LEGISLATIVE COUNCIL

Tuesday 7 December 2004

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

The Clerk of the Parliaments offered the Prayers.

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

ASSENT TO BILLS

Assent to the following bills reported:

Child Protection (Offenders Registration) Amendment Bill
Protected Estates Amendment (Missing Persons) Bill
Health Legislation Further Amendment Bill
Threatened Species Legislation Amendment Bill
Stock Medicines Amendment Bill

ROOKWOOD NECROPOLIS AMENDMENT BILL

LICENSING AND REGISTRATION (UNIFORM PROCEDURES) AMENDMENT (PHOTO ID) BILL

REDFERN-WATERLOO AUTHORITY BILL

Bills received.

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

Motion by the Hon. Michael Egan agreed to:

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

Bills read a first time and ordered to be printed.

TABLING OF PAPERS NOT ORDERED TO BE PRINTED

The Hon. John Hatzistergos tabled, pursuant to Standing Order 59, a list of all papers tabled in November 2004 and not ordered to be printed.

The following papers were ordered to be printed:

(1) Commission for Children and Young People Act 1998—Annual report of the NSW Child Death Review Team for the year ended 31 December 2003.

(2) Law Enforcement (Controlled Operations) Act 1997 and the Ombudsman Act 1974—Special report of the Ombudsman entitled "Law Enforcement (Controlled Operations) Act Annual Report 2003-2004", dated October 2004.

(3) Police Integrity Commission Act 1996—Annual report of the Police Integrity Commission for the year ended 30 June 2004.

(4) Public Finance and Audit Act 1983—Performance Audit Report of the Auditor-General entitled "Shared Corporate Services: Realising the Benefits, including guidance on better practice", dated November 2004.

TABLING OF PAPERS

The Hon. John Hatzistergos tabled the following paper:

Community Services (Complaints, Reviews and Monitoring) Act 1993—Report of Official Community Visitors for the year ended 30 June 2004.

Ordered to be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Report

The Clerk announced the receipt, pursuant to standing order, of report No. 14, entitled "Inquiry into Kariong Juvenile Justice Centre", dated November 2004.

The Clerk announced further that, pursuant to standing order, it had been authorised that the report be printed.

The Hon. AMANDA FAZIO [2.35 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Amanda Fazio.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report

The Clerk announced the receipt, pursuant to standing order, of report No. 10, entitled "Closure of the Casino to Murwillumbah Rail Service", dated November 2004, together with transcripts of evidence, tabled documents, submissions and correspondence.

The Clerk announced further that, pursuant to standing order, it had been authorised that the report be printed.

The Hon. JENNIFER GARDINER [2.36 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Jennifer Gardiner.

GREATER SOUTHERN AREA HEALTH SERVICE

Return to Order

The Clerk tabled, pursuant to the resolution of 16 November 2004, documents relating to the Greater Southern Area Health Service received on 30 November 2004 from the Director-General of the Premier's Department, together with an indexed list of documents.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the report entitled "New South Wales Auditor-General's Report—Financial Audits Report—Volume Five 2004", dated November 2004.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to the Legislation Review Act, of the report entitled "Legislation Review Digest No. 17 of 2004", dated 6 December 2004.

The Clerk announced further that, pursuant to the Act, it had been authorised that the report be printed.

STANDING COMMITTEE ON STATE DEVELOPMENT

Government Response to Report

The Clerk announced the receipt, pursuant to standing order, of the Government's response dated 26 November 2004 to the report tabled 28 May 2004 entitled "Inquiry into Port Infrastructure in New South Wales—Interim Report".

The Clerk announced further that, pursuant to standing order, it had been authorised that the report be printed.

PETITIONS

Department of Primary Industries Budget

Petition requesting support for primary producers and opposing Department of Primary Industries budget cuts that may affect key field staff, front-line services and research and development, received from **the Hon. Duncan Gay**.

Disability Programs Funding

Petition requesting a guarantee that the quality of services offered by the Post-School Options and Adult Training, Learning and Support programs will not be reduced through funding cuts or restructuring, received from **Ms Sylvia Hale**.

Temporary Protection Visa Holders

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

Bundeena and Maianbar Development

Petition requesting recognition of residents' concerns about, and government monitoring of, applications for development in Bundeena and Maianbar, received from **Mr Ian Cohen**.

Redfern-Waterloo Authority Legislation

Petition requesting deferral of the Redfern-Waterloo Authority legislation until all documents relating to a draft Redfern-Waterloo plan are made public, received from **Ms Sylvia Hale**.

BUSINESS OF THE HOUSE

Postponement of Business

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

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Extension of Reporting Date

The Hon. JENNIFER GARDINER: I inform the House that on 29 November 2004 General Purpose Standing Committee No. 4 resolved to extend to Monday 20 December 2004 the reporting date for the reference relating to the Designer Outlets Centre at Liverpool.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notices of Motions Nos 1 and 2 postponed on motion by the Hon. Tony Kelly.

