. Creating recreational fishing havens is one way of giving anglers access to better fishing. Last week I visited the mid North Coast to announce five new recreational fishing havens. This will mean that commercial fishing will be banned in the whole of the Bellinger and Hastings rivers as well as Deep Creek. Commercial fishing will cease also in part of the Manning River downstream from Ghinni Ghinni and Berady creeks, including Scotts Creek, and in parts of the Camden Haven River from Dunbogan Bridge and North Haven Bridge, including Gogleys Lagoon.

These new recreational fishing havens were created after extensive community consultation. By late 2002 no commercial fishing will be permitted to operate in these new recreational fishing havens. Approximately 40 commercial fishers on the mid North Coast will need to be bought out. However, 80 commercial fishers from this area have already indicated an interest in being bought out. Given that double the numbers of commercial fishers from this area have indicated interest in leaving the industry, it is unlikely there will be any compulsory buybacks. The angler expenditure committee has already approved \$4.2 million from recreational licences, and this money will be used to buy out these commercial fishers.

The New South Wales Government will ensure these commercial fishers receive fair compensation. The creation of these new recreational fishing havens means New South Wales anglers will soon have 29 havens specifically for better recreational fishing. These include Lake Macquarie and Botany Bay, parts of the Tweed and Richmond rivers, St Georges Basin, Tuross Lakes, Bega and Bermagui rivers and 16 other waterways along the South Coast. These latest changes will not affect our seafood supply because less than 0.3 per cent of the State's seafood consumption comes from these estuaries on the mid North Coast.

The new angling havens are the direct result of the New South Wales Government working with the community to create better recreational fishing. We have listened to the wishes of the community and have responded with a practical and effective solution to sharing our fish. It is estimated that every year more than 260,000 anglers fish in the mid North Coast, contributing more than \$16 million a year, which supports local businesses. I look forward to updating the House about future developments in our efforts to create better recreational fishing.

ENERGYAUSTRALIA BONUS PAYMENTS

The Hon. DUNCAN GAY: My question is to the Treasurer. Is it a fact that the Managing Director of EnergyAustralia, Paul Broad, received a \$74,258 bonus on top of a pay rise, and seven other staff received bonuses totalling more than a quarter of a million dollars, when the company's net profit and dividends have both halved? Does the Treasurer recall describing performance bonuses as "a modern American fad and modern American crap"? Are these payments in direct contravention of his promise to abolish such payments, or are they to congratulate Paul Broad and EnergyAustralia's senior staff for managing the company at a time when the Minister is intent on reaping more money to retire State debt via Mr Broad's company?

The Hon. MICHAEL EGAN: I am not aware of any bonus payment to Mr Broad. But my view of bonus payments is well known and, in fact, was accurately described by the Leader of the National Party in his question. I have banned those payments within the general public sector, but at the time I did that I also announced that the question of bonuses for senior staff of State-owned corporations would be a matter for the boards of those organisations. Of course, I know Mr Broad very well, and I have the highest regard for him—

The Hon. Duncan Gay: So do I.

The Hon. MICHAEL EGAN: —as does the Leader of the National Party.

The Hon. Duncan Gay: That's not the point.

The Hon. MICHAEL EGAN: The point is whether we have bonuses. I have taken the position that within the general government sector there should be none, and for the State-owned corporations it is a matter for the board. I have made my views known quite publicly and quite strongly.

The Hon. Duncan Gay: But you are a shareholder. You would have received the report. Why didn't you know?

The Hon. MICHAEL EGAN: No, I'm sorry, I don't get those reports.

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order for the first time.

CASUAL TEACHERS PERMANENT APPOINTMENTS

The Hon. HELEN SHAM-HO: My question without notice is to the Minister for Police, representing the Minister for Education and Training. I refer the Minister to the March 2001 decision of the Administrative Decisions Tribunal, *Amery and others v State of NSW*. The decision found that the Department of Education and Training had indirectly discriminated against 13 casual teachers on the grounds of sex because those teachers were paid less than permanent teachers for doing the same work. Will the Minister advise what he will do to ensure that casual teachers in long-term positions receive salaries equal to their permanent colleagues? Given that the women involved in that decision have been waiting for a permanent teaching position for many years, some up to 16 years, what will the Minister do to ensure that long-term casual teachers who wish to return to permanent teaching are given preference for appointment to permanent status?

The Hon. MICHAEL COSTA: I will take the question on notice and obtain the appropriate advice from the Minister.

LONG-HAUL TRUCKING INDUSTRY SAFETY

The Hon. JAN BURNSWOODS: My question is to the Special Minister of State, and Minister for Industrial Relations. What action is the Government taking to improve safety in the long haul trucking industry?

The Hon. JOHN DELLA BOSCA: The honourable member has asked an important question. Today I released a major report into the safety of the long haul trucking industry in New South Wales. The report was conducted by Professor Michael Quinlan from the University of New South Wales School of Industrial Relations and Organisational Behaviour.

The Hon. Michael Egan: Not Quiggan?

The Hon. JOHN DELLA BOSCA: No, Quinlan is a different person. Quiggan is from Queensland, and he is an economist not a sociologist. The 498-page report resulted from hearings throughout New South Wales and interstate, and 60 written submissions. Australian long haul truck drivers move millions of tonnes of produce and cover vast distances each year, but Professor Quinlan's report found some very serious problems with the economics and underlying work practices of the industry.

The Hon. Duncan Gay: I used to drive one of those for a while.

The Hon. JOHN DELLA BOSCA: That is interesting. You could have appeared as a witness before the Quinlan inquiry.

The Hon. Duncan Gay: I wasn't invited.

The Hon. JOHN DELLA BOSCA: You should have taken the initiative. Those serious problems are having a direct impact on road safety and the public interest. In 1999, 189 Australians died in crashes involving articulated trucks—51 were drivers and, as honourable members will note, the majority of those killed were members of the public who were using a public conveyance. This tragedy prompted the Government to call an inquiry. Today, in response to Professor Quinlan's report, I announced an interagency long haul trucking industry safety task force. The task force will include the Motor Accidents Authority, Roads and Traffic Authority, WorkCover, Police Service, Department of Industrial Relations and the Cabinet Office.

The task force will co-ordinate its activities with the industry through a stakeholder advisory group, which will include representatives of employers and employees. Among the report's recommendations is a document to establish a chain of responsibility. This will recognise that a truck driver is not acting alone, but with a range of pressures, in particular, the pressure applied by owners and consignors to get products to their destination as quickly as possible, often ignoring the impacts on road traffic or road safety conditions. Everyone in the chain must understand that truck drivers are not machines that can operate without rest. A safe driving plan is a recommendation that the task force will consider in relation to logbooks and national regulation. As part of this crucial issue, I will be asking the task force to advise some ways to prohibit the use of bonuses for drivers who deliver their cargo ahead of schedule. The lure of extra cash is a powerful incentive, but often an incentive to drive recklessly and disregard the motor traffic rules.

The Hon. Duncan Gay: And to make sure they are realistic schedules.

The Hon. JOHN DELLA BOSCA: The Deputy Leader of the Opposition interjected "make sure they are realistic schedules". He has hit the nail on the head. He is right about that. That is one of the critical aspects to be worked through in implementing Professor Quinlan's recommendations. Professor Quinlan noted that excessive hours behind the wheel, the temptation to take drugs to stay awake, and speeding in order to meet artificial deadlines for bonuses or for other incentives or sanctions, extract a heavy toll on drivers and on those who share the public conveyance with them. These factors, of course, are not unique to New South Wales. One of the first roles of the task force will be to formalise preliminary discussions with other States, particularly Victoria and Queensland—and to consider the national regulatory environment and its implications for road haulage safety.

The Hon. Michael Egan: Are Queensland and Victoria likely to be co-operative?

The Hon. JOHN DELLA BOSCA: I think they will be co-operative. Where necessary the New South Wales Government will take issues to national ministerial conferences, both industrial relations and freight, to seek nationwide support for the task force strategies. The challenge in reducing trucking deaths is to bring about a change in culture. [*Time expired.*]

HASTINGS RIVER COMMERCIAL FISHING BAN

The Hon. JOHN TINGLE: My question without notice is addressed to the Minister for Fisheries. Is the Minister aware that some commercial fishermen based in Port Macquarie, and operating in the Hastings River, have complained that his proclamation banning all commercial fishing in the Hastings River will ruin their businesses? Have they claimed that compensation is inadequate, that they were not consulted and that the fishermen's co-operative will have to close? Can the Minister advise the House whether their claims are true? If so, what arrangements are being made to compensate them for the loss of their businesses?

The Hon. EDDIE OBEID: I think the Carr Labor Government will be seen to have done more for commercial fishers than any previous government. Before we changed the legislation in this House last November, no commercial fisher would have been compensated for having had his entitlement taken away to create a recreational fishing area. We inserted a provision in the Act that every commercial fisher whose entitlement could be taken away, other than because of natural causes, would be entitled to compensation. As to the recreational fishing havens on the mid North Coast, around 40 commercial fishers will be bought out and they will be bought out in accordance with a formula that is very generous. I know that the Recreational Fishing Trust would not like to say this, but the formula is far above what the market will give them.

Already, 80 commercial fishers from that area have registered to sell out in the area. If we are buying 40, and 80 have registered, I do not think there should be much pressure on those fishers. We will fairly compensate those 40 commercial fishers. If they are keen to participate in our commercial fishing industry, they will be able to buy entitlements in another area. The Government consulted for 23 months. We shared the Government's thoughts with the community for 23 months, and we heard it loud and clear from the community that they wanted to see long-term sustainable fisheries. We are making sure that we manage our commercial and recreational fisheries in a long and sustainable manner. That is why the Government decided, based upon community expectations and requests, to give recreational fishers more equity.

At the same time, recreational fishers will be managed. We have some of the most stringent bag and size limits of any State in Australia. Our commercial sector has never had the possibility of sustainability. There are more than 1,800 estuary commercial fishers in this State who, on average, are not earning more than \$20,000 gross per year. We intend to make sure our commercial fleet is viable. We intend to help them. They now have a year-to-year proposition of a licence to take out certain species of fish. After we have finalised the environmental assessments that we are obliged to undertake over the next three years, we will be giving them a 15-year lease for \$100 a year. That is what will give commercial fishers certainty. They will be able to have a business that is transferable, that has goodwill attached to it. They do not have any of that now.

I believe this Government is looking after the commercial fishing sector. We are providing them with certainty and making sure we help them to restructure so that they remain a viable commercial fishing fleet. There is no way that we will ever take out of the wild stock sufficient for the needs of the people of this State. We take only 16,500 tonnes out of the wild harvest but we need 130,000 tonnes a year to satisfy current consumption. We import, or grow by aquaculture, 87 per cent of our needs, but our commercial fleet is important. The Government wants to make sure that commercial fishing is sustainable, that it has a transferable business and that the fishers have certainty. That is what the Carr Government has done. I say on the record that this Government has done more for commercial fishers than any other previous government in this State.

JUVENILE JUSTICE CENTRE DURESS ALARMS

The Hon. PATRICIA FORSYTHE: My question is to the Minister for Juvenile Justice. Is it a fact that as a result of a serious incident that occurred recently at the Yasmar Juvenile Detention Centre all staff at the centre are now to be supplied with duress alarms? If so, why are duress alarms not supplied to staff in all centres as a normal preventive measure?

The Hon. CARMEL TEBBUTT: The Department of Juvenile Justice is in the process of installing duress alarms at the Yasmar Juvenile Justice Centre. Security in juvenile justice centres relies first on making sure that the physical infrastructure is such that it aids in achieving a secure outcome. The other side of the coin is dynamic security, where staff are aware of issues that might contribute to an insecure situation and take appropriate action. That is achieved by appropriate training of staff, to which this Government has made a serious commitment.

For the benefit of honourable members who are not aware, belt duress alarms are worn by staff to assist in calling for support in the case of a serious incident. They are currently in place at Kariong, Yasmar and

Kariong are seen as needing belt duress alarms because they are the two centres that take A-class detainees as a matter of course. While other centres in the system may well have A-class detainees for a particular reason, Kariong is the maximum security centre and Yasmar is the only women's centre, and therefore has to take all young women detainees.

Should it prove to be necessary to install belt duress alarms at other centres, the Government would consider it. But it is my view that the various changes that we have made to juvenile justice over time are a far more effective way of ensuring security. We are rebuilding the State's juvenile justice centres, with stage two announced recently in the budget, and we have put significant investment into training. I firmly believe that if staff become too reliant on physical infrastructure, belt duress alarms and those sorts of supports—which, of course, have a role—they might forget that the most important aspect of security in juvenile justice is what they do themselves. So training is critical to staff understanding their role in dynamic security.

POLICE SERVICE PROMOTIONS

The Hon. IAN WEST: Can the Minister for Police advise the House of the latest developments regarding the police promotions system?

The Hon. Duncan Gay: The Minister got promoted.

The Hon. MICHAEL COSTA: The Deputy Leader of the Opposition will never get promoted. I thank the honourable member for his timely question. The police promotions system has been an issue of great concern to frontline police and the communities they serve, and to this Government in particular. There is no doubt that the problems associated with police promotions have been a cause of low morale. The commissioner, the Police Service and the Police Association have been working to solve the problems within the service regarding promotions. Almost all police officers I have spoken to have registered their concerns about how the system operates and how the promotions system contributes to the environment of low morale at particular stations. Currently, it can take up to eight months for a promotion application to be decided. The reason is that the promotions system is complex. The appeals process particularly takes a long time. The selection process is cumbersome. Many police are left in limbo.

The PRESIDENT: Order! I call the Leader of the Opposition to order for the first time.

The Hon. MICHAEL COSTA: The Leader of the Opposition should listen to this answer. As I said to him, I could get him a job in the Police Service. He will never become a Minister. He will sit there in the Opposition for years and years. He ought to come back into the job. We have a job for him. I do not know whether he would pass any basic skills tests but we can organise something for him.

More than 600 officers are on temporary appointments without knowing the future of their promotions. The president of the Police Association, Ian Ball—I. Ball—is in the gallery. He has described the promotions problem as "the biggest single issue affecting police morale". As Minister I intend to fix this problem. That is why I have developed a promotions plan. Early today I was joined by Commissioner Ryan and the president of the Police Association in announcing sweeping changes to the promotions system to reduce waiting times from eight months to 21 days. These are very detailed changes but this new approach means—

The PRESIDENT: Order! I call the Hon. Dr Brian Pezzutti to order for the first time.

The Hon. MICHAEL COSTA: This means a promotion system with greater integrity. Statutory declarations of no corrupt conduct will be required as part of the application for promotion. The Police Integrity Commission [PIC] and internal affairs integrity report will be required on all applications for promotion. The commissioner will have the power to revoke the selection of a candidate if adverse information is received about the applicant. To avoid delays the commissioner will have the power to make appointments whilst appeals are on foot. At the same time the commissioner can give consideration to evidence before the PIC when making his decision.

The PRESIDENT: Order! I call the Deputy Leader of the Opposition to order for the second time.

The Hon. MICHAEL COSTA: The Opposition is devastated by this announcement. [*Time expired.*]

The Hon. IAN WEST: I ask a supplementary question. Could the Minister elucidate his answer further?

The Hon. Duncan Gay: Point of order: I believe that supplementary question is out of order. It has to be specific.

The PRESIDENT: Order! The standing orders clearly state that at the discretion of the President one supplementary question may be put immediately by the member who asked a question to elucidate an answer. The Hon. Ian West asked for an elucidation of the answer. The question is in order.

The Hon. Jennifer Gardiner: Is Alan Jones on the promotion panel?

The Hon. MICHAEL COSTA: Look at the resentment, the envy from a defeated Opposition, an Opposition that has no policies. All it has been doing is playing politics. Opposition members complain about promotions and when I bring a policy on promotions, what do we get? Nothing. They do not have a sensible comment to make about the issue. They are losing the battle on law and order and they know it. There will be more announcements in the next couple of weeks. These are important changes to the promotions system. Opposition members should look at these important and significant changes, which will reduce concerns within the police force about promotions and increase morale. I am very proud to be in a position to bring these changes into the Parliament. I am sorry to say that the Opposition's law and order agenda is quickly failing because the Opposition does not have any policies.

BUILDING DEVELOPMENT INSPECTIONS

The Hon. Dr PETER WONG: My question without notice is directed to the Special Minister of State, representing the Minister for Fair Trading. Is the Minister aware of the investigative report in the *Sydney Morning Herald* on Saturday 1 December that found alarming structural problems with some of the newest developments in New South Wales? Is the Minister aware of the specific problems at the 554 residential unit Regis Towers that prompted one independent building inspector to conclude in his 16-page defect report on one of the units that "reasonable habitation of the unit would be extremely difficult". Is it true that a subsequent random inspection by the City of Sydney council of 15 apartments at the Regis Towers found 14 to be in breach of the Building Code of Australia?

Does the Minister believe those problems could have been contributed to by self-certification by private building surveyors, who are paid by developers instead of local councils and can issue construction certificates? Does the Minister agree that those problems will adversely affect public confidence in the New South Wales building industry and the State's reputation in general? Finally, what does the Government intend to do in relation to compensation for consumers who have been adversely affected by shoddy buildings?

The Hon. JOHN DELLA BOSCA: This question relates fairly directly and specifically to the portfolio of the Minister for Fair Trading in the other place. Perhaps the honourable member could consider placing the question on notice. However, I am happy to refer his question to the Minister to obtain a detailed answer. I make the following observations of the question and its tone—

The Hon. Michael Egan: Not too many I hope.

The Hon. JOHN DELLA BOSCA: No, I have been warned not to make too many observations, so I will not. I saw the article referred to by the Hon. Dr Peter Wong and agree that articles of that type have some impact on the Government's reputation. I do not have the capacity to judge whether the matters raised in the article have anything to do with self-certification, nor would anyone have that capacity. I am sure that the Minister will be able to comment in detail on that matter. In answer to the part of the question that was directed to me, I do not know.

BATHURST MOTOR RACES POLICE HIRE

The Hon. JENNIFER GARDINER: My question is directed to the Minister for Police. Is the Minister aware of concerns that the cost of hiring police for the Bathurst 1000 motor race has more than doubled, placing in doubt the ability of the race organisers to pay for that service? Has the Minister received representations requesting a review of the police charges for that important sporting event? What does the Minister intend to do to ensure that the New South Wales Police Service does not simply become a user-pays service?

The Hon. MICHAEL COSTA: It is amazing that the Coalition is opposed to any user-pays service, because it introduced user-pays services in this State. I am not aware of the details of the question, but will obtain a response for the honourable member.

GRAIN FREIGHT REBATE

The Hon. TONY KELLY: My question without notice is to the Treasurer, and Minister for State Development. Will the Treasurer advise the House how the Government is assisting grain growers in New South Wales?

The Hon. MICHAEL EGAN: We can always rely on the Hon. Tony Kelly to ask a good question, for which I thank him. I acknowledge the hard work that he has done on behalf of grain growers in New South Wales. The Government will provide a rebate on rail freight charges at 47 of the 191 grain silos in New South Wales. The new FreightCorp prices reflect the cost of FreightCorp servicing different silos. These prices are determined by the distance from port, the condition of the rail track and the speed with which trains can be loaded. Farmers and grain handlers are set to benefit from this recent announcement. The Government has agreed to provide a rebate of some kind for two years. The rebate for the second year will be set once FreightCorp's prices for 2002 are known.

The rebate—expressed as dollars and cents per tonne of wheat—has been calculated using the grower freight deduction provided by the Australian Wheat Board to growers. As some honourable members may know, the grower freight deduction is the freight price growers actually paid, which varies from silo to silo. The total cost of the rebate at the 47 silos is estimated at \$2 million. While the Government has dramatically increased spending on country rail freight, the rebate is an acknowledgment that there is a transition period before new spending on country rail track has an effect on freight charges. This Government has increased expenditure on country rail track from \$170 per million a year to \$250 million a year to improve track quality and lift speed restrictions on some lines.

A further \$135 million will be spent on new grain handling facilities at Werris Creek and Stockinbingal, on new and upgraded grain wagons, and on maintenance of the existing grain wagon fleet. In the six years to 2006, some \$1,580 million will be spent on track work and other measures to support country rail freight. The new owner of FreightCorp will be contractually bound to 2006 to continue to provide the same services to grain growers that are provided at present. I congratulate the excellent work of our colleague the Hon. Tony Kelly and the Country Labor team in delivering secure and stable outcomes for the grain industry of this State.

