

# LEGISLATIVE COUNCIL

Thursday 26 February 2004

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

**The Clerk of the Parliaments** offered the Prayers.

## THE SYNOD OF EASTERN AUSTRALIA PROPERTY AMENDMENT BILL

### STRATA SCHEMES MANAGEMENT AMENDMENT BILL

### EDUCATION AMENDMENT (NON-GOVERNMENT SCHOOLS REGISTRATION) BILL

**Bills received.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**Motion by the Hon. John Della Bosca agreed to:**

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages, and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

**Bills read a first time and ordered to be printed.**

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The President** tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report of the Independent Commission Against Corruption entitled "Report on investigation into the introduction of contraband into the High Risk Management Unit at Goulburn Correctional Centre", dated February 2004.

## PETITIONS

### Local Government Amendment Bill 2003

Petition opposing the Local Government Amendment Bill 2003, received from **the Hon. Duncan Gay**.

### Temporary Protection Visa Holders

Petition praying that temporary protection visa holders be provided with the same rights and services as permanent protection visa holders, received from **Ms Sylvia Hale**.

### Freedom of Religion

Petitions praying that the House reject legislative proposals that would detract from the exercise of freedom of religion and the employment of persons whose beliefs and lifestyle are consistent with religious doctrine and values, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Reverend the Hon. Dr Gordon Moyes**, **Reverend the Hon. Fred Nile** and **the Hon. Christine Robertson**.

### Cyanide Heap Mining

Petition praying that cyanide heap leaching mining be banned, received from **Ms Lee Rhiannon**.

### Marriage

Petitions opposing any legislative changes that would violate the basic principles of marriage, received from **Reverend the Hon. Dr Gordon Moyes** and **Reverend the Hon. Fred Nile**.

### **CountryLink Rail Services**

Petition opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **the Hon. Patricia Forsythe**.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders**

#### **Motion by the Hon. Michael Gallagher agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 89 outside the Order of Precedence, relating to a select committee on policing in the Redfern area, be called on forthwith.

### **Order of Business**

#### **Motion by the Hon. Michael Gallagher agreed to:**

That Private Members' Business item No. 89 outside the Order of Precedence be called on forthwith.

## **SELECT COMMITTEE ON REDFERN POLICING**

### **Establishment**

#### **The Hon. GREG PEARCE [11.15 a.m.]: I move:**

1. That a select committee be appointed to inquire into and report on the riot that occurred at Redfern on 15 February 2004 and in particular:
  - (a) resources available to NSW Police on 15 February 2004 as well as the normal resourcing of the Redfern Local Area Command,
  - (b) available strategies for managing major public disorder incidents,
  - (c) assaults on police in the Redfern area in recent years,
  - (d) the ongoing delays in the redevelopment of "The Block",
  - (e) policies of the Police Media Unit, and
  - (f) any other matters arising from these terms of reference.
2. That the committee table an interim report by 30 June 2004 and a final report by 30 September 2004.
3. That, notwithstanding anything to the contrary in the standing orders, the committee consist of the following members:
  - (a) two Government members nominated in writing to the Clerk by the Leader of the Government,
  - (b) Mr Gallacher and Mr Pearce,
  - (c) two crossbench members nominated in writing to the Clerk by the crossbench members.
4. That the committee have leave to sit during any adjournment of the House to adjourn from place to place, to make visits of inspection within New South Wales, and have power to take evidence and to send for persons, papers, records and things, and to report from time to time.

The motion requires the House to appoint a select committee to inquire into and report on the riot that occurred at Redfern on 15 February 2004, and particularly the resources available to NSW Police on 15 February 2004 as well as the normal resourcing of the Redfern Local Area Command; available strategies for managing major public disorder incidents; assaults on police in the Redfern area in recent years; ongoing delays in the redevelopment of the Block; the policies of the Police Media Unit; and any other matters arising from the terms of reference. The motion requires the committee to table an interim report by 30 June 2004 and a final report by 30 September 2004.

The select committee will comprise six members. I foreshadow that I will move an amendment to paragraph 3 (b) of the motion. The motion was rather hurriedly drafted, given the urgency of this issue, and subparagraph (b) should provide for "two Opposition members nominated in writing to the Clerk by the Leader of the Government", rather than name the two members. I will move that amendment at the end of my comments.

Today it is time to draw a line in the sand. It is time the Carr Government demonstrated support for frontline police in Redfern and stopped its head-in-the-sand approach to the suburb's problems. It is time for the Government and this Parliament to clearly and unequivocally show absolute support for frontline police, who are literally fighting to keep our community safe. The Carr Government has refused to listen to the legitimate complaints of officers and has, as usual, buried its collective head in the pit of spin and propaganda.

When more than 70 frustrated police officers gathered at Redfern town hall earlier this week they were justifiably angry. They were angry at the criticism from the Government about the way the riot was handled. They were angry about the years of inaction and neglect by this Government. And they were angry that they were being made scapegoats for the incompetence of the police Minister and the Carr Government. For the record, the concerns of Redfern police were as expressed in their first motion, which is:

That the Redfern Branch of the Police Association calls upon the NSW State Government and the NSW Police Service to immediately re-introduce a permanent service wide Operation Support Group.

The Redfern branch has been calling for a permanent full-time tactical presence in the metropolitan area for over a year. This is because of the high level of violence directed at police and the lack of a response by the Government. The second resolution stated:

The Redfern Branch of the PANSW calls upon the Police Force to immediately upgrade the Redfern command from a Category 2 to a Category 1.

That motion reminds us of the appalling way the Government responded in Cabramatta. The Cabramatta police station was a category 2 station when clearly it should have been category 1. Police serving at Cabramatta had to go out on a limb to get the Government and the then Minister for Police to take action. The category does not necessarily relate to manpower, it relates to resources available to the police station. One would have thought that Redfern, being the extremely challenging command that it is, certainly warrants a category 1 status. It is really quite extraordinary that there has to be a riot in Redfern and a resolution by Redfern officers before that reclassification is considered. The third resolution passed by the officers stated:

That Redfern Officers are given the same special consideration and conditions as special remote locations, being given the opportunity to choose among LACs across the State at the conclusion of a three-year tenure.

The fourth resolution stated:

The Redfern Branch of the Police Association calls for the immediate introduction of a new Police Station and that the arrangements be signed off by 31<sup>st</sup> March, 2004.

In a radio interview the Minister for Police has admitted that the current accommodation in Turner Street is manifestly unsuitable. The police say it is squalid and disgraceful. Again, it is incredible that it took a riot and a resolution by the Police Association to get some action in this area. Clearly the new Minister for Police has not had his finger on the pulse and is not on top of his portfolio. The fifth resolution stated:

The Redfern Branch of the Police Association calls for Operation Concertinas to be made a permanent operation with a minimum of 30 full time staff.

Operation Concertinas apparently has had a very positive impact on crime around the Block, and police want that unit to be increased to 30 officers. The sixth resolution stated:

The Redfern Branch of the Police Association calls for the introduction of a full time robbery unit at the Redfern LAC comprising of a minimum of 8 Police Officers to investigate the disproportionate number of Robbery and steal from person offences that occur in the LAC.

Again, it is quite extraordinary that the Police Association has to call for this. We were all shocked and horrified to see the videotapes of robberies that have occurred in Redfern. One would have thought that the new police Minister would have dealt with this urgent matter. The seventh resolution stated:

The Redfern Branch of the Police Association calls for the introduction of a full time Redfern Drug unit comprised of a minimum of 8 Police to investigate the suburbs horrendous drug problems.

Again, that seems to be so obvious that I cannot understand why the current Minister and his predecessors have failed to do anything about the drug problem in Redfern, one of the five drug-indicator stations. Police know what the problem is and they know it is extensive. Police know drug crime has an impact on many other connected crimes. The eighth resolution states:

The Redfern Branch of the Police Association calls for an increase in the number of Detectives at Redfern to a minimum of 20 in addition to the Robbery and Drug Units.

Again, going back to the Cabramatta experience and before that to the so-called reforms introduced by former police Minister Whelan and Commissioner Ryan, the Government is well and truly aware of the lack of detectives, a problem that it has comprehensively failed to address. When Minister Costa was Minister for Police he failed to address that problem; obviously his total attention was on ensuring that everything that could be done was done to ensure that the basic number of police was recruited to meet the Government's election promises. However, the Minister did nothing about the lack of detectives and additional police resources. The ninth resolution stated:

The Redfern branch of the Police Association calls for an increase of General Duties Police Officers stationed at Redfern to be increased by 20.

Again, the circumstances of the riot indicated that policing numbers at Redfern certainly need attention. The tenth resolution stated:

The Redfern branch of the Police Association calls for the Minister for Police to publicly apologise to Detective Senior Constable Lee Bailey and Constable Fuchs for the way in which he down played the seriousness of his life threatening incident.

That resolution relates to the incident, which the Minister shamefully tried to spin and downplay, in which two police officers were threatened by a group of 15 thugs. It was a life-threatening situation and the response of the Minister was typical of this Government: concentrate on semantics and spin doctoring. The eleventh resolution stated:

The Redfern Branch of the Police Association condemns successive State governments for their lack of action over the past thirty years in tackling the real and underlying causes of crime in the Block.

I am sure we all recognise that urgent need to investigate what is happening there. The twelfth resolution stated:

The Redfern Branch calls for the introduction of specific legislation covering situations where suspects throw objects in the direction of Police. Such an offence to carry a prison term.

This is an area for Government reform and I am sure that the Government will act in due course to introduce legislation if there is a need to introduce a new offence. The thirteenth resolution stated:

The Redfern Branch of the Police Association calls for a Parliamentary Enquiry into Police resources in Redfern. The terms of reference to include examining the role of DOCS, South Sydney Council, Aboriginal Housing Corporation, ATSIC, Department Of Education, and the Premiers Initiative.

That resolution is the one we are responding to today, in addition to responding to the overall concerns about Redfern. It is quite clear from the call by the Redfern branch of the Police Association, and it is everyone else's view, that a broad-ranging inquiry is needed. A number of crossbenchers have some amendments to broaden the motion, and the Coalition is certainly happy to ensure that the inquiry is very broad. The fourteenth resolution stated:

The Redfern Branch of the Police Association acknowledges and supports the actions of Police involved in attempting to revive and keep alive the 17 year old youth who tragically died at Redfern and that the investigation into the so called critical incident be immediately stopped as it was identified that this was never a critical incident. Those persons found to have made unsubstantiated claims against Police be subjected to the full force of law.

The fifteenth motion stated

That the Redfern Branch of the Police Association will refuse to take part in any committee or forum that does not involve branch officials Huxtable and Reitano.

Of course, the Coalition would want the inquiry to be as full and open as the Parliament is capable of making it. The Coalition will always give 100 per cent support to the men and women who put their lives on the line every day, particularly in Redfern, an area that police refer to as the most violent place in Australia. Those police officers have asked for an inquiry to cut through the Government's spin and propaganda and to uncover the truth about the situation in Redfern. The Coalition is proud to support the call. Even the Minister has finally admitted what a mess his Government has made of Redfern.

When interviewed by Sally Loane on 2BL on Tuesday, Minister Watkins said the Redfern police station "was truly hopeless, it's probably the worst police station I have been into". He said the Redfern police deserved "to have proper accommodation" and that "we will get that done as soon as possible". The Government

has already had nine years, how much longer does it need? It should not take the riots of a week and a half ago, and the frustrated public demands of committed front-line police, to finally get some action. The situation is unacceptable and lives are being put at risk. But the Government pretends that problems do not exist until they become overwhelming. Again, we only need to look at Cabramatta to understand the way in which the Government responds to problems that clearly are overwhelming—look at the collapsing and under-resourced rail system; look at the ongoing crises in health services.

This inquiry will genuinely examine the endemic problems and possible solutions for one of the most troubled locations in Sydney. We are tired of the Government's political stunts. It is time for a bit of bipartisanship and we should try, constructively, to solve these issues. The Minister has begrudgingly been pulled into accepting this by being forced to state that he has "no in principle objection" to an inquiry. That is what he said on the Sally Loane radio program. The Government will not show leadership on this issue so it is up to the Parliament to do so. We owe it to the community, to the people of Redfern and, most importantly, to front-line police, who give so much to our community but who the Carr Government has treated so appallingly.

As I mentioned earlier, I understand that crossbench members might move some amendments to this motion, the purpose of which is to support the thrust of what is intended to be a broad and far-reaching inquiry. I believe that one of my colleagues will be moving an amendment to paragraph 3 (b) to delete the words "Mr Gallacher" and "Mr Pearce" and to insert the words "two Opposition members nominated in writing to the Clerk of the House by the Leader of the Opposition". I commend the motion to the House.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.31 p.m.]: I move the following amendment to the motion:

That the question be amended by the omission of all words after "That" at the commencement, and inserting instead:

the Standing Committee on Social Issues inquire into and report on:

- (a) policing strategies and resources in the Redfern/Waterloo areas.
- (b) other existing government programs in the Redfern/Waterloo areas, including local, State and federal programs.
- (c) non-government services and service provision in the Redfern/Waterloo areas.
- (d) strategies under the current New South Wales Government "Redfern/Waterloo Partnership Project", and the effectiveness in meeting the needs of local indigenous and other members of the community.
- (e) proposals for the future of the area known as "the Block".
- (f) any other matters arising from these term of reference.

- (2) That the Committee table an interim report by 31 July 2004 and a final report by 30 November 2004.

In speaking to this amendment I state, as I did yesterday or the day before in the House, that I am sure all honourable members would join me in expressing sympathy and condolences to the family and friends of Thomas Hickey. The tragic death of Thomas Hickey and its aftermath should not be used to pursue a narrow agenda. The Government believes that that will be the outcome of the inquiry that is being proposed by the Coalition. That is why the Government has suggested an amendment that will provide expanded terms of reference to the Standing Committee on Social Issues to enable it to conduct an inquiry. As I said two days ago, these are issues that need to be examined. The Government's approach represents a far more comprehensive approach than that advanced by the Coalition. The words have been chosen carefully because I am aware that many members in this House feel strongly about the events on 15 February, what led to those events, the aftermath and the tragic loss of the life of a young person.

I have had some discussions with other honourable members. The words that I have put forward are the Government's view about what the terms of reference should be. Nonetheless, I have attempted to incorporate the views of respected members of this House who I think have a long history and knowledge of issues relating to Redfern and Waterloo. One of the things that became clear to me in my discussions with honourable members was that there was overwhelming concern that the committee's terms of reference as proposed by the Coalition were narrowly focused. Those terms of reference had an overwhelming focus on police practices and resources. Four of the five specific terms of reference in the Coalition's proposed inquiry deal with police resource and practice issues. The Government's proposed terms of reference pick up those issues in the first point but go further than that and acknowledge that other issues need to be examined.

For example, in discussions with me, Reverend the Hon. Fred Nile and Reverend the Hon. Dr Gordon Moyes made it clear that, if any inquiry is to go ahead, it must be obvious and must be made absolutely clear to the indigenous community in the Redfern and Waterloo area that they are welcome at this inquiry—indeed, they will be encouraged to come forward with views about issues that are affecting their community. That needs to be stated clearly and it also needs to be encompassed in the terms of reference. The Hon. Dr Arthur Chesterfield-Evans has strong views about and a longstanding interest in issues to do with Redfern and Waterloo and the Aboriginal community. He also suggested some changes that reflected his thinking on some of these issues. Other members also suggested changes that I have attempted to incorporate in the terms of reference that I have just moved as an amendment.

I stand by the Government's amendment. We have aimed to address the desire of honourable members to have a broader approach. Having said that, the terms of reference are not in any way aimed at undermining the significance of policing issues and the welfare of police, many of whom were injured by the violent actions of individuals, which cannot be defended. However, to pretend, as does the Coalition, that the issues that were in evidence on 15 February start and stop at policing is wrong. They do not. The Police Association has indicated that it believes there must be broad terms of reference for any inquiry and that that inquiry needs to look at both government and non-government agencies. The Coalition proposal clearly is inadequate. I believe that the police and the community deserve better than that. The issues are broader than what the Coalition would have us believe. In any event, the Government believes that what the Coalition contemplates in its proposed inquiry will be closely scrutinised through the critical incident team review mentioned by the Premier last week.

In any inquiry that is undertaken by the Standing Committee on Social Issues, such as the one that has been suggested by the Government, the processes that have already been established and that are under way must be taken into account—that is, the critical incident team review that has been mentioned by the Premier and that is being oversighted by the Ombudsman, and the coronial inquiry. Those processes, which are under way, and that have a particular focus, must take their course. The inquiry that is being suggested by the Government would have broader focus. The Standing Committee on Social Issues should be mindful of what is occurring as a result of those other processes. As I said earlier, the issues go beyond policing. Attention has been drawn to the significant issues and challenges facing Aboriginal people who live in, or are associated with, the area known as the Block and the broader Redfern and Waterloo area. It is clear that these issues go well beyond the manner in which this area is policed. That is what the Government's inquiry will achieve by looking at those issues.

The proposed inquiry by the Standing Committee on Social Issues represents a serious examination of a number of issues that affect this troubled area. It does not have a single barrow to push; it will take a comprehensive look at the issues and influences that have combined to create the problems we have witnessed in this area over a number of years. Any serious inquiry will look beyond the issues advanced by the Coalition and will concern itself with the influences of family breakdown, intergenerational unemployment and criminal activity. A serious inquiry will also concern itself with examining how we are tackling the problems that we know affect this area, and how effective we are being. That is what the Government's suggested terms of reference would achieve.

I want to say a few words about what is the most appropriate committee to undertake this inquiry. In my view, an inquiry into the events of 15 February and broader issues in the Redfern and Waterloo area should not be a politicised process. A committee that has a history of examining social issues in a thorough, comprehensive and sensitive manner must undertake this inquiry. The Standing Committee on Social Issues has such a history. It has conducted a number of inquiries of particular relevance to indigenous people. I believe it will be able, sensitively, to ensure that indigenous people can comfortably come forward and make their views known to this committee and to this House, and that is important. A number of people have said to me that indigenous people might be reluctant to front up before a Government inquiry unless particular efforts are made and a focus is placed on ensuring that they feel comfortable in doing so. The committee must also conduct its inquiry in such a way that it provides that scope. I believe that the Standing Committee on Social Issues is the only committee able to do that adequately.

The inquiry must be open to everyone. Police need to be able to come forward and have their say, as do members of the community. Government agencies will have a view. The Department of Community Services, which is involved in a range of initiatives in the Redfern-Waterloo area, will clearly have a strong view. The committee needs to be able to consider the views of all those bodies, and it needs to provide the opportunity for various sections of the community to come forward. I believe that the Standing Committee on Social Issues can do that well. A serious inquiry will concern itself with examining how we are tackling the problems that we

know affect the Redfern-Waterloo area. That is why my amendment proposes a term of reference to inquire into the effectiveness of the Government's Redfern-Waterloo partnership project in meeting the needs of local indigenous and other members of the community.

The Redfern-Waterloo partnership project has achieved much already. Prominent among the Government's efforts is a \$7 million cross-agency package of initiatives aimed at addressing a range of social, economic and infrastructure development projects in the Redfern-Waterloo area. It represents a comprehensive approach to dealing with what should be acknowledged as complicated and longstanding issues. I will briefly outline some of the work of the partnership to date. There have been improvements in the streetscape and increased police patrols in key areas, and these I am advised have led to reduced antisocial incidents. The street team has been linking young people with drug, alcohol and mental health services, as well as educational, sporting and other recreational activities in the area. The Government is working with the Aboriginal Housing Company, the owner of the Block, and the Aboriginal community generally. Early planning is well advanced.

High-visibility policing operations, such as Operation Vikings and Operation Players, have resulted in a significant number of drug-related charges and arrests, increased drug detection, charges for the commercial supply of heroin and ongoing supply of heroin, and the issuing of move-on orders at Redfern railway station. There are results. In the quarter to October 2003 drug-related crime in Redfern and Waterloo dropped to its lowest rate in five years. The police local area command is also working with young people and children at risk of antisocial and criminal behaviour through the Police Youth Mentor Program. Projects include the Redfern police youth camps and the Redfern police youth liaison officers. In addition to the projects under the Redfern-Waterloo project, the Department of Community Services provides recurrent funding to services in the Redfern, Chippendale, Darlington and Waterloo areas to a total of \$4.19 million each year.