CAMDEN PROPERTY MARKETING PTY LTD

Personal Explanation

The Hon. JOHN TINGLE [2.52 p.m.], by leave: I seek leave to make a personal explanation. On Thursday 18 November, during debate on the adjournment motion, the Hon. Charlie Lynn made a series of disparaging remarks about me that need to be rebutted as inaccurate and misleading. He was speaking of the case of an estate agent, a John Leach, who was de-licensed by the Commissioner for Fair Trading. In his adjournment speech the Hon. Charlie Lynn related how he had questioned the Commissioner for Fair Trading, Mr David O'Connor, about the Leach case during a budget estimates committee hearing. The member then went on to say in his adjournment speech, and I quote from *Hansard*:

> I was unable to pursue the issue because of the intervention of that duplicitous Labor lapdog in this place, the Hon. John Tingle. It is time he outed himself, formally joined the ALP and gave up the pretence of representing the Shooters Party.

At that point the Hon. Jan Burnswoods raised a point of order, asking the Hon. Charlie Lynn to withdraw what she termed "such a scurrilous attack on a fellow member of this House". The Deputy-President upheld the point of order and asked the Hon. Charlie Lynn to withdraw the remark, which, after some argument, he did. If the Hon. Charlie Lynn chooses to have that opinion of me, then that is his prerogative, but since that opinion seems to be based on his version of events in the particular budget estimates committee hearing, then he is wrong, and has misled the House.

I would like to state for the record that I had never heard of Mr Leach until the honourable member mentioned him in that hearing, and I had no reason to intervene. Further, *Hansard* shows that I did not take part in the Hon. Charlie Lynn's questioning of Mr O'Connor. I did not interrupt, make any comment, or seek to speak. There certainly was an intervention that interrupted the member's questioning, but it came not from me but from the Hon. Ian West, who raised a point of order relating to the Hon. Charlie Lynn referring to an individual in a particular case and his or her activities. The Committee Chair consulted the clerks and pointed out that questions by committees must be relevant to the matter that has been referred to them for inquiry and report. The Chair half upheld the point of order and extended the Opposition's time for questioning by two minutes because of the time taken to consult and rule.

I stress that the member was able to continue his questions; he was not in fact prevented from pursuing the matter, as he claimed on 18 November. I reiterate that I was silent until the Chair called for questions from crossbenchers. In my questions I did not mention Mr Leach or refer to questions that had gone before. It is a matter of regret that the Hon. Charlie Lynn's memory seems to have failed him in regard to this incident, and that he chose to make such an attack—

The Hon. Don Harwin: Leave is withdrawn. The member should know better than to do anything other than make a personal explanation.

The PRESIDENT: Order! Leave to the member to continue his personal explanation is withdrawn.

SMOKE-FREE ENVIRONMENT AMENDMENT BILL

In Committee

Consideration resumed from 18 November.

The CHAIRMAN: Order! I advise the Committee that a new Government amendment has been circulated.

Ms SYLVIA HALE [2.56 p.m.]: I move Greens amendment No. 2:

No. 2 Page 4, schedule 1, lines 6 and 7. Omit all words on those lines.

The effect of Greens amendment No. 2 is to delete the definition of "thoroughfare". If the amendment is agreed to, thoroughfares will not be included as exempt areas and therefore will be subject to the provisions of the Act.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [2.57 p.m.]: Greens amendment

No. 2 appears to be contingent upon the carriage of Greens amendment No. 1, which was defeated following a division of the Committee on the previous occasion. The amendment does not make any sense without the principal amendment, and the Government opposes it.

Amendment negatived.

The CHAIRMAN: Order! Greens amendment No. 3 and Australian Democrats amendment No. 5 are in conflict. I propose that both be moved at this time and that they be voted on seriatim.

Ms SYLVIA HALE [2.58 p.m.]: I move Greens amendment No. 3:

No. 3 Page 4, schedule 1, line 14. Omit "or 11B".

It is difficult to pick up the context of the debate at a stage so long after the initial consideration. Essentially, should the provision of the bill on areas subject to temporary exemption come into force, that exemption would be in force until 2 July 2007. The effect of this amendment is to eliminate those exemptions and have the areas subject to the provisions of the Act upon gazettal of the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.00 p.m.]: I move Australian Democrats amendment No. 5:

No. 5 Page 4, schedule 1 [4], proposed section 11, lines 13 and 14. Omit "11A or".

