

LEGISLATIVE COUNCIL

Thursday 23 September 2004

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

The Clerk of the Parliaments offered the Prayers.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Reporting Date

Motion by the Hon. Rick Colless, on behalf of Mr Ian Cohen, agreed to:

That the reporting date for the reference to General Purpose Standing Committee No. 5 relating to the closure of residential training at the Murrumbidgee College of Agriculture be extended to Thursday 21 October 2004.

PETITIONS

Oath of Allegiance

Petition praying that the oath of allegiance to Her Majesty the Queen be retained in the pledge of loyalty by members of the Parliament of New South Wales and by Ministers of the Crown, received from **the Hon. David Clarke**.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 1 postponed on motion by the Hon. John Ryan.

Private Members' Business item No. 2 in the Order of Precedence postponed on motion by the Hon. John Tingle.

THREATENED AND ENDANGERED SPECIES CONSERVATION

Personal Explanation

The Hon. JON JENKINS, by leave: Last night a spurious point of order referred to a conversation between me and several private citizens. This conversation did not occur in the main meeting when Mr Ian Cohen was present. Rather, it was subsequent to the main meeting and in the hallway for several minutes. Mr Ian Cohen has no basis for saying that my recollection is incorrect, because he was not present or party to the conversation in question.

MILLENNIUM TRAINS

Debate resumed from 16 September.

The Hon. GREG PEARCE [11.10 a.m.]: The Millennium train episode, as we all know, is a disgraceful example of this Government's failure to properly manage a very important project for the State and its reliance on spin and deceit when dealing with the people of the State. The Millennium train shows the folly of the Government's public relations driven approach to something as important as renewing the State's infrastructure and represents an opportunity that was lost to the people of New South Wales. The purpose of this motion is also to point out the enormous lengths to which the Government is prepared to go to keep information secret from the public and not to be accountable for its actions, particularly in relation to something as important as the delivery of major infrastructure.

I have already gone through the chronology of the Government's attempts to deny the release of documentation that was necessary to establish what happened in relation to the Millennium train. I have also

gone through a chronology of some of the major occurrences in relation to the Millennium train, including highlighting the fact that the Premier was made well and truly aware before this project started of the dangers of blowouts and delays that were inherent in pursuing what was really a public relations driven exercise instead of one designed to deliver the best services to New South Wales.

I mentioned that in late 2001 negotiations were taking place in regard to delays and disputes. In November 2001 the State Rail Authority [SRA] still had not obtained a parent company guarantee from EDI Rail, the manufacturer of the trains. On 21 December 2001 EDI Rail put forward what it called a resolution proposal, which included an advance payment of \$60 million—completely contrary to the contract for the Millennium train—and a settlement of approximately \$31 million. In January and February 2002 the SRA board and the Minister formalised an arrangement that they would approve expenditure of \$8.9 billion in settlement of the claims with an expected total for stage one, including approved variations, of \$20 million, and a total for all stages of \$35 million. So at the beginning of 2002 the Government recognised that there were some legitimate claims, but the claims ended up being nothing like it expected.

On 8 January 2002 the Rail Infrastructure Corporation advised that the claim already in place could not be justified. By 10 April 2002 the board and the Minister made a submission requesting \$12.9 million extra funding for the project, \$8.9 million of which was to be for a potential settlement, plus a \$4 million contingency. The first train was delivered on 28 June 2002, and Minister Scully blamed the delays on the failure of an electrical contractor and what he called the painstaking testing. At that stage the Premier said the train was the best in the world. The truth was that the train was in all sorts of trouble. The delays were extending and the contractor was putting forward the proposition that it could not stay in business if it did not get extra money from the Government to pay for the construction of the trains.

In September 2002 there was further correspondence in relation to liquidated damages. There was supposed to be \$10 million in liquidated damages. The Government gave that up because it did not want the delivery of the trains held up. Later in September 2002 EDI delivered to the Government what it called a consolidated claim for extension of time and additional costs. For the first time we saw the true amount the Government was going to be asked to pay. In October the budget committee of Cabinet made a secret arrangement to settle the claims, which resulted in the overruns being paid. As we saw from the documents the Government reluctantly disclosed, the budget committee of Cabinet did it in such a way that the transport budget had to bear the excess payments to cover the Millennium train, while other projects that were never identified were pushed out of the State budget.

That is a summary of the process that occurred. As we all know, in June 2003 the Auditor-General released his report, which disclosed the very substantial cost and time overruns and the serious irregularities in the administration of the contract that arose from the pressure by the Government to continually announce the arrival of this new train and to hide the substantial time and cost overruns. According to the contract, the train was to be delivered fully funded by the contractor. This did not occur.

As I mentioned earlier, the purpose of moving this motion was to put on the table a possible way of dealing with the Government's problem in responding to orders for papers, claiming that massive amounts of material provided are confidential and privileged, resulting in it continuing to be hidden until we go through the lengthy processes required, including getting the independent arbiter to review the documents and moving further resolutions in the House for the production of documents. We should not have to go through that process to get transparency and accountability. The Government should not make these outrageous claims of privilege and should not cover up documentation, as it did in the Millennium train saga.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.18 a.m.]: I do not need to remind honourable members of the background of the Millennium train fiasco, which is still impacting on the State's rail system today. However, I believe a number of significant milestones in the debate about who is to blame for this project need to be put on the public record again so there is no uncertainty about where the Opposition stands with regard to this train. Like all members of the community, we recognise the need for ongoing renewal of our rolling stock. Like all members of the community, we want to see money from the public purse spent well.

We also wanted a successful transition to a new generation of rolling stock. Thanks to the ongoing interference by the boffins and the political manipulation by former Ministers for Transport the celebration that we should have enjoyed back in 2000 was spoiled. That is when the Olympian, as it was then known, the now Millennium train, was to have appeared on the CityRail system. The State Rail boffins wanted to tinker with the project at the edges and the State Government continued to push to get the trains onto the line before they were ready.

If the workers, the people who know what they are doing, the engineers and tradesmen of the Hunter Valley had been allowed to get on with the original job the present situation may not have arisen. We have always held the view that the workers are not responsible for this mess; they merely built the train that the State Government asked for. The three Ministers for Transport—Michael Costa, Carl Scully and Brian Langton—and indeed even the Premier have got the train that they asked for. The Minister should not try to muddy the waters by suggesting that we have tried to blame the workers, who have simply followed the plans that the Government and State Rail continued to twist, turn and manipulate all the way through the process. That is evident to anyone who has examined the papers that we have had made public thus far.

I congratulate the Hon. Greg Pearce on his tireless work on the waste watch committee, scrutinising mismanagement by the Government and laying bare the Government's years of mishandling and interference in the project. Certainty is needed as the Millennium train project moves forward. The travelling public needs to know that 100 per cent of the carriages the Government currently has will move into revenue service. The workers at Newcastle and their families need to know whether the Government is going to proceed with the third tranche of the project. We hear of workers in Newcastle being laid off. I am sure the Minister would not want that to happen, but the information we are getting from Newcastle is that it is happening. An order for papers referred to in this motion was successfully moved by the Opposition last year and passed with the support of a number of crossbench members.

The tabling of all documents and papers relating to the Millennium train provided a wealth of information that enabled the Parliament, and indeed the public, to finally get to the bottom of all that had gone wrong with the Millennium train, and the appalling culture of cover-up and mismanagement by the Government to hide these failings. There were huge budget overruns of more than \$100 million. Defects were corrected with the stroke of a pen. The trains took too much power out of the CityRail network. Many of these failings, which the people of New South Wales were fully entitled to know about—after all, it is their money being spent—would never have been made public by the Government if it were not for this House forcing it to table material and to stop treating the Parliament and the taxpayers with contempt. The Government fought tooth and nail to prevent those documents becoming public because it knew that its cover-ups, mismanagement and waste would be clearly exposed for all to see—and they most certainly were.

Paragraph 1 of the motion details many of the facts disclosed by the documents, facts that the Government tried to hide. However, a number of document boxes that were provided under the original order for papers remain privileged and are able to be examined only by members of this House. Unfortunately, they are not available to the public. The Opposition's motion today is not meant in any way to diminish the privileged status of this material. We are not in any way proposing that the privileged material should be publicly released. However, examination of this privileged material by Opposition members, as is currently permitted, has led us to believe that the House should authorise members to disclose the contents of the privileged documents to the Independent Commission Against Corruption if it believes that it is warranted.

Additionally, we believe that the Commissioner of the ICAC should also be authorised, after communicating in writing to the Clerk, to inspect the privileged documents and make copies. They are reasonable and sensible suggestions. As the Minister continues to talk about transparency and accountability, one would think that he would have been the first to recognise that there was some sense in what was being put forward and would have been first to support the Opposition motion. At this point we are not clear of the position the Government will take. I fully support the statement by the Hon. Greg Pearce that this motion passes the test of reasonableness. The Government will have incredible difficulty in refusing to allow the ICAC to have access to the documents. Members of this House should be able to make a protected disclosure as a result of viewing the privileged material if they believe the ICAC should have access to that material.

Paragraph 2 of the motion provides for members to disclose the content of the privileged documents to the ICAC and for the commissioner to inspect the documents and make copies. This will not adversely impact the current privileged status of the material but will ensure that there can be full and proper investigation of whether the conduct of any public official in relation to these matters amounted to corrupt conduct or conduct liable to allow, encourage or cause corrupt conduct. That is a very reasonable proposition.

The motion will allow the privileged Millennium train material to be referred to and effectively examined by the ICAC without affecting its privileged status. Any resulting investigations would be strictly a matter for the commission, as would determining whether action against any public official is warranted. The Opposition does not move the motion lightly; it is done solely in the interests of public accountability. The picture we currently have of the Millennium train project is without a doubt very disturbing, but it will never be

a complete picture unless the Independent Commission Against Corruption has the ability to examine it, either following referral of the matter by a member or at its own instigation. The House will continue to push for openness, transparency and accountability in these processes.

When we are confronting hundreds of millions of dollars in overruns, there can be no leeway or playing at the edges. It is all about ensuring that the community has confidence that projects of this magnitude are subject to thorough investigation if concerns are raised during the course of examination, as has occurred in this case. It must be a general underlying principle adhered to by the Government. Unfortunately, as we have experienced with other aspects of this administration, not only with the Millennium train project, the Government is simply not prepared to play ball. It will do everything in its power to ensure there is no opportunity for scrutiny; it will play word games and try to prevent outside organisations whose role it is to peer inside government decision-making from ensuring that the best interests of the public are maintained at all times. It will do everything in its power to ensure that those who are entrusted with the responsibility to undertake that scrutiny are prevented from doing so.

This motion is very clear and succinct, and I am interested to see how the Government will present fair and logical argument if it decides to oppose it. I do not believe it will be able to do so. As the Minister continues to say, this is about ensuring that extra level of transparency and accountability that he allegedly wants to make a hallmark of his time in this portfolio. If that is his goal, he should immediately rise to support the motion. I commend the motion.

The Hon. MICHAEL COSTA (Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for State Development) [11.32 a.m.]: I am very surprised we are debating this motion, for a number of reasons. First, it clearly seeks information that the Independent Commission Against Corruption [ICAC] has the ability to obtain if it so desires. I have taken advice on this and it appears that the motion does nothing other than provide a platform for the usual attack on government programs that we have come to expect from the Opposition. If the ICAC wanted this information, it could obtain it.

It is a strange way to progress a debate: proposing that we send material to the ICAC in case something of a corrupt nature has occurred, rather than the other way around. The Opposition has the opportunity to view the material. After having examined it, it could refer matters to the ICAC, which could then obtain the material and examine it. The ICAC legislation clearly provides that it can obtain this material.

This is a strangely crafted motion. I assume that that is largely because of its aim, which was to provide a platform for discussion when the Millennium train project was a political issue. The motion was presented to the House on 24 June 2003. Clearly, it was drafted to enable the Opposition to continue its political attack on the Government. Nothing referred to in the motion is beyond the scope of the ICAC. As I said, it is a strange notion to send material to the ICAC for examination with a note stating, "We do not have any understanding or comprehension of the material or any proof of corrupt behaviour, but we would like you decide whether it has occurred."

That is a strange way to conduct business, but that is what this motion appears to suggest. It would be like my sending the Parliamentary Library to the ICAC and asking it to examine the material because someone might have behaved corruptly, and the documents might be in the library's keeping. It would be a silly thing to do. I do not have a problem with the motion, because it does nothing; it does not enhance the legal debate.

The Hon. Greg Pearce: So you will support it.

The Hon. MICHAEL COSTA: We will make a decision at the appropriate time. At this stage the Government's view is that the motion does not require any consideration by the Parliament. The ICAC has the power to do precisely what the motion seeks. As I said, it is strange to conduct public affairs on the basis of sending documents to the ICAC for it to determine whether corrupt conduct has occurred. If there is no prima facie case of corruption, why bother? It is a complete waste of time. Again, it is part of the process of getting these matters on the table for public debate. I assume that is the reason for the motion, and we must now deal with the consequences.

The Millennium train project has been canvassed very broadly and intensely in the public domain and in a number of independent reviews. The Auditor-General's June 2003 report dealt chapter and verse with the processes involved in the project. I cannot see what is required other than that report. If honourable members were to look at the report they would see that it makes the point that the Millennium train project represents a

substantial enhancement of the quality of the CityRail fleet. After examining the project, the Auditor-General claimed that, judged against the existing operational environment and the constraints imposed on the existing rail network, the evidence supports the view that the purchase represents reasonable value for money.

The Hon. Greg Pearce: So that is why you cancelled the last tranche—because it is such reasonable value for money!

The Hon. MICHAEL COSTA: The Auditor-General is qualified to make judgments about government projects.

The Hon. Greg Pearce: Why did you not agree with him? Why did you not order the third tranche if you think it is such good value?

The Hon. MICHAEL COSTA: I am trying to ignore the honourable member's interjections. I suggest that he wait until I have finished, because I do not want to lose my train of thought.

The Hon. Melinda Pavey: You don't want to go down that branch line.

The Hon. MICHAEL COSTA: I am looking forward to the honourable member's questions about the Casino to Murwillumbah rail link after having read that report. The Auditor-General has examined the Millennium train project, and the motion implies that some form of corrupt behaviour might have occurred. It does not indicate what it was, but because there is the potential it asks us to send boxes of documents to the ICAC so it can sift through them to see what might have happened, even though another independent review has examined the project and determined that it represents reasonable value for money. I do not understand the reason for the exercise unless, as I said, it is the desire to continue the political debate.

The price of the Millennium trains compares favourably with recent train purchases in Queensland, Victoria, and Western Australia. Honourable members opposite need not take my word for that; it is in the Auditor-General's report. I hear that, but the Coalition Government had to go through the process of commissioning the Tangara train, and it experienced the same problems. Technology is problematic during commissioning. If members of the Opposition are claiming they can guarantee to the public of New South Wales that all new technology they introduce will not have commissioning problems, good luck to them—they are better than their colleagues in the Federal Coalition Government. I do not think anyone will believe them. That Government has also experienced disasters when introducing technology, particularly information technology. All governments have difficulty commissioning new technology, especially when it is specific-purpose rather than off-the-shelf technology. It is silly not to accept that that is the reality.

The real issue is whether the Government has got value for money—and, of course, when I say the Government, I mean the taxpayer. The Auditor-General seems to be very clear about this: he believes the Millennium train is reasonable value for money. I accept that he did not say it was exceptional value for money; he did not say it was poor value for money; rather, he said it was reasonable value for money. He compared the purchase of the Millennium train with other train purchases throughout Australia and made the very important point that it compared favourably. In addition, at page 32 of his report the Auditor-General said that on a passenger-cost basis the Millennium train purchase, at around \$12,299, is lower than the purchases of other jurisdictions, where the purchase cost per passenger has been between \$14,000 and \$16,000. I suggest that members read the Auditor-General's report.