There have been achievements, but we cannot ignore the fact that the events of 15 February clearly indicate that we need to look at how effective we are in dealing with some of the entrenched social issues in the Redfern-Waterloo area, particularly the area known as the Block. That is what the committee inquiry will be able to do. No individual organisation or government agency can effect change on its own; a co-ordinated approach is required. I trust that the Standing Committee on Social Issues will hear evidence regarding the efforts of a range of dedicated government, non-government and indigenous agencies. The actions of the Redfern-Waterloo street team are subject to close scrutiny. Indeed, a review is currently being conducted into all human services operating in the Redfern-Waterloo area. That review will be very useful to the Standing Committee on Social Issues in its inquiry. It now appears that if an inquiry such as the one I have proposed goes ahead, it will commence before the human services review is completed. Nonetheless, I believe that the outcomes of that review will become known to the Standing Committee on Social Issues.

The Government is wary about the possibility of review overload. The human services review, the efforts of the critical incident team and the associated oversight of the Ombudsman, together with the measures available to the Coroner, mean that the issues in evidence on 15 February will be closely analysed. The inquiry is not designed to duplicate those processes but, rather, to look at underlying social issues, services provided by government and non-government bodies, and the effectiveness of those services in meeting the needs of the local community. It will be open to the committee to deliver proposals to better co-ordinate these efforts in order to achieve better outcomes. I believe that the Standing Committee on Social Issues inquiry will provide rational guidance in addressing the issues that many of us are aware of and want to see resolved. In my view this is a far more constructive approach to dealing with the issues in the Redfern-Waterloo area, examining the approach of both government and non-government agencies to addressing those issues, and developing positive proposals for the future. We need an inquiry process that engages the broader community and the indigenous community and allows people to come forward. The Coalition's proposal will not allow that to occur, whereas the Government's amendment will. I commend the amendment to the House.

**The Hon. PATRICIA FORSYTHE** [11.45 a.m.]: I move the following amendment to the motion:

That the question be amended by omitting paragraph 3 (b) and inserting instead:

(b) two Opposition members nominated in writing to the Clerk by the Leader of the Opposition.

The Government's amendment proposes that the inquiry be conducted by the Standing Committee on Social Issues. The Government suggested that the inquiry should be conducted by a committee that is "not politicised", would allow all witnesses who may want to come forward to appear before it—the Minister identified Aboriginal witnesses in particular—and could sensitively ensure that their views would be heard. The Government suggested that if it were a Government inquiry, such witnesses would not want to come forward.

The House needs to reflect on that argument. The Standing Committee on Social Issues is a standing committee of this House which, by convention, has a majority of Government members by virtue of the fact that its chair, who may at any time have a casting vote, is a Government member. The Opposition's proposal is that a select committee be appointed, comprising equal numbers of Government, Opposition and crossbench members.

If the Government suggests that its committee is not a Government committee but that appointing a select committee for this purpose somehow makes it a Government committee, the logic of what the Government proposes escapes me. The Opposition seeks the establishment of an impartial committee, which will provide fair representation. The options available to the Parliament are the Standing Committee on Social Issues, which is chaired by the Hon. Jan Burnswoods, and a select committee, the chair of which would be chosen by the committee. I do not know how members could possibly vote for the Standing Committee on Social Issues conducting such an inquiry. This House is well aware—as is the community, because there are ample media reports to support what I am about to say—that the Hon. Jan Burnswoods would not be able to provide the impartial judgment needed for such an inquiry. The political career of the Minister for Police was enhanced by her skills as his campaign director. Certainly she was in charge of his campaign in 1999. Indeed, we well remember the famous campaign photograph from the last election. I wonder whether the Hon. Jan Burnswoods will recall the photograph of her that appeared in her local paper? She was apparently seen to be removing some Liberal Party election posters.

**The Hon. Peter Primrose:** Point of order: If the honourable member wishes to denigrate or cast aspersions against another honourable member, she should do so by way of a substantive motion. She should not do so in a scurrilous and underhanded way.

**The Hon. Duncan Gay:** To the point of order: This debate relates to establishing a select committee. The Government has moved an amendment to refer the issue to the Standing Committee on Social Issues. The Hon. Patricia Forsythe is endeavouring, in the best way possible, to indicate that as a result of the close personal friendship between the chair of that committee and the Minister for Police the committee is not unbiased. The honourable member has referred to a photograph in a newspaper to reinforce her argument. She is making a valid contribution to this debate.

**The Hon. Peter Primrose:** Further to the point of order: The decision to appoint the Hon. Jan Burnswoods as chair of that committee was made by the House. It is totally inappropriate for the honourable member to introduce extraneous matters in this debate. If the Hon. Patricia Forsythe or the Deputy Leader of the Opposition know of something to do with the Hon. Jan Burnswoods that is relevant to this debate, they should bring it on by way of substantive motion.

**The Hon. Greg Pearce:** Further to the point of order: As you have ruled on numerous occasions—quite correctly—if the Hon. Jan Burnswoods believes that she has suffered some offence or slight, the appropriate course is for her to make a personal explanation. There is no allegation of unparliamentary language. The Government Whip has got his rulings incorrect on this occasion.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! The level of detail to which the Hon. Patricia Forsythe has gone in her argument to try to establish some impartiality on behalf of the Chair of the Standing Committee on Social Issues is straying into an area that would be best dealt with by way of substantive motion. Therefore I uphold the point of order and I ask the Hon. Patricia Forsythe to continue with her arguments.

**The Hon. PATRICIA FORSYTHE:** I will, of course, abide by your ruling. I will not go to the issue of impartiality; I will stay with the issue of partiality and with the facts. The facts are that the key campaign operative of the Hon. John Watkins, the Minister for Police, at each of his elections was the Hon. Jan Burnswoods. I ask the House: Is she the appropriate person to provide impartial chairmanship of a committee to preside over something as sensitive as what we are talking about? This is a most sensitive matter. All honourable members were absolutely horrified by the events that occurred in Redfern on 15 February. Taking the politics out of it, we all want to see some resolution to what has happened in the Redfern community for many years. The way to go forward is to have a select committee to look at and deal with issues of resources to give the Police Force confidence about its role and place in providing adequate policing to that community.

We have to learn lessons from what happened. We can do that through a select committee of this House that is not dominated by the Government and that provides for appropriate impartial analysis of all of the issues. The Coalition contends that the Hon. Jan Burnswoods is not the person to provide that impartial chairmanship—

it is as simple as that. Madam Deputy-President, I do not believe in any sense that I have contravened your ruling. I stay with the facts that the Hon. Jan Burnswoods is known to be close to the Minister for Police. The Opposition is concerned that she could possibly be seen as being partial in her interpretation of aspects of the committee to ensure impartiality. More particularly, the committee should provide a fora where the Aboriginal community can come forward with confidence and talk about issues. We believe that must be a select committee.

It is absolutely essential that we go forward mindful of the needs of the police, the community in Redfern and the community of New South Wales who regularly visit that area. As a State and nation we have to learn lessons. We cannot afford to have these sorts of events occur again. The media pictures of what occurred on the night of 15 February have been seen around the world. It is absolutely essential to solve the problems through a select committee that gives people on all sides of this debate an impartial, fair and sensitive opportunity to have their views heard. We must remember that our Police Force has to provide law and order in this area. As the Hon. Greg Pearce said, many elements of the resolution of the police meeting indicate that they are not satisfied with the level of resources. The police need to have their case put sensitively. The issues need to be dealt with impartially.

I urge the House to give consideration to the Opposition's motion. I suspect that at the end of the day there will be some agreement across the Chamber about the need for a broadening of the terms of reference. I suspect that the Opposition will be in agreement with much of what the Minister has said. I say to members of the crossbench that the critical decision is the nature of this inquiry and whether it is given to the Standing Committee on Social Issues, whose chair is known to be close to the Minister for Police, or to a committee that is impartial and will ensure that witnesses from the Aboriginal community and the Police Force are confident that they will be heard by an impartial chair. That is the key issue in the debate, not the terms of reference. At the end of the day there will be capacity for agreement. A potential conflict will arise if this matter is referred to the Standing Committee on Social Issues, as proposed by the Government. I say to members of the crossbench that the key issue before us today is whether the chair is partial or impartial.

**Pursuant to sessional orders business interrupted.**

## **QUESTIONS WITHOUT NOTICE**

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### **WATERFALL RAIL ACCIDENT INQUIRY**

**The Hon. MICHAEL GALLACHER:** I direct my question to the Minister for Transport Services. What steps has the Minister taken to correct the Premier, who stated in a Radio 2UE interview on 10 February that the Waterfall accident was caused by "one thing"—namely, the cardiac arrest of the driver, Herman Zeides—when the interim report of the Waterfall inquiry found that a number of other factors, including the failure of the deadman's brake, the lack of a vigilance control system, the failure of the train guard to apply the brake and inadequate training led to this tragic events?

**The Hon. MICHAEL COSTA:** It is interesting that since I pointed out yesterday the Leader of the Opposition's lack of knowledge about the detail of the McInerney report he has taken the time to read it and understand some elements. Given that he has now put in that time—clearly he had not done so previously because he made some fundamental mistakes that I pointed out yesterday—he should know that the answer is in the report. I congratulate him for putting in the effort, albeit belatedly.

### **COMMONWEALTH-STATE AND TERRITORY DISABILITY AGREEMENT**

**The Hon. PETER PRIMROSE:** I direct my question to the Minister for Disability Services. What progress has been made with the third Commonwealth-State and Territory Disability Agreement?

**The Hon. CARMEL TEBBUTT:** I thank the honourable member for his question. The outcome of the Commonwealth-State and Territory Disability Agreement [CSTDA] has a tremendous impact on the everyday lives of people with a disability, their families, carers, and service providers. I am pleased to advise the House that the New South Wales and Commonwealth governments have now finalised a third CSTDA, which will run until June 2007. I am also pleased to advise that the New South Wales Government will substantially increase its level of funding for the third CSTDA, contributing an additional \$450.4 million as a minimum. That

represents an average annual increase of 5 per cent during the five-year period of the agreement. In total, the New South Wales Government will be providing a minimum of \$3.64 billion dollars towards disability services under this agreement. This Government's contribution represents a significant increase in funding, which follows its excellent performance in the second CSTDA, which increased funding by an annual average of 11 per cent.

However, I want to emphasise, because it is often lost in discussions about disability services, that the CSTDA is a program of jointly funded services. One might—indeed, one would—expect the Commonwealth Government to match any percentage increase introduced by New South Wales. One would expect it to give the same level of priority that this Government does to providing the services that people with a disability need and deserve, but unfortunately that is not the case. Although the Commonwealth Government will contribute about \$936 million under the agreement, that is an average annual increase of only 3.6 per cent. The Commonwealth's overall contribution to the CSTDA is 30 per cent of the total funding provided under the agreement. The New South Wales Government contributes the other massive 70 per cent.

The Commonwealth pays lip service to the agreement, which states that, "the Commonwealth and the States/Territories agree that all parties to this agreement have continuing responsibilities under this agreement", and it goes on to list a range of responsibilities, the very first of which is "funding specialist services for people with disabilities". Let us put the lie to the notion that the Commonwealth does not have a role, equally with the States, in funding specialist services for people with a disability. To argue the contrary is to fail to understand the history of the negotiation of this agreement.

The agreement is also clear about the role of the States and Territories. It states: "the States/Territories have responsibility for the planning, policy setting and management of specialist disability services, except employment services". In other words, the States are responsible for the administration of programs that are jointly funded by the Commonwealth Government. That does not mean that the States have sole responsibility for funding these programs. It is a joint funding agreement; there is nothing to say that the Commonwealth should not be making a contribution to a range of other services, not only employment services. I emphasise that the States have responsibility for the planning, policy setting and management of specialist disability services. It does not say that the States have sole responsibility for funding.

As I have said in the past, the New South Wales Government is providing about 70 per cent of the funding for the state-managed programs. This State's per capita funding places it well above the national average. New South Wales did delay in reaching agreement because the State Government believed that the Commonwealth Government was not contributing enough for unmet need. Nonetheless, negotiations have been dragged out for too long and the Government recognises the need to provide certainty.

### **POULTRY MEAT INDUSTRY ACT REVIEW**

**The Hon. DUNCAN GAY:** I direct my question to the Minister for Agriculture and Fisheries. Does the Minister stand by his claims to have made a strong submission on the Poultry Meat Industry Act in light of the Director-General of NSW Agriculture Richard Sheldrake's response to a question in a budget estimates hearing last Friday in which he admitted that neither NSW Agriculture nor the New South Wales Government made a submission to the Poultry Meat Industry Act review? Does that mean the Minister was misleading the Parliament when on 29 October 2003, in discussions about the National Competition Council [NCC] recommendations on the Farm Debt Mediation Act and the Poultry Meat Industry Act, he said that the Government had presented the Commonwealth Government with an extremely strong submission and that he would quote from sections of that submission the next day? Is the absence of a submission the reason he did not keep that promise?

**The Hon. IAN MACDONALD:** NSW Agriculture conducted two reviews into the Poultry Meat Industry Act, and the honourable member knows that. The Government's submission to the NCC last year was very solid.

**The Hon. Duncan Gay:** Why did Sheldrake say you didn't make a submission?

**The Hon. IAN MACDONALD:** The Deputy Leader of the Opposition is quoting him out of context. The submission was put to the NCC at the appropriate time. Many meetings were held and they have been explained to the media and honourable members over the past few months during discussions on this issue. The NCC release about the Farm Debt Mediation Act clearly stated that the council was most concerned about the

mandatory mediation provisions. The Government made strong submissions to retain that aspect of the legislation. Fortunately, the NCC has written to me saying that it is specifically interested in the two amendments moved in 2002 relating to the Rural Assistance Authority [RAA] and its ability to ensure there would be no foreclosures in a one-year period if it felt the banks had acted in bad faith and that decisions of the RAA had been made subject to Administrative Decisions Tribunal scrutiny. The most recent reasons for its objection to the legislation are entirely different from those outlined in the submission sent to the Government in September last year. I have quoted that in my media release, which I am sure the Hon. Duncan Gay reads religiously.

**The Hon. Duncan Gay:** What about your saying that you made a submission and Sheldrake saying you did not?

**The Hon. IAN MACDONALD:** I said that the Government made a submission. The Deputy Leader of the Opposition does not understand the process. The Government makes submissions, and it did so. I was quoting the submission made to the NCC. They were strong statements about both those industries and other industries. The NCC has an almost religious obsession with getting rid of State legislation that protects the farming community. Interestingly, The Nationals have done nothing to overturn the decision. They have allowed the Federal Treasurer, Peter Costello, to ride roughshod over rural industries across the country. Not only New South Wales has been penalised for rural legislation, every State in the country has been penalised significantly by the Federal Treasurer, on the advice of the NCC, for maintaining important legislation that underpins many rural industries. The Nationals are missing that point. They should go public on this issue and call upon the Federal Treasurer or the Deputy Prime Minister to stop this nonsense and protect our rural industries. It is in our national interest. [*Time expired.*]

#### FARM-BRED SALMON

**Reverend the Hon. Dr GORDON MOYES:** I ask the Minister for Agriculture and Fisheries a question without notice. Is the Minister aware that a recent study in *Science* magazine showed that farm-bred salmon in Scotland, the Faroe Islands, Washington State in the United States of America, and Chile contain significantly more carcinogens than wild-bred salmon? What percentage of salmon consumed in New South Wales is farm bred from Tasmania and other places? Has the NSW Fisheries undertaken a study to determine the level of carcinogens in farm-bred salmon sold to the people of this State? Is the Minister aware that the United States of America Food and Drug Administration has warned consumers not to eat farm-bred salmon more than once a month?

**The Hon. IAN MACDONALD:** I am aware of some of the material that Reverend the Hon. Dr Gordon Moyes has raised in his question. I will obtain a detailed answer from the NSW Fisheries.

**The Hon. Patricia Forsythe:** You should read the article.

**The Hon. IAN MACDONALD:** I know the article. As I understand it, the conditions where Tasmanian salmon are raised are quite different to the more intensive areas of Scotland.

**Mr Ian Cohen:** Why are they different?

**The Hon. IAN MACDONALD:** There are many reasons why high levels of agents from industrial sites could impact on farm-bred fish in areas of Scotland and throughout the North Sea.

**Mr Ian Cohen:** You will fix it with GE farm-bred salmon.

**The Hon. IAN MACDONALD:** That is not a proposal I am considering. I believe that the Tasmanian salmon is the best salmon in the world and would have low levels of any of the agents that the honourable member has referred to in his question. It could be eaten more than once a month. I will obtain a detailed answer and provide it to the honourable member.

#### TRAIN DRIVERS MEDICAL TESTING

**The Hon. HENRY TSANG:** My question without notice is directed to the Minister for Transport Services. What is the latest information on medical testing for train drivers?

**The Hon. MICHAEL COSTA:** "The mistake the Government's made is it's probably overreacted to Waterfall and in an attempt to try and manically fix the problems they're now putting in place sets of rules that

are unrealistic." Do the Opposition members want to hear that quote again? Does it sound familiar to them? John Brogden said it. I will read the quote again:

The mistake the Government's made is it's probably overreacted to Waterfall and in an attempt to try and manically fix the problems they're now putting in place sets of rules that are unrealistic.

That clearly is not the Government's approach to Waterfall. Unlike the Opposition, the Government is fully committed to rail safety, and we do take the time to read the relevant reports. RailCorp's new health and fitness system includes a new chief health officer and a new medical assessment scheme. The Government has introduced tough new medical standards to better screen drivers. These tougher tests, which commenced on 2 February, include all the specialist assessments that are required, particularly cardiac testing. I am advised as of last night that 79 potential higher risk CityRail and CountryLink drivers have been tested. Of those tested, 18 have been declared temporarily medically unfit for driving duties. Of those 18 drivers declared temporarily unfit, 8 have already returned to driving duty following further specialised medical assessment and the remaining 10 will undergo further tests.

Let me make it absolutely clear: Unlike John Brogden and the Opposition members, who do not take these matters seriously, the Government will not back away from implementing the findings of the Waterfall special commission of inquiry. The statement I quoted from the Leader of the Opposition condemns the Opposition's irresponsible approach to rail safety. The Government is committed to implementing two other recommendations from the McInerney inquiry.

**The Hon. Michael Gallacher:** They were not recommendations—they were findings. You do not even know that, bimbo. You did not even read it.

**The PRESIDENT:** Order! I call the Leader of the Opposition to order.

**The Hon. MICHAEL COSTA:** I have read it. The Leader of the Opposition in this House was exposed yesterday on a number of points. He was exposed on his lack of homework on these issues. He did not know there was a transit police unit. How appalling! A former police officer did not know there are transit police officers. He did not know that the McInerney inquiry had referred to problems with the dead man's brake going back to 1988. He did not know about a number of other findings. [*Time expired.*]

**The Hon. HENRY TSANG:** I ask a supplementary question. Will the Minister for Transport Services further elucidate on his answer?

**The Hon. MICHAEL COSTA:** I will gladly elucidate on my answer. The Opposition is rife with contradictions and is unable to deal with facts, and it is led by a leader who takes a cavalier attitude to rail safety. He has been exposed by his own words on the public record and now in *Hansard*. I suggest that all honourable members read yesterday's *Hansard* and note the mistakes made by the shadow Minister for Transport Services about rail safety, rail administration, and rail management. He does not do his homework. As I said yesterday, he is very lazy and cavalier with the facts and he is unable to handle the responsibilities of the shadow portfolio.

It is very interesting that the Opposition's response to rail problems is basically to starve the rail system of another \$140 million. The Coalition's response to problems that were identified by Justice McInerney, and to the Government's response, is to have a fare-free day every Monday; that is, every Monday to take \$140 million out of the rail system. That is the level they will stoop to in a populist attempt to overcome their deficiencies and lack of homework. We are dealing with an Opposition that has no policies in relation to rail safety and with an Opposition leader who is irresponsible. [*Time expired.*]

### XXX COMMONWEALTH OFFICE OF FILM AND LITERATURE CLASSIFICATION

**Reverend the Hon. FRED NILE:** I ask the Minister for Justice, representing the Minister for Police and the Attorney General, a question without notice. Is it a fact that the Spanish hard-core pornographic live stage show and film production called XXX opened last night, until 7 March 2004, at the Enmore Theatre, Newtown? Is it a fact that the Commonwealth Office of Film and Literature Classification, following the Melbourne presentation, proposed to refuse classification to segments of the hard-core pornographic film shown on stage, but finally reclassified those segments R-rated if they were blurred? What action is the New South Wales Police Force taking to enforce the Commonwealth's ruling as State police have the responsibility to stop persons under 18 years of age attending XXX? What action is the New South Wales Police Force or the Attorney General taking to ensure New South Wales criminal laws concerning offensive behaviour, et cetera, are not being broken by the XXX production?