POLICE SNIFFER DOGS

The Hon. PETER BREEN: My question without notice is to the Minister for Police. Last Thursday I asked the Minister a question about police sniffer dogs making incorrect hits, known as false positives. The Minister said that if I could provide a specific incident he would investigate it. On 14 May, 35 police officers raided the Oasis and Rainbow cafes at Nimbin and made a number of arrests. One man, who was the subject of a false positive by sniffer dogs, was found to be carrying prescription medicine for anxiety and depression. Subsequently the man suffered a panic attack and was afraid to leave his house for a week. Will the Minister investigate this incident, as he promised, and inform the House what prescription drugs are likely to result in a false positive identification by sniffer dogs? Do those prescription drugs include drugs used for the treatment of anxiety and depression?

The Hon. MICHAEL COSTA: Every time I see some honourable members I have an anxiety attack, wondering what silly question they are going to ask me. However, I welcome the question from the honourable member and take the information on board. I will provide an answer to the honourable member when I have concluded my investigation.

KINGS CROSS POLICING

The Hon. CHARLIE LYNN: My question without notice is to the Minister for Police.

The Hon. Jan Burnswoods: Can't you get a better tie?

The Hon. CHARLIE LYNN: The Hon. Jan Burnswoods would not know that it is Christmas—she haunts houses and rarely brings joy. Given the Minister's public commitment to clean up Kings Cross, a commitment given by his predecessor on numerous occasions but obviously without any success, will the Minister tell the House how many police are assigned to patrol the area around or near the injecting room at King's Cross? How many drug dealers have been arrested around or near the Kings Cross heroin injecting room since it opened earlier this year? How many drug-related charges have been made by police for offences around or near the injecting room since it opened earlier this year?

The Hon. MICHAEL COSTA: I am very pleased that the honourable member asked me that question, because it gives me an opportunity to discuss my visit to Kings Cross last Saturday in company with the Lord Mayor of Sydney, who will soon be taking over that area. I am very pleased that he will be taking over that area, because he will do a good job.

The Hon. Michael Egan: Why is he not taking over the area where I live, in Surry Hills?

The Hon. MICHAEL COSTA: Maybe he should do that as well. I am very glad that Frank Sartor will be taking over the Kings Cross area. He has indicated that he has a number of initiatives that support the Government's strategy on crime prevention. That strategy includes local planning, lighting and cameras. Frank Sartor is a man we can work with to deal with problems in Kings Cross. During that visit I had the pleasure of announcing, jointly with Frank Sartor, the establishment of a task force which will comprise representatives of the City of Sydney council, the Premier's Department, senior police, state agencies including Health and Community Services, local businesses and the community. The purpose of the task force will be to make plans for the reduction of crime and antisocial behaviour in Kings Cross.

The PRESIDENT: Order! I call the Leader of the Opposition to order for the second time.

The Hon. MICHAEL COSTA: The House would be aware that Kings Cross will soon be within the boundaries of the City of Sydney Council. As such, the Lord Mayor agrees that this is an excellent opportunity for renewed focus on anti-crime strategies in that part of Sydney. We all recognise that there is a need to crack down on the sleazy element at the Cross for the benefit of the local community and Sydneysiders generally. Kings Cross is an area that presents its own specific challenges. That is why we need to tailor our crime prevention plans. Kings Cross needs local solutions for local problems. I want the task force to consider all elements of the crime cycle, including homelessness, drug and alcohol dependency and public amenity. It will also be necessary to look at other possible solutions, from policing strategies, extra lighting and closed-circuit television to the responsible sale and storage of alcohol. This joint task force will allow us to develop these co-ordinated and evidence-based plans. The task force will commence work prior to the city assuming official responsibility for Kings Cross under a proposed boundary change. This will ensure that we minimise delays in implementing projects and programs.

The Hon. Duncan Gay: Point of order: I believe that the Minister is misleading the House in indicating that this would take place prior to the city assuming that role. It is my understanding that the Boundaries Commission actually has to meet and discuss this matter. This is not something that will automatically happen. Is the Minister indicating that the Boundaries Commission is going to be ignored?

The PRESIDENT: Order! I have warned honourable members on many occasions not to use points of order simply to make debating points. There is no point of order. The Minister may continue.

The Hon. MICHAEL COSTA: Members opposite are watching their law and order agenda fade into the distance. They have no policies at all on law and order, policing or crime prevention. The task force will commence before the City of Sydney council assumes the boundaries. It can do that because the policing strategy will dovetail in with the appropriate strategies the council will put in place in relation to policing in that area. I look forward in the near future to advising the House on the progress of the task force.

JUVENILE JUSTICE SYSTEM ABORIGINAL OVERREPRESENTATION

The Hon. PETER PRIMROSE: My question without notice is to the Minister for Juvenile Justice. What action is the New South Wales Government taking, in partnership with the Aboriginal community, to tackle Aboriginal overrepresentation in the juvenile justice system?

The Hon. CARMEL TEBBUTT: On a number of occasions I have spoken in the House about overrepresentation of Aboriginal young people in the New South Wales juvenile justice system. I know it is something that concerns many members of the House. The reasons are complex and varied and the Government is tackling this problem with a range of measures. One positive and practical initiative is the result of a partnership between Aboriginal communities and the Department of Juvenile Justice, that is, a program of Aboriginal cultural camps for young offenders. The program is proving highly successful and I would like to share with the House the details of one such camp that was held last week.

This successful camp involved 12 young Aboriginals aged from 14 years to 18 years from the Sydney metropolitan area. All of the participants had been before the Children's Court where they were sentenced to

complete community service orders. They have been identified as being at high risk of leading lives involved in crime, drugs and antisocial behaviour. The aim of the camp program was to redirect these young people before they travelled further down the path of offending. A team of five experienced youth workers and program officers from the department supervised the young people. Significantly, all were Aboriginal. They were accompanied by a respected Aboriginal elder from Western Sydney. The camp ran for a week on a site near Wallaga Lake on the South Coast on the traditional land of the Yuin people.

Yuin elders attended the camp, spoke with the young people and showed them significant local sites. The elders included traditional lawmen of the local tribes, who spoke on the importance of respect for moral values and for the land. To some extent the young people were required to live rough, sleeping in small tents and learning the skills of living off the land. An important feature was the nightly campfire where traditional "yarning" took place—telling stories and myths central to the local culture. This is particularly important in trying to reconnect these young people with their Aboriginal culture and heritage.

Organisers reported a highly successful week in which they saw their young charges develop remarkably. They made both individual and group connections with their heritage and with their sense of belonging. The fundamental aim of the camps is to reunite young Aboriginals with the values, traditions and cultural heritage of their people. At the camps Aboriginal elders and experienced youth workers tackled directly the causes of offending behaviour. They teach respect for others and promote healthy lifestyles. The Aboriginal Cultural Camp program stems from the vision and drive of Aboriginal staff working in and associated with the Department of Juvenile Justice. The success of the latest camp mirrors those previously held.

Highly positive reports have come back from the camps, such as the letter of support from the Amaroo Local Aboriginal Land Council, which hosted one of the first camps at Walcha. These camps are making a significant contribution to the challenging task of confronting the problems faced by some young Aboriginal people. These camps will not resolve overrepresentation but they are part of an overall package of measures that need to be put in place. I wish to commend the staff and supporters involved in this program. It is a fine example of our partnership with the indigenous community in dealing with community problems. I also wish to acknowledge the active support and participation of the Ja-Biah Bail Accommodation program, a group I spoke of recently in this House.

AUSTRALIAN SILICON MOGO CHARCOAL FACILITY

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is to the Special Minister of State, representing the Minister for Planning. Is the Minister aware that the minutes of a confidential Eurobodalla council meeting on 28 August state that Australian Silicon are planning to double the Mogo charcoal facility in five years time. This was not divulged to the public and has been repeatedly denied by the company and State Forests in questions from the public. The environmental impact statement [EIS] does not cover the impact of doubling the size of the operation. Does the Government admit the plan to double the facility in five years time and how does it affect the EIS? Why are such discussions as these not routinely made public?

The Hon. JOHN DELLA BOSCA: This is all becoming very challenging. There is a form of oxymoron or paradox in honourable members quoting minutes of confidential meetings. I am not an expert in local government but it may well be inappropriate to disclose under parliamentary privilege confidential discussions between councils and residents or developers. However, I will leave aside the paradoxical nature of the question—

The Hon. Michael Egan: Do not assume that his assertions are correct.

The Hon. JOHN DELLA BOSCA: I could be making the incorrect assumption that the Hon. Dr Arthur Chesterfield-Evans has it right. He may well have it wrong. Nonetheless, I will ascertain whether the Minister for Planning or the Minister for Local Government should answer the question and give a timely answer from whoever is able to provide it.

COMMONWEALTH-STATE FUNDING REVIEW

The Hon. JAMES SAMIOS: My question is to the Treasurer, and Vice-President of the Executive Council. Now that Queensland Premier Peter Beattie has described the Treasurer's review of the Commonwealth-State funding arrangements as a waste of taxpayers money, can the Treasurer tell the House how much the review will cost and what actual benefit the taxpayers of New South Wales will receive? What is

the Government's response to Premier Beattie's description of the review as divisive and unnecessary and having potential to do damage to Commonwealth-State funding arrangements?

The Hon. MICHAEL EGAN: The Hon. James Samios would be aware that for decades and decades Queensland has been sponging off New South Wales and Victoria, and sponging off us in a big way. I have told the House on a previous occasion that one wet Sunday afternoon when I had nothing more interesting to do I got a pen and made some calculations on the back of an envelope to determine how much money New South Wales would have had in its bank account if the subsidies that we have been giving to Queensland and the other States over the past 50 years had been banked and had been earning ordinary interest. I established that New South Wales would have financial assets, earning interest, of some \$400 billion, enough for the New South Wales Government in the year 2001 to abolish all State taxation. That is the extent of the rip-off perpetrated over the past 50 years. Western Australia, Victoria and New South Wales have decided that enough is enough. We want to dispel the secrecy that surrounds the Commonwealth Grants Commission process, and expose it to public view and scrutiny. As a result we decided some time ago to appoint an independent inquiry—

The Hon. Dr Brian Pezzutti: By the Auditor-General?

The Hon. MICHAEL EGAN: No, the people running the inquiry are Professor Ross Garnaut—

The Hon. Michael Costa: He's a good bloke.

The Hon. MICHAEL EGAN: He is not only a good bloke; he is also but an eminent economist. And Dr Vince Fitzgerald is the other one. They will be well known to honourable members. Those eminent Australian citizens and eminent economists will be conducting the review. We will not have any control over that inquiry. They will be able to—

The Hon. Patricia Forsythe: Spend the money as they want.

The Hon. MICHAEL EGAN: Yes, but we have confidence in our case. The Hon. James Samios asked how much the inquiry will cost. We anticipate that the total cost of the inquiry will be about \$500,000, and I am pleased to say that the New South Wales, Victorian and Western Australian governments are sharing that cost equally.

POLICE STORM DAMAGE RESPONSE

The Hon. JANELLE SAFFIN: My question is directed to the Minister for Police. Will he inform the House what work was done by police in responding to yesterday's violent storms?

The Hon. MICHAEL COSTA: I thank the Hon. Janelle Saffin for her timely question. All honourable members will be aware that yesterday New South Wales was lashed by a severe storm that wreaked havoc across the State. In some areas the winds reached 175 kilometres per hour. The areas worst hit were Hornsby, Ku-ring-gai, Warringah, Pittwater and the northern beaches as well as Bankstown, Campbelltown and Hawkesbury. In regional New South Wales the towns hardest hit were Gunnedah and Tamworth. Most damage was caused by falling trees and branches, but in some cases the winds alone were strong enough to cause major damage.

The hardest hit areas have been declared national disaster areas by the Premier and the Treasurer. The Premier has praised the work of the State Emergency Service, and I echo those sentiments. I also thank the men and women of the New South Wales Police Service. Police play a vital role in co-ordinating emergency responses on the ground at a disaster scene. People at a disaster scene are often panicked or distressed, and there is often confusion as to who is injured, what is damaged and where to begin. Police provide reassurance and play an authoritative role in these situations.

Yesterday 7,000 passengers on the North Shore train line were stranded when power was cut to trains. Police quickly set up a command centre and began to co-ordinate the movement of stranded rail passengers onto buses. Around the State yesterday police were largely concerned with keeping order on the roads as traffic lights were knocked out by the storm. This was a vital complement to the tremendous rescue and repair work being done by our emergency services. Our police do a very difficult job in rain, hail or shine, and I thank them for their efforts—as I am sure do all honourable members.

SOUTH COAST FORESTS PROTESTS

The Hon. IAN COHEN: My question is directed to the Treasurer, representing the Premier. Will the Premier accept responsibility if a forest protester or police officer is killed or seriously injured in the current protest against plans to woodchip and burn South Coast forests for charcoal and against the continued logging of old-growth and wilderness forests on the South Coast? Two days ago a young protester and her arresting officer narrowly escaped death when a felled tree just missed them as they left the logging area in Badja State Forest. State Forests and its contractors have repeatedly felled trees within 100 metres of protesters, police and members of the public in Tallaganda, Badja and Monga forests, despite assurances by the Minister for Forestry that this would not occur. Is the Premier aware that police had not acted in an impartial and non-partisan manner and will he call for urgent reports from the Minister for Forestry and the Minister for Police about these incidents? The protestors will not stay out, and the Treasurer should know that by now.

The Hon. MICHAEL EGAN: I thank the Hon. Ian Cohen for his question, which I will certainly refer to the Premier for a considered response. However, I think protesters have a responsibility not to put themselves or others in danger through their activities. I ask the Hon. Ian Cohen to convey that view to the people on whose behalf he asked the question.

EAST SYDNEY SEX WORKERS

The Hon. Dr BRIAN PEZZUTTI: My question is directed to the Minister for Police. Has the Minister received complaints following a confrontation between residents and sex workers and their pimps in Palmer Street Darlinghurst last Sunday evening? What action has the Minister taken to protect residents in the Kings Cross area from harassment and intimidation in residential streets from sex workers and their pimps? Is the Minister aware that these problems have been going on for some time and that residents are complaining that part of the problem is that there are not enough experienced police working in the Kings Cross area?

[Interruption]

The Hon. MICHAEL COSTA: I can handle it; Opposition members should relax. I am not aware of the details of the incident to which the Hon. Dr Brian Pezzutti referred. However, I will get some answers for him and return to the House with them. As to his broader inquiry about Kings Cross, I commented in answer to another question that once the city of Sydney takes control of that area we will work with Frank Sartor and consider a range of solutions to the social problems in Kings Cross. These significant problems require a co-ordinated response from a number of government agencies and local authorities. I am pleased to say that with Frank Sartor in charge we will be able to come up with a strategy that deals with many of the social problems in the area.

The sex workers issue was raised with me by police when I visited Kings Cross on Saturday to discuss the problems that officers face when policing the area. In fact, we walked around a number of streets—I do not know whether Palmer Street was one of them—observing the problems associated with drugs, particularly the disposal of syringes, that people face. I must inform the Minister responsible for the Drug Summit that there was much support for the Government's policies in relation to the medically supervised injecting room. There were also suggestions as to how we can deal with the problem of residents being harassed by sex workers and others engaged in illegal activities. I look forward to addressing that issue as part of this strategy. As to the last part of the Hon. Dr Brian Pezzutti's question, police numbers in the area are sufficient. The area commander has indicated to me that he is comfortable with the level of experience and the configuration of officers in that area.

LIMESTONE PRODUCTION

The Hon. JOHN HATZISTERGOS: My question is directed to the Minister for Mineral Resources, and Minister for Fisheries. What action has been taken to ensure that limestone production continues in the State's south?

The Hon. EDDIE OBEID: I thank the Hon. John Hatzistergos for that question and for his interest in the State's mineral resources. As well as actively encouraging growing investment in our State's mineral resources, the Government is keen to help existing mines expand their operations. Our minerals industry is important to country New South Wales. It creates jobs, supports families and injects millions of dollars into regional businesses. I advise the House that I have granted an extension to an important mining project near Yass in the State's south. The Galong mine has been operating for the past seven years. Barnu Pty Ltd operates the limestone mine on the site of a 1920s mine that produced burnt limestone. This new lease will help protect the jobs of 15 workers at Galong limestone mine.

The Hon. Greg Pearce: What did we do wrong that we've had to put up with you for most of today?

The Hon. EDDIE OBEID: Why don't you go back to the Amazon where your firm sent you to count butterflies? You were hopeless in litigation. Why don't you shut up and sit on the back bench in silence? The Coalition does not want to listen to what is happening in country New South Wales. The Government is protecting jobs by giving leases to firms in the country to create more jobs, and the Coalition does not want to listen. A new lease will help protect the jobs of 15 workers at the Galong mine. This new lease means the mine now has the potential to increase from 16 to 160 hectares, subject to the necessary approvals. This will give the company access to reserves of six million tonnes of limestone. It is estimated that the new lease will help protect the mineworkers' jobs for nearly two decades. The mine currently injects about \$2 million a year into the local economy. This new lease is terrific news for the communities of Harden and Young. The mine currently harvests 100,000 tonnes of limestone per year. The new lease will allow the company to double its production of lime, which is an important soil additive used in farming and in the production of canola.

The New South Wales Government recognises the importance of agricultural limestone production. Following a review of royalties in July, we have maintained the royalty rate at 35¢ per tonne for agricultural lime. Limestone production is very important to New South Wales. It is currently worth nearly \$30 million per year to our economy. It is worthwhile noting that every time an issue is raised about country New South Wales Coalition members laugh and make jokes. This lease will ensure jobs in country New South Wales. It will help a community secure its future over two decades. What do we get from the National Party and some of the larrikins in the Liberal Party? They laugh and joke and make fun about issues that are very important to country New South Wales. They do not have any policies and they do not want to listen to policies and solutions. They ought to be ashamed of themselves.

The Hon. MICHAEL EGAN: In view of the fact that the Opposition does not have any more questions and certainly does not have any policies, if honourable members have further questions, I suggest they place them on notice.

PERISHER VALLEY SKI LODGE LEASES

The Hon. CARMEL TEBBUTT: On 25 October the Hon. Dr Arthur Chesterfield-Evans asked a question about National Parks and Wildlife Service accommodation leases. I have obtained the following answer to his question:

The Government has engaged Senior Counsel Bret Walker to consider the various options for leasing and management of the Perisher Range resorts. It is understood that Mr Walker is currently engaged in consultation with key stakeholders, and is expected to report shortly.

The recommendations in Mr Walker's report will be carefully considered in terms of the conservation and financial implications of leasing options before any decision is taken.

FIREFIGHTERS OCCUPATIONAL HEALTH AND SAFETY

The Hon. CARMEL TEBBUTT: On 14 November the Hon. Malcolm Jones asked a question about National Parks and Wildlife Service firefighters occupational health and safety. I have obtained the following answer:

I am advised that the South Australian Parks and Wildlife Service conducts an annual health and safety test for its firefighters. Although this test has received some recent exposure in the media, I understand it has been in place for several years.

The NSW National Parks and Wildlife Service is currently trialling a health and fitness assessment for its firefighters which is modelled on one developed in Victoria. This has some similarities with the test used in South Australia.

Following the current trial, the Service expects to fully implement the health and fitness assessment across NSW next year.

Questions without notice concluded.

UNIVERSITIES LEGISLATION AMENDMENT (FINANCIAL AND OTHER POWERS) BILL

HIGHER EDUCATION BILL

In Committee

The CHAIRMAN: The Committee will deal now with the Higher Education Bill.

Clauses 1 and 2 agreed to.

Clause 3

Ms LEE RHIANNON [5.03 p.m.]: I move Greens amendment No 1:

- No. 1 Page 2, clause 3, line 20. Insert "that meets all relevant criteria set out in the National Protocols, that is established or recognised as a university by or under an Act of the Commonwealth, or by or under an Act of this or any other State or Territory, and that is" after "education institution".