The other interesting component of the Auditor-General's report is his observation that State Rail has made significant improvements in its purchasing and handling methods since the purchase of the Tangara. In other words, the Auditor-General is saying we had problems with the Tangara and we have similar problems with the Millennium, but there have been improvements in purchasing and handling the Millennium. This is why I am surprised by the motion. The Opposition is well aware of the Auditor-General's report, because it released the report without regard to the Auditor-General's requirement that it should not be released without his consent.

The Hon. Greg Pearce: It embarrassed you, didn't it?

The Hon. MICHAEL COSTA: No. And I do not blame the Opposition. It was a political stunt, like the one it tried with the Casino to Murwillumbah line, and it backfired once people went through the report in detail. The Opposition highlighted the elements of the report that it thought would be to its political advantage,

and that is also why it did not extend the Auditor-General the courtesy of allowing him to release his report. That is an example of the political stunts the Opposition plays. It scored an own goal with the Casino to Murwillumbah line and again with the Auditor-General's report.

Great moment was also made of the 500 alleged defects in the Millennium train. But when we went through the defects we realised that the majority of them were of a very minor nature. Indeed, they were as minor as being the wrong colour! Clearly this was an attempt to blacken a train that the Opposition—

The Hon. Greg Pearce: Was it a minor defect that they couldn't pass the crash worthiness requirement?

The Hon. MICHAEL COSTA: The Hon. Dennis Denuto always leads with his chin on these matters. He does not have a depth of knowledge on technical matters. Not only that, he has a limited knowledge of rail rolling stock purchases. If he had greater knowledge he would realise that the Tangara had enormous problems as well, and the Coalition Government was involved in commissioning that train. Within one hour of the claim by the Leader of the Opposition about the 500 alleged defects the Auditor-General said on 2GB's Philip Clarke program:

Now, the 500 defects that we're talking about can be as minor as a sign being the wrong colour.

That is what the Auditor-General said. The Opposition tried to distort his report. The Auditor-General clarified the point fairly clearly. Philip Clarke asked him:

So they're not too important at all?

The Auditor-General replied:

No, they're not important. There were many other defects that the SRA discovered that it insisted the manufacturer fix.

Rather than getting into the hype about all the defects, let us look at what the Auditor-General said. He dismissed the claims by the Opposition. Clearly, there were problems with commissioning the Millennium train. There is no question about that, and I do not seek to deny there were problems. In fact, I commissioned an independent expert in Victoria to look at where the problems lay with the Millennium train, particularly in terms of commissioning. That resulted in the McKeown report, which is on the web site. It was a very useful report; it enabled us to draw lessons from past practices, as governments should do in relation to improvements to capital works projects.

I recall visiting the plant at Cardiff and discussing the issue with management. People might say I read them the riot Act. I think that is a fair description of what occurred at the meeting. We did get some concessions from the manufacturer in relation to the way it would deal with the problems with the Millennium train. I believe that the manufacturer was tardy in fixing those problems. The key problem was some componentry elements that were not under the control of the manufacturer in a direct sense because they came from a subcontractor. Allston, a French company, had responsibility for the train operating system.

There is no doubt that the Millennium train was overly complex. I have already conceded that, and I think we can all draw a lesson from that. I think at one point I may have described it as being almost like the Internet fridge. Who needs an Internet facility on a fridge? I do not criticise those who put the train together; they thought they were doing the right thing, trying to get all the bells and whistles. But I do not think we need bells and whistles on trains. People want rolling stock that works and represents value for money.

The Hon. Rick Colless: That's not what the Auditor-General said.

The Hon. MICHAEL COSTA: The Auditor-General said the Millennium train represented reasonable value for money. Let us deal with this objectively. The fact of the matter is that we will change the approach to the procurement of rolling stock.

The Hon. Rick Colless: What are the Millennium trains doing today?

The Hon. MICHAEL COSTA: From memory, nine are running at the moment. I have answered this question before. At a time when we have driver shortages we are not going to take drivers off peak services to run Millennials. That is a sensible decision. At this stage we do not have any need to go beyond what we have

done. From memory, about 25 per cent of our drivers are trained to operate Millennium trains. As driver numbers build up we will certainly deal with that—

The Hon. Rick Colless: How many millenniums are sitting there?

The Hon. Greg Pearce: How much are you paying to maintain them, to just sit there?

The Hon. MICHAEL COSTA: Let me talk about the history of the project. The Coalition gave notice of this motion in June 2003. It has nothing to do with the current state of affairs. The Hon. Greg Pearce can ask me all of these questions during question time.

The Hon. Greg Pearce: You just raised it yourself.

The Hon. MICHAEL COSTA: No, I responded to an interjection. I know that interjections are disorderly at all times, but I have a tendency to respond to them because I sometimes think these things need to be clarified. As I have already announced, we will introduce a new method of purchasing rolling stock. I am sure members would be aware of that method. We are looking at a steady fleet purchasing plan, to try to avoid the problems that we have had with the purchase of the Millennium train and that the Coalition had with the Tangara.

The problem is not unique to this Government; it has occurred in the past. We tend to buy our rolling stock in large lumps when new designs come out. Whenever you go down that path you end up in difficulty, as both this Government and the Coalition Government experienced with the Tangara. It is a new approach, and I hope I get the Opposition's support for it. It will involve looking at a steady procurement of rolling stock around a proven design. That is the reason we did not go to the third tranche. We decided that if we were to purchase 498 new pieces of rolling stock to replace the non-airconditioned rolling stock—which, I remind members, are not due for replacement for many years into the future; it still has a productive life—

The Hon. Greg Pearce: Only 60 carriages were supposed to be retired in 2003—

The Hon. MICHAEL COSTA: I am not referring to the red rattlers, which went out a long time ago. The rolling stock I am referring to still has an active life, but we have made the decision that in this day and age airconditioned rolling stock is more appropriate for passenger comfort, so we will phase out the current stock early. The reason the third tranche has not progressed is that it makes sense, from a purchasing point of view, to roll the 60 additional carriages into the 498 new carriages, to get a better unit price. The marginal cost of such a large purchase of rolling stock would make it more competitive than the current purchase price of the Millennium. It is a sensible decision, and we are working towards that.

Expressions of interest for the new rolling stock have already been called for. We will also implement a program that will complement the Government's \$1 billion clearway program in relation to improving the operation of our rail system. I place on record that under the operational purchasing schedule we are looking at, the 498 new carriages would have been replaced in 2017, rather than in 2010. So it is a significant change in the way we deal with these matters. It takes into account the lessons of both the Tangara and the Millennium.

The Hon. Rick Colless: I don't think the Tangara was as bad as this.

The Hon. MICHAEL COSTA: The Tangara was worse.

The Hon. Rick Colless: So you have got nine trains in service today out of how many?

The Hon. MICHAEL COSTA: If the honourable member wants to have a serious discussion I am happy to have it but he should not just throw nonsense at me.

The Hon. Greg Pearce: That is what you said.

The Hon. Rick Colless: You said you had nine of them working today.

The Hon. MICHAEL COSTA: That is because of train crew shortages, not because of the train. The honourable member knows that full well. The Opposition does not want to have a sensible debate about purchasing, but I will certainly take purchasing into account because I think there is a lesson to be learned out of both the Tangara experience and—

The Hon. Rick Colless: We would like to know that when you buy a train it is going to work.

The Hon. Greg Pearce: How many Millennium train breakdowns in the past two months?

The Hon. MICHAEL COSTA: That information is on the Internet. The fact of the matter is that the Millennium train, like the Tangara, will form part of the operating fleet of CityRail. On the basis of the Auditor-General's report it represents reasonable value for money. On all of the indicators the Millennium train has lessons for us for future purchasing. The real issue here is whether there is any corruption. Has the Opposition any evidence of corruption? Why has it moved a fishing exercise motion based on the examination of documents it has already examined? The Opposition cannot find any evidence, but it wants to send all this material down to the ICAC and waste the ICAC's time.

I am happy to support the Opposition fully if it has found examples of corruption in the process and it wants those documents to be made public and sent to ICAC, but this resolution does not say that. It says, in effect, "Take a bunch of documents to the ICAC and get the ICAC to a look at them, and maybe they will find some corruption." The Opposition has a responsibility to advise the ICAC if it believes there has been corruption, but it has not got any evidence. If it believes there has been corruption it can say so, as it well knows, but this is just a fishing exercise and a political stunt that achieves nothing.

The Hon. IAN WEST [11.52 a.m.]: CityRail passengers have embraced the Millennium train, and their feedback has been extremely positive. They have praised its smooth ride and comfort. I would like to share with the House some examples of feedback supplied by RailCorp. One passenger wrote:

Your new millennium train is the best train on the CityRail network. One of the best features is the reversible seating.

Another wrote:

I caught the Millennium train yesterday from Central Station to Bexley Nth at about 4:25 p.m.

The Hon. Melinda Pavey: Why are you reading this?

The Hon. IAN WEST: Because it is important that you understand the detail. I continue:

It was an excellent trip, I was very impressed with the train. It looks good, it was a smooth ride and it is user friendly. Keep them coming!

A third passenger wrote:

The Millenium trains are an absolute pleasure to travel on in every regard. Big clear windows to see, comfortable and reversible seats, digital information screens internally, a great travelling experience!

Stage I, involving 81 carriages, and stage II, 60 carriages, of the current Millennium train contract will provide 141 Millennium carriages at a cost of \$466 million. So far, 117 carriages have been delivered, and the final 24 carriages as part of stage II are scheduled for delivery by mid 2005. There are currently 11 eight-carriage trains on the network operating both peak and non-peak services. They are running on the Eastern Suburbs, Illawarra, Inner West, Bankstown, South and Airport lines. So far 268 drivers have been trained to operate the Millennium trains, and RailCorp will continue to train drivers in its operation.

Many of the train's features were included in response to passenger feedback received from both customer surveys and a viewing of a full-scale mock-up of the crew cab and passenger area during its production. The train is state-of-the-art. For example, each carriage has six security cameras, and 24 screens constantly show images of the train's interior to staff. There is obviously an emphasis on security. Two help points are installed in each vestibule to allow passengers to speak to the driver and the guard in an emergency—one at a lower level for passengers in wheelchairs and children, and a second at chest height.

The Millennium train also has internal and external destination indicators that include stopping patterns and special information. As well as a digitised voice announcement system there is also a visual display. Other features of the Millennium train include surveillance cameras relaying real-time and recorded images, foot rests on all upper and lower saloon seats—

The Hon. Melinda Pavey: What are saloon seats?

The Hon. IAN WEST: Haven't you been on a train? Don't you know what saloon seats are? They also have maximum shoulder and seat widths, greater seating capacity compared with the Tangara, floor space clear of obstructions to ensure more legroom, seats covered in vandal resistant fabric—a very important feature—wider stairways for bigger people, and highlighted doorways for greater safety. Significant design work also went into the air-conditioning system to improve passenger comfort.

People with special needs were consulted in the design of the Millennium train—a very important consideration. CityRail incorporated suggestions from passengers with a disability, the elderly and the visually impaired to provide them with a safe, comfortable and reliable service on the trains. In designing the train, State Rail sought input from a wide cross-section of the community, including disability groups. For example, it asked the Australian Quadriplegic Association to provide technical input into the design at the mock-up stage, and the train is much more user-friendly as a result.

Access between carriages through the gangway is gained by a touch-sensitive pad at a suitable height, and the power-assisted doors also have a control located at a suitable height. The train has fold-up seating in all end saloons to accommodate wheelchairs, with clearly marked priority seating for passengers travelling with people in wheelchairs. The train also features hearing loops, strategically located hand grab rails, and hand holds.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WORKCOVER OFFICERS MISCONDUCT ALLEGATIONS

The Hon. MICHAEL GALLACHER: My question is directed to the Minister for Commerce. Did John Watson, Manager of WorkCover's Occupational Health and Safety Division, inform a budget estimates committee hearing on 17 September that senior WorkCover officers were investigated by an independent investigator for alleged misconduct? Was the independent investigator actually Robert Seljack, head of WorkCover's insurance division, who had, in fact, shared accommodation with one of the four officers he was investigating? Has the Minister investigated whether Mr Seljack was an appropriate choice to conduct this investigation?

The Hon. JOHN DELLA BOSCA: I recall during the estimates hearing Mr Watson giving evidence about the inquiry and about some alleged misconduct. I remember that question was answered. It is very important that appropriate inquiries are conducted into allegations of misconduct. I am not in a position to confirm which officer of WorkCover conducted inquiries or to accept or refute any of the other assertions made by the Leader of the Opposition about the relationship between the investigating officers and any alleged misconduct. I am happy to advise him and the House that I will come back to him with a comprehensive answer as soon as practicable.

The Hon. Michael Gallacher: Before question time finishes. It will take five minutes.

The Hon. JOHN DELLA BOSCA: If possible, before question time finishes.

FAMILY SUPPORT SERVICES

The Hon. KAYEE GRIFFIN: My question is directed to the Minister for Community Services. Can the Minister update the House on Government initiatives to provide integrated services for the families of young children in the Blacktown and Riverstone areas?

The Hon. CARMEL TEBBUTT: The support that we provide to families is extremely important and provides the opportunity for families with young children to receive extra assistance. We know that being a parent is one of the most wonderful things in the world, but it can also be tough. Governments have a role in providing support to assist parents to do the best job possible from which we, as a community, benefit. There is a wealth of research that shows prevention and early intervention is one of the best ways to support families and reduce child abuse and neglect. What happens early in life can have a lifelong impact. If we can as a community give children the best possible start, we are playing our part in ensuring that children grow up as safe, happy, well-adjusted and successful adults. This rationale underpins the New South Wales Government's \$117 million Families First initiative.

I recently attended the Meadows Public School in Seven Hills to launch one of our Families First initiatives—the Schools as Community Centres Program. The program provides a community hub. It is a very good program because it uses existing resources with which many parents are comfortable through access with their school-aged children. The program offers integrated services, free of charge, to families with younger preschool children as well. In this way it often ensures that the preschool child becomes familiar and comfortable with the school environment. The Government has allocated \$374,000 in funding through the Department of Community Services to establish the centre at the Meadows Public School in Seven Hills. The funding will provide for the employment of a full-time facilitator who will help parents in the Blacktown and Riverstone area to access the wide range of support services and resources available to them.

Schools as Community Centres offer activities such as playgroups, parent information groups, special family activities and opportunities for parents to meet other parents. The centre at Meadows Public School will also organise visits to school before term begins, and work in partnership with parents to prepare their children to make the transition to school and help those children benefit fully from those all-important early school years. I spoke with the Principal of the Meadows Public School, who indicated that a high proportion of children who start at that school do not have an early childhood experience such as child care. This experience prior to starting school can be critical in helping them understand what it is like to be in that type of environment.

The community and children became involved in the centre prior to its opening through the local competition held to unearth local talent to design a poster, logo and slogan to produce an identity for the project. The competition was open to all children aged between 3 and 13 in the Seven Hills and Toongabbie area, and it was great to see 124 entries from local schools. This is just one part of the Government's \$9 million, four-year Families First initiative in the Cumberland-Prospect region. Under way is an Early Intervention Support Service for newly arrived migrants in the Blacktown local government area and a program to assist culturally and linguistically diverse families to access educational and information services at the time of their child's birth.