**The Hon. JOHN HATZISTERGOS:** I congratulate Reverend the Hon. Fred Nile on the peaceful protest that was arranged at the Enmore Theatre, and I was pleased to learn that apparently there were more police there than there were protestors, according to the news reports. In any event, I will obtain an answer from the Minister and advise the honourable member in due course.

**Reverend the Hon. Fred Nile:** A peaceful protest.

**The Hon. JOHN HATZISTERGOS:** A peaceful Christian protest, I was told.

#### DEPARTMENT OF COMMUNITY SERVICES HELPLINE

**The Hon. JOHN RYAN:** My question is to the Minister for Community Services. What response has the Minister made to the recent survey conducted by the Public School Principals Forum, which found that 85 per cent of 653 schools were dissatisfied with the response of the Department of Community Services to notifications they had made to the child abuse helpline? What specific commitments has the Minister made to improve the level of feedback and response to helpline mandatory notifications from schools? Why cannot school principals make direct contact with the managers of Community Services centres by means of a direct dial phone number to discuss their concerns about children they believe are at risk of neglect and abuse?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. John Ryan for raising an important issue—one that has received some significant publicity—and giving me the opportunity to provide some further information to the House. It is my understanding that the Public School Principals Forum survey was undertaken at around the time the Department of Community Services new client information system was being implemented. As I informed Parliament at the time, the new system was being implemented and the transition to the Kids system may have brought with it some operational impacts. That was indeed the case. There were impacts on call wait times and call abandonment rates, and that had an impact on mandatory reporters. The impact was regretted, but unavoidable due to a number of technical issues.

There is no doubt that effective handling of mandatory reports is a priority for the Department of Community Services, which is continually working to further improve both its handling of mandatory reports by teachers and, and importantly, its feedback to the teachers who make the reports. It is my understanding that this was one of the most significant issues that the Public School Principals Forum was getting at with the results of its survey. More staff, the establishment of queue management and call-back teams, and a range of assessment protocols are having an impact. I can advise the House that the helpline is now operating with more caseworkers than at any time since it commenced operations, in December 2000. When the current group of new caseworkers complete their training in April, it will have a full complement of staff.

I am advised that there are now close to 130 caseworkers staffing the helpline. A range of staff is assisting these caseworkers, including child protection casework specialists and Community Services officers. The staff are implementing strategies aimed at better managing call waiting times, call abandonment rates, and other issues that are of concern to mandatory reporters. As I said, one of the key concerns of the Public School Principals Forum was the provision of feedback following a mandatory reporter making a report to the helpline. There is no doubt this is an issue of some concern. Department of Community Services staff are, not surprisingly, very focused on dealing with the report at hand. That can mean that their primary effort and attention goes to progressing that report, but they need to be able to provide feedback when appropriate to mandatory reporters.

One of the key means of improving the level of response that the department can provide to mandatory reporters will be the employment of client service managers. The department advertised a significant number of client service manager positions on the weekend of 14 and 15 February 2004. They will have a key role in improving feedback in communication with teachers and other mandatory reporters at a local community level. The department also, over a period of time, has put in place a number of other mechanisms to work closely with the Department of Education and Training and individual teachers around how they can ensure that teachers understand their role as mandatory reporters and have a good understanding of how they need to work with the Department of Community Services. That has included things like the production of a video, joint training sessions, having teachers come down to the helpline, and a range of other measures as well.

I met with the Public School Principals Forum last December. So did the Department of Community Services. We requested information on reports made by teachers of alleged child abuse cases, so they could be followed up. This information has not been provided to the department. I am concerned that we still have not, as

far as I am aware, received a copy of the survey. Without this information it is very difficult for the Department of Community Services to investigate whether appropriate action was taken in relation to those cases. It may be that appropriate action was taken but the reporter was not informed. I have already indicated that we need to improve our capacity to provide feedback to mandatory reporters, but I am sure all members would agree that the primary focus needs to be on dealing with the case at hand.

**The Hon. JOHN RYAN:** I ask a supplementary question. The Minister mentioned call abatement times. Can the Minister give details of what the current level of call abatement times and backlog of faxes are, given her comment that they have improved?

**The Hon. CARMEL TEBBUTT:** I can provide some information to the House on that. There has been a significant improvement in call abandonment rates and call wait times over a significant period of time. However, I make the point that there was a blow-out in those rates over that period towards the end of last year when the new client information system was introduced.

**The Hon. John Ryan:** As of now.

**The Hon. CARMEL TEBBUTT:** Average call wait times reduced from a high of 20 minutes in November 2001 to an average of 4 minutes and 54 seconds in September 2003. I am advised that with the introduction of the new client information system the average waiting time increased during the changeover and implementation period. As at 23 February 2004 the average time callers waited was 9 minutes and 9 seconds.

**The Hon. John Ryan:** Abatement times, not abandonment times.

**The Hon. CARMEL TEBBUTT:** That is a significant reduction, but it is not good enough. We are striving to get that call wait time down. The department has on a number of occasions indicated that its goal is to get it down to 5 minutes or lower.

**The Hon. John Ryan:** Point of order: The Minister has not addressed the question. I asked about call abatement times and the Minister chose to respond on an issue that I did not ask a question about.

**The PRESIDENT:** Order! There is no point of order. The member will take his seat.

**The Hon. John Ryan:** I had not finished making my point of order.

**The PRESIDENT:** Order! My ruling on the point of order is that an answer must be relevant to the question asked. If the response that the Minister is giving is irrelevant, a member can take a point of order while the Minister is responding. The member cannot complain about the answer after it is over.

**The Hon. John Ryan:** I am not complaining about the answer.

**The PRESIDENT:** Order! The member is canvassing the ruling of the President.

**The Hon. John Ryan:** I asked about call abatement times.

**The PRESIDENT:** Order! The member will take his seat.

#### **SILVERTON TRAMWAY COMPANY LTD**

**The Hon. AMANDA FAZIO:** My question without notice is addressed to the Treasurer, and Minister for State Development. Will the Treasurer inform the House how regional New South Wales has benefited from the recent introduction of open access regimes to rail?

**The Hon. MICHAEL EGAN:** Honourable members would be aware that in New South Wales—in fact, in all jurisdictions now—there are open access regimes to the rail systems. Following the introduction of open access regimes, the Silverton Tramway Company, known also as Silverton, sought and was granted rail safety accreditation to operate in New South Wales, Victoria, Queensland and South Australia. Silverton established a regional railway operation based at Parkes in the Central West of New South Wales in July 1999 and has established alliances with the major operators in the region for the on-carriage of products beyond its regional catchment.

Silverton successfully negotiated the purchase of 98 surplus locomotives following the sale of FreightCorp and National Rail and is in the process of refurbishing and repainting locomotives to add to its operational fleet. Silverton currently operates 28 locomotives—two in Broken Hill, two in both Sydney and Melbourne and the balance out of Parkes—together with 450 wagons, most of which operate out of the Parkes depot. Over the past 12 months the company has overseen remarkable regional employment growth, increasing its staff by 70, from 73 to 143. The company has also established new depots in Cobar, Gulgong, Dubbo and Newcastle, and in addition to the haulage service that Silverton offers, it also carries out both maintenance and recovery services for other rail operators who require service in the Central West of New South Wales.

Silverton believes that its main area of expansion will be in regional areas and is looking to further expand both its fleet and its personnel. The Silverton Tramway Company is not a newcomer to rail; it holds a significant place in history of New South Wales rail. It was incorporated in 1886 by an Act of New South Wales Parliament and was granted the right to operate a railway from the newly discovered ore deposits at Silverton to the South Australian border at Cockburn, the project being extended to Broken Hill with the discovery of that field. The railway was the sole means of transport between Broken Hill and South Australia for many years and was instrumental in the establishment of the city and the development of the mines and smelters. Large quantities of passengers, livestock, bullion, ore and concentrates were carried over the system.

Since 1886 the company has hauled some 84 million tonnes of bulk and general freight and 2.8 million passengers over an aggregate of 19 million kilometres. It is encouraging to hear that a small regional company is benefiting from the reforms that the Government made to New South Wales rail, and I wish Silverton all the best as it seeks to become the regional operator of choice in New South Wales.

#### **FIREARMS LICENCE APPLICATIONS**

**The Hon. DAVID OLDFIELD:** My question is addressed to the Minister for Justice, representing the Minister for Police. Is the Minister aware that section 31 of the Firearms Act requires a written statement of support from the secretary of a pistol shooting club, and requires the secretary to confirm that the member has adequate safe storage arrangements? The New South Wales Firearms Registry has stated to my office that a club secretary requires only confirmation of storage arrangements from the member applying, either verbally or in writing. Minister, is it correct that liability for not complying with storage requirements of the Act lies with the applicant, not the club secretary? Is it correct that if the club secretary is misled by the applicant, the secretary will not be held responsible? Will the Minister put on the record that no pistol club secretaries will be held liable for signing the Permit to Acquire application if it is later discovered that the applicant had not complied with the Act, but, in fact, misled the secretary?

**The Hon. JOHN HATZISTERGOS:** I am happy to refer the matter to the Minister for Police and obtain an answer, and I will advise the honourable member.

#### **DEPARTMENT OF COMMUNITY SERVICES PROGRAM FOR ADOLESCENT LIFESTYLE MANAGEMENT REFERRALS**

**The Hon. CATHERINE CUSACK:** My question is addressed to the Minister for Community Services. When the Minister announced funding for the Program for Adolescent Lifestyle Management [PALM] in Coffs Harbour, operated by the Ted Noffs Foundation for drug-dependent children, does she recall saying:

The service will also target those who may be at risk of coming into contact with the juvenile justice system.

Does the Minister believe that the PALM would be suitable for Department of Community Services [DOCS] clients who are at risk due to drug dependency and in need of rehabilitation services? Given that the PALM has no waiting list, and usually has some vacancies, will the Minister explain why, in more than two years of operations, DOCS has never made a referral to the service?

**The Hon. CARMEL TEBBUTT:** To fully answer the question I undertake to obtain further advice. The comments referred to were made by me when I was the Minister for Juvenile Justice at the opening of the Program for Adolescent Lifestyle Management [PALM]. It is stretching my memory a bit, but it was certainly my understanding that, as the project was funded by the Department of Juvenile Justice, the department had priority access to the service. However, should there be any further vacancy, to ensure that services are provided in the most effective way possible and, most importantly, that young people in rural and regional areas are not missing out, those vacancies could be made available to people who are not clients of the Department of Juvenile Justice.

Since then I have not had any further information on the project, so I cannot say why the Department of Community Services may or may not have referred young people to the PALM. I am certainly happy to follow up on this. When we established those projects it was always a difficult balancing act to ensure that they focused on Juvenile Justice clients, and we wanted to make sure that those clients had priority of access. Also, if there was not a need for Department of Juvenile Justice clients to use all the vacancies, there was the capacity to make sure that other young people in the area were not missing out, should they need the service. I will follow up on this and come back to the honourable member.

### WEED AND PEST ANIMAL CONTROL

**The Hon. CHRISTINE ROBERTSON:** My question without notice is addressed to the Minister for Lands. What is the Government doing to control weeds and pests on Crown land?

**The Hon. TONY KELLY:** Most members would be aware of the terrible impact of weeds and pest animals throughout the State. Indeed, the Minister for Agriculture and Fisheries discussed this with me recently. Weed and pest animal control management is an increasingly important land management issue for both private and public land tenures. The Department of Lands is pulling its weight in managing the spread of weeds and pest animals. It has statutory responsibilities under the Noxious Weeds Act 1993 and the Rural Lands Protection Act 1998 to control them and reduce their impact on neighbouring properties.

The department is represented on regional weeds committees and pest animal control associations, where there are significant parcels of Crown land. Those committees are preparing and implementing regional plans for targeted species. The Government recently allocated an extra \$2 million over four years for programs addressing weed and pest animal control problems on Crown land in country New South Wales. The increased funds will target specific weed and pest animals, and will be integrated with existing government programs. The increased commitment of \$235,000 will be allocated this year to specific weed control programs, bringing the total expenditure for 2003-04 to \$610,000. The funds will boost an existing joint scheme with NSW Agriculture in which more than 500 weed management projects have been successfully implemented over the past five years.

Weed control projects will address weeds of national significance and other weeds such as alligator weed, salvinia, bitou bush, lantana, St John's wort and serrated tussock. Specific pest animal control programs will also be implemented with additional funds of \$175,000. The schemes will target foxes, rabbits, wild dogs and emerging pests such as feral goats, pigs and deer. The programs are expected to not only assist rural and regional agricultural industries but also contribute to the protection and enhancement of native plants and animals on Crown land.

A series of smaller projects will also be developed to service complaints about weeds and pest animals as part of the good neighbour approach to land management. All programs are based on a co-operative approach to land management, with the responsibility being shared between other State government agencies, weeds county councils, rural lands protection boards, local government, Crown reserve trusts, Landcare groups, neighbours, and rural and regional communities.

### SYDNEY CITY COUNCIL AND SOUTH SYDNEY CITY COUNCIL AMALGAMATION

**Ms SYLVIA HALE:** I direct my question without notice to the Minister for Local Government. I refer to my previous question to the Minister relating to the breakdown of public submissions to the Boundaries Commission regarding the amalgamation of the City of Sydney and South Sydney councils. Will the Minister respond to the figures that I have been given by a member of the public who has conducted his own review of the public submissions, which indicate that, of the 674 submissions received, 96 per cent were opposed, 1 per cent were undecided and only 3 per cent were in favour? Does the Minister consider that this overwhelming community rejection of the proposed amalgamation is the reason for the results of the public consultation being kept secret? If, as the Minister indicated in his previous answer, the release of this information to me was a matter for the Boundaries Commission, will he explain why the Boundaries Commission has referred my inquiries on the issue back to him? Is this buck-passing merely another attempt to keep secret the degree of public opposition to the Government's blatant attempts at political manipulation of the City of Sydney and other councils around the State? [*Time expired*].

**The Hon. TONY KELLY:** I refer to my previous answer but make the comment that, from recollection, there were only 627 submissions. Perhaps the rest of the honourable member's figures are inaccurate as well.

**Ms SYLVIA HALE:** I ask a supplementary question. The counting, as of this morning, showed that there were 676 submissions. Will the Minister now provide the House with a breakdown of the figures and the voting patterns, or rather the expressions of opinion contained therein?

**The Hon. Amanda Fazio:** Point of order: Ms Sylvia Hale well knows that supplementary questions can only seek to elucidate an answer that has been given by the Minister. The Minister, in his answer, did not mention anything about voting patterns. He did not mention anything about most of the other issues raised by the honourable member. She was attempting, as she usually does, to ask a second question in the guise of a supplementary question. I ask you to rule it out of order.

**The Hon. Don Harwin:** To the point of order: The question and the answer clearly referred to the number of submissions. The honourable member's question was in order because she was seeking to have the Minister address the nature and the breakdown of those submissions. The Minister, in his answer, clearly talked about the number of submissions. So the supplementary question arises as a result of the Minister's answer.

**Ms Sylvia Hale:** To the point of order: I clearly withdrew the expression "voting patterns" and replaced it with the phrase "expressions of opinion". I believe it was relevant as the Minister queried the figure that was provided.

**The PRESIDENT:** Order! I believe the member did make a mistake when she used the words "voting patterns" and that she meant something else. The supplementary question is in order.

**The Hon. TONY KELLY:** I refer to my previous answer.

#### SHOALHAVEN CITYRAIL SERVICES

**The Hon. DON HARWIN:** My question without notice is directed to the Minister for Transport Services. Is the Minister aware of concerns in the Shoalhaven over the future of CityRail services south of Kiama to Gerringong, Berry and Bomaderry? Will the Minister give the House an assurance that CityRail services from Kiama to Bomaderry will continue and that the frequency of services will not be reduced?

**The Hon. MICHAEL COSTA:** I am not aware of the concerns that have been expressed by the honourable member.

**The Hon. DON HARWIN:** I ask a supplementary question. Will the Minister give the House the assurance that I requested in my question?

**The Hon. MICHAEL COSTA:** I refer to my previous answer.

#### SHEARING INDUSTRY OCCUPATIONAL HEALTH AND SAFETY

**The Hon. TONY BURKE:** My question without notice is addressed to the Minister for Commerce. Will the Minister inform the House of the efforts that have been made to improve occupational health and safety in the shearing industry?

**The Hon. JOHN DELLA BOSCA:** Honourable members would be familiar with WorkCover's ShearSafety initiative—an innovative safety program for the wool industry. Next month WorkCover will commence a new series of open days at shearing sheds across the State. The open days are a practical demonstration of WorkCover's ShearSafety incentive scheme to improve occupational health and safety in the State's shearing sheds. The first shearing shed open day was staged in December 2003 at a property at Caloola, near Bathurst. It proved to be highly successful in showcasing a range of affordable shearing shed improvements. This year's WorkCover ShearSafety shearing shed open days are being held at Hillside at Harden on 24 March, followed by open days at Gundouran, Wagga Wagga; Glen Yarra, Forbes; Hillwood, Middle Arm; Queenlea, Uralla; Marinka, Walcha; and Currawong, Delegate.

**The Hon. Jennifer Gardiner:** You are trying to close down Walcha.

**The Hon. JOHN DELLA BOSCA:** No I am not; I am opening a shearing shed to improve the place. The honourable member does not know what she is talking about. The open days are part of WorkCover's ShearSafety program, which provided a dollar for dollar incentive of up to \$20,000 to assist 13 shearing shed

owners to develop safer working environments. ShearSafety was developed in response to the poor claims record of the State's woolgrowers and shearing contractors.

[*Interruption*]

I visited a shearing shed near Walcha with the Hon. Tony Kelly. I have a picture of that visit in my office. The practical demonstrations and information provided at the open days will show that these improvements are cost-effective and can be applied to sheds of all types and ages. Sheds of all ages can benefit from some thoughtful design and modest expenditure on occupational health and safety to help to prevent serious injuries. The property Miltiades at Walcha—which the Hon. Tony Kelly and I visited together last year—had a shed that was about 100 years old. Modest improvements to the shed had made a large improvement to its safety and the safety of the workers and family members in it. It was a good example of the improvements that can be made.

WorkCover ShearSafety is aiming to establish and promote a benchmark for the best practice design of safe shearing sheds in regional New South Wales. The 13 shearing sheds were selected for the improvement initiative by the competitive expressions of interest selection processes. Improvements are based on those outlined in WorkCover's "Shearing Guide 2002" and include: guarding of grinders; replacement of electrical wiring; improvement of ventilation, lighting and floors; shearing board and stand design improvements; and changes to sheep pens and gates.

WorkCover New South Wales is holding the open days in partnership with FarmSafe New South Wales, the Australian Workers Union, NSW Agriculture, the New South Wales Farmers Association, and the Shearing Contractors Association of Australia. Before planning to attend the open day, people are asked to register their interests with the WorkCover rural team via the organisation's Gosford headquarters. The "Shearing Guide 2002" can be obtained from the WorkCover publications hotline on 1300 799 003, or at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

#### **SYDNEY CITY COUNCIL AND SOUTH SYDNEY CITY COUNCIL AMALGAMATION**

**The Hon. Dr PETER WONG:** My question without notice is addressed to the Minister for Local Government. On 6 February 2004 it was reported in the *Sydney Morning Herald* and the Australian Associated Press that Sydney City Council and South Sydney City Council were dismissed in haste by a fax at 7.30 a.m. without consultation with the councils concerned. Is this proper and ethical conduct by a decent government? What major misconduct have those councils engaged in to deserve their dismissal by the New South Wales Government? Is this not a most blatant form of corruption by the Carr Government? Would the Minister support referral of the matter to the Independent Commission Against Corruption for its investigation?