This amendment covers the definition of an Australian university. It makes clear that an Australian university must meet the criteria in the National Protocols and must be established under a relevant Act. The definition proposed in this amendment is the one contained in clause 2.13 of protocol No. 1. I commend Greens amendment No. 1.

The Hon. PATRICIA FORSYTHE [5.03 p.m.]: The Opposition supports this amendment. Clearly, the definition contained in the original bill, which describes an Australian university as "an education institution listed in schedule 1", is inadequate. The definition in clause 1.13 of protocol No. 1 states that "an Australian university is an institution which meets nationally agreed criteria and is established or recognised as a university under State, Territory or Commonwealth legislation". The slight variation that has been provided by the Greens is within the spirit of the protocol as agreed to by all Ministers in the country.

The Hon. MICHAEL COSTA (Minister for Police) [5.04 p.m.]: The Government accepts this amendment also.

Amendment agreed to.

Clause 3 as amended agreed to.

Clause 4 agreed to.

Clauses 5 to 11

Ms LEE RHIANNON [5.04 p.m.], by leave: I move Greens amendments Nos 2, 3 and 4 in globo:

- No. 2 Page 5, clause 5, lines 3 to 21. Omit all words on those lines. Insert instead:

5 Registration of universities

- (1) On the application of an education institution, the Director-General may register the institution:
 - (a) as an Australian university, or
 - (b) if the Minister so approves, as an overseas university.
- (2) An approval referred to in subsection (1) (b) may be given only if the Minister is satisfied that the university will be able to operate in New South Wales to a standard no lower than that of Australian universities.
- (3) In deciding whether to register a university, the Director-General may have regard to any one or more of the following matters:
 - (a) the views or recommendations of any relevant industrial or professional body about courses of study to be offered by the university,
 - (b) the standard of any course of study to be offered by the university,
 - (c) the academic, financial and staffing resources that will be available to the university in New South Wales,
 - (d) the commitment of the university to research, scholarship, free inquiry and the systematic advancement of knowledge,
 - (e) the university's culture of sustained scholarship, extending from that which informs inquiry and basic teaching and learning to that which creates new knowledge through research and original creative endeavour,
 - (f) the university's acceptance of its role as a critic and conscience of society,
 - (g) the university's governance, procedural rules, organisation, admission policies, financial arrangements and quality assurance processes, and the degree to which they are underpinned by the values and goals outlined above and are sufficient to ensure the integrity of the university's academic programs.

- (4) A university is to be registered as an overseas university only if it operates as a university in its country of origin.
- (5) Registration may be unconditional or subject to such conditions as the Director-General determines.
- (6) A university's registration must be reviewed by the Director-General at intervals of not more than 5 years.

6 Registration of higher education institutions

- (1) On the application of an education institution (other than a university registered under section 5), the Director-General may register the institution as an Australian or overseas higher education institution.
- (2) A higher education institution is to be registered as an overseas higher education institution only if it operates as a university or higher education institution in its country of origin.
- (3) A higher education institution is not eligible to be registered under this section unless at least one course of study offered by the institution is accredited as a higher education course under Division 2.
- (4) Registration may be unconditional or subject to such conditions as the Director-General determines.
- (5) A higher education institution's registration must be reviewed by the Director-General at intervals of not more than 5 years.

7 Provisional registration

- (1) The Director-General may grant provisional registration to a proposed university where assessment of the university is based on a plan rather than an existing university.
- (2) Provisional registration has effect for a period not exceeding 2 years from the date on which the university commences operation.
- (3) An application for registration may only be approved if the Director-General is satisfied that it is highly probable that the university will satisfy the requirements set out in section 5 (2) (a)-(e).
- (4) Provisional registration may be unconditional or subject to such conditions (including conditions requiring the university to be sponsored or mentored by some other university) as the Director-General determines.

No. 3 Page 6, clause 7, lines 15 to 18. Omit all words on those lines. Insert instead:

- (2) A course of study may be accredited in relation to an education institution only if the Director-General is satisfied that:
 - (a) the course complies with the Australian Qualifications Framework, and
 - (b) the course is comparable in requirements and learning outcomes to a course at the same level in a similar field at an Australian university, and
 - (c) the delivery arrangements for the course (including matters of institutional governance, facilities, staffing and student services) are appropriate to higher education and are adequate to ensure successful delivery of the course at the level proposed, and
 - (d) the education institution has appropriate financial and other arrangements in place to ensure successful delivery of the course, and is otherwise a fit and proper organisation to accept responsibility for the delivery of the course.

No. 4 Page 7, clause 10, lines 26 to 28. Omit all words on those lines. Insert instead:

- (2) An approval may be granted in respect of a course of study only if the Director-General is satisfied that:
 - (a) the education institution complies with the relevant requirements of the National Code, and
 - (b) the arrangements for the delivery of the course to overseas students have been made clear to prospective students before they enrol in the course, and
 - (c) the facilities and services to be used by the education institution in relation to the delivery of the course are of an adequate standard for the course, and
 - (d) if the course is being delivered by some other organisation on behalf of, or in the name of, the education institution:
 - (i) that organisation's teaching staff are adequately qualified to deliver that course, and
 - (ii) there are effective quality assurance measures in place to ensure the effective delivery of the course by the organisation, and

- (iii) the education institution has given appropriate guarantees for the protection of students enrolled in the course by the organisation, and
- (e) in the case of a course of study provided by a higher education institution:
 - (i) the course is accredited under Division 2, and
 - (ii) the higher education institution is registered under Division 1.

These amendments cover issues of accreditation and overseas students. Clause 5, while establishing the power of the director-general to register an institution, does not set out matters to be considered by the director-general in granting such registration. Greens amendment No. 2 gives a legislated aspect to the criteria set out in clause 2.14 of the protocols, thus establishing such criteria as the basis on which the director-general would decide whether or not to grant registration. The bill, like the protocols, fails to draw a distinction between universities that are self-accrediting and other higher education providers that are not. The characteristics of these two types of providers are quite different and, as such, they should be embodied in the legislation.

Amendment No. 2 strengthens clause 5 and makes it more consistent with protocol No 1. It also creates an appropriate procedure for registration of higher education institutions. While the Greens proposed amendments to clause 5 of the bill allow for approval on a five-year cycle, approval for proposed new universities should be provisional and given for a period not exceeding two years. This would be similar to the time frame that is set out by the Victorian Government in provisionally approving the establishment of Melbourne University Private. Clause 7 will give effect to this.

Amendment No. 3 seeks to establish criteria for accreditation of higher education courses by importing into the bill the criteria set out in clause 4.22 of protocol No 3. Under Amendment No. 4, protocol No. 5 requires that, where a course is to be offered at a distant location or through an agent, the endorsing authority, in this case the director-general, needs to be satisfied that the course and institution are of appropriate standing. While clause 10 of the bill refers to the national code established under part 4 of the Commonwealth Act, it does not specifically mention the matters as stated in protocol No. 5. Amendment No. 4 imports that protocol into the bill, thus consolidating that aspect of the legislation in providing the necessary protection, as we have argued. I commend the Greens amendments.

The Hon. MICHAEL COSTA (Minister for Police) [5.07 p.m.]: The Government opposes these amendments. Amendments Nos 2 and 3 will be covered in the regulations and guidelines. Amendment No. 4 duplicates provisions that are set out in clause 5 and are already covered in clauses 10 and 11, which ensure that the requirements of the national code of practice and national protocols are met. These provisions will also be further enforced through regulations and guidelines.

The Hon. PATRICIA FORSYTHE [5.08 p.m.]: The Opposition also opposes these amendments. I am concerned, particularly about amendment No. 2 and various matters to which the director-general would have regard. When we establish a list of matters on which to base a decision to register a university, we are stepping into a legal minefield. In my view, it is a wrong course. Our society is litigious enough without listing every matter in legislation. By doing so, we make it possible for challenges to be made on legal technicalities, without taking into account the broad issues.

Reverend the Hon. FRED NILE [5.08 p.m.]: The Christian Democratic Party also opposes these amendments. As far as I can understand, the amendments insert great detail about provisional registration in clause 5, which relates to registration of higher education institutions. I am concerned about the reference to provisional registration not exceeding two years. It could discourage the commencement of a new university because it would remove any degree of certainty. Obviously, promoting a new university involves a lot of work in regard to planning, finance and so on. If there is a risk that after two years the university may be rejected for some reason, donors would be reluctant to provide funds for the proposition. That is one reason why we oppose this set of amendments. As I said earlier, the amendments seem to be designed to stop new universities commencing.

Amendments negatived.

The Hon. MICHAEL COSTA (Minister for Police) [5.11 p.m.]: I move:

Page 5, clause 5, line 3. Insert "**and overseas universities**" after "**institutions**".

This amendment is moved in response to concerns raised by the National Tertiary Education Union. It will clarify the distinction between higher education institutions and overseas universities operating in New South Wales.

Amendment agreed to.

Clause 5 as amended agreed to.

Clauses 6 to 11 agreed to.

New Clause 12

Ms LEE RHIANNON [5.12 p.m.]: I move Greens amendment No. 5:

No. 5 Page 8. Insert after line 19:

12 Delivery of courses overseas

- (1) If an Australian university operates outside Australia, and issues higher education qualifications under its own name while so operating, the governing body of the university must ensure that the courses of study it provides while so operating are of a standard no lower than that of comparable courses provided by Australian universities within Australia.
- (2) If a course of study is being delivered outside Australia on behalf of, or in the name of, an Australian university, and the organisation delivering the course issues higher education qualifications under the name of the university, the governing body of the university must ensure that:
 - (a) the quality and standards of the course are comparable with those of the course, as delivered by the university, and
 - (b) the staff delivering the course have qualifications equivalent to those held by persons delivering the course in Australia, and
 - (c) the organisation has appropriate financial and other arrangements in place to ensure successful delivery of the course.

This amendment covers delivery of courses overseas. The amendment specifies that Australian universities operating overseas must deliver courses of a quality at least as good as those offered in Australia that conform to the appropriate standards. This amendment will ensure that our universities are of the highest standard and are in no way compromised by the way courses are delivered overseas. It will protect the good standing of Australian universities in other countries. I understand that the Government will support this amendment. We welcome that support as we believe this will strengthen the legislation. I commend the Greens amendment to the Committee.

The Hon. MICHAEL COSTA (Minister for Police) [5.13 p.m.]: The Government accepts this amendment.

The Hon. PATRICIA FORSYTHE [5.13 p.m.]: The Opposition also supports this amendment as it strengthens and is an important addition to the legislation. We all want the name of our universities to be held in high esteem. It is perfectly appropriate if an Australian university offers a course overseas that it is delivered to the standard that would apply in this country along with all those other aspects of the course, as mentioned in this amendment. We want to know that, when our universities provide courses overseas, the good name of other universities in Australia is protected. I particularly note that the amendment refers to the quality and standards of courses, but the staff delivering those courses must also have qualifications equivalent to those held by staff delivering the same course in Australia, together with the organisation's appropriate financial and other arrangements, to ensure successful delivery of the course. This is about Australian universities providing courses overseas. This amendment certainly improves the legislation and is in the spirit of the statement made by the Government in the second reading.

Reverend the Hon. FRED NILE [5.15 p.m.]: We support the amendment in principle. However, there seems to be some confusion between subclauses (1) and (2). Subclause (1) states "... than that of comparable courses provided by Australian universities within Australia". Universities within Australia have a range of standards, so it would be difficult for someone to make that calculation. Subclause (2) is more accurate, as it states that the standard of the university must be the same overseas as it is in Australia. Therefore, the standard of the University of Sydney or the University of Wollongong must be the same whether they offer courses in Indonesia or elsewhere. It would be difficult to determine that the standards were lower than those of comparable courses provided by Australian universities. Perhaps an argument could be maintained about the provisions of subclause (1) as compared to subclause (2).

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.16 p.m.]: The Australian Democrats support this amendment with some anxiety. A fact that is not commonly referred to is that the standards of universities vary depending upon the origins of those attending the courses. I must confess that when I applied for the Royal College of Surgeons of England Fellowship—

The Hon. Dr Brian Pezzutti: Did you get it?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes. Pass rates for that fellowship were vastly different depending on the origins of those applying for the courses. In the Masters of Safety Science course at the University of New South Wales we had to give presentations, and they were language dependent. Those whose language skills were not good did not have a real grasp of the concept. Those who do not understand the language really cannot grasp the concepts. Perhaps some students were not as bright as others, and perhaps they were selected because they could afford to come to Australia.

If a university operates in a country with vastly different educational standards, it will be no good for that university to fail all students in pursuit of this amendment. This is a delicate issue. An Australian university with an overseas campus does not want to fail everybody and be of no use to the country in which it operates, nor does it want to give out mickey mouse degrees to anybody who goes through its doors with the same imprimatur as if it were an Australian university. While I believe the object of the amendment is laudable, there are slightly different grades of university courses. Lower grades are offered in some countries as the only alternative to having reasonable pass rates and having universities reasonably congruent with graduates from school systems. It is courageous of this Parliament to pass the amendment, but the practical difficulties should be acknowledged in the debate.

Ms LEE RHIANNON [5.18 p.m.]: This amendment seems to have produced some uncertainty. We are talking about courses that are offered by Australian universities operating overseas. Subclause (1) relates to courses taught by Australian universities. Subclause (2) concerns courses offered on behalf of Australian universities but delivered by other organisations overseas. For that reason the amendment was set out comprehensively in order to ensure thorough protection.

Amendment agreed to.

New clause 12 agreed to.

Clauses 12 to 28 and schedule 1

Ms LEE RHIANNON [5.20 p.m.], by leave: I move Greens amendments Nos 6, 7, 8, 9 and 10 in globo:

No. 6 Page 8, clause 12, line 23. Insert "registered under Division 1 as" after "is".

No. 7 Page 8, clause 13, line 29. Insert "registered under Division 1 as" after "is".

No. 8 Page 9, clause 14, line 13. Insert ", registered under Division 1 as" after "requires".

No. 9 Page 15, clause 25, lines 1 and 2. Omit all words on those lines. Insert instead:

25 Repeal of Acts

The Higher Education Act 1988 and the Australian William E. Simon University Act 1988 are repealed.

No. 10 Page 16, schedule 1, line 5. Omit all words on that line.

We know that universities are set up in some cases in dubious ways. Clearly there is a need for protection to be put in place for students and the wider community. These amendments strengthen proposed offences by making it clear that an offence occurs unless the university is registered under division 1 of the proposed Act. Thus, an offence would occur in using the title "university" unless the university is registered. It is a simple amendment, but one that will go a long way towards providing protection that is clearly needed. Amendments Nos 9 and 10 refer to the Australian William E. Simon University. That university does not operate as a university in Australia and the provisions of the Australian William E. Simon University Act 1988 fall well short of the criteria enunciated in the protocol. These amendments will repeal the Act establishing the Australian William E. Simon University and will prevent students and the wider community from being misled in the important area of quality tertiary education. I commend the Greens amendments.

The Hon. MICHAEL COSTA (Minister for Police) [5.21 p.m.]: The Government opposes these amendments.

Amendments negatived.

Clauses 12 to 28 and schedule 1 agreed to.

Schedules 2 to 3 agreed to.

Title agreed to.

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

STATUTORY AND OTHER OFFICES REMUNERATION AMENDMENT BILL

Second Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.24 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 bill makes minor amendments to the Statutory and Other Offices Remuneration Act to allow the Statutory and Other Offices Remuneration Tribunal [SOORT] to make binding determinations on travelling and subsistence allowances for judges when travelling within Australia. The amendments also provide for office holders to salary sacrifice for motor vehicles and superannuation on similar terms and conditions as other public sector employees. Finally, the amendments also provide SOORT with greater flexibility in the timing of its annual determinations. The first amendment provides for SOORT to determine travelling and subsistence allowances, within Australia, for New South Wales judges. The Federal tribunal currently determines the rates for Federal judges.

New South Wales public sector travelling rates (including those for judges and magistrates) are set by the Public Employment Office. The Chief Judge of the District Court would prefer that judges rates be determined by an independent body such as SOORT to ensure that the views of judges are considered when making its determination. This is a sensible measure as it will provide an opportunity for the judges to make submissions to SOORT so that any rate determined will have regard to the particular needs of judges. It is also consistent with the Federal remuneration tribunal's approach. It will also ensure that all determinations on judicial remuneration, including travel, are made at arms length from government. The second and third amendments provide for office holders to be able to obtain motor vehicles on a salary sacrifice basis and for these office holders (excluding those covered by the Judges Pensions Act 1953) to be able to salary sacrifice for superannuation.

In its 2000 report and determination SOORT noted that office holders grouped for remuneration purposes by SOORT into the "public office holder group" were denied access by the Act to a motor vehicle on a salary sacrifice basis. Some of these officers, on the other hand, were provided with motor vehicles under different terms and conditions as part of their employment arrangements. To provide equity, certainty and consistency in the terms of availability of motor vehicles for this group, SOORT has strongly recommended that officers only be permitted to salary sacrifice for motor vehicles. The proposed amendment will achieve this. It will provide office holders with the ability to salary sacrifice for motor vehicles. Under these arrangements the officer uses his or her existing salary to pay for the motor vehicle under identical terms and conditions as those currently available to other groups in the public sector.

This arrangement would be voluntary and all private use of the vehicle would be met from the officer's salary. For this reason the Government does not envisage a significant cost arising from the amendment. It will, however, provide greater flexibility for these office holders in the use of their salary and provide them with the ability to obtain a motor vehicle on similar terms and conditions as judges and magistrates, the Senior Executive Service [SES] and senior officers in the public sector. The third amendment extends salary sacrifice arrangements for superannuation as well. Salary sacrifice for superannuation for up to 30 per cent of salary has been available to non-SES public sector employees since 1998. Extension of this arrangement to office holders (excluding those covered by the Judges Pensions Act 1953) would be consistent with provisions available to other salaried public sector employees.

As with motor vehicles this amendment will provide office holders with the type of flexibility in remuneration arrangements that is available in the public sector. There is no additional cost to government as a result of this amendment. These amendments provide this group of office holders with access to benefits that are currently available to other public sector groups. The administration of salary sacrifice arrangements for motor vehicles and superannuation will be subject to terms and conditions determined by the Minister. This will ensure that rules and guidelines are consistent with those applicable to the other groups. The fourth amendment will provide greater flexibility to SOORT in the making of its annual determinations. SOORT makes binding determinations with respect to the remuneration of office holders (judges, magistrates, other judicial office holders and statutory office holders) and the chief executive service and Senior Executive Service.

Section 13 of the Act (in respect of office holders) and section 24c (in respect of the SES) require that SOORT make its determinations regarding remuneration no later than 31 August each year. The determinations take effect from 1 October of that

year. For some time this requirement has created unnecessary administrative problems, particularly with regard to judicial remuneration. Since 1990 there has been an agreement between the States and the Commonwealth that the remuneration of State Supreme Court judges and Federal Court judges would not exceed 85 per cent of the remuneration of a justice of the High Court. This measure or nexus, as it is commonly referred to, was intended to bring stability in judicial remuneration-setting across Australia and avoid the possibility of salary leap frogging across the various State and Federal jurisdictions.

Since that time, New South Wales governments and SOORT have supported this nexus. Responsibility for determining the remuneration of judges of the High Court rests with the Federal Remuneration Tribunal. State and Territory tribunals have regard to the Federal tribunal's decisions when determining increases for judges in their jurisdictions. The Federal tribunal is required by its legislation to make annual determinations with no absolute time requirement. In recent years the Federal tribunal's determinations have been made after 31 August, that is, after SOORT's annual determinations. To ensure that the nexus is maintained it has been necessary for SOORT to make a further determination on judges salaries, sometimes just weeks after it has made its annual determination. This is an unnecessary duplication of work for the tribunal and it is perceived that judges are receiving two separate increases whereas it is in fact only one.

The proposed amendment will provide SOORT with the same flexibility as to the timing of its determinations as is enjoyed by other tribunals both Federal and State. While the timing of the making of the determination will be removed, the determinations will continue to take effect on and from 1 October each year. I commend the bill to the House.