A community development project has begun in Rouse Hill's new release areas for families with children under eight years of age, based on similar lines as the Schools as Community Centres Program. Also the Riverstone Aboriginal Project addresses both family support services, and community and cultural development strategies. As well, there is an Aboriginal Liaison project in Mount Druitt. An early literacy initiative across the Cumberland-Prospect area is helping children to get the very best from their schooling. With a total of \$9 million to be spent on Families First programs in the region covered by the Blacktown and Riverstone area, I am pleased to advise the honourable member and the House that enormous strides are being made to support local families in these communities.

MONTAGUE ISLAND FISHING EXCLUSION ZONE

The Hon. DUNCAN GAY: My question is directed to the Minister for Primary Industries. Is the Minister aware of concerns from the Narooma community that the creation of a 1.5 kilometre fishing exclusion zone around Montague Island to protect grey nurse sharks will sound the death-knell for the town's prosperous tourism industry? Is the Minister further aware that more than 90 per cent of Narooma's charter fishing industry is carried out around Montague Island and the area has been a commercial fishing ground for over 30 years? Will the Minister investigate alternative means of protecting grey nurse sharks in the area?

The Hon. IAN MACDONALD: I really like these sorts of questions from the Deputy Leader of the Opposition because I would have thought that he would have read my press release of two weeks ago on this very topic in which I answered all his questions. If my memory serves me correctly, my press conference in Narooma received front-page publicity in the local newspaper. At the time I met with recreational fishing groups—

The Hon. Duncan Gay: What is the answer?

The Hon. IAN MACDONALD: I will take my time. I visited the Pro Dive Shop—a nice place on the hill at Narooma—and I met with the local Aboriginal community. I made it very clear that the Government has made no decision along the lines outlined by Gary Nairn, the member for Eden-Monaro—but he will not be there for much longer. I was there with Mr Kel Watt, the endorsed Country Labor Party candidate. I had a very good meeting with the local recreational fishing industry and with the professional commercial fishing interests. I made it clear that there is no such plan.

SYDNEY WATER DESALINATION PLANT PROPOSAL

Mr IAN COHEN: I ask a question of the Minister for Lands, representing the Minister for Energy and Utilities. The Minister has now said that constructing a desalination plant in Sydney is inevitable. Has the Government seriously considered alternatives to relieve pressure on current water supplies, such as storm water harvesting, permanent low-level water restrictions and recycling targets for industry? Why would the Minister pursue construction of a desalination plant when it is clear that massive energy is required and that the process would produce damaging greenhouse gases, which the Premier has made commitments to reduce? Does the Minister not recognise that this will entrench future profligate water usage in Sydney? Does not any member in this House realise how much electricity such a plant would use?

The Hon. TONY KELLY: I will refer the question to the Minister for Energy and Utilities to provide an answer as soon as possible.

SUPPORT SERVICES FOR CHILDREN WITH A DISABILITY

The Hon. TONY CATANZARITI: My question without notice is directed to the Minister for Disability Services. What is the latest action taken by the Government to support children with disabilities and their families?

The Hon. CARMEL TEBBUTT: I know that the Hon. Tony Catanzariti has a particular interest in what the Government can do to support children with disabilities and their families. I am pleased to advise the House of some updated information. The Government is committed to supporting children and young people with disabilities and their families. Indeed, it allocates more than \$180 million each year for services for children and young people with disabilities. These funds provide a range of services such as early childhood intervention support, support for school-age children, family support services, and respite and accommodation services. This support was enhanced by the new funding announced in this year's mini-budget, when the Government committed a further \$30.6 million over four years, including \$2.7 million in 2004-05, for services to support children and young people with disabilities and their families.

This funding will provide support for intensive family support services in more regions of New South Wales, the establishment of a family support program for families providing care in the home, the employment of 20 specialist child and family caseworkers, and improved access to appropriate models of out-of-home care. Certainly parents of a child with a disability do it tough. It is a tremendous strain on a family, and whatever support we can provide to parents to enable them to care for their child is better for the child, the family and the community.

The Government is aware of the importance of early intervention services that provide greater support to parents. Respite is one such service, but we need to consider other things as well for parents who are experiencing particular challenges or who have a son or daughter with high support needs. That is part of what the \$30 million to which I referred will fund. One major provider of services for people with disabilities in New South Wales is Centacare. The department provided Centacare with total recurrent funding of \$11.84 million in 2003-04. On 19 August I had the pleasure of opening the new Norma Parker respite house at Lakemba, operated by Centacare Sydney. I also had the opportunity to announce that the Government will provide an additional \$1 million in recurrent funding to Centacare Sydney for its children and youth services.

The funding will allow Centacare to provide a program of family based support services for children and young people with disabilities who have high support needs and who are unable to live with their own families. The program is known as the Alternative Family Placement Program. It will provide placements for at least 10 children and young people at any given time, and will operate in the areas of northern Sydney, Cumberland-Prospect, Nepean, south-east Sydney, the inner west, and south-west Sydney. The new funding will complement the existing Melanie's Place program operated by Centacare. The new funding is underpinned by the Government's commitment to provide opportunities for children with disabilities who cannot live with their own family to live in a family environment. However, there must be other families willing to take on the challenge of caring for a child with a disability. The additional funding will assist Centacare to recruit those other families to its program.

The department currently provides the Melanie's Place program with nearly \$250,000 of recurrent funding, and the funding for the new Alternative Family Placement Program will include the provision for Centacare to pay care allowances direct to the carers. It will also enable Centacare to employ specialist

caseworkers to support clients, carers and families, and to broker specialist disability services to support the child or young person. Appropriate placement of children in family-based care provides direct assistance to the children's family but, most importantly, provides better outcomes for children. If they cannot live with their own family it is important that they are in a family environment.

PARRAMATTA RAIL LINK OCCUPATIONAL HEALTH AND SAFETY

Ms LEE RHIANNON: I direct my question to the Minister for Transport Services. Why did the Minister and the Premier put the safety of workers at risk when visiting the Parramatta rail link in May this year by accepting an invitation from the construction company Theiss Hochtief joint venture to drive a petrol-powered vehicle inside the tunnel in breach of section 13 of the code of practice for tunnels under construction under the Occupational Health and Safety Act? Is the Minister aware that the codes of practice should be followed and that failure to do so may be used by a court as evidence to support a prosecution for an employer's failure to implement their duty of care? Will the Minister pursue this breach of the tunnel code?

The Hon. MICHAEL COSTA: Clearly Ms Lee Rhiannon's personal feelings towards me are dictating the questions she asks me. She asked this question of the Minister for Commerce in the estimates hearing, and the Minister took it on notice. The Government will not have two sets of bureaucrats answering the same question. In any event, all I would do is refer the question to the Minister for Commerce, and Minister for Industrial Relations. I would have thought Ms Lee Rhiannon would come up with a better question. Given the previous questions relating to greenhouse gas emissions and a range of other matters, I would have thought Ms Lee Rhiannon would be focusing on those issues. Obviously it is stunt time again. I am sure the Minister for Commerce will answer the question in due course.

BANKSTOWN HANDICAPPED CHILDREN'S CENTRE ASSOCIATION

The Hon. JOHN RYAN: My question is addressed to the Minister for Disability Services. What plans has the Government made to support the people who will be forced to leave the Bankstown Handicapped Children's Centre Association due to its forced restructure? What is the Government doing to ensure that the number of supported accommodation places in the Bankstown area is maintained once The Centre relinquishes between eight and 12 places according to the proposed restructure? When will expressions of interest be called for to secure alternative service providers for those places?

The Hon. CARMEL TEBBUTT: Last week I reported to the House on the outcome of the review that was undertaken by The Centre. As I indicated last week, part of the review was that The Centre needed to reduce its overall operations by 20 per cent. I assume the honourable member is referring to that. Perhaps the honourable member has taken what that means beyond what necessarily needs to happen. I am not sure that an expression of interest process is necessary. The honourable member can be assured that the department will ensure that those who need to be relocated from The Centre will be provided with appropriate accommodation, and it is managed in a way that has the least impact on the residents and their families.

Clearly what sits behind that recommendation—this was indicated in the review—is that The Centre has grown substantially over a relatively short period. The organisation has been the beneficiary of significantly increased funding from the Government to provide accommodation services. It seemed that The Centre had the willingness and the capacity to take people with higher support needs. However, the review indicated that The Centre must refocus its attention. To do that effectively the review recommended that it needed to reduce its operations by 20 per cent, and that will happen. That will ensure that The Centre is able to meet the range of other serious recommendations outlined in the review.

I make it clear that if The Centre does not meet the recommendations—the department will be closely monitoring The Centre and making monthly progress reports—it will be reassessed in six months; if The Centre does not achieve the required reforms we will have to consider re-auspicing the total service. If that comes to pass the issues raised by the Hon. John Ryan would be relevant at that point, but at this point the department is able to appropriately manage relocating individual residents, as I said, in a way that minimises the impact on them and their families.

The Hon. JOHN RYAN: I ask a supplementary question. Will the Minister elucidate what will happen to the eight to 12 places currently operated by The Centre? When will the Minister seek alternative service providers to take those positions so that these valuable resources of supported accommodation places are not lost to the overall care system?

The Hon. CARMEL TEBBUTT: The honourable member can be most reassured that there will not be a loss of funding to the overall supported accommodation system. Some of the accommodation places at The Centre were funded by interim funding so that needs to be addressed, but I assure the honourable member we will manage this issue so there is minimal impact on the residents and families.

RURAL FIRE SERVICE FUNDING

The Hon. IAN WEST: My question without notice is addressed to the Minister for Emergency Services. Will the Minister please update the House on the latest round of rural firefighting funding allocations?

The Hon. TONY KELLY: This summer is predicted to be one of high temperatures and low humidity. The devastating drought conditions over much of the State have led to an early start of the official bushfire period. Unless there is dramatic change in the weather—and pretty soon—New South Wales will be facing one of the most severe bushfire seasons in the past decade. Unfortunately, this means our volunteer firefighters will be on high alert and on the fire ground much longer. This year's record allocation of \$134.2 million for the firefighting fund will help ensure that our firefighters around the State are well prepared, protected and supported for this season. The Rural Fire Service funding is part of this year's all-time high \$666 million emergency services budget.

Again, I thank my colleague the Treasurer for his support. I know some people on the other side call him "Michael the mean", but I do not support that because he has given us again a record increase. He continues to support the Rural Fire Service, New South Wales Fire Brigades and the State Emergency Service. The Rural Fire Service is renowned as one of the top fire fighting forces in the world. The Carr Government has invested unprecedented funding in the service to support its work of protecting the community. A whopping \$134 million for the 2004-05 rural firefighting fund is an increase of 7.3 per cent over last year's record funding.

Members opposite keep interjecting because they know that I am getting to the point where I will say how much money this Government has given for the Rural Fire Service compared to how much the Coalition gave when it was in government. There has been an increase of more than 164 per cent since 1994-95, when we inherited a sadly neglected Rural Fire Service from the Coalition Government. This latest allocation brings the total funding the Government has committed over 10 years to \$930 million—almost a billion dollars. I remind the House of what I said yesterday. In seven years the Coalition gave only \$197 million.

This year's regional funding allocations for local brigades around the State are now being distributed to local councils. The councils in the electorate of Murray-Darling alone got an increase of 11.4 per cent. Members opposite do not like hearing good news. These allocations will help to ensure the 67,000 volunteers will have equipment, facilities, resources and training and whatever other support they need for their work in protecting lives and property. [*Time expired.*]

The Hon. IAN WEST: I wish to ask the Minister a supplementary question—

The Hon. Rick Colless: Point of order: The Minister asked the honourable member to ask a supplementary question.

The PRESIDENT: Order! Members must leap to their feet and seek the call. Recently members have been standing meekly in their places and not seeking the call. That has to change. The time allowed the Minister to answer the question has expired.

STATE FORESTS ACCESS

The Hon. JON JENKINS: My question is directed to the Minister for Transport Services in his role assisting the Minister for State Development. What are the Minister's plans for providing access to State forests post privatisation? For example, will the Minister elaborate on how groups such as the scouts will be affected by this loss of access to public land?

The Hon. MICHAEL COSTA: This is the first occasion I have had the opportunity to answer a question as the Minister Assisting the Minister for State Development, which is interesting given that the Minister for State Development is in the Chamber, but I will answer the question. The Government is undertaking a review of State forests, particularly on the sustainability of our forests. The Government has not made any decisions—it is still consulting. Among the groups that will be consulted will be users of the forests.

The honourable member asked me previously about this matter, and I will ensure that as the issue of the future of State forests progresses, recreational use will be taken into account. As somebody who, on a personal level, uses State forests for recreational purposes, I understand there is a strong and legitimate constituency using State forests. In any process we should—

The Hon. Duncan Gay: You should declare that illegal firewood.

The Hon. MICHAEL COSTA: You are not allowed to collect firewood, as you know. I do not know why.

The Hon. Melinda Pavey: Because your Government says so.

The Hon. MICHAEL COSTA: I am not talking about the Government. I am talking about the scientific reasons behind it. This is an important issue. As I said, I share a sympathy with the honourable member, and the Government has put it down as one of the issues it will be looking at in relation to the future of State forests.

The Hon. JON JENKINS: I ask the Minister a supplementary question. Will the Minister elucidate his response by acknowledging that he will negotiate on the scouts' behalf for access to national parks if they lose access to the State forests under the privatisation scheme?

The Hon. MICHAEL COSTA: I accept the legitimate basis for asking the question, that is, to protect access to State forests, but it implies that we have already made a decision that will not allow access for scouts and other recreational users. That is not the case. So, I do not think at this stage—

The Hon. Duncan Gay: But you are saying you have made a decision, are you not, with that statement?

The Hon. MICHAEL COSTA: I said we have not made a decision.

The Hon. Duncan Gay: Will you include them?

The Hon. MICHAEL COSTA: Our decision will include consultation with all stakeholders. We have not made a decision on the future of State forests. We are concerned about the sustainability of the timber industry. We are strongly committed to that from an economic and jobs point of view, but it requires that we go through the normal government consultation processes and then internal deliberations. Mr Ian Cohen said I had a lot in common with the honourable member who asked the question. On that matter I do. I think we should be able to use assets like State forests for public recreation. There is nothing wrong with that and it is a sensible strategy to have. We will take that into account.

INNER-CITY SCHOOLS REDEVELOPMENT TREASURY LOAN

The Hon. CATHERINE CUSACK: My question is directed to the Treasurer. How much money did the Department of Education and Training borrow from Treasury for the redevelopment of inner-city schools under the inner-city schools strategy? When did it borrow this money and where is it recorded in the budget papers? How much of the debt has been paid off? How is it being paid off? When will it be totally repaid? How much interest is the Department of Education and Training being charged?

The Hon. MICHAEL EGAN: I will take the question on notice. I point out to the House that the schools budget has a record capital works program, as it has had for a number of years.

WORKCOVER FINANCIAL IMPROVEMENTS

The Hon. HENRY TSANG: Can the Minister for Commerce update the House on the latest financial improvements to the WorkCover scheme?

The Hon. JOHN DELLA BOSCA: I am happy to inform honourable members that the scheme's independent actuary has delivered its latest assessment of the scheme's financial situation. PricewaterhouseCoopers has informed the WorkCover board that there has been a \$576 million improvement in the financial position of the New South Wales workers compensation scheme. The valuation shows the scheme's

projected deficit has been reduced substantially over the past six months. The independent actuary reported that the deficit at 30 June was estimated to be \$2,353 million. This is a reduction of \$576 million on the previous valuation, in December. This significant improvement is the result of a combination of better claims management and a strong investment return. I should also mention that at last count the Government's 2001 reforms had saved the scheme \$1,800 million. The vast majority—better than 90 per cent—had come from legal and related transactional costs.