[*Interruption*]

**The Hon. TONY KELLY:** Walcha councillors actually like me now.

**The Hon. Patricia Forsythe:** They do not.

**The Hon. TONY KELLY:** They do. A couple of weeks ago I had a meeting in my office with Walcha, Uralla, Guyra and Armidale Dumaresq councillors, and they were very happy with the results. The merger that the Hon. Dr Peter Wong referred to was simply part of our local government reform program, which aims to provide a better deal for the ratepayers of New South Wales. The merger will ensure one-off savings of \$2 million and annual savings of up to \$7 million. These funds can now be redirected into providing better services for ratepayers. The merger has received wide support from industry and the community. I have received a number of emails and letters of support regarding the merger. Residents like Craig Heath said, "I wholeheartedly agree with your stance on the merger of the City of Sydney and South Sydney councils." This morning I addressed the Institute of Chartered Accountants, and all the comments of those present were also very supportive of the merger.

**The Hon. Duncan Gay:** Did you know that I am going to vote twice that day? I am going to vote in Crookwell, and then I am going to come to South Sydney so I can vote Labor last.

**The Hon. TONY KELLY:** I too will be voting twice that day. I will vote in Wellington and Sydney. Perhaps we could cancel out our Sydney votes. Actually, we cannot do that; we are registered and we must vote.

Another resident, Andrew Lees, said, "Congratulations on the commonsense approach you and the Government have taken on the council merger issue." The Urban Task Force wrote:

Today's decision ends the uncertainty which has clouded the future of both Councils and breaks the political and legal stalemate which has characterised the Councils for months.

With regard to referring the matter to the Independent Commission Against Corruption, the Hon. Dr Peter Wong is entitled to do that himself.

#### **NARRABRI SHIRE COUNCIL DEPUTY GENERAL MANAGER SALARY PACKAGE**

**The Hon. RICK COLLESS:** My question without notice is to the Minister for Local Government. Is it a fact that the salary package for the Narrabri Shire Council deputy general manager is unprecedented among councils for its generous terms and conditions? It offers a minimum of three years pay if the contract is terminated for any reason. What action will the Minister take to protect the ratepayers of Narrabri Shire Council from this irresponsible extravagance?

**The Hon. TONY KELLY:** Narrabri Shire Council has advised that the employment contract of its deputy general manager is council's standard senior staff contract. The contract provisions were unanimously supported by council some years ago. I note that there is concern about provisions in the contract stating that council will pay three years salary if the contract is terminated. However, last year's amendments to the Local Government Act require that all the State's councils must first obtain ministerial approval before making termination payments to senior staff. The changes to the Act extend to a termination payment made under a contract and to an ex gratia termination payment. They also extend to a termination payment made under a contract entered into before the commencement of the amendments. In this regard the provisions applying to the contracts of senior staff in local government are retrospective. As Minister for Local Government I am able to refuse a termination payment if I am not satisfied that the payment is appropriate in the circumstances or in line with industry standards.

**The Hon. RICK COLLESS:** I ask a supplementary question. In light of the Minister's answer, has he received an application for such approval, and if so has he approved it or rejected it?

**The Hon. TONY KELLY:** I have received some applications, but not from Narrabri Shire Council.

#### **ANCESTRAL TREK PROGRAM**

**The Hon. KAYEE GRIFFIN:** My question is to the Minister for Justice. Will the Minister provide information on the success of the Ancestral Trek Program, which is co-ordinated by the Department of Corrective Services?

**The Hon. JOHN HATZISTERGOS:** The Government supports culturally appropriate services in New South Wales that have a positive impact on reducing the indigenous imprisonment rate and involve the training of indigenous men in the delivery of those services. An innovative program combining these two aspects operates on the South Coast. It is aimed at keeping Aboriginal men out of the courts and correctional system, and it has been achieving some outstanding results. The program has been developed by Aboriginal communities on the far and lower South Coast and is supported by the Department of Corrective Services, local government and other government and non-government agencies. Called the Ancestral Trek Program, its aim is to assist in keeping Aboriginal men aged between 17 and 40 out of prison.

The program, which began last year, involves Aboriginal men taking part in a five-day walk. It attempts to recognise their past, their position in it, and to forge a clearer self-perception of their future. The men attending the program are still referred, health self-referred, community identified and referred, or completing probation or parole orders. The camps provide a "time out", whereby the participants complete workshops dealing with issues of alcohol and/or drug abuse, family violence, sexual health, mental health, general wellbeing, and whatever other topics may arise during the evening of campfire discussions. First aid is also taught, with a future hope of teaching other vocational skills such as occupational health and safety, numeracy and literacy, leadership and communication.

To date three one-week camps, incorporating a 15-kilometre trek on each, have been held, the first just south of Narooma, the second in the Bega district and the final one at Eden. At each trek local services, community leaders and elders have been invited to attend and contribute invaluable information. These camps

are essential in fostering identity and self-esteem. Elders share their life stories and provide direction, leadership and inspiration. In addition, music, dance, storytelling, arts and local history can all be shared. These treks take place through the national parks and wildlife zones along the coastline.

It is important to highlight that this amazing program has been highly commended and recently achieved the runner-up trophy in the social inclusion-organisational component of the International Community Justice Awards presented by Princess Anne in London last month. The Government is delighted that the hard work of the South Coast Aboriginal communities and the successful community partnerships created to make this project a reality have been rewarded at such a prestigious forum.

The potential of what may be achieved by the men while on trek is phenomenal. This includes vocational training and assessment, anger management, substance misuse, relapse prevention skills, pride in Aboriginal identity, community reconnection, health management, and many other aspects. To date the three ancestral treks have provided 43 places for men of the region. As they progress, the men are given additional responsibilities in the treks' organisation and implementation. It is envisaged that these men will become mentors and some will be invited to become employees of the ancestral trek, where they can contribute to the trek and the wider community, and, through their successful training, the training of others. Such training would include leadership, communication, first aid, conflict resolution, group facilitation, and any cultural aspects identified by them or their elders.

The usefulness of this program is being recognised throughout the community, and the groups are backing their support with cash. Eurobodalla Shire Council, Bega Shire Council, the Division of General Practitioners, the New South Wales Men's Health and Wellbeing Association, and the Men's Leadership Gathering Committee have each contributed one-off funding. The skills learnt in this program extend far beyond the usefulness of their practical intention. They are breaking down barriers to reach cultural fulfilment. I commend the program, those who have participated in it and those who have facilitated it, and I wish the program every success in the future.

**The Hon. MICHAEL EGAN:** In view of the time and as another hour of question time has elapsed without the Leader of the Government, the Treasurer, and Minister for State Development receiving a question from the Opposition, if honourable members have further questions I suggest they put them on notice.

### **FARM-BRED SALMON**

**The Hon. IAN MACDONALD:** Earlier in question time Reverend the Hon. Dr Gordon Moyes asked me a question concerning farm-bred salmon. Recently claims have emerged that salmon sourced from certain overseas salmon farms were found to contain levels of polychlorinated biphenyls [PCBs] and dioxin at or near levels considered to be associated with adverse health impacts in humans. The Food Standards Agency [FSA] in the United Kingdom has released a media statement indicating that the levels of dioxins and PCBs found in the study were within the safety levels set by the World Health Organisation and the European Union. The findings were in line with previous studies conducted by the FSA.

The benefits of eating salmon outweigh any possible risks from the toxins found. The Federal Department of Agriculture, Fisheries and Forestry recently tested both farmed salmon and salmon feed for dioxins and PCBs through the national residue survey. The results indicate that the levels of dioxin and PCBs in Australian-farmed salmon and feed are well below the Australian standard for PCBs and the European Union standards for dioxins. As a consequence, New South Wales SafeFood has advised that no further action is required. If honourable members have a chance during lunchtime, they should eat some good Tasmanian salmon.

### **Questions without notice concluded.**

*[The President left the chair at 1.01 p.m. The House resumed at 2.45 p.m.]*

### **BILL RETURNED**

The following bill was returned from the Legislative Assembly without amendment:

State Arms, Symbols and Emblems Bill

**STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS****Report**

**The Hon. Peter Primrose**, as Chair, tabled report No. 26, entitled "Report on Person Referred to in the Legislative Council (Mr P Spry)", dated February 2004.

**Ordered to be printed.**

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders****Motion by the Hon. Don Harwin agreed to:**

That standing and sessional orders be suspended to allow a motion to be forthwith that Private Members' Business item No. 89 outside the Order of Precedence, relating to a select committee on policing in the Redfern area, be called on forthwith.

**Order of Business****Motion by the Hon. Don Harwin agreed to:**

That Private Members' Business item No. 89 outside the Order of Precedence be called on forthwith.

**SELECT COMMITTEE ON REDFERN POLICING****Establishment****Debate resumed from an earlier hour.**

**The Hon. PATRICIA FORSYTHE** [2.50 p.m.]: I will conclude my remarks with the point I was making when the debate was interrupted for question time. I said to members of the crossbench that I question the appropriateness of this inquiry being undertaken by the Standing Committee on Social Issues. I asked whether the chair of that committee is the appropriate person to conduct an important inquiry that will look at policing, police resources and some of the broader social issues in the Redfern area. I contend that this inquiry should be undertaken by a special select committee appointed by the House and not given to the Standing Committee on Social Issues, particularly because of the attitude of police towards the adequacy of resources. That is because the fact is that the Hon. Jan Burnswoods, who chairs that committee, is known to be very close to the Minister for Police. I therefore contend that an issue of potential partiality arises. One need only look through many news clippings to understand that connection. For example, on 4 April 2003, after the last State election, an interesting article in a journal called the *Chaser* stated:

But the knives came out in the party room, as Allan was shafted for a cabinet post and the Soft Left instead nominated Burnswoods' golden boy **John Watkins**.

That paper described the Minister as "Burnswoods' golden boy". On 30 April 2003 Di Bartok, the Editor of the *Northern District Times*, confirmed that relationship when she described the Hon. Jan Burnswoods as John Watkins' dedicated campaign director. That was in an interesting article that commenced on the front page of the *Northern District Times* that day. It was revealed that certain Young Liberals were demanding an apology from the Hon. Jan Burnswoods about her "alleged removal of a Liberal campaign poster from outside Eastwood Public School in the early hours of the state election day". While the act is described as "alleged", I am sure honourable members would be interested to know that a photograph of the apparent incident was published. I seek leave to table that photograph.

**Leave not granted.**

Honourable members of the crossbench may wish to see a copy, so I am happy to pass copies around. It shows an honourable member effectively breaking the law. That honourable member is being asked to undertake an inquiry about the role of police officers. I will leave others to draw their own conclusions. I could go through a number of similar newspaper articles.

It is clear, whether we look at Labor Party factional deals relating to ministerial positions or the honourable member's role as a campaign director, that the Hon. Jan Burnswoods is very close to the Minister for

Police. Therefore it is wrong for the Government to contend that the Standing Committee on Social Issues is the appropriate committee to address this issue. That is not appropriate because, in my view, the chair cannot be impartial, and that is essential in dealing with an issue as serious as this and given the social issues involved. In addition, Opposition members are most concerned about policing and police resources because we do not believe that the committee will deal with those issues appropriately.

That is why Redfern police officers held their own meeting in the wake of the tragic events of 15 February. The riot that day was tragic for the entire community. Police officers are concerned that their need for adequate resources will not be adequately addressed. I entreat crossbench members to agree to the Opposition's proposal being the best way to pursue this inquiry as it will allow fairness on all sides. The select committee should have two Government members, two crossbench members, and two Opposition members, and it should be given broad terms of reference. That is the direction that the Opposition asks the House to follow.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.58 p.m.]: The recent riot in Sydney is a big issue from a public perspective. Australians like to think that those sorts of incidents always happen somewhere else. They are associated with violence and damage to life and property, and they obviously reflect a huge collision of forces within our society. The police are the sharp edge of our society; they enforce what we believe to be the established order. Changes in legislation often start with demonstrations that the police stop. The police are, in a sense, the expression of our society. Therefore, it is generally incorrect to say that they are the problem. Treating the Redfern situation as a policing problem is a gross oversimplification of the situation.

Again, the concept of bulldozing the Block and imposing a bricks-and-mortar solution to a human problem is also a gross oversimplification. We will not solve this problem with police and bulldozers. Those who think we will do not understand the problem; they have offered it as the solution because they do not understand. A riot occurred in Redfern about 10 years ago, and an inquiry was conducted and some initiatives were implemented. The problems facing the Aboriginal community as a result of their disadvantage and the degree of prejudice against them indicate that whatever efforts have been made since that riot have not been successful.

Aboriginals are a very disadvantaged group. Indeed, their degree of disadvantage is a national disgrace and an international embarrassment. If honourable members cannot see that, they should look more widely. According to statistics provided by the Australian Institute of Health and Welfare, the life expectancy of Aboriginals is similar to that of Indians and Bangladeshis. Aboriginal child mortality is increasing dramatically and educational outcomes are much lower than the mean for Australian children. These are well-known facts, so it is a dangerous oversimplification to simply regard the riot as a resourcing problem.

The Government also needs to address the drug problem in Redfern. An environment of disadvantage breeds drug use, and the supernormal profits generated from the sale of illegal drugs encourage drug lords to use disadvantaged groups as vehicles for their drugs. Often, disadvantaged people earn an income from drug trading. In saying that, I do not suggest that Aborigines have a greater involvement in the use and sale of drugs than others. It has been put to me that some people have a vested interest in there being no-go areas in Redfern, but I do not know whether that is true.

Tomorrow I will attend a meeting of the parliamentary group for drug law reform. The decriminalisation and non-demonisation of hard drugs—which would take away the profits from hard drug dealers—would go some way towards addressing our many social problems, and the resources that are utilised in unsuccessfully trying to stamp out hard drug use could be put to better use.

I believe that the drug problem has resulted from the failure of the prohibition policy. To say that the problems at Redfern, which resulted in the riot, were caused by drugs and drug profits would place too much emphasis on that one issue. I am not an expert on the drugs issue, but I agree with the general principle that the profits derived from illegal drugs encourage crime and perpetuate social misery. I have previously spoken in the House about that aspect when dealing with prison reform. Prohibition is an immense economic driver for the sale and use of illegal drugs.

The Government must address not only the problem of police resources but also the relationship between police and Aboriginal people and the number of disadvantaged people in the Aboriginal community. These issues need to be looked at publicly, and that is one of the reasons why it is necessary to hold this inquiry. The Government did not want the inquiry; it says that good things are already happening. However, if we look at these sorts of problems over the past decade and the disadvantages suffered by the Aboriginal people, things are not happening fast enough. It is not helpful to introduce better practices after the forest has burned down. The Government has to consider this issue carefully.

I was unable to support the motion moved by the Hon. Greg Pearce because it was too police-centred. I believed that a more progressive approach would be to hold an inquiry into the matter, but the Government did not want an inquiry. So I approached the Hon. Greg Pearce with an amendment that introduced a neutral position for the police and Aboriginal people. The honourable member was willing to accept the amendment to his motion. I had consulted Australian Democrats Senator Adrian Ridgeway, an Aboriginal Senator from New South Wales, about the wording of the amendment. Senator Ridgeway made some suggestions, which I included in the amendment. The Hon. Greg Pearce accepted the amendment, and it seemed that the amendment would pass through the House.

Having got wind of the amendment, the Government agreed to conduct an inquiry. I believe that the motion by the Hon. Greg Pearce and my amendment helped the forces of good within the Government to act. The forces of good within the Government speak with one voice, although that one voice varies from subject to subject. I understand that the Minister for Aboriginal Affairs, the Minister for Police and the Minister for Community Services drafted the terms of reference for the inquiry. Minister Tebbutt approached the crossbench members—the Greens, the Christian Democratic Party and myself—to discuss the terms of reference. She acted in an exemplary manner, and I am pleased to see the Government acknowledge the crossbench and take our considerations into account. The terms of reference in the amendment moved by the Minister Tebbutt are consistent with the terms of reference in my amendment.

A coronial inquiry will investigate the death of TJ Hickey, and I do not believe that a parliamentary inquiry should duplicate that investigation. His tragic death seems to have been as a result of a misunderstanding about being pursued by police. Whether that was the case, there is, nevertheless, an attitude of anxiety about and fear of police. Whether the police were actively pursuing him or not, the environment of fear triggered TJ's fear, flight and accident—if that is to be the finding of the Coroner. The waste of this young man's life is tragic for everybody but particularly for his family. I believe the death of a child is really understood only by parents.

There should be an investigation into this matter. As I have said on many occasions, standing committees should reflect the composition of the House. At the last election the Government received 43 per cent of the primary vote—up from the 37 per cent it received at the previous election. I believe that the increase was as a result of the Government's changes to the voting system and the pressure put on smaller parties to demonstrate their legitimacy. The Government should have only 43 per cent representation on committees, not 50 per cent. I am concerned that the standing committees are controlled by the Government and that the select committees do not have the ear of the Government because the Government does not trust them. Also, the fact that committee members and staff do not have a history of working together creates further difficulties.

The Hon. Jan Burnswoods, as the chair of the Standing Committee on Social Issues, has had a fight on her hands. Some members have criticised her for being the campaign manager of the Minister for Police. However, they are in the same faction, the same party and the same electorate, so it is natural for them to help each other get re-elected. I do not believe there is any conflict of interest there. Further, I do not believe that the Minister, who has been the Minister for Police for one year, is responsible for the disadvantaged situation of Aboriginals in the Block. The fact that the police form the sharp edge of society's interaction with Aboriginal groups, or any disaffected group, does not mean we should have a witch-hunt for the Minister of Police. This is a much wider issue, and the Minister has had responsibility for the Police portfolio for only a relatively short time. I do not believe that the Hon. Jan Burnswoods' close association with the Minister is a major problem.

The Hon. Jan Burnswoods works well with the committee staff. They have produced many long reports together, burning the midnight oil, and I am sure they co-operate well with each other. When I have asked the Hon. Jan Burnswoods to call a particular witness or visit a particular location, she has endeavoured to accede to my requests. While I have been a member of the social issues committee, her reports have generally reflected the evidence given at the hearings. I believe that is a critical element of a good committee. A committee should genuinely look at the evidence, summarise the evidence, and reach a conclusion that reflects the evidence, rather than suppress the evidence and reach a conclusion that is convenient for the Government.

It may be that the Hon. Jan Burnswoods titrates the truth to test how much the Government can bear without rejecting the evidence. If so, perhaps one would regard that as political astuteness in the sense that it may achieve the maximum change that the honourable member could achieve. I think the Hon. Jan Burnswoods does quite a good job as chair of the Standing Committee on Social Issues. That really is the end point I make. The Hon. Greg Pearce graciously accepted my amendments, but his speech was a little disappointing in that it was very much police centred and said little about the disadvantages of Aboriginals and what could be done about that by the investigation. If he intended to promote a bipartisan and independent approach, his speech was

disappointing in that regard. On the other hand, I think the speech of the Minister for Community Services acknowledged the extent of the problem and the need to look at it. In a sense, the Government's response to the riots was to just say, "Look, that is all in hand, team." Although the Government may have come to deal with this issue somewhat belatedly, at least it has come to the table and recognised that the issue has to be looked at. I had intended to move an amendment to the motion. I will not move the amendment, but I will read it into *Hansard*. It states:

That the question be amended as follows:

1. Paragraph 1 (c). Omit the words "assaults on police". Insert instead "significant incidents between police and Aboriginal residents".
2. Paragraphs 1 (d) – (f). Omit the paragraphs. Insert instead:
  - (d) policies of the Police Media Unit,
  - (e) the underlying causes and problems of tension which gave rise to individual and collective acts of violence and social disorder,
  - (f) the effectiveness and contribution of local service providers to the Redfern community,
  - (g) appropriate courses of action which tackle existing problems of public safety and what other efforts are needed to deal with the social and material needs of the Redfern community,
  - (h) the extent to which non-government stakeholders are involved in redevelopment of the Redfern area and community building exercises, and
  - (i) any other matters arising from these terms of reference.