The Hon. JAMES SAMIOS [5.24 p.m.]: This bill is in three parts. First, it allows the Statutory and Other Offices Remuneration Tribunal [SOORT] to make determinations of travel and subsistence allowances for judges. Second, it gives statutory office holders, such as Crown prosecutors, industrial relations commissioners and others, access to private motor vehicle use via salary sacrifice and, for this same group, it allows salary sacrifice for employee superannuation contributions. Third, it changes the requirement that the tribunal's annual determinations be made by 31 August. This will facilitate the arrangement that has operated since 1990, whereby there is a nexus between State and Federal judges' salaries. This will provide that judges will need to argue the case before SOORT for travel and subsistence allowances, which currently are set by the Public Employment Office.

The change follows the principle that there should be an arms-length arrangement between judicial remuneration and government. The change was sought by the Chief Judge of the District Court. The public office holders group includes people other than judicial officers who hold a statutory office. It includes the Ombudsman, the Director of Public Prosecutions, commissioners, Crown prosecutors, tribunal members, Clerks of the Legislative Assembly and Legislative Council, et cetera. Unlike judges, magistrates, the Senior Executive Service [SES] and senior officers, this group has not been able to salary package the private use of a car. The proposed change will allow this to occur on a salary sacrifice basis, and it means that that private use cost is met privately. There is no significant cost; it follows arrangements in place for SES officers and others. Some officers already receive a car as part of their salary package.

These officers will receive a \$12,000 pay increase, but will be required to put it towards a salary sacrifice to put all officers on the same arrangements. Except for those on a judicial pension, the bill allows public office holders to make similar superannuation arrangements to those that apply to other public sector employees, namely, the ability to salary sacrifice employee superannuation payments. This will be at no cost to the Government. Since 1990 it has been agreed that there be a nexus between Federal and State judges' salary increases. Although the State Act requires a SOORT determination by 31 August, the Federal tribunal is bound by no specific date. This causes an obvious practical difficulty, and duplication of effort by SOORT. Despite removing the requirement to report by a certain date, SOORT decisions will continue to take effect from 1 October each year. These are sensible suggestions which should not be controversial. The Coalition accordingly does not oppose the bill.

Reverend the Hon. FRED NILE [5.27 p.m.]: The Christian Democratic Party supports this bill. It is a practical bill that will authorise the Statutory and Other Offices Remuneration Tribunal to determine the travelling or subsystems allowances payable to judges and certain other judicial officers for travel within Australia. The bill will enable public office holders, by agreement, to sacrifice part of their salary in regard to the provision of a motor vehicle for private use, and for other matters.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.28 p.m.]: The Australian Democrats support this bill as a sensible method of determining remuneration and allowances for this group.

The Hon. IAN MACDONALD (Parliamentary Secretary), [5.28 p.m.], in reply: I thank honourable members for their contributions to the debate and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[The Deputy-President (The Hon. Henry Tsang) left the chair at 5.30 p.m. The House resumed at 8.30 p.m.]

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
ENFORCEMENT AMENDMENT BILL**

Second Reading

The Hon. JOHN HATZISTERGOS, [8.30 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 Bill makes a number of amendments to the *Classification (Publications, Films And Computer Games) Enforcement Act 1995*. Honourable members will be aware that the Act forms part of a national scheme of classification, established by the Commonwealth's *Classification (Films, Publications and Computer Games) Act 1995*. Under the Commonwealth Act, publications, films and computer games are classified in accordance with a national code and set of guidelines. State and Territory jurisdictions have enacted corresponding enforcement legislation which set out offence provisions enforcing classification decisions made under the Commonwealth Act.

Broadly speaking, the Bill makes the following amendments:

- Schedule 1 of the Bill contains general amendments which aim to improve the operation and enforcement of the Act, as well as amendments which introduce a penalty notice scheme.
- Schedule 2 introduces provisions developed at the national level in relation to online material.

Operational Amendments

Firstly, I will deal with the operational amendments contained in Schedule 1. As with all co-operative schemes, experience with its operation has revealed the need for some procedural and technical amendments to improve its operation. To this end, the Commonwealth enacted the *Classification (Publications, Films and Computer Games) Amendment Act (No 1) 2001*. The amendments were agreed upon by the Standing Committee of Attorneys General, meeting as Censorship Ministers, and require consequential changes to be made to State and Territory enforcement Acts.

Penalty Notice Scheme

Schedule 1 of the Bill also makes provision for the introduction of a penalty notice scheme for the enforcement of minor classification offences. The scheme aims to improve the enforcement of the Act by attaching real and immediate financial disincentives to breaches of the Act.

Presently offences under the Act must be prosecuted through the court system when enforcement action is undertaken. This can be a time consuming and costly process. Under the proposed scheme, offenders who receive a penalty notice will have the option of paying a fine, rather than having to attend court. A person who disputes the allegation will, of course, be able to put the prosecution to proof in the ordinary way.

Issuing penalty notices would not be appropriate for all classification offences. Some offences, such as the sale or exhibition of films classified X or RC, are too serious. However, for less serious offences, such as failing to display a notice explaining the classification of items, the penalty notice scheme should improve the enforcement of the Act and help relieve some of the pressure on our courts.

Online Amendments

Schedule 2 of the Bill introduces complementary offences in relation to online material. Concerns have been expressed, both within the community and at a government level, about the ease of access to sexually explicit and excessively violent material on the Internet. Concerns have also been raised about predatory paedophiles who create porn sites with the intent of luring young children into communication.

Many children today have access to the Internet and while there is no doubt that it is an invaluable educational tool, we must take every reasonable step to safeguard our children from exposure to offensive and disturbing material.

The proposed Part 5A inserts into the Act model online content regulation provisions devised at a national level to complement the 1999 amendments to the Commonwealth's *Broadcasting Services Act 1992* dealing with online services.

Honourable members will be aware that the Commonwealth presently regulates Internet service providers and content hosts. The Commonwealth has encouraged the development of uniform State and Territory offence provisions for content providers to complement the Commonwealth legislation. Victoria, the Northern Territory and Western Australia have all enacted provisions of their own dealing with Internet content.

Part 5A aims to do the following:

- Deter the making of "objectionable matter" available on the Internet; and
- Protect children from "matter unsuitable for minors".

"Objectionable matter" will include Internet content consisting of a film or computer game that is, or would be, classified X or RC under the national classification code and guidelines. This would include, for example, child pornography, sexually explicit material, or material instructing in crime. Such matters will not be permitted to be made available or supplied over the Internet.

"Matter unsuitable for minors" includes Internet content consisting of a film that is, or would be, classified R. It will be illegal to make available or supplied this material over the Internet unless it is protected by an approved access system, that is, a system which restricts who may access that material. Access might be restricted, for example, by means of a password or person identification number.

Part 5A aims to catch content providers. It is not intended to catch material which is not stored and not generally available on the Internet. Hence, it does not apply to e-mail, or to real-time Internet chat.

The Government recognises the unique nature of the Internet and the difficulties in regulating its use. However, it is not acceptable to make no attempt at all simply on the basis that it is difficult. The Bill is based on the principle that what is illegal or controlled offline should also be illegal or controlled online.

Conclusion

I am confident that the amendments contained in this Bill will improve the operation and enforcement of the national classification scheme. Furthermore, it represents an important step in safeguarding our children from exposure to offensive and disturbing material on the Internet.

I commend the Bill to the House.

The Hon. JAMES SAMIOS [8.31p.m.]: The purpose of this bill is to improve the enforcement of the Classification (Publications, Films and Computer Games) Enforcement Act 1995 by attaching real and immediate financial disincentives to breaches of the Act. The bill also aims to deter the making of objectionable matter available on the Internet and to protect children from matter unsuitable for minors. The Classification (Publications, Films and Computer Games) Amendment Act forms part of a national scheme of classification established by the Commonwealth's Classification (Films, Publications and Computer Games) Act 1995. Under the Commonwealth Act publications, films and computer games are classified in accordance with a national code and set of guidelines. State and Territory jurisdictions have enacted corresponding enforcement legislation which sets out offence provisions enforcing classification decisions made under the Commonwealth Act.

The bill contains general amendments which aim to improve the operation and enforcement of the Act as well as amendments which introduce a penalty notice scheme. The bill also introduces provisions developed at the national level in relation to online material. The bill is based on the principle that any matter that is illegal or controlled offline should also be illegal or controlled online. As such, the bill will not permit matters such as child pornography, sexually explicit material or material instructing in crime to be made available or supplied over the Internet. It also aims to restrict access to content that is or would be classified R in a film. The bill seeks to improve the operation and enforcement of the national classification scheme. It aims to safeguard our children from exposure to offensive and disturbing material on the Internet. The Coalition does not oppose the bill.

The Hon. JOHN HATZISTERGOS [8.34 p.m.], in reply: I thank the Opposition for its support and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SUPERANNUATION LEGISLATION AMENDMENT (MISCELLANEOUS) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [8.35 p.m.]: I move:

That this bill be now read a second time.

The second reading speech has been delivered in the other place and I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Superannuation Legislation Amendment Bill 2001 implements three proposals affecting the New South Wales public sector superannuation schemes.

The Bill amends the:

- *First State Superannuation Act 1992;*
- *State Authorities Non-contributory Superannuation Act 1987; and the*
- *Superannuation Administration Act 1996.*

The Bill corrects minor limitations in the current superannuation legislation. It introduces an enabling provision which allows regulations to be made to include items in the definition of 'salary or wages' in First State Super. It also broadens the range of employees who could be members of the Local Government Superannuation Scheme and the Electricity Industry Superannuation Scheme. The schemes were established in 1987 by trust deeds approved under s127 of the *Superannuation Administration Act 1996*.

The Bill also facilitates the administration of the superannuation schemes, by transferring certain preserved benefits in the State Authorities Non-contributory Superannuation Scheme to First State Super, without alteration to member's benefit entitlements. Members will benefit from this transfer, as they will have investment choice in First State Super.

The proposed amendments will not affect New South Wales public sector superannuation liabilities.

I now propose to outline each of the amendments in more detail.

In the First State Superannuation Scheme, public sector employers are currently required to make superannuation contributions of 8% of an employee's 'salary or wages.'

This increases to 9% in July 2002, in line with Superannuation Guarantee requirements.

'Salary or wages' are defined in the *First State Superannuation Act 1992* as earnings in respect of ordinary hours of work and earnings consisting of over award payments, shift loading or commission.

The Bill amends the definition of 'salary or wages' to include any additional items specified in Regulations made with the concurrence of the Treasurer.

This would mean that public sector employers would be required to pay superannuation contributions on any items specified in the Regulations for First State Super members.

An example of where this regulation making power might be useful is in relation to paid parental or adoption leave. Currently, this is not included in the definition of 'salary and wages'. This means that the Act does not require that public sector employers make superannuation contributions while a person is on paid parental or adoption leave. This is not the case with other forms of paid leave, nor with the other public sector superannuation schemes such as the State Super Scheme and the State Authorities Superannuation Scheme. We are considering amending this for First State Super and the Bill would allow this to be done by regulation.

The Bill also amends the *State Authorities Non-contributory Superannuation Act 1987* and the *First State Superannuation Act 1992* to provide for the transfer of preserved superannuation benefits in the State Authorities Non-contributory Superannuation Scheme to the First State Superannuation Scheme. This will only occur where the member does not have any benefits in any other closed public sector superannuation scheme.

The State Authorities Non-contributory Superannuation Scheme or 'SANCS' was established in 1998 to provide the 3% "productivity" superannuation arrangement which the unions won at that time. SANCS is a defined benefit scheme and initially covered all public sector employees.

Once a SANCS benefit is preserved, it becomes an accumulation style benefit, with a dollar value, which accrues interest.

There are currently approximately 97,000 preserved SANCS benefit accounts where the members do not have any benefits in any of the other closed public sector superannuation schemes. The value of these accounts is approximately \$480 million.

The Bill transfers these accounts to the First State Superannuation Scheme. The effect will be that the amount standing to the member's credit in SANCS will be transferred to a new or existing First State Super account for the member.

The administrative cost of the transfer will be met from the Crown Employer Reserve in SANCS, and will not be borne by members.

The transfer achieves the administrative simplicity of maintaining accumulation style accounts, like preserved SANCS benefits, and First State Super accounts, to be maintained in the same fund.

Many of the SANCS members to be transferred currently have First State Super accounts. The amalgamation of accounts for these employees will remove duplication of administration fees charged to those members.

The transfer will also benefit members as First State Super offers them a choice between five investment strategies, ranging from 'cash plus' and 'capital guarded' to 'high growth.' SANCS, being primarily a defined benefit scheme and part of the \$27 billion pooled fund, does not offer investment choice.

The compulsory transfer of members from one fund to another is a common event in the private sector and is permitted by Commonwealth legislation provided the trustees of the new fund agree to confer equivalent rights on the members. The Commonwealth Treasury has no objection to the transfer.

The final amendment is to the *Superannuation Administration Act 1996*. The amendment will remove the limitations on the classes of employees that may be members of, for example, the Local Government and Electricity Industries Superannuation Schemes. These schemes were established by trust deeds approved by the Treasurer under s127 of the Act. They are directly regulated by Commonwealth Superannuation law and are not 'public sector schemes'.

The Local Government and Electricity Industries Superannuation Schemes 'mirror' the statutory public sector superannuation schemes and have divisions which mirror the First State Superannuation Scheme, the State Authorities Superannuation Scheme, the State Superannuation Scheme and SANCS.

The amendment will enable State public sector employees and certain other employees, as approved by the Treasurer, to be members of these trust deed schemes.

The amendment removes the current legislative barrier to such trust deed schemes being able to include private sector employees or employees who are not involved in local government or the electricity industry.

For example, the proposed amendment will mean that these superannuation schemes could include public sector employees who become employed by a private sector employer as a consequence of a Government initiative.

This will enable employees to transfer from a statutory public sector superannuation scheme to become members of one of the superannuation schemes that are similar to the schemes by which they were covered as public sector employees.

The Treasurer and the Trustees of the trust deed scheme will still need to consent to these other types of employees being members and this would be negotiated on a case by case basis.

Examples of situations where it is proposed to allow members to transfer to mirror superannuation schemes are the Red Cross Blood Service and the Murrumbidgee Irrigation Corporation. It had been intended that these agencies be covered by the trust deed schemes, until the legislative barrier became evident. With the removal of this barrier, employees of these agencies will be able to be legally transferred to the schemes as intended. Until now they have been temporarily covered by the public sector schemes.

I commend the bill to the House.

The Hon. JAMES SAMIOS [8.36 p.m.]: The object of the Superannuation Legislation Amendment (Miscellaneous) Bill is to amend various public sector superannuation Acts for the following purposes: to enable additional items to be included as salary for determining contributions to the First State Superannuation Scheme, to transfer certain preserved benefits from the State Authorities Non-Contributory Superannuation Scheme to the First State Superannuation Scheme, to broaden and clarify the categories of employers and employees and former employers and employees that may be included in trustee superannuation schemes established under the Superannuation Administration Act 1996, and to provide for the making of regulations relating to the extension of a trust deed scheme to cover additional employees. The bill amends the definition of salary or wages to include any further items specified in the regulations made with the concurrence of the Treasurer. The Coalition supports the bill, which basically, is a housekeeping bill.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [8.38 p.m.], in reply: I thank the Opposition spokesperson for his remarks. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

STATE REVENUE LEGISLATION FURTHER AMENDMENT (No 2) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [8.40 p.m.]: I move:

That this bill be now read a second time.

As the second reading speech has been delivered in the other place and my speech is lengthy and detailed, I seek leave to incorporate it in *Hansard*.

Leave granted.

The State Revenue Legislation Further Amendment Bill contains amendments to the *Duties Act 1997*, *Land Tax Management Act 1956*, *Taxation Administration Act 1996*, and *Unclaimed Money Act 1995*. It also provides for the repeal of the obsolete *Petroleum Products Subsidy Act 1965*. The proposed amendments include a number of miscellaneous amendments to State revenue legislation.

I will deal with the amendments to each Act in turn.

Duties Act 1997

Transfers of dutiable property arising from the break-up of a marriage or domestic relationship are exempt from duty.

Three anomalies have been identified following recent amendments to the Commonwealth *Family Law Act 1975*. The first relates to the transfer of property between the parties to a marriage that has irretrievably broken down, but which may not be formally dissolved for many years, if ever.

In most marriage break-downs, the applicants divide the matrimonial property prior to the formal dissolution of the marriage, and the Duties Act allows the exemption to be granted if the Chief Commissioner of State Revenue is satisfied that the parties intend to dissolve the marriage. However, in a number of cases, the parties will never formally divorce due to cultural, religious or other social reasons, despite the fact that the relationship has irretrievably broken down.

The legislation therefore discriminates against married couples who separate, by imposing a stricter test than is applied to de facto couples who separate. This is contrary to the policy intention of the exemption, which was considerably widened by the 1999 amendments to the *Property (Relationships) Act 1984*.

The bill allows the exemption if the Chief Commissioner is satisfied that the marriage relationship has irretrievably broken down. The Chief Commissioner is required to apply similar tests to those currently applied to the termination of a domestic relationship.

The second anomaly relates to the introduction of financial agreements to replace maintenance agreements. Financial agreements are neither registered nor approved by the court, but are enforceable agreements that can be entered into before, during or after marriage.

The Duties Act only recognises the now obsolete maintenance agreements, and requires amendment to clarify that transfers pursuant to these new financial agreements arising from the breakdown of the marriage are eligible for exemption.

The third matter relates to the possibility that duty will be payable on execution of a financial agreement. These agreements make provision for the transfer of property "in the event of the breakdown of the marriage". Although only enforceable in the event of such a breakdown, the agreement could be dutiable upon execution as an agreement to transfer dutiable property. The Commonwealth *Family Law Act 1975* purports to exempt financial agreements from stamp duties, but there are doubts about the validity and efficacy of that provision. The bill therefore confirms that financial agreements will be exempt under the Duties Act.

The bill provides that transfers of shares in share management fisheries are dutiable at the share transfer rate of duty.

The fisheries industry together with the Minister for Fisheries have submitted that the application of the normal rate of duty would represent a significant government charge in addition to the management fees and community contribution currently paid by some types of fishery, which may impact on the viability of the businesses.

This is contrary to the objects of the *Fisheries Management Act 1991*.

As interests in these fisheries are "shares" (albeit not shares in a company), a reduction of duty to share transfer rate is appropriate.

The bill recognises a new means of stamping instruments under special return arrangements. The Government proposes to have all appropriate government services available on-line.

Consistent with this policy, the Office of State Revenue is developing an electronic stamp duty returns process that will enable documents to be assessed and stamped by clients, using electronic means, without the documents having to leave their custody.

Under the amendment, stamping of a document is to consist of denoting on the document a number or other information generated electronically by the Chief Commissioner.

The bill confirms that denoting a denoting number, or other information, issued by the Chief Commissioner on a document represents stamping of the document. The bill also provides that the notice of assessment issued electronically by the Chief Commissioner may include information that was provided to the Chief Commissioner and on which the assessment was based.

The bill removes adhesive stamps as a way to pay duty, effective from 1 January 2002.

Stamp duties legislation has traditionally allowed adhesive stamps to be used for certain limited purposes, including as a means of paying some other fees and taxes.

In recent years, duty has been abolished on all but one of the types of document upon which adhesive stamps may be used. The remaining document is a limited type of share transfer. Adhesive stamps are also rarely used to collect other fees and taxes, and agencies that use this facility have no objection to ceasing this practice.

The abolition will provide administrative savings to the Office of State Revenue while having no effect on revenue as the duty or fees will be paid by other means.

The bill clarifies the definition of "complying superannuation fund" to include self managed superannuation funds.

The definition of "complying superannuation fund" requires amendment to introduce a new category of small superannuation fund called a "self managed superannuation fund". These were excluded from the meaning as a result of changes to the Commonwealth *Superannuation Industry (Supervision) Act 1993*.

The bill also formalises approval previously given for the Duties Act to be administered on the basis that the exemption available to index trusts apply to the Index Shares Fund, the streetTRACKS50 exchange traded fund, and the Barclays Australian Listed Property Index Fund.

Land Tax Management Act 1956

The bill provides for the simplification of the assessing process for fixed trusts and interests in fixed trusts without imposing an increase in the overall tax burden.

Where the beneficiaries of a fixed trust own other taxable land, the current legislation imposes a primary tax liability on the trust and a secondary liability on the beneficiaries.