Improvements to the scheme continue, with a focus on better claims management and improved services to workers and employers. It is anticipated that by continuing to streamline the scheme and focus on projects that will deliver significant improvements in the short term this positive trend will continue. The better investment returns over the past 18 months reverse the previous trend of lower investment returns because of instability in international markets. PricewaterhouseCoopers also reports that the scheme's funding ratio has improved to 73 per cent—up from 68 per cent only six months ago. This valuation demonstrates that the Government's 2001 reforms and the ongoing efforts to improve the scheme are delivering positive results. The valuations executive summary states:

The scheme has a surplus from underwriting operations over the two years to June 2003. Prior to that, the scheme was making large losses. The surpluses are mainly a result of cost savings emerging due to the legislative reforms implemented in December 2001.

The valuation helpfully includes a graph showing the creation of the scheme deficit in the early 1990s. Following the 2001 reforms—which were opposed by the Opposition—the graph shows premiums holding steady while costs dropped below premiums for the first time in a decade. WorkCover will continue to work with insurers, employers and workers to ensure the best possible results for the scheme and, more critically, its most important stakeholders, injured workers. This will benefit all workers and employers in New South Wales and will allow the Government to maintain a fair and equitable workers compensation system. The implementation of the scheme design reforms in 2005 should further reduce the deficit and improve service delivery for injured workers and for employers.

LOCUST CONTROL

The Hon. RICK COLLESS: My question is to the Minister for Primary Industries. How would the Minister reply to farmers who have professionally put aside fodder, money and water to overcome the ravages of drought and planted crops to help the recovery only to find out that the Minister has not performed his job with the same diligence in combating locusts last season?

The Hon. IAN MACDONALD: Absolute nonsense! We have done very well with 106,000 hectares sprayed. The point that the Hon. Rick Colless misses is that it is much harder to fight locusts once they have taken wing.

The Hon. Rick Colless: That is the whole point.

The Hon. IAN MACDONALD: I am the Minister responsible for these matters and I can advise the member that we have a fine team in the Department of Primary Industries that is capable of finding locusts. We have the best preparation in the history of this State for finding the potential outbreak this spring. I have every confidence that the department will do a great job. The poor Nationals opposite can only every now and again in this Chamber ask a nasty little question, and make a nasty little reference, when the department is out there fighting this locust plague tooth and nail. The Nationals are totally irrelevant.

Mr Ian Cohen: Locusts are a good source of protein.

The Hon. IAN MACDONALD: Yes. While in Bangkok, Thailand, in July, my daughter ate grasshopper—as well as some other things that I would not care to mention.

The Hon. Duncan Gay: Point of order: In case the Minister is not aware, sheep cannot eat grasshoppers.

The Hon. IAN MACDONALD: I was responding to a serious interjection from Mr Ian Cohen, the sometime ally of the Hon. Duncan Gay.

The Hon. Duncan Gay: Yes, but he gives his preferences to the Australian Labor Party.

The Hon. IAN MACDONALD: He is a man with great judgment. The department is fighting this locust plague. It is going to be a hard fight but we are going to win it.

GAMING MACHINES PAYOUT ALTERNATIVE

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Primary Industries, representing the Minister for Gaming and Racing: Is the Minister aware that on 7 September the *Daily Telegraph* reported that a hotel in Strawberry Hills has been offering erotic men's massage in a nearby brothel as an alternative to cash payouts from poker machines? Does the Minister recognise that this incentive represents a further weapon against marriages and families by the poker machine and hotel industries and that families bear the brunt of the pain and misery that accompany problem and pathological gambling? What, if anything, has been done by the Minister to put a stop to this hotel's offer of erotic massages in nearby brothels for people playing poker machines?

The Hon. IAN MACDONALD: As much as I am sorely tempted to answer the question, I will refer it to my colleague for him to answer.

INDUSTRY CAPABILITY NETWORK

The Hon. JAN BURNSWOODS: Will the Treasurer and Minister for State Development inform the House about the success of the New South Wales Government-sponsored Industry Capability Network in replacing imports with home-grown contracts?

The Hon. MICHAEL EGAN: The Industry Capability Network is a national network of offices that works to identify contract opportunities for Australian businesses. The network's main aim is to find local suppliers that can provide an alternative to imports, which obviously means more Australian jobs and healthier Australian industries. The Industry Capability Network in New South Wales is supported by a \$1.5 million a year allocation from the Department of State and Regional Development. I am pleased to report that in the past financial year New South Wales firms secured \$126 million of work from the Industry Capability Network, a 24 per cent increase on the previous year. A total of 119 firms benefited from the Industry Capability Network's support, which helped sustain 630 direct jobs and more than 1,600 indirect jobs. The bulk of the success is not in Sydney but in the regions. Regional firms have secured \$97 million of contracts, with 77 firms benefiting.

The Industry Capability Network has recently appointed a new executive director in New South Wales, Mr Philip Sellars. Mr Sellars previously worked as managing director and chief executive officer of Thyssen TransRapid Australia, the Australian subsidiary of one of Germany's multinational engineering companies, ThyssenKrupp. Mr Sellars says that he plans to promote the ICN more widely to further its success and support for New South Wales industry. The ICN services New South Wales from its Sydney office and from offices in Newcastle, Orange, Grafton, Tamworth, Wagga Wagga and Albury. Network consultants also operate from Goulburn and Dubbo. Consultants are assigned to specific companies to work on projects where there are significant import replacement opportunities and a commitment to local industry participation.

Some recent New South Wales import replacement successes include an example at West Wyalong and Griffith. The ICN representative at Wagga Wagga helped to secure \$6.7 million in local engineering equipment contracts with Pace Farm Eggs at West Wyalong and Griffith. In the central west, six local companies were engaged for the construction of the New South Wales Office of State Revenue building at Lithgow and undertook a total of \$650,000 worth of work. In the past two years and due to opportunities identified by the New South Wales ICN, Australian manufacturers have secured more than \$64 million in contracts to design, produce and commission longwall mining equipment for New South Wales coalmines in the Illawarra, the Central West, the Southern Highlands and the Hunter Valley. Equipment that otherwise would have been imported included hydraulic packages, coal-handling systems, monorails, electrical packages, armoured-face conveyors and longwall equipment refurbishment programs. I congratulate the ICN on its great results for the past financial year and look forward to hearing about more of its successes.

GAME LICENCES

Ms LEE RHIANNON: My question is directed to the Minister for Primary Industries. Does the Minister agree that State Forests has not yet given permission for people with a game licence to shoot on its land? People who pay \$60 for a game licence do not gain any benefit over what they enjoy by obtaining a standard gun licence. Given that the Minister said during the estimates committees that the New South Wales

Game Council would be self-funded, does he acknowledge that that will not be possible until shooters have access to State Forests land because only then will game licences be an attractive proposition for shooters?

The Hon. IAN MACDONALD: This is a good question. It is certainly the Government's intention that the New South Wales Game Council be self-funded. It is anticipated that at some point, following appropriate discussions and the development of guidelines, there may be a chance for shooters to engage in activities on State Forests land, but that is down the track. A wild duck mitigation program involving about 4,000 shooters is carried out annually in the southern part of the State. Arrangements have been made by the National Parks and Wildlife Service and the Game Council in that regard, and I understand that about 1,200 licences have been issued already. If the 4,000 duck shooters involved in the mitigation program obtain licences, income of approximately \$240,000 will be generated. The Government insists that the Game Council be self-funded, and various avenues are available to enable that goal to be realised. The council could play a role in a number of other areas that might assist it in achieving full financial viability.

PEAT ISLAND CENTRE RESIDENTS

The Hon. ROBYN PARKER: I direct my question to the Minister for Industrial Relations and Minister for the Central Coast. Are Peat Island Centre residents still being denied their fundamental rights—for example, accessing community-based activities such as church services—as a result of an ongoing industrial dispute? What action has the Minister taken in his roles as the Minister responsible for industrial relations and for the Central Coast to resolve this matter so that Peat Island Centre residents can exercise their democratic right to be full and active members of the community?

The Hon. JOHN DELLA BOSCA: I recall that some time last week an almost identical question was asked of my colleague the Hon. Carmel Tebbutt. It is important to point out that I am the regulator of industrial relations in my role as Minister for Industrial Relations. Honourable members should not waste their opportunity to ask questions. The Hon. Carmel Tebbutt has already taken the appropriate action and referred the question to the relevant Minister. I will leave it to be answered by the relevant Minister—

The Hon. Catherine Cusack: Why don't you do something?

The PRESIDENT: Order! I call the Hon. Catherine Cusack to order for the first time.

The Hon. JOHN DELLA BOSCA: —either by reference to the question asked of me or the question asked of the Hon. Carmel Tebbutt.

CASINO TO MURWILLUMBAH RAIL LINE PRICEWATERHOUSECOOPERS REPORT

The Hon. AMANDA FAZIO: I direct my question to the Minister for Transport Services. What is the latest information on the publicly funded PricewaterhouseCoopers report on the XPT service between Casino and Murwillumbah?

The Hon. MICHAEL COSTA: I am glad the honourable member has asked this question because it is very important. I am surprised that we are almost through question time and honourable members opposite, who have shown great interest in the Casino to Murwillumbah rail service, have not asked me a question about it, given that only yesterday PricewaterhouseCoopers released its Federal Government-funded report on that service.

The Hon. Catherine Cusack: You are getting married today; you should be nice. You should be nice on your wedding day.

The Hon. MICHAEL COSTA: I could never be nice to the honourable member. I expected a question from the Opposition on this topic and I was surprised not to receive one. After reading the report I understand why I have not been asked a question by the Opposition. The report does not advocate the reinstatement of the Casino to Murwillumbah XPT service. Honourable members opposite came into Parliament week after week, berating the Government for making a sensible decision in response to budget cuts imposed by the Federal Grants Commission, and said that the service should be reinstated. They then commissioned a report, but it advises that the service should not be reinstated. In fact, it states that that would be the most expensive option. It also states that the figures the Federal Government and local Opposition members were using in relation to the

line were bogus. The report states that, contrary to the claim made by honourable members opposite, the service cannot be reinstated for \$100,000. The report makes it very clear that the State Government's costings are accurate.

Not only have honourable members opposite been exposed as political hypocrites by engaging in a stunt that has completely backfired on them, but they are now so embarrassed that they will not even talk about the report they commissioned using public funds. No wonder when I asked last week that the report be tabled honourable members opposite choose not to table it. The report clearly states that the Casino to Murwillumbah line cannot be reinstated for \$100,000. The Coalition's political stunt has backfired and the Opposition is embarrassed. Its own publicly funded report states that the only way to reinstate the service is to vote for Mark Latham. If honourable members opposite want the Casino to Murwillumbah XPT service they should vote for Mark Latham. There is no other option on the table that provides the funding necessary for the service. The Coalition has been embarrassed. I feel sorry for the Hon. Melinda Pavey, but she should not make shrill comments—

The Hon. Michael Gallacher: Shrill comments?

The Hon. MICHAEL COSTA: That is how this occurred. She should not make shrill comments about a report—which she has not read—that says precisely the opposite of what she alleges. The document says not to return the Casino-Murwillumbah XPT; in fact, it says to put some railcars on. All along we have been subject to an embarrassing political stunt that has backfired on the Coalition.

The Hon. AMANDA FAZIO: I ask a supplementary question. Will the Minister briefly elucidate his answer?

The Hon. MICHAEL COSTA: In the two minutes that is allocated to me I will be as brief as I can be on this matter. I am enjoying go through this report.

[*Interruption*]

The PRESIDENT: Order! I call Hon. Melinda Pavey to order for the first time.

The Hon. MICHAEL COSTA: I suggest that all honourable members get a copy of the report. I note that the Hon. Jennifer Gardiner has a copy. She should have asked a question about it. I ask the Coalition to explain why its own publicly funded report, commissioned by it, says precisely the opposite of what the Coalition has been saying every day in this House. There is absolutely no way the Casino to Murwillumbah service can be returned with the money that the Coalition has on the table. The Coalition has been telling a lot of big fibs all over the place.

[*Interruption*]

I know this is embarrassing for the Hon. Melinda Pavey. I know she attended the meeting with John Anderson and begged him to match our offer. I heard reports about it. John Anderson chose not to match the offer that is on the table. That means that if anyone is responsible for the Casino to Murwillumbah XPT service not running today it is the Coalition. I remember the Deputy Leader of the Opposition rubbing his hands together and saying to us at the time, "Two seats! This is a great decision." Members opposite have not been able to get their Federal colleagues to come up with the cash. We have got the cash on the table. I look forward to the Federal election. I will not be here, unfortunately, but I have already voted for Mark Latham—

[*Interruption*]

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the second time.

The Hon. MICHAEL COSTA: The Coalition has been shot in the foot. [*Time expired.*]

BAIL APPLICATION LENIENCY

The Hon. Dr PETER WONG: My question without notice is addressed to the Minister for Justice, representing the Attorney General. Is the Minister aware of the "bail for sale" scandal, whereby a suspected sexual predator has been given incredible bail conditions? Is the Minister not of the opinion that such acts of

leniency by the courts set a dangerous precedent under which "money talks and sexual predators walk"? Does the Minister believe that the Local Court is the appropriate forum for dealing with such grave alleged offences?

The Hon. JOHN HATZISTERGOS: The answer to the first part of the question is no, I am not aware of the scandal to which the honourable member refers. The remaining parts of the question ask for opinions and, therefore, are not able to be answered.

BROTHELS PLANNING GUIDELINES

The Hon. DAVID CLARKE: My question is directed to the Minister for Transport Services, representing the Minister for Infrastructure and Planning. What action has the Minister taken to ensure that the best practice model planning guidelines to promote sex services premises, that is brothels, as proposed by the Sex Services Planning and Advisory Panel, will not result in a proliferation of home business sex workers, that is prostitutes, in residential flats and homes throughout New South Wales? Can the Minister provide statistics on the number of legal and illegal brothels currently operating in New South Wales?

The Hon. MICHAEL COSTA: Clearly, this is a question for the Minister for Infrastructure and Planning. However, I thank the Hon. David Clarke for clarifying, with great emphasis, what he believes a sex worker is: a prostitute. I know that Uncle Arthur has a problem with moral issues in relation to these sorts of matters, but I am surprised by his emphasis on the word "prostitutes". Given that he wants a response in relation to sex workers, as we traditionally describe people in the sex industry, I will seek a response from the Minister for Infrastructure and Planning.

EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Primary Industries. Will the Minister inform the House of any progress on the issue of the rollover of exceptional circumstances drought assistance?

The Hon. IAN MACDONALD: In the last few weeks I have had the opportunity of meeting with a number of rural lands protection boards in relation to exceptional circumstances [EC] drought assistance, the most important of those being the South Coast Rural Lands Protection Board. Members will hopefully be familiar with this issue, as I have had to raise it many times in the House already. We know that the exceptional circumstances system is choking on masses of red tape. We know that desperately needed assistance is only trickling through to a small fraction of all the producers who need it.

It now appears likely that even those fortunate few will have their assistance taken away from them. No fewer than 25 EC declarations in New South Wales alone will lapse before the end of the year. This will start with the Grafton-Kempsey declaration on 20 November. Declarations for the Western Division, northern New England, Armidale, Young stone fruit producers, Condobolin, Dubbo, Central Tablelands, South Coast, and many more, will also end soon.

This inflexible two-year deadline may be adequate on paper under less severe drought conditions, but it is dismally inadequate in the face of this record drought. Unfortunately, only one man can put these producers out of their misery and extend their EC declarations, and that is the Federal Minister for Agriculture, Fisheries and Forestry, Warren Truss. We were given false hope in May, when the Commonwealth appeared to agree to my motion at the Primary Industries Ministerial Council calling for a more streamlined rollover process, but Mr Truss has not come up with a proper alternative. His underhand actions denied farmers the blanket protection of the automatic EC rollover, which they so desperately need. Instead, farmers are now at the whim of the Federal Government, which is selectively extending EC assistance on a region-by-region basis.