The effect of this amendment would lessen the exemptions and speed up the process, and I commend it to the Committee. Every delay costs us 12 lives per day. The tobacco industry, assisted by the hotel industry—which, mistakenly, believes that this will damage patronage—wants to set norms and market the idea that smoking is part of growing up—the adult world of smoking, drinking and the opposite sex.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.01 p.m.]: The Government does not support Greens amendment No. 3 for the same reason it did not support Greens amendment No. 2. It is contingent upon the Greens original amendment, which was not successful. Greens amendment No. 3 and Australian Democrats amendments Nos 5, 7, 8, 9, 10, 11, 12 and 14 will shorten the implementation phase of the bill and introduce a total smoking ban by 2006 instead of 2007, as provided for in the Government's proposal. The Australian Democrats amendments are similar to, but less draconian than, the Greens amendments, which is somewhat of a surprise. I congratulate the Hon. Dr Arthur Chesterfield-Evans on his restraint.

The Hon. Dr Arthur Chesterfield-Evans: I am disappointed that I was not strong enough.

The Hon. JOHN DELLA BOSCA: I thought he would be. If the amendments were adopted, pubs and clubs would be prevented from having time to do the necessary design and construction work to expand outdoor areas and plan extensions, prevent bans from being communicated effectively to patrons and force a major cultural change on the New South Wales community without adequate consultation or time to adjust. The Government is planning a major advertising campaign to coincide with the phased-in introduction of bans. In part the advertising campaign relies on industry co-operation to spread the message among their patrons. The industry co-operated fully in promoting the original Share the Air campaign in 2000, but industry co-operation cannot be provided in the timetable proposed by the Greens and the Democrats.

Complete indoor smoking bans represent a major cultural change for many patrons of pubs and clubs. The tradition of having a cigarette with a beer remains strong in some sections of the community, especially in regional New South Wales. It will take some time to educate patrons in alternative habits. The Government strongly supports this cultural change for the reason spelled out in the Minister's second reading speech. Obviously, the Government understands that in some ways such a culture change is urgent. However, it is unrealistic to expect that it could occur by July next year. The Government's timetable phases in bans between January 2005 and July 2007. It is a realistic proposal and mirrors similar timetables in other States and jurisdictions. Bear in mind that we are attempting to bring industry with us.

The Hon. Dr Arthur Chesterfield-Evans: You've got no hope. You might as well face facts.

The Hon. JOHN DELLA BOSCA: I disagree with the honourable member's assertion. There has been a high level of co-operation from the hotel industry and the club industry, given the difficulties these

proposals present for them. The honourable member is underestimating the industry's attitude. Both the Government and the Minister have been successful in bringing the industry on board. Acceptance of these amendments would upset the delicate balance that is achieving something that many people, like the Hon. Dr Arthur Chesterfield-Evans, have been striving to achieve for some time in a way that will not affect too adversely the sensibilities—

The Hon. Dr Arthur Chesterfield-Evans: Money.

The Hon. JOHN DELLA BOSCA: No, it is not just about money. The Hon. Dr Arthur Chesterfield-Evans is attempting to take a rise out of me, but he will not be successful. The Committee should be aware that this type of significant change could be achieved only with the co-operation of the industry.

Democrats amendment No. 5 negatived.

Greens amendment No. 3 negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.05 p.m.], by leave: I move Australian Democrats amendments Nos 6 and 16 in globo:

No. 6 Page 4, schedule 1 [4], proposed section 11, line 18. Omit "section 13.". Insert instead:

section 13, or

(c) that is the subject of an order under section 13A (1) (b).

No. 16 Page 6, schedule 1. Insert after line 20:

[10] Section 13A

Insert after section 13:

13A Powers of council in relation to exempt areas

(1) The council of a local government area may, by order published in the Gazette:

(a) impose conditions in relation to exempt areas contained in premises in the local government area, or

(b) declare that specified premises in the local government area are not to contain an exempt area.

(2) An order under subsection (1) has effect from the date that it is published in the Gazette or from such later time as may be specified in the order.

(3) The occupier of any premises in respect of which conditions are imposed under subsection (1) (a) must comply with those conditions.

Maximum penalty:

(a) 10 penalty units, in the case of a natural person, or

(b) 50 penalty units, in the case of a body corporate.

(4) A council is to ensure that a copy of any order made by it under this section:

(a) is published in a local newspaper, or if there is no such newspaper, a newspaper circulating throughout the State, and

(b) is given to the Director-General.

(5) Failure to comply with subsection (4) does not invalidate an order.