The result is that the trust gets the benefit of the threshold, but the beneficiaries may suffer substantial reductions in the benefit of their separate threshold entitlement, and in the worst case may not get any benefit from the threshold.

Beneficiaries, including unit holders of unit trusts, are currently required to declare their interests in land owned by trusts. However, this secondary tax obligation is not well understood by affected beneficiaries. Consequently, beneficiaries are often in breach of the legislation. Office of State Revenue compliance programs result in substantial numbers of owners of land who have interests in trusts being charged additional tax, including interest and penalty tax for failing to declare trusts interests. The complexity of the assessing process adds to the administration and compliance costs of the legislation.

The amendments in the bill offer trustees an election to remove the secondary liability of beneficiaries by electing to have the trust taxed as a non-concessional trust. Under these provisions, the trust would cease to claim the threshold deduction. Based on the threshold of \$220,000 applying for the 2002 land tax year, this will add \$3,640 to the tax payable by the trust.

However, this additional impost will be offset by the removal of the secondary liability of all of the beneficiaries.

The removal of the secondary liability of beneficiaries will restore the full benefit of the threshold to each beneficiary who owns other taxable land.

However, where there is no offsetting benefit to the beneficiaries, because they do not own other taxable land, the trustee can maintain the status quo by not making an election, in which case the trust would continue to claim the threshold deduction.

There will be savings of up to \$3,640 for each beneficiary who owns other taxable land, but this will be offset by the removal of the threshold entitlement for the trusts concerned, and therefore the overall impact on land tax revenue will be negligible.

The bill replaces the definition of "retirement village" for the purposes of the land tax concession available to owners of land used and occupied as a retirement village.

The current definition of "retirement village" in the *Land Tax Management Act 1956* is similar to the definition in the defunct *Retirement Villages Act 1989*. This Act was repealed with effect from 3 December 1999, and was replaced by the *Retirement Villages Act 1999*.

The bill amends the current definition of "retirement village" in the land tax legislation by adopting the definition in the 1999 Act.

This new definition will ensure that premises which are not subject to the *Retirement Villages Act 1999* will not be entitled to the land tax concession.

In particular, the new definition will exclude premises which are subject to a residential tenancy agreement where such an agreement seeks to exclude the application of the Retirement Villages Act.

This will encourage operators of retirement villages to bring their premises within the ambit of the Retirement Villages Act, including the provisions specifying the rights and obligations of both operators and residents.

The amendments will maintain the land tax concession for aged care premises used for hostels and respite care which are subject to regulation under the *Aged Care Act 1997* of the Commonwealth. These premises qualify for the land tax concession under the current definition in the land tax legislation, but the need for a specific exemption arises because they are excluded from the ambit of the new Retirement Villages Act.

The rationale for excluding aged care premises from the new Retirement Villages Act was that such premises are regulated by Commonwealth legislation.

The bill simplifies the assessment of land entitled to an unutilised value allowance. This concession applies to land that is used as a single dwelling, where the land may be redeveloped for multiple residential units or for commercial, business or industrial use.

Such land usually has a higher value than if zoned for use as a single dwelling, and owners are entitled to defer part of their tax liability until the property ceases to be used as a single dwelling. The amount of tax deferred for each of the previous 5 tax years then becomes payable.

The amount of deferred tax is the tax on the difference between the full land value and the value if the land could only be used for a single dwelling.

The amendment provides that where an owner is entitled to the concession, the property will initially be assessed on the concessional value only. When the property ceases to be entitled to the concession, the owner would then receive a reassessment for the five previous years based on full value.

This simplifies both the assessing and accounting requirements relating to the deferred tax component, without changing the amount of tax payable by the owner or the timing of tax payments, including deferred tax payments.

The bill clarifies the concept of land "vesting" under a will for land tax purposes.

Where a property is exempt from land tax because it is the owner's principal place of residence, the exemption continues for 12 months after the owner's death, or until the land vests in a beneficiary under the will, whichever occurs first.

This concession was introduced to allow time for an estate to be administered instead of immediately applying land tax to the deceased owner's residence.

There is some uncertainty about the precise meaning of "vesting" in this context, with the possibility that the exemption may cease to apply before a beneficiary is able to deal with the land.

The bill amends the Act to confirm that the exemption will continue until the transfer of the land to a beneficiary is registered with Land and Property Information New South Wales, or until 12 months after the death of the original owner. This proposal will confirm the current interpretation of "vesting" applied by the Office of State Revenue.

The bill provides for an extension of the exemption for certain tenancies created or permitted under the terms of a will.

Where a will creates a life tenancy, and the land is used and occupied as the life tenant's principal place of residence, the land remains exempt until the death of the life tenant or until the life tenant ceases to use the land as his or her principal place of residence.

However, this exemption does not apply where a beneficiary is granted a right to occupy the residence, but the right is not created as a life tenancy.

These rights of occupancy are not common, but are sometimes granted to allow a spouse, child, grandchild, housekeeper or other dependent to use a property as their home for as long as they wish.

From the perspective of the beneficiary who is entitled to the freehold estate, the creation of such a right to occupy the land has the same effect as a life tenancy, in that it prevents the beneficiary from using the land or from generating income by renting it. It is therefore proposed to apply the principal residence exemption in these cases, provided the person with the right to reside continues to use and occupy the property as his or her principal residence.

An exemption applies for a limited period to vacant or unused land that has been acquired for the purpose of constructing the owner's principal residence.

However, the current legislation requires that the land is within a residential zone under an environmental planning instrument within the meaning of the *Environmental Planning and Assessment Act 1979*. If land is unzoned, the Chief Commissioner must be satisfied that the land is to be used for residential purposes.

The bill removes the requirement that land must be within a residential zone under a planning instrument, so that eligibility for the concession will depend on an existing provision in the land tax legislation, which requires that the proposed occupation of the land for residential purposes is lawful.

This will ensure that land within a rural zone which can legally be used for residential purposes will qualify for the concession. Such land is currently excluded from the concession.

The Act is being amended to simplify the rules for determining the liable owner of land that is subject to a contract of sale.

Land tax is imposed on the owner of land at midnight on 31 December prior to each tax year. However, where land is in the process of being sold but the sale has not been completed by 31 December, there is a set of complicated rules which are applied to determine whether the vendor or purchaser is liable for land tax.

These rules include provisions relating to who is in possession of the land, the amount of the deposit paid and a requirement that stamp duty must be paid.

The bill seeks to simplify these rules by providing that if a sale has not been completed by conveyance, the vendor remains the owner for land tax purposes unless the purchaser has taken exclusive possession of the land before the taxing date, under a written clause in the sales contract.

The requirements relating to the proportion of the purchase monies paid as a deposit, and stamping of the sales agreement, will be removed.

The remaining land tax amendments are in the nature of statute law revision, including removal of redundant provisions which are no longer applicable.

Petroleum Products Subsidy Act 1965

The Petroleum Products Subsidy Act 1965 was enacted to enable Commonwealth subsidies to be passed on, so that the difference in wholesale price of petrol between country areas and cities would be limited to a specified amount. The Commonwealth scheme has not operated for many years and the bill seeks to repeal the Act because it is now redundant.

Taxation Administration Act 1996

Prior to 13 December 2000, the *Land Tax Management Act 1956* authorised refunds of tax where such refunds were necessary to give effect to decisions of the Hardship Board. However, with effect from 13 December 2000, the land tax, pay-roll tax and stamp duties Hardship and Review Boards were amalgamated into a single Hardship Board created under the *Taxation Administration Act 1996*, and the power to authorise such refunds was inadvertently left out of the legislation which created the single Board.

The bill re-introduces the power to make refunds, with effect from 13 December 2000. This confirms a variation to statute under which such refunds have been made since that date.

The Parking Space Levy Act 1992 is under the administration of the Minister of Transport, with the Department of Transport providing policy and technical advice to the Minister. The levy is administered by the Chief Commissioner of State Revenue, and is subject to the provisions of the *Taxation Administration Act 1996*.

The bill clarifies the legislation giving the Chief Commissioner the authority to provide information acquired under a taxation law, and used in the administration of the Parking Space Levy Act, to the Director General of the Department of Transport.

Unclaimed Money Act 1995

The bill amends the legislation to allow the Chief Commissioner to recover money incorrectly paid to a claimant, who was not the real owner of the moneys, so that it can be repaid to the correct owner.

The amendments require businesses which hold unclaimed money to make reasonable efforts to locate the owners of the money, prior to its being forwarded to the Chief Commissioner.

This will reduce unnecessary delays in returning money to the rightful owners. It will also reduce the number of claims lodged with the Office of State Revenue, because more unclaimed money will be returned to the owner by the business instead of being paid to the Chief Commissioner.

To be consistent with the requirement to publish amounts in excess of \$20, the bill sets a minimum amount of \$20 to which the Unclaimed Money Act applies. Businesses to which the legislation applies will therefore not be required to pay these small amounts to OSR.

The cost to businesses of complying with the requirements of the legislation, including the proposed requirement to make reasonable efforts to locate the owners, and the administrative costs to OSR, do not warrant these small amounts being treated as unclaimed money.

I table a summary of the bill for the assistance of honourable members.

I commend the bill to the House.

The Hon. GREG PEARCE [8.41 p.m.]: The Opposition does not oppose the bill. It contains a number of miscellaneous amendments to State revenue legislation that are designed to clean up some obviously old provisions and to ensure that revenue legislation, including the Duties Act 1997, the Land Tax Management Act 1956, the Taxation Administration Act 1996 and the Unclaimed Money Act 1995 reflect modern practice relating to the finances of this State. In doing that the bill repeals an obsolete Act, the Petroleum Products Subsidy Act 1965. I will not repeat the arguments that took place in the other House, but to demonstrate the types of amendments introduced in this bill I will refer to a couple of points. For example, in relation to stamp duty the bill provides for electronic stamping of dutiable instruments and abolishes the use of adhesive stamps from 1 January 2002.

My friend in the other House said that that was the end of an era. Happily, we can still use adhesive stamps on envelopes through Australia Post; obviously the days of adhesive stamps for stamp duty are well and truly gone. This legislation makes a number of amendments to land tax on rural zoning. For example, the current Act gives a 12-month period of grace from payment of land tax when an owner intends to build a residence. Currently that is not available for land zoned for rural purposes and this legislation extends the exemption to rural or unzoned land. Again, that is a sensible amendment. Currently under land tax legislation, trusts are liable for land tax in two ways: a trust is liable as a primary taxpayer and the beneficiaries are liable as the secondary taxpayers.

Many beneficiaries of trusts have not been aware of their obligations with regard to land tax. The amending legislation will make it possible for the trustee to apply for the trust to become solely liable for land tax; again, a very sensible amendment. The Office of State Revenue has advised that the amendment will not result in a significant change to the overall tax payable. I hope that the Minister will ensure that that is the case and that the amendments simplify the arrangements, especially for individuals. Having practised as a lawyer, I know that land tax was often an issue in regard to the sale of properties. This legislation clarifies the date of sale for land tax; again, a very worthwhile amendment. Amendments to the Duties Act 1997 update and revise the definitions of "complying superannuation fund" and "related body corporate", and these amendments are made for law revision purposes and as a result of changes to Commonwealth legislation.

Amendments to the Land Tax Management Act 1956 make further provisions for exemption from land tax on land that is used and occupied as a retirement village or an aged care establishment following the commencement of the Retirement Villages Act 1999; again a very sensible amendment. It is interesting that we are debating this legislation on a day when the Premier, in the other place, claimed that the Government is managing the State's finances well. The Premier proudly patted himself on the back for, supposedly, carving off debt and liabilities of \$10 billion over six years. I remind the Premier, through the Minister, that he may well be able to show those sorts of results by looking at the tax-inflated Howard Government-led Australian strong economy that has enabled the State Government to fill its coffers to the limit.

However, when it comes to the Government actually trying to manage the finances of something that is very important, for example the deficit in the workers compensation scheme which we debated last week, the Government is absolutely derelict in its management. It mismanaged that scheme, and there is a \$3 billion deficit, which will probably blow out to \$5.2 billion or \$6 billion by 2006. That blow-out is a result of the Government's lack of financial qualifications or credibility. That is no surprise when one remembers what the Premier said in relation to the workers compensation deficit. In April on radio 2GB he claimed that the WorkCover deficit was due to roting in the system.

The Minister knows that that is complete nonsense. Unfortunately, when it comes to fiscal responsibility and an understanding of the economy and the budget, I would describe the Premier as a fiscal klutz. At the estimates committee hearing, chaired by Reverend the Hon. Fred Nile, when the Premier was asked about the WorkCover deficit he did not have a clue as to when it had arisen or the reasons for it. On a number of occasions the Premier has expressed his view as to what should happen to that deficit. His view is that either it is going to be borne by all the citizens of the State or, alternatively, it will have to be picked up by the employers of the State. The Opposition supports the legislation for the very sensible amendment it makes by updating the State revenue legislation.

I cannot let the bill pass through this House, on a day when the Premier made claims about the State budget, without noting the good state of the budget, which has nothing whatsoever to do with the Government but has everything to do with the fine economic conditions achieved in this country over the past few years as a result of the excellent policies of the Howard Government.

To ascertain the Government's record on financial management one need go no further than its stewardship of a scheme that is at the heart of what this Government stands for and at the heart of its constituency, that is, the workers compensation scheme. This Government has presided over a catastrophic increase in the deficit, which the Premier simply does not understand or have a clue about and is not capable of doing anything about. With those few words, I confirm that the Opposition will not oppose the legislation. However, I express its concern and alarm at the prospects of this State's economic management.

The Hon. MICHAEL COSTA (Minister for Police) [8.50 p.m.], in reply: I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

WOLLONGONG SPORTSGROUND AND OLD ROMAN CATHOLIC CEMETERY LEGISLATION AMENDMENT (TRANSFER OF LAND) BILL

Second Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [8.53 p.m.]: I move:

That this bill be now read a second time.

The Government has proposed several amendments to the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill in order to accommodate the concerns of the Catholic diocese of Wollongong. The amendments will allow the Catholic Cemeteries Board, the church's agent, to enter the Wollongong Sportsground Trust's land and exhume any remains located on the undeveloped part of the land. This will allow the new grandstand at WIN Stadium to be constructed over the land and give the people of the Illawarra a first-rate sporting facility. The new grandstand will increase seating capacity at the stadium by about 6,000 people and provide a whole range of other facilities as well such as food outlets, corporate entertainment areas and the like.

Naturally, the Catholic diocese is in full agreement with the proposal and the amendments were drafted in full consultation with the bishop's chancellor. In that regard, I should acknowledge the great contribution Father Peter Comensoli has made to achieve the outcome brought about by these amendments. I also acknowledge the contribution made by the Hon. Peter Breen, who offered many very helpful comments. The Wollongong City Council has offered up some of its land, which is to be added to the rest park as compensation for the loss of the land required for the construction of the new grandstand and the restaurant expansion. The council has very willingly offered to undertake other works, such as landscaping of the area, in order to better identify the heritage and religious significance of the rest park.

As a consequence, the rest park will undergo a transformation and I am sure that the community will be pleased with the outcome. The rest park will become more aesthetically pleasing as a consequence of the work which the amendments will allow, and in some cases require, to be undertaken. I think I should also say something about the land to be added to the entertainment centre. The Government is of the view that any human remains beneath that area would be better conserved and protected by leaving them as they are and where they are. The human remains were built over when the entertainment centre was constructed. They are protected by the concrete paving, which has been laid on the surface. Any construction work will not disturb any of the remains.

Some members of the local community are suggesting that it is offensive to allow a microbrewery to be built over the remains. However, the greater part of the local community is urging that the proposed development be allowed to proceed. This is a classic situation in which there are diametrically opposed views as to what should be allowed. The Government has considered both views and has concluded that the better course to follow is to allow the land to be used as proposed, provided that no remains are interfered with. In addition, in order to commemorate the pioneers who were buried in the rest park, a memorial stone inscribed with their names will be erected in the rest park as a permanent memorial.

The requirement to do this will be inserted into the plan of management, which the council will prepare. Lastly, the positive obligation imposed on the council to allow the rest park to be used for passive recreational activities, coupled with the prohibition on the carrying out of commercial activities in the park, will ensure that some of the objectionable activities that occurred in the past will not happen again. Wollongong City Council is to be commended in this regard. It could have simply given undertakings that it would do certain things, but it has consented to those obligations being hard wired into the Act. The council has recognised that this is a golden opportunity, with the construction of the new grandstand, not to only undertake additional work to enhance the appearance of the rest park but to undertake other works which highlight the historical and spiritual significance of the rest park. I commend the bill.

The Hon. RICK COLLESS [8.58 p.m.]: I lead for the Opposition in this debate. The purpose of the bill is to enable the construction of a new grandstand at the Wollongong Sportsground and to extend the area of the Wollongong Entertainment Centre to allow for the construction of a larger restaurant to service the area. The bill will enable development that would not otherwise be permitted under current legislation—the Old Roman Catholic Cemetery, Crown Street, Wollongong Act 1969 and the Wollongong Sportsground Act 1986. The proposed development is adjacent to, and impinges upon, an area of land comprising the Old Roman Catholic Cemetery, which has not been used as a cemetery since the early part of the twentieth century, with many graves in the cemetery well over 100 years old.

The current legislation dedicates the area that is the subject of the bill as a rest park. It is quite plain that the rest park involves purposes which are not provided for or are not intended under the development but which will result in an extension of the stadium and expansion of the entertainment facilities. The Solicitor General advised the shadow Minister for Land and Water Conservation that in his opinion the only sure way of removing the dedication of the land as a rest park and freeing it for other uses is by introducing the bill that is before the House. The bill will allow development of the area of the Old Roman Catholic Cemetery. The fact that this development will occur over the site of the cemetery and over the remains of some of the Wollongong district's notable ancestors is one of the major concerns of the Catholic Church, the Coalition and the Wollongong residents who have contacted us. We must be assured that the sacred nature of the cemetery will be protected if the development is to proceed.

The Coalition believes the Government has not done enough to encourage the Wollongong City Council and the Wollongong Sportsground Trust to work towards a satisfactory outcome in relation to the concerns of the Catholic community in Wollongong, and particularly the concerns of the descendants of those who occupy grave sites in the cemetery. Initially the Government managed only to come up with some amendments that it did not even show to representatives of the Catholic Church and then made no effort to satisfy the church's concerns. My colleague in another place the shadow Minister for Land and Water Conservation confirmed in his speech during the second reading debate that the Opposition has no problem with the intention of the bill but is aware of the concerns of the Catholic Church relating to the remains of the Catholic pioneers of Wollongong who are buried in the cemetery. The Bishop of Wollongong is on record as saying that he:

... makes no criticism of the Entertainment Centre or the WIN Stadium as community facilities. In fact, the church recognises the importance of the Entertainment Centre and the WIN Stadium to the people of Wollongong and the Illawarra and has no desire to oppose or obstruct worthwhile development of these facilities.

Whatever desecration the Sports Ground Trustees and the Council may have carried out in the past, there is no reason why all of the bodies in the area of Portion 95 which is totally vacant and undeveloped should not be reverently exhumed and reburied as a precondition to any further development of the Cemetery or amendment to the Act. The present proposal is to build the grandstand over them and to even construct stairs directly over known gravesites. This is totally unacceptable and exhibits an unwillingness to show the slightest respect for our Catholic pioneers even when their remains can be saved from this desecration at little cost.

That is the church's major concern. The bishop has made it clear that the church does not oppose the development but is extremely concerned about the sacred nature of the old cemetery. He continued:

I request that provision be made for the exhumation of all remains in Lot 95 as a precondition to the commencement of the Bill.

At the conclusion of his address in another place, the honourable member for Wollongong said that he:

...will keep a close watching brief on what happens at the cemetery to ensure all relevant legal and heritage procedures are in place.

However, this statement is questioned by a Wollongong resident and ancestor of four of the people buried in the old Catholic cemetery, Mrs Joyce O'Donnell. The Government seems to be under the impression that this is a heritage issue, which is far from the point. As far as the Catholic Church is concerned it is a sacred site issue, as the Bishop of Wollongong stated in a facsimile sent to all honourable members dated 6 November 2001, in which he said:

... cemeteries are sacred places and, along with traditional community values, we want their sacred character protected.