Mr Truss only reluctantly extended the EC declarations for one region so far—the Bourke-Brewarrina region—under great pressure from the member for Murray-Darling, Peter Black. But then, two days later, something very convenient happened: a Federal election was called. And that, according to Mr Truss, has absolved him of any responsibility to help drought-affected farmers.

The Hon. Duncan Gay: You are playing politics with the drought. That's very ordinary!

The Hon. IAN MACDONALD: There is a bit of the rub in this, so just hold on. As Mr Truss told ABC radio on 16 September:

The Government is currently in caretaker mode and therefore it's not able to rollover these decisions, even if it chose to do so.

Let me correct the record. The Federal Government can roll over these EC decisions. In fact, there is a very clear precedent from exactly the same Government during the 1998 Federal election campaign. The Deputy Prime Minister at the time, the Hon. Tim Fischer—whom I met on Tuesday at Henty; he looked in fine form—extended EC assistance to what was then known as the Wentworth and Broken Hill rural lands protection districts. This was perfectly legitimate because it was done in consultation with the Opposition. Farmers were given a higher priority than politics. Mr Truss has our open clearance to make the decision now, rather than say that he cannot do it because the Federal Government is currently in caretaker mode. As I said, the then Deputy Prime Minister, the Hon. Tim Fischer—

The Hon. Duncan Gay: Stop playing politics with the drought.

The Hon. IAN MACDONALD: I am not playing politics. This is very important because a number of the rural lands protection boards have said to me, "Look, there is enormous uncertainty about this rollover process. What is happening? We want to be assured that our farmers in these areas are going to get assistance. What can you do about it?" What can be done about it is that Mr Truss can take this opportunity to follow the lead of a great National Party member of the past, Tim Fischer, who made the decision during an election period to extend drought assistance. Mr Truss should take that step—

The Hon. KAYEE GRIFFIN: I ask a supplementary question. Will the Minister please elucidate his answer?

The Hon. IAN MACDONALD: I am not playing politics in this area, I am trying—and I think the Opposition should be supporting me in this—to get Mr Truss to make the decision to say these are rolled over.

The Hon. Patricia Forsythe: He can't make a decision. The Government is in caretaker mode.

The Hon. IAN MACDONALD: He can. I have just pointed that out. The Hon. Patricia Forsythe was not listening. She has missed my entire contribution. There is a precedent. She should look up the record. In 1998 Tim Fischer, the then Deputy Prime Minister, made a decision to extend it. Mr Truss can do it, and I call upon him to do it, and I call on the Deputy Leader of the Opposition to do a courageous thing and join me.

The Hon. MICHAEL EGAN: If members have any further questions, I suggest they place them on notice.

Questions without notice concluded.

ANTI-DISCRIMINATION AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

Bill received, read a first time and ordered to be printed.

Motion by the Hon. John Hatzistergos agreed to:

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

Second reading ordered to stand as an order of the day.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Membership

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that it has this day agreed to the following resolution:

That Barry Joseph Collier be appointed to serve on the Committee on Children and Young People in place of Linda Jean Burney, discharged.

Legislative Assembly
22 September 2004

JOHN PRICE
Deputy-Speaker

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**Membership**

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that the following members of the Legislative Assembly have been nominated to serve as members on the Joint Standing Committee on Electoral Matters:

Mr Corrigan
Mr Pearce and
Ms Saliba

Legislative Assembly
22 September 2004

JOHN PRICE
Deputy-Speaker

LEGISLATION REVIEW COMMITTEE**Membership**

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that it has this day agreed to the following resolution:

That Linda Jean Burney be appointed to serve on the Legislation Review Committee in place of Barry Joseph Collier, discharged.

Legislative Assembly
22 September 2004

JOHN PRICE
Deputy-Speaker

SPECIAL ADJOURNMENT**Motion by the Hon. Michael Egan agreed to:**

That this House at its rising today do adjourn until Tuesday 19 October 2004 at 2.30 p.m.

[The President left the chair at 1.02 p.m. The House resumed at 2.15 p.m.]

JOINT STANDING COMMITTEE UPON ROAD SAFETY**Report**

The Hon. Ian West, on behalf of the Chair, tabled report No. 3/53, entitled "World Health Day 2004 'Road Safety Is No Accident'—Wednesday 7 April 2004", dated September 2004.

Ordered to be printed.

MILLENNIUM TRAINS

Debate resumed from an earlier hour.

The Hon. IAN WEST [2.17 p.m.]: There have been a number of teething problems with the Millennium train, similar to the teething problems with the delivery of the Tangara, and these have been widely reported. The Minister for Transport addressed these issues in 2003. He wrote to Vince Graham, the Chief Executive Officer of RailCorp, and an independent expert from Victoria was brought in to review the introduction of the trains and make various recommendations for improvements. In mid June 2003 Victorian rail expert Chris McKeown was asked to provide a technical assessment of how State Rail's project management of the technical problems was conducted and, secondly, to identify any gaps and/or required improvements in the projected skills necessary to complete the delivery and enhance the reliability of the Millennium train rolling stock.

The McKeown report found that State Rail's Millennium Train Project Group was effectively addressing reliability issues affecting the train's performance; that the then level of faults with the Millennium train was disappointing, although not unusual given the chosen complexity and sophistication of the design features; that satisfactory progress was not being made under the new testing regime in addressing problems with the on-board electronic train operating system [TOS] and traction; and that the adequacy of power for the Millennium train needed to be reviewed, especially in areas of weaker power supply on the system.

The McKeown report also recommended that State Rail should establish clear criteria to measure the success of EDI Rail and its subcontractors in identifying and fixing faults under the new testing regime; consider the need for additional independent advice to assess testing, acceptance and related technical issues; closely monitor power supply and traction upgrades currently being undertaken by the Rail Infrastructure Corporation to ensure that future demand by higher performance trains on the rail network is met; consider new software to address the Millennium train's compatibility with areas of weaker power supply on the network; review the need for a complex electronic train management system on any future purchase of rolling stock in light of technical difficulties; and require improved contractual arrangements between future rolling stock manufacturers and subcontractors to address issues affecting on-board electronic systems.

In addition to the report, a new testing regime for new carriages was also introduced by State Rail and the manufacturers, EDI Rail. This includes an eightfold increase in pre-service testing and additional specialist technicians. At the time the Minister for Transport Services said that the train was too complex, which made it more difficult for the Millennium train to be integrated into the rail network. As a result of these experiences in late 2003 a steady freight-purchasing plan was developed. The New South Wales Government's \$1.5 billion fast-tracked purchase of almost 500 new carriages will mean that all non-airconditioned trains will be replaced by 2010, not 2017 as originally planned. The Hon. Greg Pearce's motion is nothing more than a fishing expedition. He has cast the net to see what will be disclosed. Many of us like fishing, including trawling up and down the bank—a very enjoyable method of fishing.

The Hon. Henry Tsang: But wasting a lot of money.

The Hon. IAN WEST: I do not spend much money when I go flathead fishing. I trawl from the bank up and down with the tide, trying to catch some nice flathead. To catch tailor I wait for seagulls to chase the baitfish or I throw out the spinner and pull it in that way. [*Quorum formed.*]

Fishing expeditions can be very enjoyable and I engage in them at every opportunity. However, this is an entirely inappropriate fishing expedition. If the Opposition wants some weird and wonderful definition of corruption, it should direct the matters to the appropriate body, the ICAC. The Auditor-General has already examined these issues in detail, including pricing issues, and has advised that prices are not outside the norm. This motion will do nothing more than waste the time and money of the people of New South Wales. Increasingly, the Opposition engages in broad-ranging fishing expeditions, rather than referring matters to the ICAC. However, if such a motion were moved, the Government would need to seriously consider whether to support it because to do so would only waste taxpayers' money.

The Hon. RICK COLLESS [2.28 p.m.]: I move:

That this debate be now adjourned until the first sitting day in December 2004 that private members' business takes precedence.

The House divided.

Ayes, 16

Dr Chesterfield-Evans	Mr Gay	Mr Pearce
Mr Clarke	Ms Hale	Ms Rhiannon
Mr Cohen	Mr Jenkins	
Ms Cusack	Mr Oldfield	<i>Tellers,</i>
Mrs Forsythe	Ms Parker	Mr Colless
Miss Gardiner	Mrs Pavey	Mr Harwin

Noes, 14

Ms Burnswoods	Ms Fazio	Ms Tebbutt
Mr Catanzariti	Ms Griffin	Mr Tsang
Mr Costa	Mr Hatzistergos	<i>Tellers,</i>
Mr Della Bosca	Mr Kelly	Mr Primrose
Mr Egan	Mr Obeid	Mr West

Pairs

Mr Gallacher
Mr Lynn
Mr Ryan

Mr Macdonald
Ms Robertson
Mr Roozendaal

Question resolved in the affirmative.

Motion for adjournment agreed to.

MOBILE PHONE TOWERS

Ms SYLVIA HALE [2.36 p.m.]: I move:

That this House:

- (a) calls on the Federal Government to review schedule 3 of the Telecommunications Act 1997 and its "Low Impact Facilities" determination that currently exempts telecommunications companies from planning laws for certain facilities,
- (b) calls on State and Federal government agencies to address the current deplorable state of enforcement of current laws relating to the installation of mobile phone towers,
- (c) calls on the State Government to introduce legislation consistent with European guidelines that bans the installation of 3G mobile phone towers within 300 metres of any school ground, and
- (d) calls on local councils to introduce development control plans requiring development consent for all mobile phone tower installations.

It is timely that this motion is being debated against the backdrop of a Federal election, because this issue spans all three tiers of government but particularly affects the Federal Government. The Federal Telecommunications Act urgently needs reform, and I will talk more about the detail of that reform in due course. Let me begin this debate with a brief explanation of the technology. Conventional mobile phones used by most people are second generation, or 2G. These phones have been in wide circulation for the past five years. In metropolitan areas of the country telecommunications companies have an extensive and relatively mature 2G network.

The radio frequency at which they operate requires antenna towers to be built approximately three kilometres to five kilometres apart. Each tower can handle only a limited number of calls so ever-increasing demand means that the entire system is undergoing a constant process of expansion. The Australian Communications Authority anticipates that Telstra alone will install 6,000 new or enlarged mobile installations over the next 18 months. Third generation, or 3G, mobile phones are a different network. 3G phones transmit live moving video images. Presently only Hutchison Telecommunications has a 3G network, and all other carriers offering this service rent space on the Hutchison network. However, Telstra has recently entered into a joint partnership with Hutchison to use its network, and Vodafone and Optus have agreed to share a second 3G network. Hutchison is expected to build 5,000 base stations for its 3G network in the next two years.

Hutchison and Orange Telecommunications are owned by Hong Kong businessman Li Ka-shing. His parent company, Cheung Kong (Holdings) Limited, is ranked as one of the 100 largest corporations in the world and operates in 40 countries with 160,000 staff. The 3G network operates at 2,100 megahertz and requires towers to be located much closer together—between 1.5 kilometres and three kilometres apart—than the three kilometres to five kilometres apart for 2G. This greater concentration means there will be more towers. It also means that in any urban area an individual will be no more than 750 metres to 1,200 metres from a 3G tower.

Even now many people are living in close proximity to towers. Some schoolchildren will spend almost every minute of every day exposed to the potentially harmful effects of electromagnetic radiation. The principal concerns associated with both 2G and 3G phone towers can be broadly divided into two categories. One is the health impact associated with electromagnetic radiation. The second is the planning impact associated with the way phone companies install towers, often ignoring community opposition and bypassing planning laws. I will deal with these concerns separately.

I refer first to the health impacts. Both mobile phones and the antennas towers emit electromagnetic radiation, commonly referred to as EMR. The possible impacts of EMR on human health are not well understood, but EMR has been linked to increased rates of cancer, headaches, sleep disturbance, depression, and infertility. EMR is emitted by a wide range of electronic items, and mobile phones are certainly not the only

source of concern. But ongoing uncertainties about the risks that EMR poses to human health cannot be ignored. Public policy makers and the telecommunications industry should be especially cautious in developing guidelines for the siting of mobile phone towers. If we are to avoid past mistakes associated with tobacco and asbestos, where for decades industries continued to peddle their highly damaging products in a laissez faire environment, the precautionary principle must prevail.

Unfortunately the opposite has been the case. Despite the possible risks associated with EMR, Federal and State governments and the telecommunications industry spend almost nothing on funding independent scientific research. Despite the Federal Government gaining a \$1.6 billion windfall when it auctioned off the 3G spectrum, in 2003 the Federal Government allocated only \$2.5 million over five years for EMR research—a paltry figure by comparison with the enormous profits of the telecommunications industry. There is one area where the precautionary principle should not be negotiable: children. No generation has the right to gamble with the health of its children, and children are particularly susceptible to EMR because their bodies are still growing, and because their skulls are thinner and offer less protection from radiation.

A number of European countries have guidelines that limit the proximity of mobile phone towers to schools and places where children congregate for long periods. The New South Wales Teachers Federation has accepted this view, and supports the principle that mobile phone towers should not be located within 300 metres of school grounds. Yet Hutchison Telecommunications has built 3G towers not only near but within schools and sports grounds across Sydney. I have put questions on notice in this House to the Minister for Education and Training asking precisely which public schools have towers within 300 metres of the school grounds. The responses have repeatedly avoided the issue, so I can only presume the department does not have this information.

For the public record and the Minister's benefit, I will list the primary schools that are within 300 metres of a mobile phone tower. They are Allambie Heights, Arncliffe, Ashfield, Bangor, Bellevue Hill, Beverly Hills North, Beverly Hills, Bexley, Bilgola Plateau, Blakehurst, Bronte, Busby West, Cammeray, Campsie, Canley Heights, Carlingford, Castle Hill, Clemton Park, Collaroy Plateau, Concord, Croydon Park, Doonside, Double Bay, Eastlakes, Eastwood Heights, Engadine, Engadine West, Epping West, Fairvale, Five Dock, Forestville, Gardeners Road, Gladesville, Greenacre, Greystanes, Gymea Bay, Hammondville, Hunters Hill, Hurstville, Killarney Heights, Leichhardt, Lilli Pilli, Liverpool, Malabar, Marrickville, Marton, Matraville, Menai, Minali Special, Miranda, Mona Vale, Mortdale, Mt Colah, Murray Farm, Noumea, Nuwarra, Oatlands, Oatley, Parramatta West, Parramatta, Peakhurst West, Prestons, Redfern, Regentville, Revesby, Russell Lea Infants, Ryde, Seven Hills North, Seven Hills West, Smithfield, Smithfield West, Stanmore, Strathfield South, Sutherland, Sylvania Heights, Taren Point, Toongabbie East, Turramurra North, Vardys Road, Wattle Grove, West Pennant Hills, West Ryde, Willoughby and Winston Hills. All of these public schools are within 300 metres of mobile phone towers.

Parents with children at these schools—at every school—have a right to be consulted about the location of towers. Under current loopholes in the Telecommunications Act, telecommunication companies need to notify principals of affected schools, but the State Government does not require the principal to take any action or to notify parents or staff. This brings me to the second area of concern: the manner in which the carriers avoid local planning laws. The siting of mobile phone towers is governed by the Federal Telecommunications Act, which overrides most State and local government planning laws. Schedule 3 to the Act provides a loophole whereby telecommunication companies are able to install antennas deemed to be "low impact" if they are installed on an existing structure, such as a building or light pole, without obtaining consent from any planning authority. In this way the carriers are able to circumvent the normal development consent process.