These amendments tighten the definition of exempt areas. The problem with gambling areas in hotels is that they have always tried to enlarge the exemptions, which turns them into a farce, just as the Share the Air campaign was a farce. I commend the amendments to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.07 p.m.]: The amendments grant local councils the power to ban smoking in indoor areas of licensed premises without obligation to state reasons

and, seemingly, without any right of appeal. This would create massive uncertainty in hotels and clubs around the State because at any time at the whim of councillors every premise could face the prospect of withdrawal of permission to allow smoking. The 2000 Act permits the Director-General of Health to withdraw permission to allow smoking on a licensed premise, should that premise fail to abide by the provisions of the bill. This power is exercised only after due process and with full possession of the facts. These amendments would risk a patchwork of smoking restrictions around the State, dependent on the whims of individual councillors. For these reasons the Government opposes Australia Democrats amendments Nos 6 and 16.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.08 p.m.]: The point is that in every jurisdiction where control of smoking restrictions has been taken by a government that is nearer to the people the restrictions have been tighter and they have been supported. The smoke-free movement started in some little town in the backwoods of California and everyone scoffed: who cared what the little town did. Gradually, as the movement spread, it went through smaller and smaller towns, which fell like ninepins until, finally, Los Angeles and New York fell to the progressive forces.

Because the tobacco industry is big, it tends to make governments bigger. It dictates the policy of the United States of America and tends to dictate Australian Federal Government policy. It has always dictated State Government policy well ahead of local government, which is more closely connected to the people, not upon tobacco money. Local government actually does what the people want, and does it more quickly than other levels of government. The beauty of this legislation is that it will involve local councils and will progressively move along reforms, unlike this rather slow Government. I commend the amendment to the Committee. It is very important because it also involves giving power back to the people.

Amendments negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.11 p.m.], by leave: I move Australian Democrats amendments Nos 8 to 12 in globo:

No. 8 Page 5, schedule 1 [4], proposed section 11B, line 2. Omit "4 July 2005 until 2 July 2007". Insert instead "1 January 2005 until 1 January 2006".

No. 9 Page 5, schedule 1 [4], proposed section 11B (2), line 5. Omit "4 July 2005 and before 2 July 2007". Insert instead "1 January 2005 and before 1 January 2006".

No. 10 Page 5, schedule 1 [4], proposed section 11B (3) (a), line 11. Omit "4 July 2005 and before 3 July 2006". Insert instead "1 January 2005 and before 1 July 2005".

No. 11 Page 5, schedule 1 [4], proposed section 11B (3) (b), line 12. Omit "3 July 2006 and before 2 July 2007". Insert instead "1 July 2005 and before 1 January 2006".

No. 12 Page 5, schedule 1 [4], proposed section 11B (4), lines 17 and 18. Omit "4 July 2005 and before 2 July 2007". Insert instead "1 January 2005 and before 1 January 2006".

These amendments are part of a sensible campaign to reduce the time of implementation in a staged fashion. I believe it would be possible for premises to become smoke-free at the end of this month and New South Wales could begin the new year with smoke-free environments, which is something people have been expecting for 20 years. But the Government has been extremely slow and disappointing. Be that as it may, if a phased-in timetable is needed, these amendments will speed up the implementation and introduce the reforms by 1 January 2006.

I commend these amendments to the Committee as a slightly speedier timetable, which will be implemented some 15 months before the next election, so the Government need not be frightened of electoral repercussions. In addition, over that 15-month period, 12 lives a day will be saved as a result of improvements in air quality and their effects. Although the optimal number of lives will not be saved immediately, the chances of people contracting thrombosis or having a heart attack reduce dramatically within 48 hours of ceasing smoking, so a number of serious ailments may be avoided by individuals not being exposed to tobacco smoke. These amendments will also have the effect of dramatically reducing the recruitment of adolescents by the tobacco industry over that period. I commend the amendments to the Committee as a staged and sensible improvement in the Government's implementation timetable.

The Hon. ROBYN PARKER [3.12 p.m.]: I move Opposition amendment No. 1:

Page 5, schedule 1, proposed section 11B (4), line 14. Omit "100". Insert instead "200".

This fairly simple amendment seeks to change the size of the exempt area in a club, hotel, nightclub or casino from 100 square metres to 200 square metres, and is a practical response to calls from some of the State's smallest licensed premises. A number of such premises exist in the central business district and in some small rural areas. I am reliably informed—so I do not need to go on a pub crawl to know—that a number of small hotels and licensed premises are landlocked and are restricted in the space they can provide. They are usually family businesses. The amendment will allow landlocked hotels and clubs that have a small footprint to provide a usable area for smokers in the lead-up to the total ban on smoking inside licensed premises, rather than have them segregated in a tiny space.

The amendment will apply only to establishments with a maximum frontage of 40 metres and a maximum depth of 50 metres. The size of the space will be reduced if the small hotel or club has an available area upstairs. The size of the space will automatically be reduced to 25 metres by 20 metres if the establishment has a ground floor and a first floor and will apply to the smallest and most modest of licensed premises. The amendment will apply only to the small and traditional inner-city hotels or hotels and licensed premises in villages and hamlets in rural areas of New South Wales. Increasing the size of the space to 200 square metres will not give any special dispensation to average size premises. The amendment will not even apply to small town bowling clubs that have large auditoriums; it has been framed to capture only small operations.