It begs the question why, after stating its position so clearly and succinctly, the Government has not done more to address the church's concerns. The Coalition feels very strongly that its members have a responsibility to do whatever we can to ensure not only that the development occurs but also that the sacred nature of the site is protected. The Government seems more concerned about the cost of exhuming the site or sites, which could cost about \$1 million. The Coalition believes this is a small price to pay.

There are many unanswered questions about previous desecration that has occurred at the site since 1996, which we find totally unacceptable. The Coalition supports the Catholic bishop in his efforts to make the community recognise that the people who are buried on the site deserve some respect and their families deserve sensitive consideration. This is his main concern. The bishop does not oppose the proposed development; he is saying that he believes we can have the development but that we need to undertake certain procedures, such as the exhumation of the grave sites and the relocation of the bodies to another site and some sort of official recognition for those who are buried there. The Coalition has constantly exhorted the Government to come to some sort of arrangement with the Catholic Church and, while we acknowledge that it has made some concessions, it has not addressed the main issues. Like the bishop, we are not against the development and recognise its benefits for the people of Wollongong. However, we want the Catholic Church's concerns addressed.

The shadow Minister has told the Minister's advisers that if they can come to some agreement with the Catholic Church we will not oppose the legislation. However, at this stage we do not believe the Government has tried hard enough in the original bill. I have a copy of a letter written to the Minister by Father Peter Comensoli on behalf of the diocese and the bishop. In responding to correspondence from the Minister, Father Comensoli wrote:

In your letter you advise that "I do not propose to amend the Bill to require exhumation of the human remains on the advice that the proposed construction work will not disturb any remains". With regret, the history of the matter indicates that little reliance can be placed on the advice of those proposing the new development.

As we both know, the Council and the Sportsground Trust have deliberately and repeatedly breached the provisions of the present Act. Sadly, the Office for Land and Water Conservation has not enforced these provisions in the past, despite its clear power. The only result of the breaches has been this legislation that seems to authorise further desecration without appropriate exhumation. The proposed Plan of Management of the Council does not presently exist and can be changed by you or your successors at any time. Enforcement is an entirely discretionary matter.

This is a fairly sobering indictment of the Government. Father Comensoli continued:

It is my understanding that a full assessment of the existence and the location of the remains within Portion 95 has not been carried out. In any event such assessment as has been made reveals the existence of a number of burials and the plans that the Bishop has seen show burials located, inter alia, immediately beneath the proposed entry and exit stairs to the grandstand.

In other words, bodies are known to be within the immediate vicinity of the entrance and exit to the grandstand. Father Comensoli went on:

There is no present constraint upon the removal of all of the human remains within those parts of the old cemetery which do not presently have any structure above them. The proposal to make further non-cemetery use of any part of the cemetery land which does not presently have structures on or above the surface without first removing all of the remains in that area simply exacerbates the problem.

In his letter of 8 November, the bishop wrote:

Neither the present draft Bill nor the amendments proposed—

that is the original amendments—

adequately address the Church's already stated concerns about the inappropriate use of this cemetery. For this reason the Bill in its present form is not acceptable.

It is not enough to simply try and make the best of a current difficult situation. As long as the bodies remain in their present location, these same concerns will occur in the future. In other words, the Bill fails to provide a real solution to the problem. A permanent resolution is needed.

The bishop has already stated that he is prepared to support the bill if it makes provision for the reverent exhumation of all the bodies in the entire cemetery. I believe we are talking of about 17 bodies, possibly more. The bishop continued:

Only in this way will all the issues be resolved once and for all, and the Council will then be free to develop the land as it sees appropriate.

Whilst the Diocese is unable at this stage, to state that its concerns have been appropriately dealt with, it is our hope that you can appreciate the reasons why we are unable to support the Bill as it now stands.

Members of the Coalition have received many representations from descendants, who have spent countless hours in this place trying to get their concerns recognised. Whilst the Coalition recognises their concerns, it feels the damage was done some time ago. Therefore, we have tried to come to a most practical decision while satisfying all parties involved, including the Catholic Church, the descendants and the Wollongong community. The Coalition has constantly exhorted the Government to come to some sort of arrangement with the Catholic Church. We recognise that some concessions were made, which virtually only played around the edges of the church's concerns and avoided the main issues. Due to the pressure brought on by the Coalition and the crossbenches, I understand the Government will introduce some amendments in an attempt to address the church's concerns.

If the Government had made more of an effort from the start to liaise fully with the church, the Coalition would not have opposed the bill in the lower House. By taking a stand in the lower House, we have forced the Government to address the issues of concern and negotiate a more sensitive position on this delicate issue. To this end, I understand the Government will move a series of amendments to address the areas of concern that have been brought to its attention. Although I will speak to the amendments during the Committee stage, I understand the amendments will basically clarify the boundaries of portion 95 by way of survey and allow for the removal and reburial of remains on that portion other than land on which any road, building of permanent structure is located.

The Catholic Cemeteries Board will be permitted to conduct the exhumations and reburials, with reasonable cost to be met by the Government through the trust. No construction work may commence until the board has had the opportunity, without delay, to exercise its right to undertake this work. The amendments also require the council to accept responsibility for the preparation of a management plan consistent with the requirements of management plans reserve trusts that are required to be prepared under the Crown Lands Act. The Opposition recognises, as does the church, the importance of the Entertainment Centre and WIN Stadium to the community of Wollongong and the Illawarra. We have never had any desire to oppose the construction of these facilities. All the time wasting, the angst experienced by the Catholic Church, the Wollongong community and the ancestors of those buried there and the resultant heartache to the descendants of those buried in lot 95 could have been avoided if the Government had consulted more fully on this issue in the beginning. The Opposition opposes the bill in its current form, and we look forward to debating the amendments. If the amendments are agreed to, the Opposition will support the bill in its amended form.

The Hon. IAN COHEN [9.12 p.m.]: I listened with interest to the previous speaker, and I have a deal of sympathy for the position put forward by him on behalf of the Opposition. The Greens have serious concerns

about the bill and will oppose it unless it is substantially amended. This issue has been widely debated and a number of community groups and individuals have lobbied the crossbenchers about it. The matter has had quite a history. I have looked at the different issues and listened to the serious concerns that have been put forward by various people. Although they are a minority group, their views deserve to be respected. It reflects on our attitude as a society towards history, which in Australia is limited, and towards the rights and sensitivities of minorities. This relatively small group of people, supported admittedly by the Catholic Church, is swimming against the massive tide of that other religion, football. They are being overrun. It is a shame that the Government cannot come to a compromise.

Members of this small group approached the backbenchers this morning about the opportunity to appropriately exhume all the bodies on the site and rebury them in a cemetery in Dapto. As the previous speaker said, issues surrounding this situation will come up time and time again in the future. This development will not go away. There will be more developments on either side of the site and constant pressures will be placed on the Entertainment Centre. It has the potential to be a world-class sporting fixture, and many people in Wollongong want the centre. Such a facility would be well used and, in particular, would be beneficial to the youth of Wollongong. That is also a very important issue, one which the Greens recognise.

Local people, church representatives and descendants of the people buried in the cemetery area came to the crossbenchers today and said that under the circumstances exhumation and reburial would be a satisfactory conclusion to the situation. But is the Government prepared to spend money now when this structure will make a vast profit, millions of dollars for the community over a period of time? We are dealing with big business. If the Government spent the money now, exhumed the bodies, moved them respectfully to another place and allowed the development to take place, the continuing, ongoing problems of a clash of cultures, if you like, and lack of respect for an important historical precinct in Australia would cease.

The bill will result in the final destruction of one of the earliest European cemeteries in Australia. The old cemetery, now known as Andrew Lysaght Park, is located in a very important area of Wollongong a few metres from Wollongong City beach. The bill will convert the land from an important public park into the property of the Wollongong Sportsground Trust. The explanatory note states that the bill will dedicate the land partly for public recreation and partly for tourist purposes. That is a misleading statement. The whole purpose of the bill is to facilitate two separate developments. The first development, which has already commenced, is the construction of a brewery located in Wollongong Entertainment Centre. In a letter to the National Trust, Mrs Carol Herben states:

The installation of the Five Islands Brewing Company within the WIN Entertainment Centre seems to be in breach of the Wollongong Sportsground Act 1986.

Section 12 (2) clearly states:

The Trust is not capable of alienating, charging, granting leases of, or licences in respect of, or in any way disposing of, the original trust lands or any part of the original trust lands except in accordance with Division 3 of Part 3B of the Crown Lands Consolidation Act 1913.

Five Islands Brewing Company has since 20 September operated a restaurant/bar in the WIN Entertainment Centre's eastern foyer, with the doors to the northern foyer blocked by the **Brewhouse** and the southern foyer doors locked and covered with dark curtains, effectively alienating the restaurant/bar from the Entertainment Centre. The only entry to the restaurant/bar is through the doors on the terrace of Andrew Lysaght Park. Note: the brewery is not operational yet, though most of the equipment has been installed. The businesses is waiting for a brewers licence to be issued. A leasing agreement between the Sportsground Trust and Five Islands Brewing Co will be finalised when Parliament rededicates the raised terrace to the Sportsground Trust. Does this not contravene section 12 (2) of the Wollongong Sportsground Act 1986?

The other development is the construction of a new grandstand at WIN Stadium. The bill says a great deal about the priorities of the Government and Wollongong City Council, which has bent over backwards to accommodate the brewery. The natural environment and spiritual importance of the place are being ignored. Heritage is being disregarded. In a place of such natural and spiritual importance, right on the beachfront, Wollongong City Council and the management of the Wollongong Entertainment Centre have a special responsibility. The council has failed to discharge its legal responsibility as trustee of Andrew Lysaght Park. Instead, in July this year the council approved the development application for the brewery. The council designated this as exempt development, which is an outrageous misuse of the planning laws of this State. It is interesting to note from recent media whether those planning laws will come back to haunt the then Minister for Planning, Mr Craig Knowles, who has aspirations for the premiership of this State. It is an absolute abomination that such issues are being brought to bear as a result of legislation that puts all the balls in the court of the developer.

When the Government introduced the category of exempt development the Greens warned that it could be used to approve significant development without proper assessment. This bill proposes a huge development

involving the construction of seven massive tanks, a number of which I am advised already have been installed on the site. It is totally unacceptable that the council has approved this development in a sensitive coastal site on public parkland. Yet again the Government is bringing forward special legislation to allow public parkland to be developed for commercial gain. The Greens are totally opposed to this misuse of public parkland. The Government should require the council and the showground trust to observe the law and ensure that the land is managed in a respectful way.

This development involves important beachfront land; once it becomes alienated it will be gone forever. I realise that extreme pressure is being exerted by some to develop this land, as there is with regard to so much of the New South Wales coastline. Certainly we need to act far more sensitively in relation to it than we are acting at present. It is important also to recognise that this land includes a cemetery with which many people have considerable attachment given that their ancestors are at rest in the cemetery. It is an historical site. It is interesting to note that Andrew Lysaght was a barrister and past great champion of the working class of Wollongong, yet this is how his efforts are repaid by a Labor government. The Friends of Andrew Lysaght Park have thoroughly documented the importance of the site. Carol Herben provided a substantial briefing from this group to crossbench members outlining the group's objections to the development. In a letter to Rachel Walmsley, Environment Liaison Officer, she stated:

I have grave concerns as to the manner in which the Minister for Land and Water Conservation addresses the amendment to the Act 56 of 1969.

Firstly if the Bill passes through both houses of Parliament it will definitely set a precedent within NSW that will allow any of the state's cemetery/rest park or rest parks in trust to municipal councils originally enshrined in legislation and governed by an ACT to be revoked/amended for commercial development and by doing so what provisions will be set aside for human remains ...

Presently Lots 93 & 94, it is proposed that they be divided as Lots 1 & 2 and 7. These 2 Lots (93 & 94) were the most densely used part of the cemetery and in which the remains of Andrew Lysaght MLA are interred.

Lot 1 to be transferred to the Wollongong Sportsground Trust for the establishment of the brewery. Lot 7 also will be transferred to the Wollongong Sports Ground Trust for the placement of three pylons for the north east wraparound of the grandstand. These lots will be freed of the dedication, restrictions, covenants, conditions and will be classed as Crown Land under the Crown Lands Act 1989 only to be rededicated.

I believe this also will allow the Sportsground Trust to undertake any works, excavations etc., without following any necessary guidelines such as engaging an Archaeologist.

Proposed Lot 2, the remainder of Andrew Lysaght Park, will have the status REST PARK removed and becomes a Public Park under the Crown Lands Act 1989 in trust to Wollongong City Council who will be given the POWERS to grant easements through this section, and it will allow the exclusive use of the land to the Wollongong Sportsground Trust for vehicle and pedestrian access. This will also allow the Council to undertake a long term licence with the Sportsground Trust for their exclusive use ...

Lot 113 proposed to be Lot 3 is a very large portion of the cemetery also, although the 1969 Act dedicated his portion of the cemetery as a road. In 1998 when the Wollongong City Council created the Foreshore Plaza ... they incorporated this portion of the land for the use of the general public as parkland. No gain, in fact this section of the cemetery will also be a major loss as it will be dedicated as PUBLIC RECREATION under the Crown Lands Act 1989, and I presume by doing this that there is a proposal in the future for this section to either have turnstiles or kiosk or souvenir shop etc and be an extension to the sportsground trust land. And again this section is freed from the dedication, restrictions, covenants, conditions etc., What convinces me is even though it ceases to be a road is that through the middle is the private access road to the Wollongong Sportsground Trust Land. So again I say this Lot 113 will more and likely be used for the sportsground trust.

The Wollongong Entertainment Centre and WIN Stadium are important venues for a city that places a high priority on sporting success. The Wollongong Wolves soccer team and the Hawks basketball team have been national champions in recent years; it is understandable that the council wants to improve sporting facilities for Wollongong. The Greens understand that the new grandstand is necessary for the St George-Illawarra Dragons to continue playing home games. We understand the importance of rugby league to the people of Wollongong. We do not object to improved sporting facilities at WIN Stadium. However, the improved facilities should have been designed so that they did not encroach on public parkland that has been dedicated for other purposes.

It seems that serious consideration was never given to other options that would allow the grandstand to be constructed in a position that would not encroach on the park. The brewery will not be conducive to healthy recreation and constitutes commercialisation of the park. The Greens have a clear in-principle objection to commercialisation of public parkland. Rachel Walmsley, Environment Liaison Officer, stated in a letter:

Peak environment groups of NSW have some concerns with *the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill 2001*.

Environment groups are always concerned when there is an alienation of public lands for private commercial purposes, and in this case there is an added concern relating to the lack of public consultation. We have received numerous complaints about this issue, in particular, that there was no public inquiry, public submissions or hearing.

It is inappropriate to short-circuit public consultation processes in this matter where public land is being revoked. Consequently, peak environment groups would like to see this Bill amended so that it will not come into effect until proper and adequate public consultation processes have taken place, and an independent inquiry has recommended approval or variations.

The land that is proposed to be included in the park as compensation will not be adequate replacement for the land that will be lost to the development. The Government claims that this is a minor issue because 920 square metres will be excised and 2,222 metres added to the park as compensatory land. However, the land to be added is already public land known as Quilkey Place. Until recently this land was used as a bus turning circle. Much of it is sand dunes and should be managed for passive recreation, irrespective of this proposed legislation. The effect of the bill will be to remove the use of Quilkey Place for public transport purposes. The bill will facilitate the future use of the park as an entrance to a new car park, which is shown on the plans for WIN Stadium as being located under the new grandstand. It is totally unacceptable to the Greens that this area will be used for a car park entry.

I ask the Minister to explain the construction of what appears to be a huge car park entrance. The area is well served by public transport and the foreshore is an important pedestrian precinct. The Government and Wollongong council should be encouraging sustainable transport—walking, cycling and public transport—for people attending these venues. The Olympic Games proved that it is possible to move hundreds of thousands of people by public transport to sporting venues. One of the amendments I will move in Committee will change the provision in the bill that allows vehicular access over the park. The amendment would limit access to pedestrian access, which would protect the amenity of the area for people. Other vehicular access points to WIN Stadium are sufficient for emergency vehicles. The stadium has no need for vehicular access at this location.

It is outrageous that a massive vehicular entry to the stadium is currently under construction. The Government and Wollongong council are treating this Parliament with contempt by allowing the construction to occur before the bill has been debated in this House. These encroachments are not authorised under current law. The Greens urge the Government to enforce existing law and remove the encroachments on Andrew Lysaght Park, in particular, the road. The Greens do not believe that the bill in its present form deserves the support of this House. We propose a number of amendments, the aim of which will be to rectify some of the worst aspects of the bill. We are prepared to support a limited encroachment for the purpose of the grandstand, but we are totally opposed to the remainder of the bill. We hope the amendments will receive the support of this House.

It is disappointing, particularly after the latest discussions with local people, that the Government will not spend \$4 million to exhume the bodies and thus resolve the overall problem of history in perpetuity. Not only would such expenditure be a measure of goodwill; it would prove to be a sound economic move as the Government could then utilise the area without having to encroach on the sensitivities of a small but significant section of the community. I hope the Government will listen and acknowledge some of those concerns in Committee.

Reverend the Hon. FRED NILE [9.30 p.m.]: In speaking to the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill, I wish to place on record some of the concerns of the Christian Democratic Party. It could be argued that the Government's foreshadowed amendments will dramatically alter the bill that is currently before the House. I understand, and other speakers have said, that the Opposition will support the bill as amended. That means voting on the second reading of a bill that has certain failings, in the hope that it will be amended at the Committee stage to meet the concerns of the Catholic Church in Wollongong and of the descendants of those buried in the cemetery, and to provide some satisfaction for the Wollongong Sportsground Trust and the WIN television network, which is playing a major role through its association with the development of the stadium. There are a number of stakeholders or players involved in this issue. The objects of the bill, as originally drafted, were:

- (a) to amend the Wollongong Sportsground Act 1986:
 - (i) to place certain land excised from Andrew Lysaght Park, Wollongong, under the care, control and management of the Wollongong Sportsground Trust (the Trust) and dedicate it partly for public recreation and partly for tourist purposes; and
 - (ii) to close part of a public road, place the land under the care, control and management of the Trust and dedicate it for public recreation, and
- (b) to amend the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969:
 - (i) to excise certain land from Andrew Lysaght Park, and
 - (ii) to close another part of the public road referred to above and to dedicate the land as part of Andrew Lysaght Park, and

- (iii) to allow easements to be granted through, on, in or above Andrew Lysaght Park to provide access to the Wollongong Sportsground and to permit the overhang of structures and roofs of buildings erected on the Trust's lands, and
- (c) to provide for the closing of other parts of the road the subject of the amendments referred to above and to reclassify the land as community land for the purposes of the Local Government Act 1993.

The bill also made other minor amendments. In a sense there has been a progression. What was originally a cemetery supposedly became parkland and is to become community land. Use of the land is moving further away from its original purpose, that is, as a Roman Catholic cemetery. I have inspected the site with a number of descendants of those buried there. My briefing was organised by Carol Herben. In a way we are attempting to rectify serious errors made some years ago when the cemetery was entirely paved with cement tiles. In the forecourt of the existing Entertainment Centre there is a restaurant, and a brewery is inside the building. I inspected the large tanks that constitute that boutique brewery, I suppose one could call it, which I understand is to be moved out of the building, as it is now structured, to further encroach on cemetery land.

That has caused a great deal of offence to families who are concerned about the future of the cemetery. It was bad enough to have the area paved with concrete tiles, but to have a brewery installed on it was really rubbing salt into the wounds. I believe that has caused a lot of the anger that is in the hearts of these people, who feel they have been ignored and their concerns virtually pushed to one side. It may already be too late to do anything. I inspected the stand as it has been constructed, including the very place where the pylons will be going into ground, where bodies may have been buried years ago. Originally, the pylons were to be placed in such a manner that they would miss any human remains that might be in that portion of the cemetery, but as I understand the proposed amendments the bodies will all be exhumed from that area.