However, the term "low impact" refers to visual impact only and completely ignores other impacts such as EMR. And, these towers do not have low visual impact. The Act allows carriers to install transmission sheds occupying a ground area of up to 7.5 square metres at the base of existing poles, as well as antennas that are large, ugly, and visually intrusive. There are numerous reports of carriers simply ignoring the rules and installing sheds whose ground cover is well over the 7.5 square metres and/or removing existing poles and installing new larger towers. Carriers also seek out soft targets such as cash-strapped sporting clubs, local shops with absentee landlords, and publicly-owned or publicly-managed ovals and parks.

Tens, possibly hundreds, of towers are installed on public land owned by councils and State and Federal government agencies. In many cases the carriers pay little or no rent. I have asked questions of the Minister for Lands about rent paid for towers on public land, but they have also gone unanswered. All over Sydney, antennas are installed on lands owned by Sydney Water and by the biggest energy retailer, Energy

Australia. In South Australia, Hutchison installs its towers at whim on land held by the State's energy retailer, Energy SA, because Li Ka-shing owns both the phone carrier and the energy company.

The power of the telecommunication companies does not stop there. The Telecommunications Act gives the carriers the power to install antennas on any roof irrespective of whether the building's owner agrees. The carriers generally approach building owners, often absentee landlords, and offer rents in the vicinity of \$10,000 to \$20,000 a year to install antennas. This is a serious inducement to an absentee landlord with only a passing interest in visual pollution or local concerns. In most cases landlords agree, with little or no critical analysis or knowledge of the potential health risks or impacts on the building.

I have been told that even when building owners do ask questions, the carriers trivialise the impacts and/or withhold information. I have spoken to a number of building owners who not only regret that they agreed to the installation but also maintain that the impacts were not fully explained to them. Photographs of a shed and a mobile phone tower installation in the backyard of premises in Arncliffe show that the shed is no more than 20 or 30 metres from where people are living. The tower occupies a major portion of that backyard and people are living very close by.

Carriers also intimidate building owners who do not agree. My office has received copies of threatening letters sent by Telstra and Hutchison informing owners that if they continue to refuse to agree to an installation it will go ahead regardless. The Telecommunications Act allows telecommunication companies to install towers wherever they wish, against the landowner's will. Schedule 3 to the Act is a rort. It allows telecommunication companies to circumvent planning laws, to bully landowners, and to ride roughshod over local community opposition.

The Federal Government and Federal Labor must give a commitment before the Federal election to amend schedule 3. The legislative environment has been skewed in favour of the telecommunication companies for far too long, and communities across New South Wales and all over Australia have begun fighting back. One of the first examples was the well-known case in Oatley. Residents and Hurstville council banded together, took Hutchison to court, and had a tower removed. In the United Kingdom a number of local communities have torn down towers. Indeed, in Melbourne there was an instance of a State government authority taking the telecommunications company to court in an effort to have a tower removed from a large housing commission development.

Each month more and more community groups are forming, angry at the heavy-handed manner in which the carriers have ignored their concerns and installed towers against their wishes. There are now community groups opposing towers in Woollooware, Minchinbury, Mount Colah, Castle Hill, Engadine, Fairfield, Bilgola Heights, Croydon Park, Yarrawarrah, Harbord, Como, Gymea Bay, St Ives, Balgowlah Heights, Cherrybrook, Mosman, Allambie Heights, Hunters Hill, Sylvania Heights, Killarney Heights, and Wattle Grove.

Last month a new national alliance called Tower Sanity Alliance, comprising many of these groups, formed. That alliance is not connected with the Greens. Two months ago I attended one of its meetings and assured the people there that the Greens would support them every step of the way in their endeavour to amend schedule 3 to the Act and to force the carriers to be more responsive to environmental, health, and heritage considerations—not to mention the concerns of local communities. Residents, building owners, and local communities have a right to be involved in decisions about where and how mobile phone towers are located.

Mobile phones are a ubiquitous part of modern life, but that does not give telecommunication companies the right to flout planning laws while State and Federal governments turn a blind eye. It does not give them the right to circumvent planning processes. It does not give them the right to bully and intimidate landowners. And it certainly does not give them the right to ride roughshod over community concerns and interests.

As I said, Federal Labor must give an undertaking to amend schedule 3 of the Act. The Federal Liberal Government has consistently refused to address this loophole. At a State level, the Government must start holding carriers accountable when they break the law. There are numerous instances of low-impact towers erected on Crown land that do not comply with low-impact guidelines. The State Government must take up the challenge when carriers break the law. For larger towers, for which a development application is required, the landowner must give consent for a tower to be constructed. If the landowner does not give consent, telecommunications companies should not be able to erect a tower. Across New South Wales at least 130 towers

are built on State land. The State Government has the power not only to ensure that the telecommunications companies abide by the law but to require full and adequate community consultation, and to ensure that towers are not built in areas close to homes and schools.

The Hon. Rick Colless: Is yours a 3G phone?

Ms SYLVIA HALE: It certainly is not. The essential distinction between 2G and 3G is that 3G phones can transmit video information. One of the inducements to people to take them up is access to pornographic sites at a very reduced rate. It is not as though they are an essential aspect of communication. This is why so many people in the community want restrictions on their proliferation. It is irrefutable that the health risks outweigh the supposed benefits, such as access to video. The balance should lie in favour of limiting the proliferation of 3G towers.

The State Government must also provide local government with the support needed to ensure that corporate interests do not override community interests. First among the initiatives needed at a council level are development control plans governing the siting of towers. The Department of Infrastructure, Planning and Natural Resources could help co-ordinate this work. One of the difficulties is that the telecommunication companies may indeed inform councils, but if the councils are not aware of the detail of the regulation and they take the companies' assurances at face value they may not be equipped or sufficiently knowledgeable to handle the issue appropriately.

In this regard to the Federal Government's use in the legislation of the words "low-impact facility" deliberately misrepresents the nature of the potential harm the towers represent. People interpret "low-impact" to mean it will have a low impact on health, whereas the legislation just says it will be of "low visual impact". There is no question: low visual impact does not mean low risk.

Finally, the State Government needs to lobby its Federal counterpart to close the loopholes in the Federal legislation. It must enlighten the community as to the potential risks. It must assist councils in the preparation of appropriate development control plans. It should point out the misleading nature of the terminology used in the Act. It must also pressure the Federal Government to amend the Act. Until more independent scientific research has been conducted, the precautionary principle must prevail. Towers should not be built in people's backyards, within 300 metres of school grounds, or wherever children congregate for long periods. I urge members to support the motion.

The Hon. PATRICIA FORSYTHE [3.00 p.m.]: The Opposition does not believe that the approach taken in this motion is the appropriate way forward. We acknowledge that a significant number of groups across the community have concerns about the placement of mobile telecommunication towers and antennas. The motion calls on the Federal Government to take action. As honourable members know, a motion of this House calling on the Federal Government to do anything has no force. Indeed, we can do nothing more than pass a motion about the actions of the State Government. There is a better way forward, and that is to focus on giving advice to the State Government. In that context, I move:

That the motion be amended by deleting all words after "House" and inserting instead:

calls on the State Government to determine as part of the "Metropolitan Strategy" document, currently in development under the supervision of Professor Ed Blakely, a comprehensive strategic approach to the identification of suitable mobile tower sites, low and high impact, to guide telecommunications providers to available site options with the best community and planning outcomes.

The Opposition believes that the preparation of the "Metropolitan Strategy" document provides an opportunity for the State Government to examine this issue and to propose a range of ideas or options for the community to consider. Mobile telephones are a fact of modern life and despite the honourable member's comments about third generation technology it is a part of our future. I suspect that if we were to talk to members of the resident groups that have voiced concerns, many would admit they use mobile telephones, and undoubtedly their children also use them. An analysis of many homes would reveal other electromagnetic devices, such as microwave ovens, that have over the years caused concern about potential health impacts. There is no conclusive evidence to suggest that the level of exposure that most people have to common communications equipment and other sources of electromagnetic waves is likely to pose a danger.

Notwithstanding that, we must take a responsible approach, and the Government has a role to play. The question is the level and scope of any inquiry. Should we examine every antenna—as I suspect is the honourable

member's desire? Aspects of what the honourable member said concern me. Frankly, the size of Hutchison Telecommunications, or any other company, is irrelevant to this debate. Of course, it might have been part of the Greens usual agenda about multinationals and their capacity to influence Government, which is the theme behind most issues they raise. The Opposition is conscious of community concerns. The shadow Minister responsible for this portfolio area has made representations to the Minister for Infrastructure and Planning and to the Federal Government on behalf of some groups—she has certainly assisted the Oatley Park Defenders—to see whether we can resolve their concerns.

The Australian Radiation Protection and Nuclear Safety Agency [ARPANSA] has advised that radiofrequency radiation does not have any adverse health effects. In the past decade, in particular, a significant amount of research has been carried out in Australia and overseas. Of course, the community has a right to know and to be protected. The ARPANSA has provided advice to the community under the heading "Mobile Telephone Communication Antennas: Are They a Health Hazard?". In addition to saying that radiofrequency radiation does not have any adverse health effects, it also states:

It is considered that rises in tissue or body temperature of about 1.0°C or more are required before any adverse effects will occur. In cases of pregnancy, rises in the temperature of the foetus of 2.5 to 5°C are necessary before defects are seen in the newborn. These temperature rises will not occur unless the exposure level is greatly in excess of the Australian Standard mentioned above. Exposure to the low level of RF radiation emitted from base station antennas will not, in fact, cause any noticeable temperature rise. There are many reports in the literature of research on non-thermal effects, usually of a subjective nature. This research was conducted in both Eastern and Western block countries. Studies that have investigated if RF radiation affects biological cells, other than by heating them, are inconclusive. In addition, the exposure levels used in these studies are higher than those mentioned above.

As I said, there are no identifiable adverse health effects. The belief that we should err on the side of caution is one of the reasons the Howard Government insisted on a code covering telecommunications carriers. There was no code when the Howard Government was elected, but a code is now in operation. It applies to all carriers who intend to install or are installing or operating fixed infrastructure used to support a mobile telecommunications device. The code applies only to the telecommunications infrastructure operators and carriers covered by the Telecommunications Act 1997: Telstra, Optus, Vodafone and Hutchinson. The code is not binding on other providers of radio communications infrastructure, such as broadcasters or operators of land mobile communications. The code well and truly covers the companies that are the subject of this motion.

The code requires carriers to design and operate radio communications infrastructure to minimise electromagnetic energy [EME] exposure; to provide certain information to the public, on request, about EME for specific sites; to develop consultation plans for installations at new sites for certain facilities; to provide information to councils on network forward planning for the region if requested; to notify councils and the community before the construction of most types of infrastructure; to turn off transmitters that are out of service; to document their decision-making processes; and to develop an internal complaints-handling mechanism. As Ms Sylvia Hale said, some fines have already been imposed under the code. Telecommunications carriers must honour those responsibilities; they do not operate in a vacuum. The code provides examples of sites that have sometimes been considered sensitive—for example, child care centres, schools, aged care centres and hospitals—but it does not specifically define community-sensitive locations.

Does that mean that a tower cannot be erected near any such facility? Although carriers must consider the implications of community-sensitive locations, they can place infrastructure on such sites or nearby. All mobile telephone base stations must comply with the regulations relating to EME. The code does not specify the distance at which infrastructure must be sited from community-sensitive locations. I know the honourable member has certain views about the 300-metre limit from any school grounds, and it is true that that is not included in the code. However, there is no clear scientific evidence to justify applying such a limit.

The motion refers to European guidelines, but there is no clear scientific evidence to support such guidelines. It is important that there be interaction between mobile phone carriers and the community, and that carriers provide written notification of any proposal to install an antenna. Carriers have an obligation to observe the code. As we know, carriers have faced heavy fines as a consequence of their not observing the code.

The code became mandatory on 10 October 2002. However, two sections of it, sections 5 and 7, which deal with complaints handling and consultation notification, came into effect six months after registration, on 10 April 2003. This was because carriers needed time to develop, trial and implement processes, and train their staff and contractors. Across the four carriers, approximately 1,000 staff and consultants were trained in the requirements of the code. So it is not as though carriers are operating in a vacuum.

The question must then be asked: What is the role of the State Government in this? As Ms Sylvia Hale identified, the antennas must be placed at close intervals if we are to provide the level of service that is appropriate for people who wish to access the third-generation technology service. It is not for us to determine whether people have a right to access third-generation technology, or, for that matter, any other technology. I am sure that Ms Sylvia Hale would not, in other circumstances, support a measure that limited people's right to access communication; I am sure she does not support such policies.

I seem to recall that Ms Sylvia Hale suggested that third-generation technology allowed people to access pornographic sites. I presume the technology allows people to access a far wider range of videos. I am sure Ms Sylvia Hale did not intend to imply that third-generation technology provided some form of control over the material people could access, but that was the message that came across.

The Opposition is sympathetic to the many community interest groups that have taken up this fight. I was interested to hear that the suburb in which I live was amongst those listed by Ms Sylvia Hale as having local resident groups opposing the installation of mobile phone towers. I have not heard from such resident groups, and I have not seen any literature from them in my letterbox. I have also not received advice on the issue from any mobile phone carriers. Perhaps that means that there is no mobile telephone communication antenna in close proximity to where I live.

We have taken up the cause on behalf of defenders. We, as a House, need to look at what we can do. We could certainly pass a motion that calls on the State Government to take certain appropriate action. In my view that would be a far better course than what is effectively a bit of political grandstanding by the Greens before the Federal election—

Ms Sylvia Hale: This has been on the notice paper for some time.

The Hon. PATRICIA FORSYTHE: And the motion was no doubt placed on the notice paper because it was fairly obvious that at some point in 2004 we would have a Federal election. As it happens, this is the last sitting afternoon before the House adjourns for the Federal election. As with most of the things the Greens do, it is all about the publicity they can get and the stunts they like to pull. We prefer to think that there is a more productive and sensible way to deal with this, and that is calling on the State Government to take appropriate action. The Opposition amendment calls on the State Government to provide guidance through the metropolitan strategy. The Federal Government has done the right thing. It has implemented the code, which already has teeth, and Telstra and Hutchison were warned that their next breach would attract a fine.

Planning legislation is a State Government responsibility. Let us put the onus back where it should be: with the State Government. Let us use the opportunity of the metropolitan strategy, under which the Government could put in place a comprehensive strategic approach to the identification of suitable mobile towers sites. We believe that is the way forward. The metropolitan strategy would then be open for public discussion and input, and put on public exhibition. All the community interest groups that have been referred to would then have an opportunity to comment on the strategy and on the way it affects them.

In my view it would be wrong if, for the establishment of every single antenna, we had to go through a full development application process, with the project being on exhibition for long periods of time. That would simply tie up communication development in this nation. We need to find a balance between the rights of the community and our capacity to move forward in terms of modern communication. The Opposition has suggested an approach, and we hope the Government will support it. Our amendment is put forward in the spirit of a constructive suggestion in relation to the motion, and I urge the House to support it. There is no reason why it could not be part of the metropolitan strategy. After all, the strategy would also be available for community consultation. I do not believe that the Government can support the Greens motion. I therefore urge the Government, and all members of the House, to support the Opposition amendment.

The Hon. JAN BURNSWOODS [3.15 p.m.]: The Government does not support Ms Sylvia Hale's motion in relation to the installation of mobile phone towers, although, as I will explain, the Government is sympathetic to some elements of it. I listened carefully to the Hon. Patricia Forsythe's contribution, in which she moved Opposition amendment to the motion. I will speak to the amendment later.

The motion comprises four paragraphs, and I wish to remind members of them. The first paragraph calls on the Federal Government to review the relevant part of the Telecommunications Act 1997, which is the major instrument that determines what happens in relation to the installation of mobile phone towers. The

second paragraph calls on State and Federal government agencies to address the enforcement of current laws relating to the installation of mobile phone towers. The third paragraph calls on the State Government to introduce legislation. The fourth paragraph calls on local councils to introduce development control plans.