That proposed amendment was largely written by Aden Ridgeway after consultation, with some changes made by me and by the Clerks in its drafting. It would seem to me that the Government has the numbers to refer this matter to the social issues committee. I will not move my foreshadowed amendment, because the Government's amendment has sufficient of the elements of my amendment to maintain the quality of the terms of reference, and in any event I believe the Government has the numbers to refer the matter to the social issues committee rather than to the select committee. So it seems that the resolution of this House ultimately will be to refer the matter to the social issues committee. My proposed amendment would have deleted the words "assaults on police", because of the assumption contained in the expression, and replaced that term with "significant incidents between police and Aboriginal residents". It also would have amended the motion by deleting paragraph 1 (d), inherent in which was an assumption that redevelopment of the Block would in itself be a solution to the problem. As I said, that suggested a real estate solution to a human problem.

So, although I have concerns about the Government controlling committees—which is one of my longstanding concerns—I think the social issues committee is capable of undertaking, and will undertake, a reasonable investigation, that it will come up with findings that reflect the facts, and that its report will reflect those findings. It is on that understanding that I have not moved my amendment. I indicate that I will support the Government's amendment. Although the Hon. Greg Pearce may be somewhat irritated that I will not proceed with my foreshadowed amendment, he will nonetheless recognise that his motion and my drafted amendments have encouraged the Government to this more progressive course of action. We as a Parliament can hold our head higher in the sense that at least we will have a reasonable inquiry into a big social problem of our time. I hope that we can move together in our attempts to solve that problem.

**The Hon. CATHERINE CUSACK** [3.14 p.m.]: I implore the Hon. Dr Arthur Chesterfield-Evans, one of my colleagues on the Standing Committee on Social Issues, to change his mind. I do so basically because of my lack of confidence in the chair of the committee to provide the leadership that is required on such a complex and difficult inquiry, and one that I imagine will be very telling on the members of the committee. It will take a great deal of political skill and ability to create goodwill among the members and engender confidence in the witnesses in order for the inquiry to be a success. I do not have that confidence in the Hon. Jan Burnswoods because of her petty, aggressive, political and frequently spiteful management style. I make the point, Madam President, that this has nothing to do with my being a member of a political party different from that of the Hon. Jan Burnswoods. In fact, only yesterday in this House I was extending my appreciation and thanks to you for your chairmanship of one of the general purpose standing committees.

The fact that the social issues committee was meeting only five minutes before the Government put this motion forward, and we were left with no idea whatsoever that this was about to occur, is fairly indicative of the

lack of negotiation, forewarning and consultation that the social issues committee has on any of these issues. The current inquiry that the committee is conducting into the Inebriates Act is another classic example of that. The first that committee members knew of that inquiry, which is currently being conducted, was when we saw the newspaper advertisement in September last year—and that was just prior to the long weekend. Subsequently, I left a message for the Hon. Jan Burnswoods, imploring her to give committee members an opportunity to discuss what was going on. When I contacted the Hon. Robyn Parker, the deputy chair of the committee, I discovered that she was just as much in the dark as I was as to what was going on with this inquiry.

It took two months from reading that advertisement before we got our first opportunity to discuss this matter. By that time the inquiry had been advertised, the deadlines for submissions had been implemented and expired, the list of people contacted to make a submission had been completed and dealt with, and the hearings and witnesses had been scheduled. The issues that I was seeking to have addressed were not minor. Firstly, because the inquiry had been recommended by a working party of the Alcohol Summit, of which I was a member, I wanted to know where the reference to studying the system in Sweden had come from, as that was not part of our discussions or the recommendation. I wanted the work of the committee to build on the work of the Alcohol Summit in relation to Aboriginal communities, and build on the hard work and presentation of the Premier's Department and the Rivertowns project in Bourke, Brewarrina and Walgett.

I wanted to put the view that it is silly to review the Inebriates Act in isolation from the Intoxicated Persons Act, and that that had been included in the lead-up to the recommendations of the working party to the social issues committee. But, of course, the working party did not set the terms of reference; they were set by the Attorney General. A great deal of the Attorney General's terms of reference presumably had been discussed with the Hon. Jan Burnswoods, but those were discussions from which everybody else on the working party and on the committee had been excluded. I wanted our committee to write individually to Aboriginal medical services seeking their submissions on the Inebriates Act inquiry. I wanted advertising in rural and regional New South Wales seeking submissions for the inquiry, instead of advertising just in metropolitan newspapers. All of those requests were simply ignored, and thus were denied by neglect.

I would emphasise that these were not matters that I was wanting to place on the parliamentary record of this House, or have discussed publicly in that way. However, the way that the inquiry has been brought on, and the complete inappropriateness of referring an inquiry of this nature to a committee chaired by the Hon. Jan Burnswoods, forces me today to speak in these terms. Throughout the inebriates inquiry I wanted the committee to visit Walgett to view a dysfunctional proclaimed place that symbolises all that is wrong with our resourcing and treatment of both intoxicated and inebriated persons. I was told that Jan "didn't want to go there". I persisted with a formal submission, but by that time it was too late because she had already given commitments to other communities. The Walgett issue, all the work done during the Alcohol Summit, the presence of the only accredited Aboriginal medical service in Australia, which is a lighthouse service, and the ability to study and learn from a contained community and from the investment and expertise of that Aboriginal medical service and the Rivertowns project, all have been denied to our inquiry because of the arrogant and dictatorial style of the Hon. Jan Burnswoods.

I have sought to raise special issues that disproportionately relate to the Aboriginal community, and proclaimed places is but one example. The management of non-offenders, such as men who have not been convicted of any offence but whose partners and children are covered in injuries and bruises, is another matter. These issues have been raised with me by the Aboriginal community but the Hon. Jan Burnswoods is so political in the approach that she sees her role as controlling and squashing any committee member who has ideas of their own, or ideas that she does not understand or agree with. Earlier the Hon. Dr Arthur Chesterfield-Evans said that the Hon. Jan Burnswoods had always agreed to hear from any witness that he wanted included in an inquiry. However, I have experience of being on a parliamentary tour at which the Hon. Dr Arthur Chesterfield-Evans was not present. The Hon. Jan Burnswoods turned to a member of staff and said, "Let's just dump that visit that Arthur wanted."

The Hon. Dr Arthur Chesterfield-Evans wanted to visit an emergency ward at a hospital to see how intoxicated or inebriated people were dealt with as they came through the door. During an informal discussion when the Hon. Dr Arthur Chesterfield-Evans was not present the Hon. Jan Burnswoods suggested that his idea be dumped. I objected to that, and I believe that that may have made some contribution to the inclusion of a visit in some form in a future inquiry. The lack of communication, the lack of empathy and the lack of leadership on the Standing Committee on Social Issues is a disgrace. The Chair of such committee should not endlessly interject on members trying to say their piece, and he or she should not use that position to quibble, ad nauseam, on petty disagreements that simply saps the energy and enthusiasm from a discussion. I have come to dread

meetings chaired by the Hon. Jan Burnswoods. Her overbearing, and at times spiteful, interventions on members trying to pursue a line of questioning is not conducive to positive spirit. The desire to control every aspect of the social issues committee is suffocating.

While the Hon. Jan Burnswoods will not hold meetings to discuss ideas, she is forced by the standing orders to have other members present at hearings. The pre-prepared hearing questions arranged through the Hon. Jan Burnswoods largely have prevented us from exploring issues of concern, and days frequently end with a sense of tension and frustration that is destroying bipartisanship on the committee. On occasions when I have tried to pursue issues I have found her hair-splitting in a venomous way; I cannot see any political advantage in that practice and can only assume she does that because she can, in her position as Chair. I am aware also, and again will not go into details, that the Hon. Jan Burnswoods was the chairperson of the John Watkins campaign in Ryde at the recent State election. The viciousness with which she prosecuted the former member for Ryde, after he left Parliament and ceased to be a player in the political arena, was wicked and disgusting.

The Hon. Jan Burnswoods lacks the credibility, the trust and the interpersonal skills to lead an inquiry of such complexity and sensitivity as the Redfern riot. It is difficult to imagine how police and Aboriginal witnesses to that inquiry can have any confidence, knowing that on a regular basis, if not every night, at the conclusion of the inquiry the Chair will get into the back of the police Minister's limousine to be driven home, in conversation with her close friend. It is simply inappropriate for an inquiry to function on that basis. I urge the Hon. Dr Arthur Chesterfield-Evans and members of the crossbench to recognise the difficulties that chairmanship of the inquiry in that way will have on the smooth and effective functioning of that very important and sensitive issue. I urge the Hon. Jan Burnswoods, if she wishes, to respond to my comments. It was never my intention to speak in these terms in the House, but the way this matter has been brought on forces me to do so. I am sure that when the Hon. Jan Burnswoods responds to my comments she will further demonstrate the reasons why the Standing Committee on Social Issues will not be effective in conducting this inquiry.

**Reverend the Hon. Dr GORDON MOYES** [3.23 p.m.]: I thank the Hon. Greg Pearce for bringing this issue to the attention of the House. It was necessary that we move for some kind of impartial inquiry into the issues. However, I was very concerned about the original intention of welcoming submissions from indigenous residents of Redfern. I spoke to the Hon. Greg Pearce about that and he was agreeable to me moving an amendment in those terms. The committee should examine also indigenous injustice and underprivilege, and I am glad that the Government has adopted those terms into its amendment. The Government's amendment incorporates some of those concerns and, therefore, in general the Christian Democratic Party supports it.

I am concerned, however, that the recommendations of the Standing Committee on Social Justice must be heard by the Minister, instead of the inquiry being heard by a select committee. Generally the responsible Minister takes on board the recommendations of standing committees, and they become policy; whereas many good recommendations by select committees can be, and are, ignored by the government of the day. I do not want the issues and recommendations that are likely to be raised in this matter to be ignored by the government of the day. I would prefer that we use a standing committee in order to get the government of the day to enact recommendations.

I am concerned about all the information that the Opposition has raised concerning the chairmanship of the Standing Committee on Social Issues. I am confident that the Opposition members on the standing committee are strong enough to ensure that the Hon. Jan Burnswoods remains impartial in her position as Chair. If not, it is open to the House to vote to remove her. However, that is not the real issue; the real issue is public perception. The perception could be that the Government is inquiring into the Government, and that is not a good perception. We ought to have much more impartiality, and that could be overcome—and I am trying to be positive in saying this—by the Hon. Jan Burnswoods taking on board the immense criticism that has been directed towards her personally and stepping down from the chairmanship on this particular inquiry.

It is quite easy for chairmen to do that; it has been done in the past. I remember reading that the Hon. Helen Sham-Ho, who, when Chair of the Standing Committee on Parliamentary Privilege and Ethics, was accused of a perceived conflict of interest on one matter, and she stepped down. My Christian Democratic Party colleague was appointed Chair of that inquiry. I imagine that if the Hon. Jan Burnswoods does not step down and persists in seeking to Chair this inquiry the House could consider another alternative—that is, we could refer this matter to the Standing Committee on Law and Justice and ask it to carry out exactly the same inquiry. In either case my belief is that any inquiry by the House on such an important matter must be perceived by the public to be more impartial than the Government inquiring into the Government. In general, we are happy with the amendment moved by the Minister and will support it. However, who hears this case and who Chairs the inquiry is still an open issue.

**The Hon. DAVID OLDFIELD** [3.28 p.m.]: Whichever committee ultimately looks at the issues in this matter, it will of course be only one of a number of inquiries. Unfortunately, the findings of such a parliamentary committee may likely be slanted in a particular direction by virtue of the bias of the strong positions of the members on the committee. The Minister mentioned Thomas Hickey, the person whose entirely accidental death is said to have sparked the unjustifiable and outrageous behaviour of the criminals who delivered to Sydney the most recent Redfern riot. Much of the coverage and time that has been spent on Thomas Hickey is so far out of proportion and lacking in balance that I and many others find it downright offensive. In many respects, Thomas Hickey has been treated as some kind of hero or unfortunate martyr and afforded all but a State funeral.

Thomas Hickey was a serial criminal whose actions have been defended by his family, with his uncle quoted as saying, "He was only stealing for a feed. He would come back with a mobile phone or something after breaking into a car." He must have been awfully hungry. Even after a lot of microwaving I am sure that mobile phones do not taste very good! But, seriously, Thomas Hickey's criminal behaviour had even caused a court to impose bail restrictions that banned him from living in his beloved hometown of Walgett. Stealing, drinking and car theft were among TJ's crimes in the tiny town of Walgett. He also had an apprehended violence order taken out against him by a local man who was assaulted.

Prior to his accidental death he was awaiting an appearance in court where he was due to face charges of robbery, drug possession and resisting police. His grandfather is quoted as saying, "He was a good boy, not that much trouble." What was it that Hickey had to do before it sank in that he was not a good boy who was not much trouble, but a bad boy who was quite a lot of trouble? Need he progress to murder before the message would get through? Three of Thomas Hickey's uncles are in gaol for crimes, including break and enter, armed robbery and drugs. His father and his aunt are in gaol. Thomas Hickey was from a family with a substantial criminal element. Indeed, statements indicate that his crimes, and perhaps crime in general, were not just accepted within his family but defended. It should be clear that Thomas Hickey was no saint, but he did not deserve to die. However, there is no-one to blame.

**Reverend the Hon. Dr Gordon Moyes:** Point of order: My point of order has to do with relevance. The honourable member is dragging through an issue concerning the deplorable state of a young man in a bad situation. It is not relevant to the motion that is being debated.

**The Hon. DAVID OLDFIELD:** To the point of order: The Minister referred earlier to Thomas Hickey. This matter clearly will be discussed as part of the terms of reference of the committee. I merely seek to refer to what the Minister mentioned. I am coming to the points regarding this motion and the proposed inquiry.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! In neither the wording of the motion moved by the Hon. Greg Pearce nor the amendment moved by the Minister is there mention of TJ Hickey. Whilst there can be no doubt that the individual is connected strongly to the issues into which an inquiry will be held, I am of the view that to refer to the detail of the matter in the way the Hon. David Oldfield has is to stray slightly from the question that is before the Chair. Accordingly, I ask the Hon. David Oldfield to confine his remarks not to the individual TJ Hickey but to whether an inquiry should be held into what happened at Redfern and, by whom.

**The Hon. DAVID OLDFIELD:** I am forced to change my vein, thanks to Reverend the Hon. Dr Gordon Moyes. Any inquiry that is run by a group of people—regardless of where they come from and on which committee they sit—should have amongst its number at least some members who are willing to look at overall issues with balance and perspective and who are not willing simply continually to sweep under the carpet everything that is perpetrated by individual Aboriginal people and Aboriginals such as groups led by the likes of Ray Jackson and Lyall Munro. If people are not willing to speak with relevance, truthfulness, and balance and put into perspective the actions of all these people, and we are not willing to put people who are able to do that on the committee, it is highly unlikely—regardless of what committee is given this inquiry—that it will turn up terribly much more than a "Isn't it terrible what we have done to put Aboriginals in the position where they have to riot, steal, thief, kill, rape, murder, et cetera?"

In saying that, we acknowledge that many people who are not Aboriginal, or even vaguely close to it, are responsible for the same types of crimes. We cannot continually wipe away what takes place amongst this group of people even in the crimes that are perpetrated against themselves such as the bashing of female members of their community and the terrible violence that is occurring and continues to occur within Aboriginal society. We cannot simply continue, as we have for so many years, to brush that away as not being their fault

because we invaded their country, stole their children, killed who was left, and largely took the whole of Australia away from them, and left them in poverty and rather stricken. That is not the case. It is the black armband view of history which is demonstrably incorrect. I reiterate that Thomas Hickey did not deserve to die, but can we at least get some real perspective into the debate and the inquiry and consider his unfortunate death in a realistic manner? I look forward to the findings of the committee and will reserve for another day my view on the various matters raised in the terms of reference.

**Ms LEE RHIANNON** [3.36 p.m.]: Today we are debating the establishment of an inquiry into policing and other matters with respect to Redfern because a 17-year-old Aboriginal man, TJ Hickey, died in tragic circumstances. That young man should not have died so young. The Greens support the establishment of an inquiry. We believe that we need to ensure that the Redfern Aboriginal community is assisted, not further victimised, by any parliamentary inquiry. If a parliamentary inquiry goes ahead it must make every effort to facilitate participation from all the communities that comprise Redfern. The indigenous community at Redfern has been dispossessed and alienated for centuries. The inquiry needs to be mindful of the problems that that presents to facilitate meaningful engagement with the Redfern Aboriginal community.

The inquiry must consider why successive generations of Aboriginal people have such a deep fear of the police and other authorities. I acknowledge that the police take young Aboriginal people to events such as the Nippers, bush camps and other events, but let us also acknowledge that such programs go only a small way towards rebuilding trust after centuries of abuse, dispossession and exploitation. The Greens support the amendment that was moved earlier by the Minister for Community Services. I note that paragraphs (b) and (c) of that amendment would make this inquiry quite wide-ranging. Paragraphs (b) and (c) of the Government's amendment state:

- (b) other existing government programs in the Redfern/Waterloo area, including local state and federal.
- (c) non-government services and service provision in the Redfern/Waterloo area.

Those paragraphs in the Government's amendment would make this committee inquiry a wide-ranging one, which we welcome. Within this context it is important that we address issues of better public transport, reducing the impact of vehicle traffic, increasing open space and ensuring that there are better community facilities. We think that these factors, which are important, must be considered. We also urge the inquiry to consider the closure of Redfern Public School. We believe there is every need for Redfern Public School to be reopened. Small schools can work effectively with Aboriginal students who need programs that suit their culture and background. Members of this inquiry would have to approach their work with open and objective minds. I make that point with reference to the appointment of any prospective Coalition members to this inquiry.

I, along with my colleagues, was shocked that the leader of the Coalition, Mr Brogden, quickly resorted to the bulldozer option. He made a shocking and improper comment. The Brogden bulldozer would lead to gentrification of Redfern and that would mean fewer homes and open spaces for ordinary people. Let us remember that it was only a few days before the infamous Brogden bulldozer comment that he presented himself as an opponent of overdevelopment when criticising Labor over its forced amalgamation of Sydney city and South Sydney councils. A few days later he not only led the charge for developers; he used crude and inflammatory language to drive his point home. That has made us cautious in our response to the Coalition about the current situation in Redfern. However, we support the inquiry and the amendment moved by the Government.

**The Hon. JENNIFER GARDINER** [3.39 p.m.]: Firstly I support the comments of my colleague the Hon. Catherine Cusack. As the Chair of General Purpose Standing Committee No. 4, I can confirm, for example, that only yesterday at a meeting of that committee the Hon. Jan Burnswoods attacked two crossbenchers who were not able to attend the meeting, Ms Sylvia Hale and the Hon. David Oldfield, suggesting that because they were not there they did not really care about the important issues that were coming before that general purpose standing committee. Earlier this month the Hon. Jan Burnswoods was unable to attend a meeting of that committee because she was on leave, but no-one criticised her for that; after all, everyone is entitled to take leave.

**The Hon. Tony Catanzariti**: You should put that in context.

**The Hon. JENNIFER GARDINER**: In the right context, I just did. I can confirm the tenor of the remarks of the Hon. Catherine Cusack. The Opposition believes that the debate should move forward, and for

that reason it suggests a further amendment of the amendment moved by the Minister for Community Services. Therefore I move:

That the amendment moved by the Hon. Carmel Tebbutt be further amended by deleting the words "Social Issues" and inserting instead the words "Law and Justice".

The Opposition believes that removing the noxious personality aspect from the debate would move it forward, so we can get on with this important inquiry into an important issue.

**Reverend the Hon. FRED NILE** [3.42 p.m.]: The Christian Democratic Party agrees that there should be an inquiry into the riot that occurred in Redfern on 15 February, but the problem is how that inquiry should be conducted. It is pointless to simply focus on one event. We must focus on what caused that state of affairs and on solutions to ensure that there are no more riots in Redfern, and that there are positive developments in that area, particularly in the area known as the Block, which meet the needs of the Aboriginal people who live there.

The Block is a specific area bounded by Eveleigh Street. We need to acknowledge and address the problems occurring in not only the Block, but also the entire Redfern-Waterloo area. We must bear in mind that a large Aboriginal community now live in the privately owned terrace houses in the Block area, for which they pay rent owned not by the Aboriginal Land Council but by individuals who have bought in that area.