The amendment will not permit open slather, and maintains the restriction on smoking to no more than 50 per cent of the internal areas of hotels and clubs. It will not promote an environment to encourage more smoking. It is designed to prevent overcrowding in the small postage-stamp size areas that are set aside for smokers. Increasing the size of the space to 200 square metres is no more than a practical and workable solution, and it will apply to only a limited number of venues. For those reasons, I urge the Minister to accept the amendment.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.16 p.m.]: The effect of the Opposition amendment is that hotels with an area between 100 square metres and 200 square metres will have their exempt area increased from 25 per cent to 50 per cent. The whole idea of referring to smoking areas rather than smoking volumes is absurd: It is like having urinating and non-urinating ends of a public swimming pool or smoking and non-smoking sides of an aircraft. In a sense, it is akin to arguing about the number of angels on the head of a pin. The fact is that smokers, who are a significant minority, do not like being together, so they want to take up half the area of premises, and thereby pollute the other half, which is what used to occur on aircraft.

This amendment will merely increase the smoking area in public premises. In essence, smoking areas are a farce because they effectively pollute all the air in premises. When I recently walked through the door of an RSL club I was greeted with an airconditioned fug of polluted or vitiated air. This amendment will make conditions in similar premises marginally worse, and it should be opposed.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.17 p.m.]: The Government opposes the Opposition amendment, which seeks to amend proposed section 11B (4), which provides that in premises where the combined bar, gaming machine and recreation room cover less than 100 square metres, smoking will be permitted in an allowable space not exceeding 50 per cent. In effect, small premises will be exempt from the 25 per cent milestone between 2006 and 2007. The concession was made precisely for the reasons that I suspect underlie the Opposition amendment. The concession will benefit small and mostly rural hotels where the 25 per cent milestone could create an allowable space, making a space that is extremely small and unrealistic in terms of functionality.

The Opposition's amendment changes the dimensions from 100 square metres to 200 square metres. I believe that the amendment is based on a misunderstanding. The 100 square metres do not include the entire floor plan of the building; it includes only the bar and gaming machine and recreation rooms. Kitchens, cellars, toilets, thoroughfares, verandas and so on are not taken into account. Extending the area to 200 metres would create a major expansion of the allowable smoking areas in the premises in the period between 2006 and 2007, and would go far beyond simply assisting small premises to make the adjustment. It would provide them with an artificial advantage over other premises and potentially defeat the purpose of the phased-in reduction of areas set aside for smoking in licensed premises. For those reasons the Government does not support the Opposition amendment.

Australian Democrats amendments Nos 8 to 12 negatived.

Question—That Opposition amendment No. 1 be agreed to—put.

The Committee divided.

Ayes, 13

Mr Clarke	Mr Gay	Mr Pearce
Ms Cusack	Mr Lynn	
Mrs Forsythe	Mr Oldfield	*Tellers,*
Mr Gallacher	Ms Parker	Mr Colless
Miss Gardiner	Mrs Pavey	Mr Harwin

Noes, 26

Mr Breen	Ms Griffin	Ms Rhiannon
Dr Burgmann	Ms Hale	Mr Roozendaal
Ms Burnswoods	Mr Hatzistergos	Ms Tebbutt
Mr Catanzariti	Mr Jenkins	Mr Tingle
Dr Chesterfield-Evans	Mr Kelly	Mr Tsang
Mr Cohen	Mr Macdonald	Dr Wong
Mr Costa	Reverend Dr Moyes	*Tellers,*
Mr Della Bosca	Reverend Nile	Mr Primrose
Mr Egan	Mr Obeid	Mr West

Pair

Mr Ryan Ms Robertson

Question resolved in the negative.

Opposition amendment No. 1 negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.28 p.m.]: I move Australian Democrats amendment No. 13:

No. 13 Page 5, schedule 1 [4], proposed section 11C, lines 34-38. Omit all the words on those lines. Insert instead:

11C Review of exemptions

(1) The Minister is to convene a working group to regularly review any exemptions from smoking in enclosed public places provided by this Act.

This amendment will ensure that the Minister reviews the exemption for casino private gaming areas and that he maintains parity with smoking restrictions that are in place in casinos in other States and Territories. It is assumed that the lack of smoking restrictions will increase business for casinos, that that is a good thing and that, therefore, the Minister should put his foot as far as he who goes least far—the opposite of Casca's position in *Julius Caesar*, who said, "And I will set this foot of mine as far as who goes farthest." In this instance the Minister should put his foot as far as who goes least far. Effectively, the Minister will review the exemption only if the other States and Territories go ahead with their proposals. My amendment will ensure that the Minister does not take into account what the other States and Territories are doing.