I note that the Parliamentary Secretary, the Hon. Ian Macdonald, looks puzzled, but what I have said seems to be the apparent purpose of the amendments. There will be no question of the grandstand extension pylons coming into contact with human remains. A considerable amount of the grandstand has already been constructed. Pipes, timber and steel are sticking out, waiting for the remainder to be completed. I suggest it would be extremely dangerous for anyone to say, "We will not go any further with the building, but we will use it." It could not be used. The grandstand has to be completed and that will obviously require strong foundations as the grandstand will have to carry thousands of people. We certainly do not want an accident to occur in future because the grandstand was not constructed properly.

If the bodies are exhumed there would be no problem working in co-operation with the trust to complete the grandstand so that sporting events can take place. That is one problem that the Government's proposed amendments appear to deal with. The major problem is treating the cemetery as community land or a recreation area; and moving the boutique brewery onto cemetery land. Apparently the restaurant would be enlarged as well. That would take away from its status as a cemetery. The second stage would be to exhume all the bodies in that old cemetery and reinter them elsewhere. WIN Television claimed in its submission that, after 200 years, very little would be found in the way of human remains. This debate may be partly academic in that the approximately 180 coffins may contain very few human remains to be exhumed. But there will be some.

That presents another problem. Exhuming bodies from a very old cemetery becomes a very expensive operation. Someone suggested it could be of the order of millions of dollars. I thought I had seen a quote for \$1.6 million. Obviously, the Catholic Church is not going to spend \$1.6 million, even though the cemetery originally belonged to the church. I imagine that neither the sportsground trust nor WIN Television would be keen to spend that amount of money, and certainly the Government would not be keen to spend that money. It is a dilemma. The best solution would be to exhume the bodies and have them reinterred in part of the Catholic cemetery at Dapto, which I understand is available. I also understand that the Catholic Church is agreeable for that to happen. The question is who will pay for it? It is all a question of money.

It may be possible for this to be part of a plan. It may not be feasible to do it straight away, but if we can get the first stage finalised, with the grandstand completed so that the sporting events can go ahead—I understand that a timetable has been worked out to have the stadium ready for the rugby league football season and for other sporting events—the Government could then sit down with representatives of the Catholic Church to work out the long-term solution for the site, and determine how it might be funded.

Perhaps the trust could set aside some of the proceeds from sporting events for this purpose. The Government could advance the money and be reimbursed so much a year for the next 10 years until the total has been repaid. That is the proposal of the people with an immediate interest in the cemetery, led by local resident Carol Herben, who has done tremendous work in preparing the documents that honourable members may have

seen. I seek leave to table a document prepared by Carol Herben entitled "Comments on issues and hearings in Parliament dealing with the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill—prepared for the NSW Legislative Council, November 2001". It contains all the history and the background to the matter that has been controversial for a long time.

Leave granted.

I have just received a media release from the office of the Bishop of the Diocese of Wollongong dated 3 December. It puts the final position of the diocese regarding the legislation. The new Bishop of Wollongong, the Most Reverend Peter Ingham, stated:

For much of this year, the local community in Wollongong has been engaged in a debate over the impact proposed developments to the Entertainment Centre and WIN Stadium would have on the Old Roman Catholic Cemetery. Given the sacred and cultural significance cemeteries have in our society, the Catholic Diocese of Wollongong has offered its own view on the issues at stake.

Three principal questions have concerned the Diocese.

1. How is the rightful respect due to the remains of Wollongong's pioneers buried in the Old Roman Catholic cemetery to be ensured and maintained?
2. How are the aspirations of the local community to see appropriate development of the area in question to be acknowledged and supported?
3. How is the protection of the cemetery and its surrounds to be assured into the future?

As significant as they are, the concerns of the diocese have not been over historical or heritage issues.

Rather the diocese has consistently sought to be:

- a voice for upholding the religious and cultural tradition of respect and reverence due to the remains of the dead.
- a voice to ensure that, in whatever decision is made, the sacred memory of the early settlers in the Illawarra is not desecrated.

In seeking this protection, the Church has also consistently stated that it recognises the importance of the Entertainment Centre and WIN Stadium to the people of Wollongong. It has had no desire to oppose or obstruct worthwhile development of these facilities as long as they are undertaken in an appropriate manner.

Since the time submissions were called for the proposed developments to the Entertainment Centre and WIN Stadium, the Diocese has advocated for a permanent outcome to be found to the conflicting aspirations for the area.

That is the point I was making in my earlier remarks, that there must be a permanent outcome. The statement goes on to say:

In the Church's mind, such a solution would involve the reverent exhumation of all the remains of those buried within the Old Roman Catholic Cemetery and their reinterment in another, more appropriate place. In doing so, the whole site could be freed up for development as the local community saw fit.

Bishop Ingham has put into a nutshell the master plan, if you like, to be carried out by the Government. Again, it cannot be done tomorrow but it should be part of the plan. The statement continues:

In early November, and after discussions with local and state government representatives, it became clear to the Diocese that the political will to bring about a permanent solution was not forthcoming.

The Government was not prepared to be involved in the expense of that operation. The statement goes on to say:

Rather than walking away from this impasse, the Diocese was committed to finding a way forward that still ensured an appropriate level of respect for the remains of our deceased pioneers.

After extensive discussions with representatives of the Wollongong Sportsground Trust and Wollongong City Council, the Diocese was prepared to support an outcome that would respect and provide for:

1. the sacred nature of the site;
2. the physical remains of the pioneers buried on the site; and
3. both community concerns as well as contemporary needs (including the proposed developments).

This agreed outcome would make provisions for—

and this is what the Government would appear to be proposing in the latest amendments that we have just received—

- the exhumation of the bodies interred in the undeveloped area in the north eastern corner of WIN Stadium (identified as Portion 95) and their reinterment in Andrew Lysaght Park

- the revitalisation of Andrew Lysaght Park in a manner such that its integrity as a rest park would not be compromised but would be actively supported, respected and permanently maintained
- the relocation of the road and pedestrian access to a point beyond the Park's eastern boundary
- no additional stairway all ramped access from the Terrace of the Entertainment Centre onto the Park.
- the carrying out of appropriate landscaping of the Park such that its sacred and historical significance would be highlighted.

Since 23 November (when this agreed outcome was reached), the Diocese has worked to ensure that it be properly reflected in legislation. Following broad discussions with representatives of the NSW Government and Opposition and with members of the cross-bench of the Legislative Council, the Diocese is satisfied that the amendments to be put before Parliament tomorrow (4 December) are both faithful to the compromise and sufficiently binding.

Whilst the Diocese would have preferred a more permanent outcome, it is satisfied that a solution has been found that does not compromise its concerns for the appropriate respect that ought to be shown to our deceased, yet one that has also allowed for a way forward.

Obviously members of the House should take into consideration the views of the Catholic Diocese, which has a direct responsibility for the cemetery and its future. There must also be an attempt to come to agreement with the descendants. I understand that they number more than 300 and many of them live in the Wollongong-Illawarra area. They are deeply offended, and I agree with them, at the way in which the cemetery site has been treated up to now. The Government's amendments deal with the immediate problem. The Catholic Church has accepted that as the best it can achieve. But the permanent solution is to remove all the bodies from the site. I assume that if the Government will not negotiate with the Catholic Church to do that, it will certainly reject an amendment in this House along those lines. Such an amendment may endanger the passage of the amending legislation and the benefits that it can achieve. So I would be reluctant to insist that it must be done forthwith.

Perhaps the Government could give an assurance that it will enter into further negotiations with the diocese and the descendants to finalise a long-term solution, which is what the diocese really wants, to exhume all the bodies. The WIN trust, the showground people, the sportsground people, the descendants, the Catholic diocese and the Government should negotiate on how this can be achieved. But if there is more and more development, and if more and more structures are built on the site, it will become more and more difficult, if not financially impossible, to remove all the bodies. However, it would be possible in the immediate future to follow through with the second stage. So I urge the Government to give further consideration to that. There should be a plan. The amendments should not be seen as the end of the story; they are not. I believe that the descendants will not rest until those bodies are all removed. Some other proposals, such as putting in a few grass plots and so on, are just window dressing. When I saw how the area is being used, I thought it was just like a hotel with an outdoor area for drinking, smoking and partying.

The Hon. Elaine Nile: And urinating.

Reverend the Hon. FRED NILE: Yes, all the things that happen when hundreds of people get together. That is what is happening on the site now. They probably do not realise that they are standing on a cemetery containing the graves of the pioneers of Wollongong, because there is no sign to that effect on the entrance roadway or near the site of the proposed grandstand. A curved steel wall has been constructed and it contains some of the old headstones, which are virtually welded in to it, including that of Andrew Lysaght, who was a member of the Lysaght steel company. I am sure that people assumed that that memorial wall was to be built of brick. Rather, it is an ugly steel wall hidden by another steel wall, with a space of about four or five feet separating the two walls.

The public who stand on the pavilion area would have no idea that they are standing on a cemetery. One can imagine how upset the descendants were when they realised that their gravesites of their ancestors, whom they revere and honour, were treated in that way. I am sure that any member of this House would be offended if the graves of their ancestors were treated in that way. The Christian Democratic Party supports the bill in principle and supports the proposed amendments. However, we would like an assurance from the Government that there be a final solution to this very serious problem.

The Hon. IAN WEST [9.51 p.m.]: I support the Wollongong Sportsground and Old Roman Catholic Cemetery Legislation Amendment (Transfer of Land) Bill. The people of the Illawarra have been asking for better sporting, recreational and cultural facilities for some time. The bill and the proposed amendments will allow a first-rate sporting facility to be constructed at WIN Stadium. The current seating capacity at the ground is about 14,000 people, which everyone in the local area agrees is totally inadequate and way below the threshold set by the Australian Rugby League. The new grandstand, when constructed, will allow another 6,000 patrons to be comfortably seated. The Wollongong Catholic diocese has worked with the Government to determine the most appropriate way of dealing with the remains of the early Catholic pioneers who are buried in the old cemetery whilst at the same time facilitating the construction of much needed sporting facilities.

This bill achieves a very sensible and appropriate outcome. It is hoped that the new grandstand will be constructed in time for the forthcoming football season. The new grandstand will provide a range of other services lacking at the moment, including corporate entertainment areas and additional food outlets. The expansion of the restaurant area in the entertainment centre will enable a superior restaurant facility to be developed. The present restaurant is quite limited in size and has no real scope for expansion without the addition of the land, identified as lot 1, to the centre. The expanded restaurant will give the people of Wollongong a facility of which they can be truly proud. The bill will allow that facility to be constructed.

I am particularly gratified to know that the rest park is to be landscaped and enhanced in a style in keeping with the sacred nature of the site. A memorial board that records the names of the district's Catholic pioneers is needed. The memorial board will be a permanent record of the pioneers buried there. The landscaping will be a significant and positive step towards preserving the historical and religious significance of the old cemetery. I acknowledge the very considerable skills of Father Peter Comensoli in assisting in achieving the outcomes that the bill will deliver not only to the Catholic Church but to the whole Wollongong and South Coast community. I commend the bill and the amendments to the House.

The Hon. PETER BREEN [9.55 p.m.]: I am pleased to have the opportunity to speak on this important bill to amend the Wollongong Sportsground Act 1986 and the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969, to facilitate land transfers. The bill also provides for closing part of a public road and adding that land to Andrew Lysaght Park, which is the old Catholic cemetery at Wollongong. The bill is not without controversy, because some of the pioneers of the Illawarra region are buried in that cemetery, including the late Andrew Lysaght, who died in 1906, and whose name the park bears. Lot 1 is to be excised from Andrew Lysaght Park and transferred to the Wollongong Sportsground Trust to allow for an extension of the mini brewery, bar and restaurant complex, known as Five Islands, presently located just inside the eastern wall of the Wollongong Entertainment Centre.

That area consists of approximately 722 square meters, in effect a raised terrace for people congregating outside the entertainment centre and the Five Islands complex. This raised terrace area is of principal concern to many people, many of whom have made submissions to my office and to other members of the crossbench. This raised area is immediately adjacent to the entertainment centre. When the entertainment centre was built its foundations intruded into the cemetery. At the direction of the Heritage Council, concrete and plastic were placed over the remains of the people who had been buried in that part of the cemetery. Therefore, any excavation of Lot 1 would interfere with the work that was done when the entertainment centre's foundations were laid.

Lot 1 has been filled with builders' rubble and concreted over, and all of that would have to be removed if bodies were to be taken from that section of the cemetery. Near the southern boundary of lot 1, a concrete roadway provides access to the Wollongong Entertainment Centre car park and the remains of 10 bodies have been identified as lying beneath that roadway. Again, to remove those bodies would require digging up concrete. I agree with a policy of the Heritage Council to not disturb human remains that are, for all intents and purposes, inaccessible. That policy is supported by the Roman Catholic Church, and I was pleased to hear Reverend the Hon. Fred Nile read a letter that was written a few days ago by the Bishop of Wollongong concerning the church's position relating to parts of the cemetery which are, for all intents and purposes, inaccessible.

Section 10 of the Old Roman Catholic Cemetery, Crown Street, Wollongong, Act 1969 provides that human remains are not to be disturbed. If the remains are disturbed, the trustees, in the words of that Act, "shall cause the remains to be reverently interred in a suitable position". Just three weeks ago the Heritage Council approved construction of an extension to the WIN Stadium grandstand that will encroach on the graves under the roadway. Honourable members may be aware that the northern grandstand of WIN Stadium abuts the southern wall of the Wollongong Entertainment Centre. The construction work will extend the grandstand in such a way that five or six of the 12 supporting pillars could interfere with human remains buried in the vicinity of the concrete roadway. Amendments to the bill were proposed by me earlier to deal with this problem of the construction interfering with human remains, and I am pleased that those amendments are now incorporated into the Government's own amendments, which I will support.

Like Reverend the Hon. Fred Nile, I visited the site last Friday week in company with Peter Bolt, the Deputy Chairman of the Wollongong Sportsground Trust, and I was shocked by the extent to which the building work has advanced. It has put in a difficult position the church and other people with an interest in the site, including the descendants of those buried in the cemetery. It is as if the trust and the Government had said, in effect, "We are building this extension to the stadium and if you want to do something about the remains of

those people who are buried there you have to play catchup." That is what we have been trying to do in the past few days. It has been very difficult for everybody because, at the end of the day, no solution will please all those who have an interest in the outcome, particularly when one takes into account the fact that the Wollongong community is 100 per cent behind the development of the stadium and the upgrade of the entertainment centre in the way contemplated.

Mr Bolt identified for me the site of the three northernmost pillars of the grandstand, which are to be located on an existing concrete slab that was built for the foundations of a steel wall. I was assured that the use of this existing concrete slab means that the three pillars described as within lot 94 will not penetrate the surface of the land and therefore will not interfere with the human remains under or in the vicinity of the concrete roadway. I subsequently received a letter from the Wollongong Sportsground Trust dated 27 November confirming that the three pillars will be located on the concrete slab. In other words, there will not be any penetration of the surface of the land. I note also from the record of debate in the other place that former Minister Amery wrote to the honourable member for Ballina, Mr Don Page, in the following terms:

Although the construction of the North East Wrap of the Northern Grandstand will encroach upon the cemetery, there will be no excavation taking place. As the three piers which encroach into the cemetery will be built on a concrete slab, no excavation is proposed.

I would now like to address the problem of the remaining nine pillars that will support the grandstand extension to WIN Stadium. These pillars are located in what was formerly known as portion 95 in the parish of Wollongong, and this land was also part of the old cemetery but was transferred to the Wollongong Sportsground Trust in 1986. In other words, the land to which the Government's amendments relate and to which our concerns are addressed by the advancement of this building work is land that is already owned by the Government under the Wollongong Sportsground Trust. It is not as if we are talking about land that is still regarded as part of the cemetery. This land was transferred back in 1986, so again various interest groups have to play catchup.

As for the human remains that are in this land that was transferred to the trust, it has been agreed between the church, the trust and Wollongong City Council that these remains will be disinterred and reburied in Andrew Lysaght Park, bearing in mind that those remains are fully accessible, unlike the remains in the other area of the park to which I have referred. I am pleased that the Government has facilitated this agreement with its amendments, thus fulfilling a promise by former Minister Amery in another place when he said:

The Government will reassure members on the crossbenches in the Legislative Council and members of the local community that it is doing all that it reasonably can to resolve this difficult issue.

In an ideal world all the human remains in the old cemetery would be disinterred and reburied in Andrew Lysaght Park. All honourable members would agree that the dead need to be treated with respect. This is certainly the teaching of the Catholic Church, which has traditional responsibility for the cemetery. However, the church, through the Bishop of Wollongong, believes that the most respectful way to treat the human remains buried under concrete is to leave them undisturbed. This is not a matter of theology but is a practical approach to what the former Minister identified as a very difficult issue.

Human remains buried on former portion 95 can be removed by the Catholic Cemeteries Board with minimum interference to the construction work presently under way to extend the WIN Stadium, but it is my opinion that the graves under the concrete roadway and any graves that may exist under the paved terrace should not be subjected to jackhammers and front-end loaders. At present Andrew Lysaght Park is a paved terrace area used as the forecourt of the Wollongong Entertainment Centre. Visitors need to walk almost to the southern boundary of the forecourt before it becomes apparent that the area is a rest park.

Reverend the Hon. Fred Nile noted in his remarks that people are not able to recognise it as a cemetery or rest park until they almost reach the southern boundary. The monuments, which Reverend the Hon. Fred Nile described as ugly—and I agree with him—were built when the Wollongong Entertainment Centre was constructed and headstones in the old cemetery were mounted on the steel wall that he described. I am no authority on these things but the memorial is not unlike some installations one might see at the Museum of Contemporary Art. I would like to see the park upgraded and somehow softened, perhaps consistent with the foreshore development works proposed by Wollongong City Council.

The park is located on the edge of the foreshore, with spectacular views over South Wollongong Beach and the Pacific Ocean. Under this bill and by agreement between the various parties, the boundaries of the park

will be properly delineated and the integrity of the park as a resting place for the pioneers of Wollongong will be restored. Concern has been expressed in some quarters about the designation of Andrew Lysaght Park as public recreation land under section 4A in schedule 2 to the bill. This matter was raised by the Hon. Ian Cohen. I am reliably informed by the legal branch of the Department of Land and Water Conservation that the purpose of this provision is to enable dedication of a former public road under the Crown Lands Act 1989.

Honourable members may be reassured by the preceding section of the bill, which provides that council must ensure that any use of the land is limited to passive recreational activities. Furthermore, the Old Roman Catholic Cemetery, Crown Street, Wollongong Act 1969 provides in section 4 (3) that the land shall be maintained by council as a rest park and shall not be used for any other purpose. There is no danger of this land being used in any way other than the way it is presently designated, that is, as a rest park. More important, the bill will extend the rest park in an easterly direction by an area of approximately 1,764 square metres, a net gain of approximately 1,000 square metres in terms of the size of the park.

More significantly, the additional 1,764 square metres will be fully usable as park while the 722 square metres lost to the Five Islands complex has not been available as a park for all practical purposes since the entertainment centre was built more than three years ago. Honourable members should be aware that the Wollongong Entertainment Centre and WIN Stadium have been a huge boost to this part of Wollongong, not just in terms of the amenity of the area but also on account of the jobs created and the sense of community that sporting and cultural centres inevitably sponsor. The proposed extension of WIN Stadium by the addition to the north-east grandstand and the expansion of the Five Islands complex onto the terrace are extremely popular developments that enjoy the overwhelming support of the people of Wollongong.

In fact, I received fax messages today with copies of newspaper articles from the *Illawarra Mercury* confirming the support that this proposal has from the local community. Another point I would like to make about the addition to the rest park is that it previously included a roadway easement that many people believe constituted a serious intrusion on the resting place of those pioneers buried in the park. This roadway easement can be identified on the plan described on page 2 of the bill.

As a result of discussions between the church, the trust and Wollongong City Council this roadway easement will be removed from the plan and the road will be located to the east of the rest park. The parties agree that, as well as protecting the park from pedestrian and vehicle traffic, the wider arc in the road will allow easier access to the entertainment centre car park, particularly for delivery trucks. I am pleased that the Government amendments to the bill include this provision. I have a copy of the new plan, and it shows no roadway easement on proposed lot 3.