The House has before it two proposals. The first is the motion to establish a select committee, which seems to focus on police strategies and violence. The second is the Government's amendment of that motion, which proposes an inquiry into not only police strategies and resources in the Redfern-Waterloo area but also government programs, non-government services and service provision, strategies under the current New South Wales Government Redfern-Waterloo Partnership Project and its effectiveness, and proposals for the future of the area known as the Block.

As Reverend the Hon. Dr Gordon Moyes said, we support the Government's amendment. Like other members, we are concerned about the chairmanship of the Standing Committee on Social Issues. During our discussions with the Leader of the Opposition he suggested it might be better to refer the matter to the Standing Committee on Law and Justice. We have no preference for one committee or the other. Our policy position is that we normally support the referral of matters to existing committees, to avoid setting up select committees. As all members would be aware, particularly those who chair committees, it is now very difficult to schedule committee meetings because of the number of standing committees and general purpose committees we already have and the number of members on various committees.

The establishment of a select committee would involve the scheduling of further committee meetings and the necessity for members to attend those meetings. I understand that it would also involve establishing a committee secretariat, including project officers and other staff, to service that committee. In the interest of efficiency, I believe the inquiry should be referred to one of the existing committees—whether it be the Standing Committee on Law and Justice, the Standing Committee on Social Issues, the Standing Committee on State Development, or one of the five general purpose standing committees. I do not suggest that it would never be necessary to set up a select committee for such an inquiry; it may be that at some point there could be such a need. However, I do not believe the need arises in this case, as proposed by the Hon. Greg Pearce. I understand his intention, and I am not critical of him for moving the motion. Indeed, I am pleased that someone did move such a motion. Perhaps if that had not occurred, we would not be having an inquiry at all. The Government may have planned to hold an inquiry, but it made no mention of it. All members were hoping that there would be an inquiry.

Recently I spent two days at the Block talking with the Aboriginal people of Redfern. After the riot I was invited to visit the Block to show that there was some support for the Aboriginal people from a non-Aboriginal person, particularly a member of Parliament. I was pleased to accept the invitation and to be able to meet Gail Hickey, Thomas Hickey's mother, and express my condolences to her. I was also invited to take part in the memorial service on the Thursday, which I did. The media wanted to harass me. I said that as far as I was concerned it was not a media event, so no-one knew I was there or that I took part in the service. I would have been the only white person to take part in the service. Again, I was not making a judgment about Thomas Hickey; I was sharing in the grieving of the community and I wanted to show them that people care about what happens in Redfern. I met quite a few people there, including the Aboriginal leader Mr Munro, and I asked them for their suggestions. They were obviously in a state of shock, but they suggested that it would be a lot happier

environment if Aboriginal liaison police officers serviced the area. Even though the white police officers are very efficient and they are doing their duty admirably, it seems that there is tension there. I do not think it will go away, so it is better to have a buffer between the white police and the Aboriginal community.

The Aboriginal people even suggested that the Department of Community Services or the Aboriginal Land Council provide an 18-seater bus, to pick up Aboriginal young men when they go out on the town. Just as teenagers do, the Aboriginal young men visit Darling Harbour and other entertainment areas and often, perhaps after having a few drinks, they get into trouble. Perhaps the police sometimes overreact when they see a group of Aboriginal young boys out on the street. Mr Munro said, "We would rather collect them in the bus, as clubs do today, and take them back to Redfern." Simple measures such as that are inexpensive and would be of great benefit. I hope that the inquiry will look at all these options. More importantly, I hope it will hear from the Aboriginal people themselves, not just social workers and experts. I hope that the inquiry will give the Aboriginal people an opportunity to express their concerns and share their views, so it can clearly identify the problems and find solutions to them. They made that point. Although I try, I do not think any of us understand the Aboriginal mindset. They are suspicious of the current three government inquiries and want an independent inquiry and suggested a parliamentary inquiry. I am sure they will be pleased that the upper House will set up an inquiry in order for the various groups in the Redfern area to be involved and come forward as witnesses.

I tried to understand some of the feeling down at the Block. The two widespread views there have already been portrayed in the media. The first is that they are convinced and almost take for granted that police activity somehow caused the death of Thomas Hickey. No-one to whom I spoke disagreed with that view but, of course, it may not be true. I spent more than an hour at the steel railing that runs along the back of a laneway behind a large residential tower block where the accident occurred. The laneway is too narrow for a vehicle so I asked the Aboriginal people "Where did the vehicle come from? How could it have hit the bike and pushed him onto the rail?" The inquiry may be able to clear up some of the misunderstandings that are spreading on the grapevine in the community.

The second view of the Aboriginal community is that the police presence provoked the riot, and that is something I had not heard before. Following the death, the police may have expected there would be trouble and organised a larger presence of 30 or 40 police to come down from the Redfern railway station. The Aboriginal people said there was no riot but that the police presence provoked a reaction from the Aboriginal community. That is a complete twist of what we think happened from the media, that is, the police attended a riot to try to stop it. It is important to hold an open inquiry to hear all the points of view to arrive at the truth.

The Hon. David Oldfield wanted to go through a catalogue of how many members of the Hickey family are in prison, which would not have been very helpful. However, that raises the question of what caused that to happen? It is almost impossible to think that members of an entire clan are criminals. They are in prison as a result of events but that does not necessarily make them a criminal. It was a pity that the police could not guarantee the security of the father of Thomas Hickey in order for him to attend the funeral. It would have been almost impossible for him to have been set free or escape from a funeral if there were an agreement taken on trust. His presence would have been a calming and healing influence for him while singing Christian songs, and it would have helped the whole environment. Apparently officials made a decision that it was too dangerous for the father to attend, which caused a deep sense of resentment in the Aboriginal community at the funeral service.

The Christian Democratic Party supports the inquiry. I had considered moving an amendment to the motion to refer the inquiry to the Standing Committee on Law and Justice, to one that would be bipartisan rather than to have a division in the House. However, the Government was not able to indicate whether it would support it. It is very important to have this open and independent inquiry in which Aboriginal people can freely participate.

**Ms SYLVIA HALE** [3.54 p.m.]: The Greens are pleased that the House appears to be unanimous about the need for an inquiry. Because we realise that the events of 15 February are merely the outcome or one manifestation of wider social problems within the community at Redfern agreement has been reached on the inquiry. However, the dispute is as to which committee would best handle the matter. The Greens want the focus not to be on purely policing matters but as wide ranging as possible and so it would be best dealt with by the Standing Committee on Social Issues. To send this inquiry to the law and justice committee, by its very title, certainly sends to the community the message that it would be a narrow policing punitive focus. But sending it the social issues committee broadcasts to the world the intention of the Parliament that it will look beyond the superficialities of the events into the deeper causes that need to be addressed within the community and by this Government.

The third issue then arises as to who the chair of that committee should be. The Greens' view is that the House would establish a very bad precedent if membership or the chair of particular committees is manipulated. For that reason the Greens support the continuation of the Hon. Jan Burnswoods as chair of this inquiry into the events at Redfern. Whatever way it goes, whether the committee is chaired by the Hon. Tony Burke or by the Hon. Jan Burnswoods, it is still, we all admit, a member of the Government who will chair the committee, so their claims are equal in that respect.

Admittedly, I have a relatively limited experience of committees but whether the chair has been a member of the Greens, in the case of Mr Ian Cohen in General Purpose Standing Committee No. 5, or the Hon. Jennifer Gardiner in General Purpose Standing Committee No. 4, or the joint Committee on Children and Young People, my experience of the conduct of those committee meetings is that they have been eminently fair with a preparedness to ensure that all points of view are heard.

**The Hon. Greg Pearce:** You haven't been on a committee chaired by the Hon. Jan Burnswoods.

**Ms SYLVIA HALE:** That is true. Together with her, we have been members of a committee but I have not been on one that she chaired. In the interests of the way this matter is dealt with, the view of the Greens is that the matter should continue with the social issues committee.

**The Hon. Dr PETER WONG [3.58]:** I will briefly comment on this motion and state that I am glad that this House seems to agree that an inquiry is needed, and for that I must congratulate the Hon. Greg Pearce on his initiative. Reverend the Hon. Fred Nile has expressed the feeling of many honourable members in this Chamber that perhaps there is no absolute right or wrong in this unfortunate incident. We must work together as a community to realise a better future for the Aboriginal community, in particular for Aboriginal youths. We must also achieve a better relationship between the Aboriginal community and the NSW Police. Initially I supported the Hon. Greg Pearce's motion, albeit with amendments to be moved by Reverend the Hon. Dr Gordon Moyes. However, since then I believe the Government has changed its mind. As suggested by the Hon. Fred Nile, I am happy for the issue to be referred to one of the existing committees.

**The Hon. JON JENKINS [4.01 p.m.]:** I have listened to all that has been said and I support the inquiry. Whenever a social disturbance of this scale occurs we have no option but to investigate the reasons it happened. I have discussed some issues, such as witness protection, with members of the Standing Committee on Social Issues. My concern is that any parliamentary inquiry must not interfere with or obstruct a coronial inquiry. All my reservations have been put to bed. The final sticking point is the perception of bias. Whether or not it is real, the Opposition has raised it, and we cannot put the genie back in the bottle. It concerns me that the report may be degraded by the accusation of bias. The inquiry is intended to aid the Aboriginal community of Redfern, the police and other community services that need our assistance. If the report is open to potential downgrading because of that accusation, we must consider that issue; we cannot ignore it.

I have been told that what I am about to do is unusual. I appeal to the Hon. Jan Burnswoods to step aside as the chair of the Standing Committee on Social Issues in favour of another honourable member. That selfless act would probably attract the support of the entire House.

**Mr IAN COHEN [4.03 p.m.]:** I support the position put by Ms Rhiannon and Ms Hale. We have had lengthy discussions about this matter and listened with great interest to the various contributions in the House. Although a number of tempting propositions have been put forward about how to facilitate a most effective inquiry, it is of great concern that all we are seeing is tinkering around the edges. The inquiry proposed by the Opposition would limit the scope of the investigation. The Greens are also concerned about the emphasis on the law and justice aspect rather than on the social issues perspective proposed as a counter by the Government.

We often point to various politicians or chairs leading inquiries and comment on bias or working relationships with other honourable members potentially causing the inquiry to follow a path with which we might not be comfortable. As the chair of one committee I imagine that some honourable members are concerned that I might be biased. I have been in that position for nine years and I recognise the importance of committee work. I have noticed that, although they are in opposition, honourable members philosophically want to work together in a committee. My experience is that the committee system is very good. I acknowledge that I have been subjected to trying times on committees. However, that aside, Ms Burnswoods has significant credentials to work on social issues. I find it interesting that one can be in abject opposition to an honourable member one moment and then find oneself on the same side. That is the ebb and flow of healthy debate in this House.

We should take the situation as it is. I wonder about the relevance of another committee inquiry into this issue given the significant number already under way. However, the House has seen fit to promote that idea, and that is fair. The staff of the Standing Committee on Social Issues are well positioned to undertake an adequate investigation. As a result, adequate attention will be paid to this matter. Like other Greens members, I would prefer the Standing Committee on Social Issues to investigate this issue rather than the Standing Committee on Law and Justice.

We must also consider the sensitivities of Aboriginal communities. Although I have my moments of difference with the Hon. Fred Nile, I appreciate his Christian response in acknowledging the problems facing the Aboriginal community and raising the fact that a whole family is in gaol. The honourable member's telling remark about whether they are all criminals gets to the heart of what we would like see: a far more broad-ranging investigation of the myriad problems involved in the lead-up to this terrible disturbance. I believe that the Standing Committee on Social Issues is well equipped to dig a little deeper to establish the many issues involved and to come up with findings that will move the debate forward. It is important that the Aboriginal community of Redfern and the Block, and those who come and go because of their close connections with the residents, sense some acknowledgement of the issues from their perspective. I would support that approach being taken by the committee.

I intend to raise in the near future the matter of unpaid wages for Aboriginal people, their parents and grandparents. We must look at all aspects of the recent history of Aboriginal people to establish clearly why we are facing this situation. Co-operation with all levels of government, the community and the Aboriginal community could turn this situation around for the better. That is the Greens intention, and we support the inquiry being undertaken by the Standing Committee on Social Issues.

**The Hon. GREG PEARCE** [4.07 p.m.], in reply: I thank all honourable members who have participated in this very interesting debate. It has had two strands. The first is that the majority of honourable members want to broaden the terms of reference I proposed. Honourable members should not forget that the impetus for the inquiry was the riot and the police response. Therefore, one would expect the terms of reference to be narrower than honourable members might like. The Minister, the Hon. Carmel Tebbutt, hit the nail on the head when she made the point that witnesses, in particular, want to believe that a government inquiry is independent. That is the nub of the Opposition's major concern in this debate. The Government is proposing to have a government-controlled committee inquiring into the Government's performance and policies.

Many members have spoken about independence and the conflict of interest of a committee, such as the Standing Committee on Social Issues under its current chair, being controlled by the Government in an aggressive manner. There may be a perception of a lack of partiality and bias. The Hon. Patricia Forsythe built on that issue and colourfully exposed the great concern raised by many members in the House, not only Opposition members, about the partiality of the chair of the social issues committee. Having had a number of years experience working with the chair and knowing of her close personal friendship with and loyalty to the Minister for Police, I put the Government on notice that partiality, bias and fairness will potentially dog the committee's inquiry and may be raised on a number of occasions.

*[Debate interrupted.]*

#### **DISTINGUISHED VISITORS**

**The PRESIDENT:** I am very pleased to welcome to the President's gallery a delegation from the People's Government of Xinjiang Hygur Autonomous Region, China, led by Vice Governor Kurexi Maihesuti.

#### **SELECT COMMITTEE ON REDFERN POLICING**

##### **Establishment**

*[Debate resumed.]*

**The Hon. GREG PEARCE:** The Hon. Dr Arthur Chesterfield-Evans succinctly made the point that the Government did not want this inquiry. I am pleased that, through this motion, there will be an inquiry. If the inquiry is undertaken by a standing committee there will be the perception of bias, particularly in the chair and because the Government controls the committee. Various speakers referred to the same issues. As usual, Reverend the Hon. Fred Nile made some apposite comments, one of which was that the policy of the House was to refer matters to existing committees wherever possible.

**Reverend the Hon. Fred Nile:** That is the policy of our party.

**The Hon. GREG PEARCE:** In this case a select committee with two Government members, two Opposition members and two crossbench members would be a more representative committee and would give witnesses and others interested parties a real perception of impartiality by the Government. Ironically, the Hon. Dr Arthur Chesterfield-Evans said the crossbench is not sufficiently represented on standing committees, but supported a standing committee with 50 per cent Government representation, plus a Government member as the Chair. Some of the select committees that have undertaken done good work are the Select Committee on Mental Health, the Joint Select Committee on Victims Compensation, the Joint Select Committee on Safe Injecting Rooms, the Joint Committee on Quality of Buildings, the Joint Select Committee on Bushfires, and the Select Committee on the Increase in Prisoner Population. Select committees are not foreign to the House and it would have been a useful way to proceed if members had been prepared to support a select committee undertaking the inquiry.

My motion arose from the Redfern riot and comments made since the riot, particularly from the meeting of local police, and my terms of reference reflect those matters. As I said in my initial speech, the local police emphasised a number of resourcing issues, including the number and type of police available and the police station itself. As to broadening the inquiry, the honourable member for Bligh has said what should happen to Redfern policing. Last week in the other place she raised concerns that the Government's partnership project in Redfern was set up in 2002 but was only funded until June this year. She believed it would take 10 years to break the current cycle in Redfern. The inquiry has to examine other issues. The honourable member for Bligh referred to the Government's closure of Redfern Public School and how that impacted on the local community. She also referred to infrastructure at Redfern, Eveleigh and Darlington and at Redfern railway station. Significant broader issues should be part of the Redfern solution.

The Hon. Jennifer Gardiner moved an amendment to Minister Tebbutt's amendment to my motion: that the matter be referred to the Standing Committee on Law and Justice. Pursuant to the standing orders, the law and justice committee is charged to, among other things, inquire into, consider, and report on legal issues, criminal law, issues arising in connection with the New South Wales criminal justice system, police matters, corrective services and so on. This inquiry would fit well within the purpose of the law and justice committee. The inquiry does not fit as squarely with the purpose of the Standing Committee on Social Issues as it does with the law and justice committee. As is apparent from paragraph 1 (f) of the motion, the inquiry is to be broad enough to deal with other matters that arise during the inquiry.

I commend the inquiry to the House. If the House chooses to accept the Government's amendment I commend the amendment to it moved by the Hon. Jennifer Gardiner, which would refer this inquiry to the law and justice committee. I note that the Hon. Jon Jenkins and other members have suggested that the Hon. Jan Burnswoods should stand down as chair of the social issues committee if that committee undertakes the inquiry. It is extraordinary that no Government member objected to members' comments about the Hon. Jan Burnswoods and her behaviour as a committee Chair. If the inquiry is undertaken by the social issues committee, there will be a huge question mark over the conduct of that inquiry. It should be an independent parliamentary inquiry, not a biased inquiry into the Government's performance and policies. If the inquiry is undertaken by the social issues committee it will be tainted from the outset. That would be a great pity, given the concerns raised by members of this House.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! There are three amendments. I will first put the amendment moved by the Hon. Jennifer Gardiner, which is an amendment to the amendment moved by the Minister for Community Services. If the amendment moved by the Minister for Community Services is agreed to, the amendment moved by the Hon. Patricia Forsythe lapses. If the amendment moved by the Minister for Community Services is negatived, I will put the amendment moved by the Hon. Patricia Forsythe and the original motion.

**Question—That the amendment of the Hon. Jennifer Gardiner to the amendment of the Hon. Carmel Tebbutt be agreed to—put.**

**The House divided.**

**Ayes, 15**

Mr Clarke	Mr Lynn	Mr Ryan
Ms Cusack	Reverend Dr Moyes	
Mrs Forsythe	Reverend Nile	
Mr Gallacher	Ms Parker	<i>Tellers,</i>
Miss Gardiner	Mrs Pavey	Mr Colless
Mr Gay	Mr Pearce	Mr Harwin

**Noes, 23**

Mr Burke	Ms Fazio	Ms Rhiannon
Ms Burnswoods	Ms Griffin	Ms Robertson
Mr Catanzariti	Ms Hale	Ms Tebbutt
Dr Chesterfield-Evans	Mr Hatzistergos	Mr Tsang
Mr Cohen	Mr Jenkins	Dr Wong
Mr Costa	Mr Kelly	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Mr Primrose
Mr Egan	Mr Obeid	Mr West

**Question resolved in the negative.**

**Amendment of amendment negatived.**

**Question—That the amendment of the Hon. Carmel Tebbutt be agreed to—put.**

**The House divided.**

**Ayes, 25**

Mr Burke	Ms Griffin	Ms Rhiannon
Ms Burnswoods	Ms Hale	Ms Robertson
Mr Catanzariti	Mr Hatzistergos	Ms Tebbutt
Dr Chesterfield-Evans	Mr Jenkins	Mr Tsang
Mr Cohen	Mr Kelly	Dr Wong
Mr Costa	Mr Macdonald	
Mr Della Bosca	Reverend Dr Moyes	<i>Tellers,</i>
Mr Egan	Reverend Nile	Mr Primrose
Ms Fazio	Mr Obeid	Mr West

**Noes, 13**

Mr Clarke	Mr Gay	Mr Ryan
Ms Cusack	Mr Lynn	
Mrs Forsythe	Ms Parker	<i>Tellers,</i>
Mr Gallacher	Mrs Pavey	Mr Colless
Miss Gardiner	Mr Pearce	Mr Harwin

**Question resolved in the affirmative.**

**Amendment agreed to.**

**The PRESIDENT:** As the amendment of the Hon. Carmel Tebbutt was agreed to, the amendment of the Hon. Patricia Forsythe lapses.

**Motion as amended agreed to.**

**COMMITTEE ON CHILDEN AND YOUNG PEOPLE****Report**

**The Hon. Jan Burnswoods,** on behalf of the Chair, tabled report No. 1/53, entitled "Review of the 2002-03 Annual Report of the NSW Commission for Children and Young People", dated February 2004.

**Ordered to be printed.**

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

#### Motion by Mr Ian Cohen agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 84 outside the Order of Precedence, relating to the tabling of documents, be called on forthwith.