This is a case of the Minister doing the right thing by the people. It has been suggested that allowing smoking in casinos is good for the State's budget when all it does is cause disease and provide casinos with exemptions. Sometimes the tobacco industry states that the right to smoke is something that is reserved only for rich and important people—those who are squandering their money in high roller gaming rooms. This amendment will ensure that the Minister convenes a working group to review any exemptions from smoking in enclosed public places. Effectively, the Minister does not have to go as slowly as other States and Territories, which in a sense is a step forward. The Minister should pay more regard to health and less regard to how slowly other States and Territories are proceeding in the granting of exemptions to casinos. I commend the amendment to the Committee.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.31 p.m.]: The Government opposes Australian Democrats amendment No. 13. Exemptions for international private gaming areas at Star City Casino have been granted to maintain parity with the casino's interstate competitors—obviously

Queensland and Victoria. It is important to note that the private gaming area of Star City Casino represents a tiny part of the overall casino floor space and that that space is not open to the general public. It should also be pointed out that this exemption would be subject to review every 12 months. This exemption does not absolve Star City Casino from its responsibilities under the Occupational Health and Safety Act.

Amendment negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.32 p.m.]: I move Australian Democrats amendment No. 14:

No. 14 Page 6, schedule 1 [4], proposed section 11C (2), line 2. Omit "2006". Insert instead "2005".

This amendment will ensure that the review of Act takes place more quickly to establish what progress is being made. It will also mean that the first review is carried out in 2005.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.33 p.m.]: I have already referred to the difficulties relating to this cluster of amendments, which includes Australian Democrat amendment No. 14. This amendment seeks to vary the Government's timetable, which will result in an unnecessary imposition on the industry. Any attempt to roll back from that position would not bring the industry within the spirit of the legislation.

Amendment negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.33 p.m.]: I move Australian Democrats amendment No. 15:

No. 15 Page 6, schedule 1 [7], proposed section 12 (3), line 15. Insert "or any right to compensation a person may have because of a smoking related injury" after "*2000*".

This amendment will strengthen the right to compensation under the Occupational Health and Safety Act. Smoking-caused injuries will occur for a long time. Under the Occupational Health and Safety Act people must be able to take action as a result of any damage caused to them in premises that are unwilling to enforce smoke-free indoor air. That provision must be strengthened. Frankly, this Government is still very weak in this area. Private tort law has been the driving force behind the enforcement of smoke-free indoor air, which in a sense is sad. It is a disgrace that private tort law has had to be the driving force against the greatest preventable cause of death in the world. That progress has been driven by individuals using tort law and American tort law rather than by any visionary public health policy by this Government and most other governments. This amendment will strengthen that provision in the Occupational Health and Safety Act. I commend the amendment to the Committee.

Ms SYLVIA HALE [3.35 p.m.]: The Greens support this amendment and most of the other amendments moved by the Australian Democrats. It is inconceivable to me that employers should knowingly persist with and encourage smoking when they are conscious of the damage that it causes not only to their patrons but also to their employees. I find absolutely extraordinary the notion that high rollers rooms in casinos should be exempt. Whether we like it or not, there is probably a higher concentration of employees per patron in high rollers rooms than almost anywhere else in a casino. I think that this admirable amendment spells out very clearly the responsibility that employers have to their employees. If employers are prepared wilfully to risk their employees' health they should have to bear the consequences.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.36 p.m.]: I agree with the sentiments expressed by the Hon. Dr Arthur Chesterfield-Evans and Ms Sylvia Hale, but this amendment will have the opposite effect. Ms Sylvia Hale obviously did not hear me state earlier in debate on a previous amendment—and I repeat what I said for her benefit and for the benefit of other honourable members—that the provisions in this bill will not absolve Star City Casino from its responsibilities under the Occupational Health and Safety Act. That includes its responsibilities as they pertain to employees in the so-called high rollers or private gaming areas.

The Government opposes Australian Democrat amendment No. 15 as it relates to the right of anyone injured as a result of being exposed to tobacco smoke to seek compensation. The relationship between this bill,

the two workers compensation Acts and the Occupational Health and Safety Act is quite clear. That legislation would only be further complicated by the adoption of this amendment to proposed section 12 (3). It is clear that the exemptions in the bill will not affect any duty that a person may have under the Occupational Health and Safety Act 2000. Anyone who has a basic knowledge of the relevant workers compensation legislation would know that it could not affect any claims that one might make under workers compensation. This amendment would only cause unnecessary complications. The bill does not affect the right afforded to people to take appropriate and legitimate action in relation to smoking-related injuries.

Amendment negatived.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.38 p.m.]: I move Australian Democrats amendment No. 17:

No. 17 Pages 6 and 7, schedule 1 [10], line 21 on page 6 to line 13 on page 7. Omit all the words on those lines.