I draw the attention of the House to the four paragraphs of the motion because it is important that members note that two of the four paragraphs relate to the Federal Government, two relate to the State Government, and one relates to local government. One of the major flaws in the Opposition's amendment is that, in seeking to delete all words after "That this House", it not only destroys the motion but also removes the focus on the role of the Federal Government and of local government, which is one benefit of Ms Sylvia Hale's motion. I will address those matters later.

As I said, the Government does not support the motion, for a number of reasons. A balance must be struck between the rights of the community and the availability of mobile phone technology, which is now a vital part of everyday life for people in New South Wales and, indeed, throughout Australia. I think we would be very surprised if anyone were to argue that mobile phone technology is not an important part of everyday life for members of the Greens political party, as well as for others.

As has been said, it is essential for the continuing economic growth of the State that our business people and tradespeople have access to the latest, most up-to-date and most satisfactory communications technology. However, the apparent proliferation of mobile phone towers is a matter of grave concern for both the community and the State Government. I stress that although the Government has sympathy for aspects of Ms Sylvia Hale's motion, it needs to be strongly pointed out that, to a large extent, its hands are tied by the Commonwealth legislation that gives wide powers to mobile phone carriers. Therefore, taken as a whole, the motion does not represent the best way of dealing with this issue.

I shall summarise the major parts of the relevant Federal legislation. In the first place, under the Australian Constitution the Federal Government has the power to regulate telecommunications, and there is very little that any of us can do about that. At this stage the Telecommunications Act 1997 is the primary legislative instrument for establishing the powers and responsibilities of carriers. Under this 1997 Act mobile phone carriers have been given very wide powers and immunities and, as I said earlier, that very much restricts what the State and Territory governments can do. The Telecommunications (Low-Impact Facilities) Determination 1997, which arises out of wide-ranging legislation, was intended to encourage carriers to roll out non-intrusive infrastructure by exempting what were termed low-impact facilities from State and Territory legislative arrangements. The determination was intended to cover those facilities and activities considered essential to maintain telecommunications networks, but that were unlikely to cause significant community disruption during their installation or operation.

It is important to note that, although there are some size limitations, the so-called low-impact facilities, which under the 1997 legislation and determination are totally exempt from State and local government planning laws, include the following: radio terminal antennas, panel antennas, micro-cells, in-building coverage installations, radio communications dishes, extensions of existing towers and temporary facilities installed in an emergency or to support an emergency support organisation. Some mobile phone towers—for example, those over five metres in height—are not regarded as "low-impact" facilities. Mobile phone carriers must seek relevant development application approval from local government to install such towers. Having said what the situation is supposed to be, I emphasise that the carriers have been using the powers given to them under this low-impact facilities determination to install mobile phone infrastructures without approval from local government.

The final point I would make at this stage about the Commonwealth powers is that the watchdog, the Australian Communications Authority, has brought powers under the Telecommunications Act 1997 to investigate compliance of carriers with the Act and to impose fines for non-compliance. At this stage I refer to the Opposition amendment. I have just drawn attention to the constitutional power of the Federal Government and all of those aspects of the 1997 regime, which determine most of what happens in relation to these towers. Crucially, the Opposition amendment seeks to delete every reference in Ms Sylvia Hale's motion to the Federal Government. It also deletes every reference to the local government and it calls on the State Government only to do something.

I noted that the Hon. Patricia Forsythe was very honest in admitting that today is, as far as we know, the last sitting day before the Federal election. I welcome her honesty because I do not think there is any room for doubt that the forthcoming Federal election has a great deal to do with her attempt to get the Federal

government totally off the hook. This power lies essentially with the Federal Government, and what do we have from the Opposition? An amendment that seeks to take the Federal Government, with all its constitutional powers, out of the equation completely, an amendment that takes local government, with all its powers, totally out of the equation, an amendment that attempts to leave only the State Government.

But in some ways that is not even the worst part of it. The amendment calls on the State Government to do various things as part of the metropolitan strategy document. What is obvious from the cover of the strategy document is that the strategy is, of course, metropolitan. So we have now a situation in which the Coalition is saying, through its amendment, that presumably the whole of New South Wales—with the exception of Sydney, Wollongong, Newcastle and a small area of their hinterland—can have mobile phone towers on every hill, on every corner, within metres of every school throughout the whole of regional and rural New South Wales. What the Opposition amendment proposes in relation to this entire issue is to ignore the Federal Government, ignore local government, ignore regional and rural New South Wales, and make mobile phone towers part of the development of the "Metropolitan Strategy".

I am sorry, but if that is the best the Opposition can come up with, I am afraid its performance today is even worse than its performance yesterday, and that is saying a great deal. As I said earlier, although the Government will not support Ms Sylvia Hale's motion, it is certainly true that it attempts to balance the very real community concern that exists about certain aspects of mobile phone towers with the need for the community and business and so on to have access to mobile phone technology. I completely reject the Opposition amendment; it is very poorly considered and ill thought-out.

I am very conscious of community concerns in my local area. As members would know—because I have occasionally referred to it in the House—I have the misfortune to live in the electorate represented by the Prime Minister, and the installation of mobile phone towers has been a major issue in that area. Some time ago an attempt was made—the Labor candidate, Nicole Campbell, played a role in this, and I congratulate her on doing so—to stop the installation of a mobile phone tower in the grounds of Brush Farm House, which dates back about 190 years. Not only did the Prime Minister and the Liberal Party ignore that issue, but, of course, the Federal Government refused to contribute any funds to the restoration of Brush Farm House. Currently, an issue has arisen with regard to an attempt to install a very intrusive mobile phone tower near North Ryde golf course. Community concerns extend throughout New South Wales, and I relate those few examples from my local area.

To sum up: The main community concerns would relate to the possible future health impacts of electromagnetic radiation and perhaps, more commonly, the visual impact of installation and the associated infrastructure. There is no simple solution to these complex issues that I have spelt out, but if we are to find any solution at all it can only happen when the Federal Government amends its legislation. The onus has to be on the industry to improve relations with local councils and communities, and if anything is to be achieved, the crucial first step is for the Federal Government to amend its legislation.

I have a number of further points to make, and I want to say something about schools and about what the New South Wales Government has already done and is continuing to do in this regard. Therefore, I move:

That this debate be now adjourned until the next sitting day.

The House divided.

Ayes, 25

Ms Burnswoods
Mr Catanzariti
Mr Clarke
Mr Colless
Mr Costa
Mr Egan
Ms Fazio
Mrs Forsythe
Miss Gardiner

Mr Gay
Ms Griffin
Mr Hatzistergos
Mr Jenkins
Reverend Dr Moyes
Mr Kelly
Mr Obeid
Mr Oldfield
Ms Parker

Mrs Pavey
Mr Pearce
Ms Tebbutt
Mr Tsang
Mr West
Tellers,
Mr Harwin
Mr Primrose

Noes, 4

Mr Cohen
Ms Rhiannon
Tellers,
Dr Chesterfield-Evans
Ms Hale

Question resolved in the affirmative.

Motion for adjournment agreed to.

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY
COMMISSION**

Report

The Hon. Jan Burnswoods, on behalf of the Chair, tabled report No. 4/53, entitled "Sixth General Meeting with the Inspector of the Police Integrity Commission, together with transcript of proceedings and minutes", dated September 2004.

Ordered to be printed.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Report

The Hon. Ian West, on behalf of the Chair, tabled report No. 2/53, entitled "Report on Car Surfing and the Carriage of Unrestrained and Unprotected Passengers on Motor Vehicles", dated September 2004.

Ordered to be printed.

ADJOURNMENT

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.38 p.m.]: I move:

That this House do now adjourn.

HUMANITIES PROGRAMS

The Hon. DON HARWIN [3.38 p.m.]: As someone who is passionate about Australian politics and Australian history, for some time, and generally for the past two decades, I have been gravely concerned about the plight of the humanities in our nation's university sector. It is a matter that must be addressed by whoever serves as Federal Minister for Education after 9 October. I emphasise that in making those comments, I am being in no way critical of this Minister or this Federal Government more than I have been of any other Federal education Minister or Government. The onus on institutions to attract income from the private sector has had a detrimental impact on humanities faculties as they have found it the most difficult to replace public with private funding. Consequently, many humanities departments have struggled to cope with increases in student numbers. I am greatly troubled that the decline of the humanities at the tertiary level has resulted in fewer students studying the history and politics of Australia and its region, and fewer academics undertaking research and publishing articles and books relating to Australia.

These trends are not in our national interest. As David T. Hill pointed out in a recent article in the higher education supplement of the *Australian*, at a time when "our capacity to work with, and understand, Indonesia is more important than ever", enrolments in Asian studies courses at our key universities halved between 1997 and 2001. He warned, "Unless rectified soon, Australia will be dangerously ill-equipped to manage our crucial relationship with Indonesia." What are the causes of this decline in the humanities? There are four main contributing factors: the rise of post-modernism; the importance in academia of publishing in international journals; a decline in support for the humanities at a primary and secondary level; and a bias towards non-humanities courses at tertiary institutions.

Post-modernism is a mode of academic thought that regards all structures as subjective. Consequently, it rejects grand theories that explain everything in favour of contingent theories. It rejects notions of social and cultural unity in favour of ideas of pluralism, and it rejects notions of unified, consistent identity in favour of decentred, multiple, conflicting identities. In a practical sense, post-modernism has challenged structuralist notions such as "the nation" and rendered unfashionable the teaching of subjects that utilise "the nation" or "Australian" as categories of study. This decline in academic research and teaching in humanities of subjects relating to Australia has been exacerbated by the importance of international journals in academia.

One of the three elements of the Research Training Scheme funding formula concerns research publications. Academics are rewarded when they publish in an international journal rather than in an Australian one. This is an incentive for Australian academics to publish internationally and results in research being skewed towards international areas of study, rather than examinations of local concerns, to increase the chances of publication. This further contributes to the decline in the number of Australian academics studying and teaching topics about Australia. The plight of the humanities at a tertiary level is also a consequence of the neglect of the discipline at the primary and secondary levels. In a letter to Barry Jones in February 2001 the then President of the Australian Academy of the Humanities, Professor Malcolm Gillies, noted:

A healthy education system requires an effective interface between the high-level study of disciplines for their own sake, and varied applications in teaching and learning from primary to tertiary settings.

He asserted that "strong Humanities programs at all levels of schooling are crucial" but that "Australian children are still not guaranteed literacy by the schooling, in part because the systematic study of the Humanities in schools is in serious decline in many parts of the country". Finally, scholarship in the field of the humanities in our tertiary education sector is undermined by the attitude of the universities themselves. Submissions to a recent Department of Science, Education and Training report entitled "Impact of Knowledge and Innovation Reforms on Particular Disciplines, Universities and Student Groups" noted that institutional behaviour has had a detrimental impact on the humanities.

In particular, these submissions cited, firstly, a bias against low-cost humanities courses through the creation of incentives to online research strengths with high-cost courses; secondly, disproportionate pressure on course completions for humanities students; thirdly, discouragements to enrol students in Masters by Research, which disproportionately affects humanities students; and, finally, an incapacity to adequately capture the value of humanities research. The continued study of Australian history and politics at our nation's universities is vital to our national interest. Such scholarship is dependent on healthy and robust humanities departments. Whoever serves as the Federal Minister for education after 9 October—I have no doubt it will be a Liberal—

The Hon. Amanda Fazio: Not a National.

The Hon. DON HARWIN: Or a National. Whoever serves as the Federal Minister after 9 October must act to ensure that the decline in humanities research and scholarship at Australia's universities is not only reversed but reversed dramatically. [*Time expired.*]

DEATH OF FILM-MAKER MR RUSS MEYER

The Hon. AMANDA FAZIO [3.43 p.m.]: As I have already mentioned in the House, this week is Dementia Awareness Week. Today one of America's best-known cult film-makers, who was suffering from dementia, died. Russ Meyer, who has died aged 82, directed the cult film classics *Faster Pussycat Kill Kill*, *Supervixens* and the masterpiece *Beyond the Valley of the Dolls*. Meyer produced, directed, wrote, edited and shot more than 20 films including *Motorpsycho*, *Mudhoney* and *Blacksnake*. If honourable members have seen any of his films they would appreciate his nickname of King Leer. His trademarks of violence, well-endowed women and colourful story lines were showcased in the 1965 hit *Faster Pussycat Kill Kill*, in which three go-go dancers embark upon a vengeful murder spree and drive at high speed in the desert in their sports cars.

This film, which is a favourite of two other well-known film-makers, Quentin Tarantino and John Waters, remains popular on the art house cinema circuit. There is even a shop in King Street, Newtown, named after it—Faster Pussycat. Russ Meyer was often vilified for his movies, which were regarded by many as trash at the time of their release. He has been vindicated and recognised as a film-maker of considerable influence whose films are now studied in American college and university courses. His work has been discussed at Harvard and Yale, and bought by the Museum of Modern Art in New York. As I said, Meyer wrote, produced, directed and edited his films, and his determination to keep control meant that he refused to have his work cut by censors. Without the general certificate, the films could be shown only under certain licensing restrictions,

which meant in sex cinemas or at the National Film Theatre, for example, in London, which accorded Meyer two retrospective film festivals.

Meyer made much of his male chauvinism. He said, "I'm prone to say, yes, I do exploit women. I exploit them with zeal and gusto." Yet he received little criticism from feminists. He explained, "The women in my films are always supervixens. The men are always wimps. Feminists love that." Meyer's success was due to his business acumen and technical craftsmanship. He was as obsessed with budgets and shooting schedules as he was with the assets of his leading ladies. He chose all locations himself and also selected and bought the costumes. The films were shot on a very low budget, about \$US50,000, and he used friends in the cast.

Meyer's lack of funds also resulted in his unusual camera technique. Instead of using tracking and panning shots, which involved the use of expensive equipment, Meyer used a hand-held camera and shot each scene repeatedly from different angles. These were later cut together to form the finished scene. Russ Meyer was born in Oakland, California, on 21 March 1922. When he was 12 his mother pawned her engagement ring to buy him an eight-millimetre Univex camera, and three years later he won his first amateur film award. In 1942 he joined the Army signal corps and was sent to MGM in Hollywood to train as a combat photographer.

Meyer went on to shoot some of the most famous combat footage of the Second World War. Some of his film of General Patton was used in the 1969 screen biography *Patton: Lust for Glory*. After the war Meyer returned to America, where he became an industrial film-maker in San Francisco, but he soon became bored. Don Ornitz, a friend from the signal corps, suggested that Meyer try cheesecake photos. Almost immediately after starting as a pin-up photographer, Meyer was acknowledged as one of the best in his field. His specialty was leg art, and he became well known for his photos of various playmates in *Playboy*.

Meyer's most successful film was *Beyond the Valley of the Dolls* in 1970, which took its title from the Jacqueline Susann novel. Neither Meyer nor his co-writer, the film critic Roger Ebert, had read the novel but both were keen to produce a parody of the screen version. Alexander Walker described the result as "a film whose title, idiotic, monstrous badness raises it to the pitch of near-irresistible entertainment". Meyer made more than \$1 million from the film, and admitted that after 1970 he lost interest in filming. He did make several more films, including *Supervixens* in 1973, *Up* in 1976 and *Beneath the Valley of the Ultravixens* in 1979, but none of them enjoyed the success of his earlier films.