### Order of Business

#### Motion by Mr Ian Cohen agreed to:

That Private Members' Business item No. 84 outside the Order of Precedence be called on forthwith.

### ABORIGINAL TRUST FUNDS PAYBACK SCHEME

**Mr IAN COHEN** [4.31 p.m.]: I move:

1. That this House grants leave to Mr Cohen to table a document entitled "Aboriginal Trust Funds Payback Scheme Proposal" including all attachments.
2. That, on tabling, the document is authorised to be made public.

This is an important issue and it is pertinent to the debate today about the Aboriginal community at Redfern. This motion about the Aboriginal Trust Funds Payback Scheme is an attempt to set the ball rolling, finally, for justice to be provided to the hundreds of Aboriginal workers in New South Wales who had their wages stolen by New South Wales governments prior to 1969. Until 1969 New South Wales governments held the racist and discriminatory belief that Aboriginal workers could not manage the money they had earned by their own labour. Their wages were paid into trust funds, operated first by the Aboriginal Trust Fund and, later by the Aboriginal Welfare Board.

The money was deducted from wages, pensions, child endowment or lump sum compensation payments such as payments to infants for parents killed in work site accidents. The amount of wages and entitlements is estimated in the documents to be millions of dollars. That money could have bought houses, provided education, paid for a visit to a doctor, or improved the life chances for the sons and daughters of those workers.

That money is not the State's to bestow or withhold within budgets. It is the earnings and entitlements of Aboriginal workers, and the State, as trustee, was legally bound to safeguard that money, but the time to hand it back is long overdue. It is to the continuing shame of successive governments of New South Wales that nothing has been done since 1969 to return the money that the New South Wales Government stole from working people of this State. It is a further indictment on the current Government that a proposal to pay back the stolen money has stalled since 2001, based on work started by the Department of Aboriginal Affairs in 1997. In 2001 the Government compiled an actuarial report on the amount of money stolen from Aboriginal workers up to 1969 and the current value of this money, a list of people known to the Government who are owed money, and a scheme under which the money can be paid back. Nothing has been done to progress the proposal to pay back the stolen wages to the Aboriginal workers or their descendants.

I will seek to table those documents in Parliament to provide the first public acknowledgement of the stolen wages of Aboriginal people of this State. I will seek to table those documents to allow for the first public reckoning of the data and money involved in this near-100-year-long swindle. But the motion is not only about money. We need to determine the extent of Aboriginal labour and its contribution to the development of our State. We need to explode the damnable myths of Aboriginal ineptitude, indolence and financial incompetence, which are still peddled today as some sort of racial explanation for contemporary destitution and despair.

Aboriginal people deserve justice and recognition of their right to free choice of employment and the right to equal pay for equal work. The tabling of these documents will ensure that the Government commits to the full return of those wages and does not follow the Queensland Government's shameful example, in which a pittance was allocated to each person. In Queensland, similar circumstance prevailed whereby the Aboriginal workers, especially on Palm Island, were denied their wages.

From the 1940s and beyond, the Queensland Government paid child endowment and other social security payments into an existing system of Aboriginal trust accounts, which were in turn routinely loaned or just taken into general revenue. By 1968 the Queensland Government controlled more than \$11 million of Aboriginal workers' money. The campaign to return the stolen wages resulted in a Human Rights and Equal Opportunity Commission decision to return only \$7,000 to each worker. That is \$7,000 for up to 30 years of labour in some cases. The Queensland Government called that a generous offer.

In tabling those documents I will seek a better outcome for Aboriginals in New South Wales. It is my understanding that the Minister's office is working very hard on this issue, and I commend Minister Tebbutt for her intention to follow through on this matter and I commend her staff for their communication with my office. I hope that in the near future the Minister will announce a payback scheme that will return those stolen wages and entitlements. As such, I have asked the Minister to inform the House by way of a ministerial statement of the progress of that scheme. I look forward to hearing that statement in the very near future. I urge members of the House to support the motion to give the first recognition of justice to the Aboriginal workers who have been deprived of their fair go in this State by previous New South Wales governments. I commend the motion.

**Reverend the Hon. FRED NILE** [4.37 p.m.]: The Christian Democratic Party supports justice for Aboriginal people, and their money should be made available as quickly as possible. As far as is humanly possible the money should be forwarded to the respective Aboriginal people and/or their descendants.

**Debate adjourned on motion by Reverend the Hon. Fred Nile.**

## **DEVELOPER DONATIONS (ANTI-CORRUPTION) BILL**

### **Second Reading**

**Debate resumed from 25 February.**

**Reverend the Hon. FRED NILE** [4.39 p.m.]: In summary, the intent of the bill is good; it will lay down certain principles with which no member of the House would quibble. It will be difficult to implement some aspects of the bill, and therefore the Christian Democratic Party has reservations about it, but we will vote for it as a matter of principle.

**The Hon. TONY BURKE** [4.40 p.m.]: I am pleased to speak on behalf of the Government to the Developer Donations (Anti-Corruption) Bill. I indicate at the outset the Government's opposition to this bill, which was introduced by Ms Lee Rhiannon. I will refer, first, to some of the technical aspects relating to the bill and I will then refer to the arguments that have been put forward in support of this bill. Without using the unparliamentary term "lie", there are a number of aspects that need addressing in this bill. The Developer Donations (Anti-Corruption) Bill, simply put, will not do what it is intended to do. I refer, first, to the prohibition that is mentioned in new section 89B. That new section will make it an offence for a major developer or a person who has been found guilty of an offence involving bribery or corruption to make what is termed "a political contribution". New section 82A (1) (a) defines "political contribution" as follows:

to a party, independent member of Parliament, group or candidate.

That provision does not refer to anyone in this Chamber. None of us, in ourselves, is a party, and none of us is an independent member of Parliament. None of us is currently a group, because a group is defined in the Act as being a set of candidates, and currently we are not candidates, or a candidate, within the meaning of the Act. So none of us fits into the definition in new section 82A (1) (a). New section 82A (1) (b) states:

to a person (other than a party, independent member of Parliament, member of a group or candidate) who incurs electoral expenditure, but only if a whole or part of the gift is used by the person to enable the person to incur electoral expenditure or to reimburse the person for incurring that expenditure.

A lot of things are listed in the definition of "electoral expenditure" in section 88 of the Act. However, not included in that list are donations to a party for administrative purposes. Under this prohibition it is legal for Ms Sylvia Hale, me or any one of us to take a donation from a major developer and pass it on directly to our parties. It would be legal for us to do so under a piece of legislation that at best can be described as lazy. I am pretty disappointed in the way in which this bill has been drafted. When Ms Lee Rhiannon introduced this bill she said:

Developers are buying influence, they are buying access, and they are buying Government policy.

It is a big call to say that developers are buying access to political parties. I went through the web pages of the different political parties that are represented in this Parliament to see what they had to say about the access that donors get. One party that is represented in this House goes so far as to advertise on its web page that developers can buy access by making a donation. I will read from the web page of one of the parties that is represented in this Parliament. The web page states:

Australian Commonwealth law requires us to collect and report the details of individuals whose donations exceed Aust\$1500 in a calendar year to a political party.

Donors who contribute \$3000 or more will be invited to a special thank you event during the conference, with an opportunity to meet delegates and participants.

That is not the home page of the Labor Party, the Liberal Party or The Nationals—it is the home page of the Australian Greens! It is the one political party that does not just allow donors to get exclusive access, it advertises for it! If donations exceed \$1,500 they have to declare them. However, that is not enough to buy developers access. If they pay \$1,500 they will not get a special meeting with the delegates, but if they pay \$3,000 the doors of the Greens will be open to them. How dishonest was the speech that was delivered by Ms Sylvia Hale in debate on this bill? Something interesting happened when Ms Sylvia Hale was making that speech, which just happened to coincide with an interjection that I made. She said:

... and spurious auctions where \$2 T-shirts are sold for \$18,000.

At that point I interjected and asked, "When did that happen?" Ms Sylvia Hale responded:

That happened at an auction to raise money for Marrickville Council elections, when a vast some of money was paid for a T-shirt.

The honourable member made that speech about 24 hours ago but, to my knowledge, she has made no attempt to correct the record. So let me do it on her behalf. Yes, there was a fundraiser for Marrickville Council. Was a T-shirt auctioned? No. I am sure that the Hon. Catherine Cusack, who is not present in the Chamber, would be pleased to know that a fully autographed Australian Wallabies jersey was auctioned, not a T-shirt worth \$2. Was it auctioned for \$18,000? No, it was auctioned for \$1,800. The Greens appear to multiply every figure by 10 and then put those figures onto the record—which explains a lot about their economic policy! It is akin to us pretending that the Greens had 30 members in the Chamber and that they finally had the numbers. There is no attempt by the Greens to offer any transparency or to provide honest information. How quickly did the honourable member backtrack in relation to that issue? It did not happen at all. Ms Sylvia Hale allowed that statement to remain on the record. Anyone going through any of the sites on the Internet that list these sorts of auctions every day would know that there is nothing outrageous about the amount for which that T-shirt was sold. Ms Sylvia Hale also said:

The Greens is the only political party represented in this House that refuses to accept donations from corporate sponsors. As the Greens spokesperson for infrastructure and planning, my interest is in the influence of developer donations on the planning process.

I might or might not say more about the interests of Ms Sylvia Hale, but I will mention from where the Greens receive donations. It is true that they do not receive anything directly from developers, but they receive money from investment trusts that have stakes in development companies. So when the developer makes money, the donor to the Greens also makes money. The Greens have on their home page an acknowledgement that they receive money from the curiously titled Australian Ethical Investment Ltd, which has as part of its portfolio the deeply ethical Macquarie Office Trust. The Macquarie Office Trust holds deeply ethical investments in the following properties: No. 1 Martin Place, Sydney; Citigroup Centre, Sydney; Allianz Centre, Sydney; Elizabeth Plaza, North Sydney; NCR House, North Sydney; the Denison, North Sydney; and Charter Grove, St Leonards. I am waiting to see the Lakemba property on this list, but I do not think it is listed. Other properties include Avaya House, North Ryde, and Wentworth Place, Parramatta.

*[Interruption]*

I will be interested to hear the honourable member's next speech on high-rise buildings. The list includes Lang Centre, Parramatta; Telstra Towers, Burwood; and the Australian Taxation Office, Newcastle. The list then includes properties in Victoria, Western Australia, Queensland, South Australia and the Australian Capital Territory. The property that has the highest valuation comes out at a fairly meagre \$426.25 million. When any of those properties make money the donor to the Greens also makes money.

**The Hon. John Hatzistergos:** Do they pay \$3,000?

**The Hon. TONY BURKE:** I understand that, at the very least, unlike Ms Sylvia Hale, the developer puts in a development application for each of the properties. It is disappointing when members of this place come into this Chamber and hold their heads high on these sorts of issues when they are not entitled to do so. Honourable members might want to make speeches about fair disclosure, but they should not have queries about them or question marks relating to local government issues, as has Ms Sylvia Hale. The Local Government Pecuniary Interest Tribunal made a certain finding.

**The Hon. Catherine Cusack:** Crikey?

**The Hon. TONY BURKE:** It is not a Crikey document; it is the court document. The Local Government Pecuniary Interest Tribunal said, "The tribunal orders that Councillor Hale be, and she is hereby, reprimanded for those contraventions." I also have concerns about a person wanting to claim high moral ground for claiming to be so different to every other party, when that same person ran for local government in September 1999 as the No Aircraft Noise Party candidate and 12 months later announced, "I have had a rethink; I am now a Green." One could possibly argue that the rethink was legitimate—until the disclosure of donations to the Greens was made for the same council election.

It must be remembered that at that Marrickville Council election the Greens were the main contender against the No Aircraft Noise Party—they were competing for the same vote. Yet who donated \$5,000 to the competing Greens campaign while running as the No Aircraft Noise Party candidate? Ms Sylvia Hale. I think the charge that this legislation is lazy would be a very kind charge. I would like to think that the only reason there are so many holes in the legislation is that it has been lazy. As the record shows, if there is one person who has a huge interest in such loopholes arising it is the person who took the high moral ground in the most appalling way during this debate: Ms Sylvia Hale.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [4.51 p.m.]: The Australian Democrats support the Developer Donations (Anti-Corruption) Bill. It may not be perfect legislation, but it is regrettable that the old political parties are quick to criticise it without showing any philosophical understanding of the issues involved. It is yet another example of those parties being happy to take money, and often doing the bidding of the people from whom they take money. The Democrats were the first political party in Australia to refuse to accept donations from companies involved in tobacco production, nuclear energy, weapons manufacturing and the forestry industry. I congratulate the Leader of the Federal Australian Labor Party, Mr Mark Latham, on his leadership in opposing the ALP taking money from Big Tobacco. It is a little overdue, but we are very glad that he is doing it. It is about time the Liberals did the same.

The Democrats have a long and proud history of campaigning for greater transparency and accountability in political party finances. We strongly oppose the suspect fundraising practices of the major parties, which allow the identities of large donors to be concealed. Much has been said about the amount of money the major political parties have received from the private sector by way of financial contributions. As Ms Lee Rhiannon said in her second reading speech, the New South Wales branch of the ALP received more than \$1.6 million from eight companies involved in commercial and residential property development. When one looks at this figure in conjunction with the Government's extraordinary effort in facilitating projects such as Lend Lease's development of the ADI site at St Mary's, the Mawland development at the North Head Quarantine Station, the development at Sandon Point and the sale of Sydney Harbour foreshore land, it seems that the Carr Government is being induced. Only yesterday I heard a radio item regarding the difference between the price of land at the Wonderland Sydney site and the price per hectare of the land at the ADI site. It appears that the ADI site was immensely cheaper than the Wonderland site.

The current situation in New South Wales was best summed up by John Thorpe of the Australian Hotels Association. On *Stateline's* "Spin of the Week" last Friday the reporter asked John Thorpe, "Do you think they listen to you because you give good donations?" John Thorpe replied, "Look, democracy's not cheap! Democracy's not cheap. And your firm and your company—everybody's involved with assisting political parties because at this stage we need to keep these people in place to have the democracy we have today." The reporter asked, "Does that help, do you think—?" John Thorpe replied, "Look, what helps is this—you attend as an observer, as I did, at the ALP national conference. Yes, it costs money. But we did get interviews with Ministers, we did get interviews with staffers, and that does help us in our policies and our regulations." This comes from a man who is still delaying the introduction of legislation to address the control of tobacco smoking in hotels.

This is the man who, 53 years after smoking was shown to cause lung cancer, proposes guidelines that require smokers to move 1.5 metres away from bars. In September 2000, when the smoke-free environment bill came into force, the then Minister for Health, Craig Knowles, said, "If they haven't worked out how we are going to get them smoke free in a proper timetable, within 12 months, we will legislate for it." The Government fiddled around with committees, or working parties as it called them—non-working parties would be more like it—basically delaying the introduction of the legislation. The Government recently postponed the legislation for another 12 months, the idea being that smoke-free areas will not be brought in until at least the end of 2005, which will be 55 years from when smoking was found to cause lung cancer. That is the sort of influence that people buy.

The Democrats believe that political parties should be required to return donations from trusts, clubs and foundations if they do not fully disclose the true source of those donations. Donations from overseas entities, such as corporations or affiliated political parties, excluding individuals, should be banned. A ceiling of \$100,000 should be placed on the amount of money that any corporation or organisation is able to donate to a political party. Any donation over \$10,000 should be disclosed quarterly on the State Electoral Office web site. Companies or organisations that make political donations should be required to disclose those donations to their shareholders or members. The Democrats also believe that political parties should be legally required to provide explicit details of the true sources of the donations and the destinations of their expenditure.

Schedule 1.1 [11] inserts new section 89D, which provides for a disclosure regime outlining details that a donor must disclose to the State Electoral Office. This is very similar to what my colleague Senator Andrew Murray has proposed in the Federal Parliament. Such a regime should be to prevent, or at least discourage, corrupt, illegal or improper conduct, and prevent politicians from being, or being perceived to be, beholden to wealthy and powerful organisations, interest groups or individuals. This would hopefully protect politicians from external pressure being brought to bear on them by secret donors. However, much more needs to be done to ensure that elected members of Parliament will not be unduly influenced by financial donors. We need tighter legislation regarding disclosure requirements for companies, unions and other associations.

The practice of companies making political donations without shareholder approval and without disclosing donations in annual reports must be addressed. Companies, unions and other associations such as non-government organisations and peak body organisations must fully disclose to their members or shareholders any political donations they make. The Labor and Liberal parties undermine the existing disclosure regime by concealing the identity of some of their donors, thus fuelling a perception that they are improperly controlled or influenced by certain interest groups and individuals.

One of the key screening devices for hiding the true source of donations is the use of trusts, foundations and clubs. Political parties that receive donations from trusts, foundations or clubs must be obliged to return the money unless the following are fully disclosed: the ultimate control of the trust, club or foundation; the identity of the beneficiaries of the trust estate or foundation, including, in the case of individuals, their country of residence and, in the case of beneficiaries who are not individuals, their country of incorporation or registration; details of any relationships with other entities; the percentage distribution of income within the trust, foundation or club; and any changes during the donations year in relation to the information provided.

Professional fundraising must be subject to the same disclosure rules as donations. The use of clubs, foundations and professional fundraisers to conceal the identity of donors should be outlawed. The Democrats believe that all political parties registered in New South Wales must be obliged to meet minimum standards of accountability and internal democracy. The bill is very similar to Democrat policy, and we support it. During the debate the Hon. Don Harwin referred to Canadian legislation, which is flawed. It suggests that the funding of election campaigns should be from the public purse. People may find that hard to swallow. However, if the public funds election campaigns they are in a sense paying for politicians to give them a message—

**Pursuant to sessional orders business interrupted.**

## **SYDNEY WATER AND INTERNAL AUDIT BUREAU MANAGEMENT SERVICES REPORT**

### **Return to Order**

**The Clerk** tabled, pursuant to the resolution of the House of 25 February 2004, a return identifying documents relating to Sydney Water received by him today from the Director-General of the Premier's Department. The Clerk advised that, according to the resolution, the documents are available only to members of the Legislative Council and may not be published or copied without an order of the House.

**SPECIAL ADJOURNMENT****Motion by the Hon. Henry Tsang agreed to:**

That this House at its rising today do adjourn until Tuesday 9 March 2004 at 2.30 p.m.

**ADJOURNMENT**

**The Hon. HENRY TSANG** [Parliamentary Secretary] [5.04 p.m.]: I move:

That this House do now adjourn.

***THE PASSION OF THE CHRIST***

**Reverend the Hon. FRED NILE** [5.04 p.m.]: Last night I was privileged to attend the charity screening of the remarkable Mel Gibson film *The Passion of the Christ* at the Hoyt's theatre in George Street. Reverend Chris Riley was the host. His youth group sang a moving song concerning God's love prior to the screening of the film. As honourable members know, I have condemned many anti-Christian, blasphemous, pornographic films during the years, such as *Hail Mary* and *The Last Temptation of Christ*, which I said were produced by the devil in the studios of hell. I believe *The Passion of the Christ*, through Mel Gibson's inspired faith and leadership, was produced by the guidance of Almighty God through the Holy Spirit in the studios of heaven.

This film is the closest presentation of the truth of the historical gospels that I believe is possible to achieve within the bounds of our present human existence. I know that some reviewers have been shocked by the violence in the film but the violence, as would normally happen with a Mel Gibson film, is absolutely accurate. I have checked historical documents that describe the crucifixion and scourging that Jesus Christ experienced at the orders of Pontius Pilate. A scourge is carried out with a whip with a short handle, generally with two or three feet long thick thongs, each weighed at some distance from its extremity with lead balls or mutton bones and even, on occasion, hooks. In action the thongs cut the skin while the balls or bones created deep contusions. The result was significant haemorrhaging and considerable weakening of the vital resistance of the victim, et cetera. Usually 110 strikes were made with the whip.

Even though the film shocked some reviewers, it accurately portrayed what happened in a Roman scourging as occurred with Jesus Christ. His crown of thorns and his brutal crucifixion were all in accordance with the historical customs of the then Roman authorities. It is quite clear from the biblical record in Matthew 26:67 that "they buffeted him". Matthew 27:26 states, "Pilate scourged Jesus and then delivered Him to be crucified". I do not believe that the way the film is shown is anti-Semitic or anti-Jewish. Even though ringleaders called for his crucifixion, the civilians, the ordinary people in the streets, were shown in tears when Jesus was treated cruelly by the Roman authorities. In other words, the Jewish people are shown to be supporting Jesus Christ.