The amendment would remove a provision in the bill that states:

> Compensation is not payable by or on behalf of the State arising directly or indirectly from any of the following matters occurring before or after the commencement of this section:
>
> (a) the enactment or operation of this Act or the Smoke-free Environment Amendment Act 2004,
>
> (b) the exercise by any person of a function under this Act or a failure to exercise any such function,
>
> (c) any statement or conduct relating to the regulation of smoking in enclosed public places.

It goes on to define "compensation", "statement", "State" and "Act". It was suggested as early as the 1980s by Michael Tubbs, barrister, that one could take mandamus action against the Government for doing so little about tobacco-related injuries and that one could sue the Government if there were any delay. It was seriously suggested that something should be done to force the Government's hand and provide compensation to people who were injured by the Government's inaction in this matter. To make the Government not liable for the exercise or non-exercise of any function under the Act is effectively to exempt the Government from its own legislation.

I am told by those involved with the Cancer Council of New South Wales that the Government is quivering in fear of being sued for loss of profits by sections of the hotel and gaming industries and that this provision was included to avoid that outcome. I would be interested to hear the Australian Hotels Association or an individual hotel, perhaps backed by the tobacco industry, express its disappointment that the people who flocked to pubs and clubs to play on gaming machines and to drink cannot continue to smoke, pollute the air and kill people. I would love to hear the hotel and gaming industries claim that they have lost money because of this bill, demand the right to continue to make money and to kill people and then sue the Government for denying them that right. If the Government thinks any such action could succeed without the Australian population dying from laughter at the absurdity of that proposition, it has been fooled considerably more than I thought.

I know that the Government has been led by the nose to the idea that it takes years to phase in smoking bans. The Government has been led by the nose to the notion that, 25 years after the tobacco industry expected legislation to be enacted ensuring smoke-free workplaces and public areas, it is still too early to introduce this bill and there has not been enough consultation about it. The Minister for Industrial Relations mouthed that absurd nonsense again today. The thinking is that the hotel and gaming industries will sue the Government, claiming that it has taken their profits by gradually introducing these bans at a glacial pace. It is simply absurd that the Government feels the need to include this clause.

On my first reading of the clause, I thought it was intended to stop people suing the Government over its lack of action regarding the provision of smoke-free environments. That may be the case; if so, let them sue, and I wish them luck—although they probably will not succeed because the Government will delay the case and send them broke. I do not think the tobacco industry or any of its lackeys in the hotel or gaming industries would take similar action. I think this clause illustrates the extent to which the Government is terrified of the tobacco lobby and its lackeys. It is extraordinary that it even contemplates putting nonsense like this in the bill. My amendment simply deletes the clause, which is what should happen.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.42 p.m.]: That was a very confusing presentation by the Hon. Dr Arthur Chesterfield-Evans but I will try to do justice to it in my response.

The Hon. Dr Arthur Chesterfield-Evans: Did it confuse?

The Hon. JOHN DELLA BOSCA: It confused me, and I tried to follow it closely. The Hon. Dr Arthur Chesterfield-Evans is very proud of spending much of his life campaigning against smoking in public places and against the tobacco industry in general. In debate on this bill he has portrayed the pubs and clubs as accomplices in an evil conspiracy by the tobacco companies. Yet, by moving this amendment, the honourable member is seeking to offer them a bonanza by pursuing litigation against the Government for potential economic loss arising from this legislation.

The Hon. Dr Arthur Chesterfield-Evans: They've got no chance.

The Hon. JOHN DELLA BOSCA: It is easy for the Hon. Dr Arthur Chesterfield-Evans to say that. I go to a lawyer for legal advice and a doctor for medical advice. The honourable member is a doctor—

The Hon. Jan Burnswoods: Would you go to Arthur for medical advice?

The Hon. JOHN DELLA BOSCA: No, I do not think I would, but that is a personal proclivity. I think this amendment is based on the wrongheaded view that the clause is attempting to close some potential avenues of litigation available to the supposed victims of public smoking. It will not have that effect; it will simply ensure that there is no bonanza for the pubs and clubs if they make some claim of economic loss. I can assume only that the Hon. Dr Arthur Chesterfield-Evans's lifelong antismoking crusade has embroiled him far too deeply in his own little conspiracy with the plaintiff legal community, which would be the biggest single winner from the defeat of this proposition. It would enjoy a bonanza from running the cases on behalf of hotels or clubs, regardless of whether they were justified. I urge the Committee to defeat the amendment.

Amendment negatived.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [3.44 p.m.]: I move:

No. 1 Page 7, schedule 1 [11]. Insert after line 18:

(f) the determination of what is a room (including a bar room, gaming machine room or recreation room) for the purposes of this Act.