With the removal of that easement the roadway that provides access to the entertainment centre car park will avoid the main part of the cemetery, which is not the case with the existing easement. Therefore, this is an important addition to the bill that benefits the amenity of the rest park. Should it become necessary as a result of further survey work to locate part of the road on any part of the cemetery land other than the designated roadway easement, it will be necessary for the trust to return to Parliament with its proposal. The only right of the trust to grant an easement under the bill is found in proposed amendment No. 7, to which I will refer in Committee. Under this bill, Andrew Lysaght Park will finally get the respect and protection it deserves. I commend the bill and Government amendments to the House.

Debate adjourned on motion by the Hon. Dr Arthur Chesterfield-Evans.

ADJOURNMENT

The Hon. IAN MACDONALD (Parliamentary Secretary) [10.11 p.m.]: I move:

That this House do now adjourn.

RURAL AND REGIONAL SERVICES

The Hon. TONY KELLY [10.11 p.m.]: I draw the House's attention to growing concerns about the Federal Government's reluctance to address the widening gap between the city and the country in terms of education, infrastructure and jobs. These concerns are reflected in two recently released reports: the Australian Catholic Bishops Conference report entitled "A Just and Peaceful Land, Rural and Regional Australia in 2001", and the Australian Local Government Association's "2001 State of the Regions" study. Both reports are critical of the Federal Government, its policy laziness and its reluctance to pursue policies that are in the best interests of rural and regional communities.

The Australian Catholic Bishops Conference statement views the Federal Government's pursuit of economic rationalist policies at the expense of the nation's social human capital as a major factor in the hollowing of rural and regional Australia and the emergence of innumerable social ills within country communities. The report views the Howard Government's failure to invest adequately in infrastructure, particularly the lack of access to telecommunications, as an indictment of a government that continues to place rural people at an economic, social and cultural disadvantage in the new economy.

The Australian Local Government Association's report echoes many of the themes in the bishops' statement. The study finds that communities not participating in the knowledge-based economy run the risk of marginalisation in terms of low-paid jobs, economic insecurity and high unemployment. While areas with high education attainment and concentrations of knowledge-based industries were locked into a positive development cycle, areas of low education attainment and lower levels of knowledge-based industry tended to struggle in the new economy. The areas viewed by both reports as being critical to the greater prosperity of country communities—education and training, infrastructure development and jobs—are exactly those areas in which the Howard Government is failing and allowing rural Australia to fall further behind.

This lack of vision for rural Australia was reflected in the Coalition's Federal election campaign. Howard went to the people with no plan for education, no plan for jobs and no way forward in terms of investing in our nation and its infrastructure. Other than wedge politics and playing to the insecurities and fears of the community, Coalition policies amounted to the sell-off of Telstra and Australia Post, the further downgrading of public education and universities—

The Hon. Doug Moppett: You don't want a rerun of the poll, do you? You'd get an even bigger flogging!

The Hon. TONY KELLY: If I were the Hon. Doug Moppett, I would wait until after this weekend before I was too critical. The only other Coalition policy was the ongoing disregard for research and development and job creation. That is a policy outlook that will continue to let down country communities at a time when they need the commitment and vision of their Federal leaders. Instead of a Federal Government with the ability and willingness to pursue the long-term interests of all Australians and committed to investing in our nation's infrastructure, curbing the excesses of the free market, generating real jobs and promoting world-class health and education systems, we are stuck with a tired government that is devoid of long-term policies and focused on factional infighting and succession squabbles rather than the greater good of the nation.

The Hon. Doug Moppett: All your fellows could do was talk about the failings of the Carr Labor Government in health, education and housing.

The Hon. TONY KELLY: I would not like to put money on Costello getting the job of leader in the near future. It will be up to the State Labor governments to fill the policy gaps left by the Federal vacuum. Fortunately the Carr Labor Government is willing to address the challenges confronting rural and regional New South Wales. From strategic programs encouraging rural investment and the relocation of businesses to country towns to investing in education and our public library network, the Carr Government is showing the way forward in terms of governments working with our communities, investing in their skills, knowledge and natural advantages, to ensure that no community is left behind as we explore the potentials and confront the challenges of the new century.

UNCLE CHATZKEL FILM SCREENING

The Hon. JAMES SAMIOS [10.16 p.m.]: Last June I had the privilege of hosting the parliamentary screening of the Film Australia and Robe Productions documentary *Uncle Chatzkel* to an audience of community leaders, students from the Yeshiva Ladies College and members of Parliament. *Uncle Chatzkel* is a biography of Chatzkel Lemchen, who immediately prior to the making of the documentary was named National Living Treasure in Lithuania. We recently received the distressing news that Uncle Chatzkel, as he was known, had died in Lithuania at the age of 97. It is important to understand the impact that Uncle Chatzkel had on the community in which he lived and on the people around the world whom he met. He was a living legend.

The film of his life took us on a journey through almost the entire twentieth century, as Uncle Chatzkel recounted the milestones in his life as a Jew living in Lithuania during the Second World War, giving a first-hand narration of what he had seen and experienced of the horrors of the Russian Revolution and the two world wars, including the Holocaust. He also explained how his lexicographic and multilinguistic skills in Russian,

Lithuanian, Yiddish and English helped him to secure work on intellectual projects and saved his life. It is important to note that *Uncle Chatzkel* is a valuable documentary that gives a narration of major historic events of the last century.

In attendance on that occasion were the co-producers of the film *Uncle Chatzkel*, Rodney Freedman and Emile Sherman; Dean and spiritual leader of Yeshiva College, Rabbi Pinchus Feldman; President of the New South Wales Jewish Board of Deputies, Peter Wertheim; Principal of Yeshiva Ladies College, Wendy Burrell; Julie Lowy; Piri Sadler; and representative of the *Australian Jewish News* Ingrid Shakenovski. The life of Chatzel Lemchen is an amazing story, which demonstrates the remarkable resilience of the human spirit in triumphing over personal adversities. His story is a valuable documentary that provides us with a narration of major historic events of the last century. His passing as a living legend will bring much sorrow to those who not only met him but also were influenced by the many good works he achieved for the benefit of the world.

ABC SHOPS RELIGIOUS PUBLICATIONS

The Hon. ELAINE NILE [10.20 p.m.]: Under the heading "The Gospel according to the ABC", Bill Muehlenberg, National Secretary of the Australian Family Association, wrote:

It is a truism that that which God cherishes, the enemy opposes. It should be no surprise therefore that the great events of the Christian faith, as marked by our Christmas and Easter celebrations, should come under sustained attack. There are many different ways in which this takes place. One way is to marginalise or silence the Christian faith and its great truths in the public arena ...

Not only can such bias be seen in various ABC broadcasts, but a visit to any ABC shop will reveal similar prejudices. Much of the content of these shops, it seems, can be regarded as the cream of the politically correct crop.

After visiting an ABC shop in Canberra a few years ago, Mr Muehlenberg said:

There was a liberal sampling of Professor Peter Singer's works. The Monash University ethicist's latest book, *Rethinking Life and Death* was available, along with many of his past titles. Professor Singer is a well-known champion of animal rights. Unfortunately, he isn't as keen on human rights. He has been a long standing advocate of abortion, euthanasia and infanticide.

Peter Cameron's autobiography, *Heretic*, was there as well. The Presbyterian Church had never labelled him a heretic, nor did it expel Cameron, but the dissident minister thought it a good idea to get some notoriety by writing this controversial volume.

Another volume being flogged by the ABC book shop was Barbara Thiering's *Jesus the Man*. Thiering has long made it clear that she rejects most of the basics of the Christian faith, with this most recent volume continuing the demolition job.

Another leading iconoclast, Bishop John Shelby Spong, also had his most recent title on display *Resurrection: Myth or Reality?* One doesn't need to guess what his view is. The debunking of Christianity continued, with Bernard Boas's book *It's Time to Rewrite the Bible*. The title says it all.

Finally, there was Ian Plimer's *Telling Lies for God*. In fact it could be more accurately titled *Telling Lies for Science*, or better yet, *Telling Lies for Scientism*—for it is not science but scientism, and a radical, anti-religious agenda which undergirds this book. Which is not surprising, given that Plimer is a self-professed atheist and a member of the Australian Skeptics.

Mr Muehlenberg continued:

Of course, in order to be an equal opportunity offender, the ABC did manage to get one Muslim book on display. You guessed it: Salman Rushdie's *The Satanic Verses*. Better to offend all religions equally, one supposes.

But in fairness, I must admit that one good book did find its way on the shelves. While there were numerous copies of the other books mentioned, there were just two copies of Pope John Paul's *Crossing the Threshold of Hope*.

After recently walking into an ABC shop, Mr Muehlenberg said:

I was surprised to see just how much things had remained the same.

Many of the old authors were still there but with new titles. Peter Singer's latest offering, *Writings on an Ethical Life* was there. The kind of ethics Singer espouses are certainly not in line with that of most Australians.

Further he said:

Indeed, the few religious books were typically politically correct. Several of the Dalai Lama's works were there. And those authors of a Christian stripe were all decidedly from the liberal/radical camp. Bishop Spong was of course still there, this time with his new autobiography, *Here I Stand*. Renegade Catholic Paul Collins was there with his new volume *From Inquisition to Freedom*. The book features seven rebel Catholics and their fight against the Vatican. And former Uniting Church Minister and social activist Dorothy McRae McMahon was also there with her *Daring Leadership for the Twenty-first Century*. Of course daring leadership for her has tended to mean promoting homosexual rights, minimising biblical authority and the like.

Nothing has changed, in other words. All of which makes clear that our taxpayer funded ABC seems to be promoting an anti-Christian agenda. How else does one explain this patently biased selection of books? The books on display at the various ABC shops make me wonder if there might be some contractual obligation for all ABC staffers to take an anti-Christian pledge before joining up. Probably not, but the effect is just the same.

Later he said:

Were the ABC a private business, perhaps this would not matter so much, but given that it is a public body, it seems that some accountability must be in order. Given all the racial and religious vilification legislation being passed lately, perhaps the most maligned group in Australia, the Christian community, needs its own vilification legislation. But in these days of political correctness, I wouldn't hold my breath.

NEW SOUTH WALES-EAST ASIA DINNER

The Hon. HENRY TSANG [10.25 p.m.]: As chairman of the New South Wales-East Asia Business Advisory Council, it is my great pleasure to report to the House the success of the inaugural New South Wales-East Asia Dinner, which was held on 31 October at Parliament House. Special guests were Premier Bob Carr and Mrs Helena Carr, the Treasurer, the Hon. Michael Egan, and Minister Sandra Nori. As honourable members would agree, our trade depends increasingly on our engagement with the east-Asia region. Premier Carr understands and supports this engagement with the region. That is why his government formed the advisory council to advise on new trade and investment opportunities in east Asia.

We were honoured to be graced with the presence of many members of the diplomatic corps, in particular the Dean of the corps, the Ambassador of the Philippines, the Ambassador of Thailand, the High Commissioner for Singapore, and the acting Malaysia High Commissioner. We were also pleased to have the Consuls General of the Philippines, Thailand, Vietnam, Korea and Indonesia. In my welcome speech I took the opportunity to reflect indirectly on the events of 11 September. There has never been a better time to remind ourselves of the need to promote better understanding between east and west, to engage with Asia and to create a more harmonious relationship between Asia and Australia.

There is a great need for the New South Wales business community to actively play a role in that process. In this respect, I appreciated the strong presence of successful business communities of both eastern and western backgrounds. The presence of members of the New South Wales Government and of the Asian diplomatic corps truly demonstrated our common goal of harmony and prosperity in our region. Among the guests were the presidents of the bilateral east Asian chambers of commerce and the members of the advisory council, who were the true hosts of the inaugural New South Wales-East Asia Dinner.

I pay tribute to members who, like the bilateral chambers of commerce, represent the multicultural face of business in New South Wales. They have all contributed greatly in creating jobs and opportunities in both metropolitan and rural New South Wales and strive to further that process in their everyday business activities. In a letter to me, Bonita Boezeman, Chairman of the East West Foundation and convener of the dinner, said:

The dinner was a very successful business networking event and the feedback was extremely positive from the diversity of attendees and backgrounds.

We raised nearly \$11,000 for the Victor Chang Institute and \$23,000 for the East-West foundation ...

Premier Carr, in an exclusive interview with *Business Asia*, said:

This memorable event was attended by the high commissioners, ambassadors and consuls of almost every nation in East Asia. It was a powerful reflection of my Government's commitment to the region.

We seek strong and enduring relations with East Asia on every level—governmental, economic, educational, cultural and social. Engagement with Asia is nothing less than a key strategic priority for Australia as we contemplate our role in the region and the world.

Further he said:

My message at this time of international uncertainty is simple—trade and investment mean prosperity and jobs for all the people of East Asia and the Pacific. We have much to gain, much to share and much to learn as we engage as friends and partners.

The Government and people of New South Wales—the economic powerhouse of Australia—are committed to that friendship. For us, engagement with Asia is central to the Australian identity as we enter the twenty-first century.

I will provide some facts that show that trade with Asia means jobs for Australians. East Asia is New South Wales' largest export region. In 2000-01 bilateral trade between New South Wales and east Asia reached almost

\$34 billion—that is, 45 per cent of this State's total bilateral trade. Three of our top five export destinations are in east Asia. Exports of merchandise goods to east Asia generated \$12 billion and accounted for 54 per cent of New South Wales' total exports. We imported almost \$21 billion worth of merchandise goods from east Asia, which equalled 41 per cent of New South Wales' total imports. Japan remained a major export destination for New South Wales' goods with almost \$4.8 billion in exports in 2000-01. New South Wales' exports to China increased by 18 per cent. Finally, the main aim of the dinner was to bring together business people with extensive business networks in the region and New South Wales businesses that could benefit from tapping into these networks. [*Time expired.*]

CAMDEN PROPERTY MARKETING PTY LTD

The Hon. CHARLIE LYNN [10.30 p.m.]: I call on the Minister for Fair Trading to review urgently the conduct of an investigation by his department into an alleged misappropriation of funds by Mr John Leach of Camelot Real Estate in Camden. The allegations relates to the misappropriation of trust account moneys by staff under Mr Leach's supervision as licensee in charge of Camden Property Marketing Pty Ltd, trading as L. J. Hooker Camden. I first met Mr Leach when I purchased my home in Camden in 1996. Since that time we have become good friends and I have the highest respect for his personal honesty and his professional integrity. I have been advised that Mr Leach has never been the licensee in charge of Camden Property Marketing Pty Ltd trading as L. J. Hooker Camden.

I have been advised also that Mr Leach has never provided any notice either in writing or otherwise to the department's licensing branch requesting that his name be recorded as the licensee in charge of any office conducted by Camden Property Marketing Pty Ltd, nor has he authorised any person to give such advice to the Department of Fair Trading's licensing branch so that it could be noted that he was the licensee in charge of any office of Camden Property Marketing Pty Ltd. On 1 July Mr Leach took over the business through his company Medina Investments, which traded as L. J. Hooker Camden until about six weeks ago when Medina Investments began to trade as Camelot Real Estate in Camden.

Despite these facts, which are a matter of record, a Mr Tony Stanley of the Department of Fair Trading's real estate investigations branch has confidently asserted that Mr Leach was the licensee of Camden Property Marketing Pty Ltd. Australian Securities and Investments Commission records support the fact that Mr Leach is not associated with Camden Property Marketing Pty Ltd. I have been advised that some time after assuming the position of licensee in charge of Medina Investments, trading as L. J. Hooker Camden, on 1 July, Mr Leach discovered certain untoward activities by a staff member who had previously been employed by Camden Property Marketing and was now employed by Medina Investments. Mr Leach immediately informed the Camden detectives office of the situation and advised the Department of Fair Trading of the acts and omissions of this particular staff member.

As a direct result of Mr Leach's appropriate and prompt reporting of these irregularities, police investigations are now well in progress and should lead to an early arrest. This is a sad and unfortunate incident that has led to severe financial loss by some clients of Camden Property Marketing. It has led also to much unnecessary stress to Mr Leach and his family, who have been subjected to unfair strain through aggressive half-cocked investigative actions and implied threats by the Department of Fair Trading. The implied threat to Mr Leach's legal authority to be a licensee was contained in a heavy-handed letter from the Department of Fair Trading, which stated:

The material obtained by the Department indicates that you may be in contravention of the above sections. Consequently, you are invited to participate in a formal record of interview to respond to allegations that you have contravened the requirements of these provisions. Generally it is the Department's policy to audio tape formal interviews. Prior to the commencement of the interview you will be formally cautioned that you are not obliged to answer any of the questions but anything you say will be recorded and may be used in evidence against you.

The letter further advised:

You may, if you wish, be accompanied by a solicitor at the interview at your own expense.

Unfortunately, to date Mr Leach has had to pay approximately \$5,000 to employ a solicitor to keep the Department of Fair Trading dogs at bay. He would not have had to go to this expense, nor would he have had to suffer the degree of stress, if the department had simply looked at the Australian Securities and Investments Commission records. I feel also that the staff member who is alleged to have misappropriated the funds needs help quickly. I have been advised that he continues to present cheques that cannot be honoured and is, therefore, causing a great deal of grief to the victims and to those who know him. I call on the Minister for Police to ensure that Camden detectives expedite their investigations so that the staff member can be called to account for his actions and have proper counselling arranged for him. This will enable Mr Leach to get on with his business free of the stress involved by this unfortunate incident.

PRINCE HENRY HOSPITAL SITE DEVELOPMENT

Ms LEE RHIANNON [10.34 p.m.]: I place on record my appreciation of Mrs Maylean Cordia and Alex Alextrou, who are working hard to save the Prince Henry Hospital site at Little Bay. Along with many members of their local community Alex and Maylean are working hard to stop the Government handing over this site to Landcom to build multistorey buildings on a beautiful part of our coastline. Mrs Cordia has made a most impressive contribution towards preserving the history of this hospital site, in which I am sure honourable members will be interested. When I visited the area as a guest she presented me with a wonderful book she wrote about the history of nursing on this site.

Mrs Cordia is a graduate of Prince Henry Hospital Nurses' Training School and holds midwifery and mothercraft nursing certificates. She grew up in the Maroubra area, which was represented in the New South Wales Parliament for 37 years by her father, the late Bob Heffron, a former Premier whom I understand was a highly regarded Minister for Education. Mrs Cordia's book details the history of the Prince Henry Hospital site. It was our country's first general hospital with an infectious diseases division commissioned by an elected representative government in New South Wales. Sydney Hospital belongs to the convict era; this hospital belongs to the era of elected representative government.

For 109 years through sympathetic far-sighted administrations, as well as neglectful and obstructive ones, the nurses at Little Bay worked hard to enhance their profession by building a famous nurses' training school and delivering excellent and compassionate patient care to all in need, regardless of background. Mrs Cordia outlined this history to me and has written about it extensively. Certainly I congratulate her personally as well as the many other nurses who contributed so much. My family has a strong connection with this hospital. Sadly, my uncle died at the hospital. I believe that that hospital saved my life: I was admitted to the infectious diseases ward where staff detected a disease I had contracted and remedied it. My mother also was admitted to the infectious diseases ward at that hospital when she was a young girl. The hospital has had an important impact on the history of New South Wales. All these reasons strengthen the current campaign to save Prince Henry Hospital from the development of multistorey buildings on Sydney's coast.

Another casualty of this proposed development is the Aboriginal Health and Medical Research Council of New South Wales, which was granted two large buildings on the foreshore to establish an Aboriginal health institute to educate health workers and community members. In 1998 these buildings were earmarked for demolition to allow an expensive residential development. The council then was offered the former psychiatric unit, which it accepted as suitable for live-in courses. The offer was confirmed in letters from both the Premier and the Minister for Health, Mr Knowles. However, the council now has been shifted to another building in the middle of the site, and it is prevented from carrying out its important work.

Sandra Bailey, the council's chief executive, said that the present site will be unsuitable because it will be "surrounded by multistorey units, with no privacy and no space". Once again, Landcom is disregarding a ministerial agreement that allocated the former psychiatric building for the use of the Aboriginal Health and Medical Research Council as well as dismissing the undertaking of the Premier and the Minister for Health. Again I express my thanks to Mrs Cordia for showing me around the museum that she has established to safeguard the history of the site and also for the hard work she and her colleagues from Little Bay are doing to save the Prince Henry Hospital site.

Motion agreed to.

House adjourned at 10.38 p.m.