However, no-one is to blame for the death of Jesus Christ in that historical sense. The death of Jesus Christ was inevitable. His death was a key part of God's drama of redemption. It was God's will that his only begotten son should die for the sins of the whole world, for every generation of humanity, for whoever accepted by faith His offer of unrestricted forgiveness and put their faith in the risen Jesus Christ as Saviour and Lord. Why was it such a violent death—the scourging and then the crucifixion? Previously, in the biblical record a lamb was sacrificed by people to wash away their sins. This was like a prototype pointing to Jesus Christ. In fact, when John the Baptist saw Jesus Christ he said, "Behold the Lamb of God who takes away the sins of the world." Why did it require such a violent death and torture through scourging, et cetera? The prophet Isaiah, hundreds of years before the birth of Christ, prophesied on inspiration of the Holy Spirit what would happen to the coming Messiah. Isaiah, Chapter 53:5 states:

But He was wounded for our sins, He was bruised for our iniquities. The chastisement of our peace was upon Him, and with His stripes we are healed. All we like sheep have gone astray. We have turned everyone to His own way and God has laid on Him the iniquity of us all.

Most of those words were shown at the beginning of the film to make the point that Jesus Christ died, that through his shed blood our sins will be washed away. I acknowledge that modern man may regard this concept as strange but this was God's planned redemption. If we were God we may have thought up a different plan but that was God's plan to make it possible for humanity to enter into heaven. Because of God's holiness and His love and righteousness sin had to be dealt with and that was God's way to deal with it. John 3:16 states:

For God so loved the world, that He gave his only begotten son, that whosoever believeth in Him should not perish, but have everlasting life.

### BATTLE OF VINEGAR HILL 200TH ANNIVERSARY

**The Hon. IAN WEST** [5.08 p.m.]: I bring to the attention of the House celebrations marking a significant event in the history of European settlement in Australia. It is a timely reminder of the contrast to the history, culture and land management of Australia's indigenous people. Friday 5 March will mark the 200th anniversary of Australia's first European rebellion, known as the Battle of Vinegar Hill, near Castle Hill in Sydney's surrounds. This Sunday, 29 February, I will join many descendants of those involved in the Battle of Vinegar Hill in a commemoration and watch a re-enactment of the battle at Castlebrook Cemetery, Rouse Hill. This will be a significant event for residents of my duty electorates of Hawkesbury and The Hills. A number of the convict rebels who took part in the Castle Hill uprising were transported to Australia for being involved in the Vinegar Hill rebellion in Ireland in 1798 against the British oppression of the day. Many Irish were killed on that occasion in 1798 and the similarity of the cause gave its name to the events at Rouse Hill, north-west of Sydney Town in 1804. These were political prisoners, and not petty thieves and villains like many of their fellow convicts. On each occasion referred to as the Battle of Vinegar Hill, the mainly Irish rebels were the more numerous, though less well armed and ultimately unsuccessful.

Sydney's Battle of Vinegar Hill near Castle Hill had a typically Australian flavour to it. It involved underdogs taking on authority—in this case, Irish versus English. The underdogs were also defeated and glorified afterwards. Furthermore, the rebellion was a spur-of-the-moment uprising, which was ambitious and poorly organised. The rebels burst out of the Castle Hill prison farm on 4 March 1804 with the objective of seizing the Government garrison at Parramatta. It is quite a feat to walk from Castle Hill to Parramatta. However, many of the convict rebels got lost in drunken confusion en route to the rendezvous point at Constitution Hill. The following day, Governor King's redcoats confronted the rebels at Rouse Hill. The convict leaders were captured before the major battle, where the Governor's men and their civilian supporters overcame the disorganised rebels.

Fifteen convicts were killed, but none of the redcoats died or were injured. The rebel leaders, including Phillip Cunningham and William Johnston, were sent to the gallows while others were given severe lashings or exiled to the Coal River near Newcastle. Although the redcoats were assisted by local civilian supporters, most of whom were of English origin, the Irish were generally from the United Irishmen's Society, a union of Irish Catholics and Protestants seeking a united and independent Ireland. Their aim in rising up against the colonial forces was to escape imprisonment, to head for Sydney and to seize ships in which to return to Ireland. It was an ambitious plan devised by an underdog force, and obviously doomed to failure.

The history of the underdog and the oppressed is often overlooked or belittled. The indigenous people of Australia know that only too well, as did the Irish under the British during early European settlement. The histories of women, migrants and especially working men and women also lack the attention they deserve. The indigenous history of Australia is seen by many ill-informed people as inferior to European history. Aboriginal land management is simplistically viewed as being about setting the bush alight. There were no fences or lots of title deed prior to European settlement, and it was probably more peaceful as a result. A spiritual love of and connection to the land mean much more than attempts at ownership, and they last much longer.

It is a great pity that people mistake the concept of difference with the concept of inferiority. It is acceptable to learn from a culture that is defined as equal but different, but it is not acceptable to learn from a culture that is deemed inferior. It also does not occur to those who generalise about inferiority that the alternative culture may also view the other as inferior. Aboriginal land management was superior in efficiency to European land management for many reasons. For example, there were no mass extinctions of rare species, wanton destruction of bushland or irreversible pollution of waterways. It is just as important to treat Aboriginal history, culture and land management with respect as it is to commemorate events such as the Battle of Vinegar Hill.

### AUSTRALIAN LEBANESE COMMUNITY AUSTRALIA DAY CELEBRATIONS

**The Hon. PATRICIA FORSYTHE** [5.13 p.m.]: I am pleased to inform the House about positive initiatives taken again this year by the Australian Lebanese community to celebrate Australia Day and the positive role that Australian Lebanese have played and continue to play in the community. I congratulate both the United Australian Lebanese Assembly [UALA] and United Australian Lebanese Movement Ltd [UALM] on their excellent and uplifting functions. A UALA function was held at Granville on Sunday 25 January and the UALM celebration was held at Holroyd on Tuesday 27 January. Both functions were a celebration of Australia Day, and both were an opportunity to acknowledge the Lebanese community. Sadly, the media were not present

at either celebration. I say that because it has become very easy for the media and others to demonise and typecast Australia's Lebanese community as being at the centre of civil and criminal unrest. To know these community groups and the Lebanese community in general is to know people who are proud and committed to both Australia and their Lebanese traditions. The essence of a multicultural society is one that allows people to be proud of their heritage and be allowed to pass it on to future generations within their acquired community.

Celebrating Australia Day through cultural presentations and the giving of awards for outstanding service to the community gives a special meaning to Australia Day in modern Australia. The initiatives of these groups are worth replicating by other ethnic Australian communities. Unfortunately I do not have the list of recipients of awards nor the citations from the UALA presentations. However, I do have some information about the UALM award ceremony. Surprisingly, the first award was given to the Hon. John Wheeldon for his support of the Lebanese cause, and not as we know from his biography because he has a Lebanese background. A number of people from the Lebanese community were acknowledged. It was noted that in Lebanon Mr Elie Chamas had an association with the Australian Embassy in Beirut because he provided it with services during the war. He arrived in Australia on 26 December 1988 and three weeks later he found a job as a sales representative at a printing company. By 1990 he had established his own printing company operation at his home. He has been very successful in business. He prints various ethnic and charity publications and is associated with a number of organisations. He appreciates our wonderful country for the opportunities it has given him and his family.

Bshara and Charbel Fram, who are 18-year-old twins, were recognised for their outstanding achievements in Tae Kwon Do. They have each been New South Wales State champions 36 times, national champions 10 times and Victorian State champions seven times. They have won medals at the Youth Olympics and they are looking forward to Olympic Games representation. Both brothers are rated second in the world in their sport.

The Maronite Youth Organisation was also acknowledged. Much was said about its role. The organisation is the official youth group of Our Lady of Lebanon Church at Harris Park, and it is run by a group of dedicated youths from the parish. The group meets on a monthly basis to organise charitable and social events. Its vision is to strengthen the Maronite community within the parish. It has a significant number of objectives, including organising, encouraging and promoting social interaction within the Australian-Lebanese community.

Mr Stephen Stanton was acknowledged for his involvement in the law and human rights. He was born at Casino in 1953 and graduated in law from the University of Sydney in 1976. He lectured in law at the University of New South Wales and the University of Sydney, and he is a member of the Law Society. He also provides advice to the Republic of Fiji on constitutional affairs. He is a member of Sydney's Australian-Lebanese community and provides active legal support to both Christian and Islamic groups in Sydney and throughout Australia when required. He has also acted as a legal adviser to the World Lebanese Cultural Union.

Dr Frank Monsour is an outstanding medical practitioner from Queensland. A long list of his achievements was noted, including the fact that he is the Clinical Professor, Department of Surgery at the University of Queensland and the director and co-ordinator of oral and maxillofacial surgery at the Brisbane metropolitan hospitals. *[Time expired.]*

### LOCAL GOVERNMENT STRUCTURAL REFORM

**Ms SYLVIA HALE** [5.18 p.m.]: The Government's approach to local government reform is a war on several fronts. Communities across the State are being blitzed in an offensive that has left them reeling. One of the Minister's big guns is the regional review process, which was described by the Minister in this House as a process to "allow areas where a number of councils have proposed changes to consider all the options and use the best ideas from the community". According to that announcement, the process "will involve extensive discussions with councils, local government and shires associations, community groups, individuals and government agencies". Given that all councils were obliged by the Minister to come up with proposals for structural reform, they are all exposed to the possibility of a regional review.

The Minister's words sound very fine and worthwhile. Clearly, parts of the State would benefit from local government reform, and in those cases extensive discussions will be necessary. Unfortunately, the reality is that the cynical manipulation of this process has left communities angry and disillusioned. Even with four reviews complete, their intended scope and purpose is far from clear. Are they meant to gauge community

opinion on particular amalgamation proposals, or are they meant to collect ideas and put forward a range of proposals? If so, are those proposals meant to be subject to public consultation, and if so, whose proposals are being put forward and how does the review ensure that the public is aware of them?

The manner in which the reviews have been conducted makes their real aim perfectly clear. This is a shameless political ploy designed to give the Government's program of forced amalgamations a facade of respectability. State. The facade is shamefully thin. The regional reviews have been little more than a farce, demonstrating contempt for the people of regional New South Wales and their local governments. As I travel around the State I hear the same reports over and over. They include failures of public consultation, such as holding hearings at times and places that many people are unable to attend, hearings being conducted but not minuted, public comments not being noted, and attendances not properly recorded.

Of course, that means interested people are unable to learn the results of a hearing they could not attend. It also raises serious concerns about the quality of the deliberations the review can carry out. An example is the public hearing at Merriwa on Tuesday 10 February this year, at which I am informed that at this meeting there was a show of hands to indicate support for or opposition to the amalgamation proposals. The show of hands indicated unanimous opposition. Mr Vardon, the facilitator of the regional review, reportedly commented to the effect that the vote would not be counted or recorded. The attendance sheets circulated for the meeting only accommodated 150 names, despite an estimated 500 people being in attendance.

I have also heard complaints about the reports produced by the regional reviews at the conclusion of this far from rigorous process. Council representatives have told me that the reports for different areas are virtually cut and pasted from previous reports. Perhaps the Government has provided one template for the outcome of the reviews, to simply be duplicated across the State. I remind members that more than \$600,000 has been allocated to this process, which is intended to continue rolling across the State. In the broader context of planning changes, these reviews can be seen as nothing more than a pretext dreamed up by the Government to enable it to ram through fundamental changes affecting the structure and functions of local government.

The regional reviews have exacerbated the angst and unhappiness of local government and concerned communities right across the State. As the Minister's response in question time today showed, he is not even aware of the results of community consultation on the amalgamation that affects this very building. The community is aware of the Government's contempt for its views, and is making its views clear to those who are prepared to listen. The Minister seems determined to ride this out on a wave of sheer arrogance and audacity. Perhaps, like his colleague the Minister for Transport Services, he will soon discover the limits to the public's patience.

### INTERNATIONAL WOMEN'S DAY

**The Hon. JAN BURNSWOODS** [5.23 p.m.]: As the House is adjourning until 9 March, I want to speak on this occasion about International Women's Day, which will be held on 8 March. The theme for this year's International Women's Day is "Women Celebrate". Thousands of women all over the country will celebrate International Women's Day with marches, rallies, debates and other events. International Women's Day honours women's contributions and achievements and allows women to celebrate the gains they have made over the years. More importantly, it reminds us of the issues we still face. International Women's Day started as an event in 1908 in reaction to women still being officially classed as second-class citizens, being forced to work under horrendous conditions, earning half, or less, the wage of a man for equal work and, in most places, not having the right to vote. The three colours of purple, white and green were chosen to mark this day. The colour purple represents the instinct of freedom and dignity, white for purity in public and private life—those who chose these colours would have been disappointed by some of the behaviour in this Chamber today I suggest—and green is the colour of hope.

International Women's Day serves as a reminder for all women of the strength, determination and courage shown by women of earlier times to gain the rights that we now sometimes take for granted. As I said previously, International Women's Day not only reminds us about the achievements of the past; it also inspires women to fight against the issues of discrimination that face us today. Examples of policies that are needed by women today are paid maternity leave, adequate child care, pay equity and respite from the ongoing and seemingly never-ending problem of domestic violence. Today Australia has the most gender-segregated work force amongst the OECD countries. Between 15 and 20 per cent of companies do not provide permanent part-time work. As to managerial positions, women occupy only 10 per cent of the top stratum, 16 per cent of the second tier and 27 per cent of the third tier.

Australia is one of only two developed countries that do not have a national paid maternity leave scheme. Paid maternity leave provides new mothers with a period of recovery and adjustment and ensures they do not lose connection to work. Not only is it of benefit to women, it is also of benefit to their families and the community as a whole. The current Federal Government seems incapable of recognising that fact. There are numerous issues of flexibility in the workplace that need to be addressed if people, women in particular, are to find a better fit between work and family. Not only is there a need for paid maternity leave; there is also a need for more leave for family purposes, more flexibility in hours and an ability to work reduced hours, and much more consideration to the provision of child-care facilities, or arrangements for work-based child care, and facilities for breastfeeding.

Since the Federal Coalition Government was elected in 1996—eight years ago—it has managed to drive the agenda for women almost into reverse. I will give some examples of the Howard Government's appalling record in this regard. The Federal Government has refused to introduce paid maternity leave, despite such recommendations from the person the Federal Government asked to investigate this issue; allowed the gap in pay equity to continually increase; actually decreased funding per child care place; failed to prosecute any perpetrators involved in sexual servitude; reduced funds for domestic violence and sexual assault prevention; and tried to abolish the sex discrimination commissioner. When we have a Federal Government that actively reduces the resources available to women, the importance of the celebration of International Women's Day becomes much more significant.

I urge all women to take part in the activities that are being organised for International Women's Day, particularly the march that is being held in Sydney on Saturday 13 March 2004. Women will assemble on that day as they do traditionally at Sydney Town Hall and march to Hyde Park, where there will be a number of stalls, entertainment and speakers, including Anne Summers—author of a recent book in which she is pessimistic about the current situation facing women in Australia—and Ann Sampson from Stop the War Coalition. In addition, there is the UNIFEM breakfast and many other events. I am delighted that this year there will be an even bigger number of events held in Parramatta and other parts of Western Sydney to celebrate International Women's Day than were held in previous years. These events are held for women who cannot come into the centre of Sydney. Further, as is also the tradition, Newcastle and Wollongong have a very full and detailed program of events. [*Time expired.*]

## **TALLAGANDA, MULWAREE AND YARROWLUMLA COUNCILS DISSOLUTION**

### **THE NATIONALS SENATE CANDIDATES**

**The Hon. MELINDA PAVEY** [5.28 p.m.]: I speak on behalf of the elected representatives of the dissolved Tallaganda, Mulwaree and Yarrowlumla council areas in the Monaro electorate. I give these former councillors a voice to recognise their effort, their sacrifices and their commitment to their local communities. These shires have a proud history and heritage of nearly 100 years, yet with the swipe of a pen they been extinguished. They were well-run councils with good staff, yet the Government has not given adequate reasons, other than geographic reasons, for their dissolution. What message are we sending to the people who work on those councils? They sacrifice their personal time to make their community a better place. I want to inform the House about the contributions of some of the good people that the actions of the Government have virtually relegated to the scrap heap.

Geoff Hassell, who for many years has been the chairman of the Rural Lands Protection Board and president and mayor of Tallaganda Shire Council, is a great community contributor. Grahame Gooley and Harry Cassilis, councillors at Tallaganda, have given many years of work to Tallaganda council. Vern Drew of Yarrowlumla, a farmer and dedicated community man, I know from personal experience has been devastated by the way that his council, of which he has been fiercely proud, has been treated.

At a time when we are trying to involve people in their communities, this sends a very poor message. What is the reward for these good people who spend hours of time benefiting their communities? Their councils are put into administration. Many people in our communities do not understand the Government's actions. The former councillors are embarrassed and ashamed when people ask them what happened to the council and they say it has been put into administration. This is one of the impacts of forced amalgamations. The new name of the council, Eastern Capital City Regional Council, sounds like the name given to a radio station. It is sterile, bland, boring and meaningless.

All of the three councils that have been dissolved in that part of the Monaro electorate—represented by the silent Steven Whan—were named using words of Aboriginal descent. Tallaganda, Mulwaree and

Yarrowlumla are words of indigenous descent. The names of those councils and their proud histories have been obliterated from the landscape. We are the poorer for that. What we have debated in this House today completely ignores examples of early Australians using and incorporating Aboriginal words and knowledge. Those names were something to celebrate, not erase from the historical record. To give honourable members an idea of how absurd and meaningless the name of the new council is, I highlight an exchange yesterday between myself and the Hon. Tony Kelly, the Minister for Local Government. I asked the Minister what guarantee he was able to provide to this House and to the people of Monaro that the new eastern capital regional council will not be forcibly abolished to create a new super council, following the council elections. The Hon. Tony Kelly responded by saying:

Unless I am mistaken, the eastern capital regional council does not exist. It was one of the proposals for a super council. I did not accept it.

Well, in fact, Minister, it does exist. But because I dropped the word "city" from my question, he had no idea what I was talking about. This sterile name, and the sterile process that accompanied it, do not recognise the many years of work of many good people. The process has rewarded political mates in Queanbeyan. They have been handed new areas to enable them to grow and their councils to reap economic rewards. The whole process, which has been underhanded and without transparency, will ultimately have a major adverse impact on our communities. Still, I call on these good people who feel discarded to continue their good work and commitment to their local areas.

I recognise that 8 March is International Women's Day. The Nationals continue to increase the political representation of women in Parliament. Friday last was the preselection for the Coalition joint Senate ticket for the next Federal election. I am very pleased to tell the House that the persons preselected to fill the two spots for The Nationals on that Coalition Senate ticket were Fiona Nash and Robyn Bain, two exceptionally good women who will make very fine representatives. They are remarkable in their own right. These mothers, who have children of varying ages, will meet the demands that will be made of them in the lead-up to the Federal election. I wish them well.

#### **MINISTER FOR THE ILLAWARRA PORTFOLIO RESPONSIBILITIES**

**Ms LEE RHIANNON** [5.33 p.m.]: There is growing disquiet in the South Coast community about the Minister for the Illawarra, the Hon. David Campbell. He is failing to do his job. The key issue in that community is more jobs for the Illawarra, and that is the portfolio area in which the Minister is failing. As a ploy, the Minister is attacking the Greens and reiterating Mark Latham's failed scare tactics on jobs. The Minister for the Illawarra has said, "Why don't the Greens support job expansion?" The Minister seems not to understand plain English. On five occasions my colleague Michael Organ, a member of Federal Parliament, has spoken in the House of Representatives about this matter, and he has issued four press releases. He has called on the Government to release the ports growth plan and to ensure that the upgrade of Port Botany does not go ahead so that we can have real ports growth at Port Kembla.

*[Time for debate expired.]*

**Motion agreed to.**

**The House adjourned at 5.34 p.m. until Tuesday 9 March 2004 at 2.30 p.m.**

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