Meyer was approached to be involved in the Sex Pistols film but, due to the usual Machiavellian machinations of Malcolm McLaren, this proposal did not go ahead. I believe that this project could have been one of the best of his career; instead, we got stuck with *The Great Rock 'n' Roll Swindle*. Little had been heard about Russ Meyer in the last few years, probably due to the onset of his dementia. He was married three times. His longest marriage was to his second wife, Eve, the first playmate in *Playboy*, who later became his business partner. He was later briefly married to the actress Edy Williams. He had no children. I believe that the world of film-making is diminished by Meyer's passing. I urge members opposite, many of whom have been looking puzzled because they have not heard of Russ Meyer, to look at his films. They will probably have to get them out of the cult section of their local video shop. The films are very funny and entertaining, and I think they have had a significant influence on modern film-making today.

THREATENED SPECIES CONSERVATION

Mr IAN COHEN [3.48 p.m.]: The Legislative Council has a vital role as a House of review, but every now and then something happens to remind us all why some people have doubts about that. Sometimes something is sent to remind us of why *crikey.com* would choose to label the upper House "Losers Lounge". Yesterday the Hon. Jon Jenkins spoke about fire regimes and vegetation densities at the time of European settlement in Australia. His information came primarily from two sources: first, a 20-page booklet entitled *The Australian Landscape—Observations of Explorers and Early*, which was published under the name of the Murrumbidgee Catchment Management Committee of Wagga Wagga; and, secondly, the *Future Eaters* by Tim Flannery. Dr Tim Flannery would be somewhat bemused, probably even concerned, about the influence his works are having, if he were aware that he was being widely quoted by the Hon. Jon Jenkins—

The Hon. Jon Jenkins: Point of order: This is clearly a breach of the standing orders, which state that members must not make imputations against other members of this House.

Mr IAN COHEN: To the point of order: I am simply sourcing the quotes the Hon. Jon Jenkins has used in the House as part of his argument to promote his fire regime. It is clear that he has used these quotes and has spoken on this subject in the House.

The Hon. Jon Jenkins: Further to the point of order: I have never heard of either of these publications. The honourable member is incorrect.

The PRESIDENT: Order! I remind Mr Ian Cohen that imputations against members of either House can only be made by way of substantive motion.

Mr IAN COHEN: I continue to state that certain arguments put forward in the House have been refuted by Benson and Redpath in the publication *The Nature of pre-European native vegetation in south-eastern Australia*, which was reviewed and published in the highly reputed botanical journal *Cunninghamia* in 1997. As Benson and Redpath put it, the booklet was based on a selection of European explorers and settlers, and Flannery suggests that at the time of European settlement of eastern Australia the vegetation was composed mainly of grassland and grassy woodland. Aborigines burnt most of the country every year or so, and a lack of fire after European settlement led to thick regrowth that was subsequently ringbarked and cleared by settlers for agricultural expansion. The booklet that has been quoted presents only one line of evidence to try to explain the pre-European vegetation, and overlooks the extensive—

The Hon. Jon Jenkins: Point of order: The honourable member is misleading the House. Both Sir Charles Darwin and Sir Joseph Banks have quite contrary opinions.

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

Mr IAN COHEN: It is interesting to see how far such a discussion can extend by quoting the experts, so to speak. The booklet generally refers to one type of vegetation formation—grassy woodland—which mainly occurs on clayey soils in drier coastal valleys, on non-siliceous soils on the undulating tablelands and on the western slopes. Benson and Redpath point out that the explorers may have favoured travelling through these areas because they occurred near rivers, had an open understorey and because some were paid to seek out suitable grazing lands.

Using three historical estimates of tree density in grassy woodlands, Benson and Redpath estimate that there was an average of 30 large trees per hectare spaced about 13 widths apart. It is also shown that there were frequent records in explorers' journals to vegetation containing a dense understorey, including coastal heath, shrub lands, rainforest and dense eucalypt forest. They found no evidence that most of New South Wales vegetation was annually burnt by Aboriginal people and provide examples where explorers' notes about fire have been misinterpreted or inappropriately extrapolated by the 20-page booklet and by Flannery.

Basically, we do not know how the Aborigines burnt the countryside but given our knowledge of the life cycles of species of animals and plants it is obvious that different areas had different fire regimes. Very few areas were burnt every two years or so and such burning would eliminate many species if done over wide areas. Most of the threatened species on the coast are not in reserves but in overcleared coastal valleys. The main reason for so many threatened species being on the coast is simply that it is biologically three times more complex than the inland, so naturally it is more threatened. The reserve system in New South Wales has saved species from becoming extinct because it has prevented habitat destruction. Reserves are managed under fire plans that take protection of species and property into account using the best available science. I commend the National Parks and Wildlife Service for protecting the native species of this State.

HUNTER GIRLS HIGH SCHOOL DINNER

The Hon. PATRICIA FORSYTHE [3.53 p.m.]: Last Saturday night I was pleased to join 300 former students and staff of Hunter Girls High School at the school's annual dinner in Newcastle. The dinner is known as the Central to Hunter dinner because, although I knew the school as Hunter Girls High School, throughout its existence it had four names. The names reflect its change and growth from 1923, when it was established as a school where girls could learn skills that were to equip them to be wives and mothers, to the period when it was one of Newcastle's four selective single-sex high schools.

What is remarkable about the dinner is that the school as such ceased to exist in 1975. The bricks and mortar are still there, but Hunter Girls High School fell victim to that fad of education theory that comprehensive, co-educational schools were the way forward. Yet the spirit of the school is strong. That spirit provides a good lesson for governments about the impact a school closure can have. It is history that the decision to close Newcastle's four selective high schools was taken by a former Liberal-National Government, a decision that I and many former students have not quite forgiven.

In my first speech in this House—as it happens, 13 years ago this week—I commented on the impact of the loss of choice in education in Newcastle, where, within five years of the closure of the four single-sex selective schools, one previously struggling independent girls school was flourishing and had expanded to include a boys school. On Saturday night we learned that our precious memorabilia cabinet at Newcastle High School was damaged during renovations to the school last year. I am sure the new principal of the school will be sympathetic to our concerns for its restoration, but one cannot blame a principal of a different school if he did not give it priority.

I pay tribute to the many people who have helped to keep alive the spirit of the school, but I pay tribute also to the staff and students who, between 1923 and 1975, helped to shape the school and, from there, the community. Like all schools, our school had many fine traditions. One of those traditions is repeated at every annual dinner: we sing the Lord's Prayer, as we did at every weekly school assembly. I suppose today such a tradition would fall outside community norms of a secular public education, but, politically correct or not, we sing it with great enthusiasm.

The dinner on Saturday night was the ninth since a committee was formed to bring together former students and staff. That committee meeting in January 1994 looked not only at establishing an ex-students association but at a way of recording the history of the school, so that what it contributed to the community would not be lost forever. From that meeting, held at the home of the school's deputy principal from 1958-59, Sheila McMahon—or Sister Valentine as she is known today—a book was born. The book, *from Central to Hunter ... the story of a school 1923-1975*, was written by a former English teacher, Sandra Bernhardt, with research by Lottie Young, a former teacher of physical education and languages at the school. Lottie taught there for many years and was what could be described as an institution of the school. Lottie never misses a dinner, although Sandra's health has kept her from recent attendance. One of my greatest thrills as a member of Parliament came when I was asked to write the foreword for the book.

Hunter Girls High School was known for its outstanding music and sporting achievements, and in the 1960s and 1970s its academic achievements placed it among the leading schools in the State. It was a school that placed emphasis on citizenship and excellence, and provided, to quote from the book the vision of Aileen Treglown, one of the two principals who most shaped the school:

a broad education which addressed the girls' personal, intellectual, spiritual and career needs, and set them on the path to being aware and responsible members of the world community.

I acknowledge the committee that organises the annual dinner and other events, led by Ruth Stockdale. While not all who attend the dinners can claim to remember all the words of the school song, we have not lost our memories. We may have lost our school but we have not lost the lessons instilled in us by our teachers.

ASBESTOS

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.58 p.m.]: The Jackson report on James Hardie was released this week. Not surprisingly, it found that the management of James Hardie knew that asbestos was harmful but continued to pretend that it was not, and caused immense harm to the workers and users of its product—such that the epidemic of asbestos-caused diseases has not yet peaked. The Aboriginal communities at Baryulgil near Wittenoom were hard hit, with children playing in the tailings there. The scientific community was aware as early as 1919 that blue asbestos was harmful. The fact that an entire industry could develop after that time is remarkable and shows a real failure of the regulatory system.

It is interesting that we have just finished a debate about whether phone towers are harmful. An entire industry is developing, but in this case we have the ability to look at whether it is harmful by looking at the exposure data that could come from Telstra, yet no government in Australia has made the slightest effort to get this exposure data and correlate it with the development of later problems. This is totally irresponsible. It is clear in the asbestos case that the \$293 million provided to the Medical Research and Compensation Foundation was the lowest level of funding saleable to the marketplace. The public relations division of James Hardie was enterprising enough to ask the office bearers of the Asbestos Diseases Foundation of Australia (ADFA) to launch the foundation with them.

The office bearers of ADFA were a good deal smarter and more vigilant than the Australian Securities and Investments Commission. Even as a sudden response the ADFA office bearers were sceptical that the amount set aside was enough. They were unaware that the Medical Research and Compensation Foundation was merely a way of the company leaving its liabilities. Of course, this is what has happened. After more realistic

actuarial assessments it would now seem that \$2 billion is needed. The problem still has not been adequately assessed.

I have had representations from people living in housing commission units in South Coogee who have asbestos in their ceilings and switchboards. The issue has been glossed over and avoided by the Department of Housing. I have put a number of questions on notice asking what the Department of Housing has done to assess the amount of asbestos in its buildings and what it proposes to do about it. The reply will be interesting. The story is not told yet—by a long chalk.

When I was a child my father built two sheds in our backyard. He marked on the fibro where he intended to cut and asked me to blow the asbestos dust as he sawed the sheet. I guess we are all at risk. All the fibro buildings constructed during this time will have to be demolished. While it can be argued that there is less exposure to each individual worker doing the demolishing, there is still a problem if a large number of workers are still involved in the demolition. The Democrats have endeavoured to do something about this: they have written to D.66, the Liberal Democrats in the Netherlands, to request that they put in train reciprocal agreements with Australia in terms of corporate law and obligations. We have argued very hard for corporate responsibility in this matter.

The Democrats introduced corporate-code-of-conduct legislation aimed at enforcing the highest possible environment, employment and social standards for Australian companies conducting business overseas, but we were not supported by the Australian Labor Party or the Coalition. We introduced corporate law related-entity amendments that would have made it easier to recover money from James Hardie companies, but that was not supported by the Coalition. We have advanced a detailed and strongly articulated program of legislative reform that has not yet been assessed by the major parties, and we have assured that Australia has the toughest possible corporate governance laws requiring improved disclosure by shareholders. We have campaigned for a much stronger Trade Practices Act.

In this Parliament I have moved for corporate manslaughter legislation. This is not some crazy leftie idea: it was suggested by the Standing Committee of Attorneys-General. It is an absolute disgrace that the major parties will not accept the recommendations of their attorneys-general. We spend all our time in this House introducing penalties for little people committing crimes, but if tobacco or asbestos kills thousands of people there is not even an offence those responsible can be charged with under State or Federal law. The callousness of industry never ceases to amaze me. I was amazed that Meredith Hellicar has not yet met an asbestos victim, although she has been the Chairman of James Hardie or on its board for 12 years. [*Time expired.*]

CHILD CARE INDUSTRY

The Hon. IAN WEST [4.03 p.m.]: Child care industry workers are some of the least well-paid and least appreciated employees in Australia despite the important, fundamental and essential work they do. They work in an industry where publicly funded and private operators compete to provide child care for the many families who cannot survive without this important service. Providing quality child care requires trained staff who deserve proper remuneration. Unfortunately many private providers deem it unnecessary to employ trained child care workers or to remunerate them appropriately. ABC Learning Centres, for example, is a large private child care provider that recently merged with another large provider called Peppercorn.

The new entity will be worth more than \$700 million and will control 895 day care services across Australia. This situation gives Eddie Groves, the wealthy owner of ABC Learning Centres, control of 90 per cent of long day care places in Western Australia, 80 per cent in South Australia and 60 per cent in Queensland. Such a competitive advantage is of concern to other providers, to consumers, and to employees of those child care centres. The Liquor, Hospitality and Miscellaneous Workers Union [LHMU] has referred this issue to the Australian Competition and Consumer Commission. It certainly seems unfair that Michael Gordon, the head of Peppercorn, will get an incredible payout of \$190 million as a result of the merger. That figure compares with the annual earnings of a child care worker of around \$25,000 a year, or hourly rates of between \$12.70 and \$16.50 for those with a Diploma in Child Care, which takes from two to four years to obtain.

All the while ABC Learning Centres has used Australian workplace agreements to hold down wages and conditions to an obscenely low level. It claimed in the Industrial Commission that costs meant that it could not agree to a pay rise. This so-called incapacity to pay is outrageous given the importance of the care of children in the early years of life and given the huge dollar returns the child care centres report. Last year, for example, the profit of ABC Learning Centres increased by 77 per cent to \$21.4 million and Peppercorn's increased by 193 per cent to \$116 million. What must not be forgotten is the corporate subsidies that are involved in the industry where taxpayers money goes directly into the corporate pockets of the organisations. As LHMU industrial officer Sue Bellino pointed out about many private child care centre owners:

These are people in no-loss situations. They have been made into multimillionaires by taxpayers who heavily subsidise their businesses but they will not share their wealth with childcare workers who actually provide the services. The average childcare worker earns around \$25,000. These are poverty level wages being paid by taxpayer-funded millionaires.

We have been continually encouraged by the Howard Government over the last nine years to be responsible citizens and accord with the idea of mutual obligation. It is time that applied not only to Centrelink clients but to the corporate elite, who hold in their hands the future lives of many working people. The reality is that private child care operators know they have an incredibly large market: as many as three million working Australians are parents of young children and nearly 800,000 children are in child care. The cost of child care in the past two years has risen by 32 per cent, about six times the increase in the child care benefit over that period.

Even the Federal Minister, Larry Anthony, admits that a low-income family is facing gap fees of \$57 per week for one child in centre-based long day care. That adds up to \$2,736 per child annually. The child care benefit remains too low, the waiting lists are impossibly long and the quality of child care is under threat from many operators who compromise facilities and expertise in the name of making the almighty dollar. According to the union, some of these private centres have to report an annual profit of at least \$100,000. The State Minister, Carmel Tebbutt, has done the best she can in this area. Recently she successfully lobbied for a review of the Federal Government child care benefit. Through Minister Tebbutt's work a budget of \$99.1 million was allocated to children's services from the Department of Community Services budget this year. That is a major contribution from New South Wales and currently it is not being properly supported by the Federal Government. [*Time expired.*]

Question—That this House do now adjourn—put.

The House divided.

Ayes, 29

Mr Breen	Mr Gallacher	Ms Parker
Ms Burnswoods	Miss Gardiner	Mrs Pavey
Mr Catanzariti	Mr Gay	Mr Pearce
Mr Clarke	Ms Griffin	Ms Tebbutt
Mr Colless	Mr Hatzistergos	Mr Tsang
Mr Costa	Mr Jenkins	Mr West
Ms Cusack	Mr Kelly	Dr Wong
Mr Egan	Reverend Dr Moyes	<i>Tellers,</i>
Ms Fazio	Mr Obeid	Mr Harwin
Mrs Forsythe	Mr Oldfield	Mr Primrose

Noes, 4

Mr Cohen
Ms Hale
Tellers,
Dr Chesterfield-Evans
Ms Rhiannon

Question resolved in the affirmative.

Motion agreed to.

The House adjourned at 4.17 p.m. until Tuesday 19 October 2004 at 2.30 p.m.