This amendment seeks to clarify a misunderstanding that has arisen in consultation about the bill. It deals with the issue of how a room is defined in this bill as opposed to its definition in the Gaming Machines Act, which obviously hotels and clubs are more familiar with. The current definition of "room" in the Gaming Machines Act is quite specific and extends even to an alcove. This amendment will allow a room to be defined more appropriately for the purposes of this legislation.

Amendment agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 2 to 15 postponed on motion by the Hon. Tony Kelly.

ROOKWOOD NECROPOLIS AMENDMENT BILL

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [3.50 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

This bill will help provide for the sustainable management of Rookwood Cemetery now and for future generations.

It represents the Government's commitment to ensuring that the legislative framework that governs the management of this important reserve is as effective as possible.

The bill will enable land to be set aside within the reserve areas of Rookwood Necropolis for denominational crematoria.

It allows the tenant of the existing crematorium to appeal to the Land and Environment Court by against a valuation made by the Valuer-General.

It also clarifies certain provisions relating to the revenue stream of the Joint Committee of the Necropolis Trustees, (the JCNT) and updates the Necropolis Act to accord with current legislative drafting principles.

Before discussing the proposed amendments in more detail, I would like to provide members with some background about the Rookwood Necropolis.

As many members would be aware, the Rookwood Necropolis was established in 1868.

It is one of Australia's oldest cemeteries and one of the largest dedicated burial grounds in the world, being some 283 hectares in total area.

The burial grounds have been in continuous use since its creation, with more than 800,000 bodies interred at Rookwood.

Rookwood is more than a cemetery. The area preserves a record of our architectural and social history, and is one of the reasons why Rookwood is a popular tourist attraction.

A Permanent Conservation Order protects 81 hectares which encompasses one of the largest Victorian era public cemeteries in the world.

But it is the principal role of the Rookwood Necropolis, as a city of the dead, which has given rise to the amendments placed before the House today.

Within the parameters of the Necropolis, there are several denominational reserve trusts including a General trust. These groups represent a wide range of religious and national groups which manage dedicated lands for burial purposes.

The various denominational reserve trusts at Rookwood , like many other cemetery trusts, are grappling with the problem of decreasing burial space.

The trusts have specifically allocated geographic areas for burial.

Based on current burial trends, some trusts have only enough land available for two to three years of interments, while others may have 20 to 30 years.

The trusts are exploring a variety of options to help them to manage their reserves for the future.

In managing available burial space, each trust is affected by the burial rites and rituals observed by those interred within its respective reserve area.

For those faiths that allow cremation, this option will extend the viability of existing cemetery space, by reducing the land required for interment

While this bill proposes that each denominational reserve trust has the ability to set aside land for a crematorium, the Government believes it is unlikely that every trust would seek to build a crematorium.

In determining whether to proceed with the construction of a crematorium, a trust would undertake an evaluation of the project to ensure that the proposal is viable.

Any trust that seeks to build a crematorium would also be responsible for funding the construction of the facility and for obtaining the appropriate building consents and planning permissions.

The JCNT is a management body created to maintain the infrastructure, such as roads and drainage, across the entire area of Rookwood cemetery.

These works are funded by contributions from each of the denominational reserve trusts, and rent from the existing crematorium. The rental payments from the existing crematorium provide a substantial portion of the funds used by the Joint Committee for maintenance.

The current legislation provides that the rental payable by the tenant of the existing crematorium may be calculated in two ways.

The rent may be based on 10% of the value of the land area of the crematorium, or based on 5% of the imputed revenue of the crematorium.

Where a difference exists between the two calculations, the higher figure is used. Historically, the land value has been higher.

The bill will establish a review mechanism for the parties directly affected by the land valuation. Such a mechanism did not previously exist.

Both the Joint Committee of Necropolis Trustees and the tenant of the existing crematorium will be able to appeal to the Land and Environment Court in relation to the valuation accepted by the Valuer-General.

This represents a more equitable process, and demonstrates to Government's ongoing commitment to ensure an effective legislative framework to administer the Rookwood Necropolis.

This bill also proposes to clarify the way that the Joint Committee determines the contributions payable by the reserve trusts, the process for approving these determinations and the timeframe for payment.

This will enable both the Joint Committee and the reserve trusts to better administer their finances and plan for the future.

In order to ensure that all facilities operating in the Necropolis make a contribution to the upkeep and management of the cemetery, the proposed amendments also provide for any denominational crematoria to pay a regulated fee to the Joint Committee based on the number of cremations carried out.

This fee will not apply to the existing crematorium, and is not intended to be a disincentive to cremation activities.

Rather, it is intended to safeguard the revenue stream of the Joint Committee to ensure that it can continue to maintain shared infrastructure within the cemetery grounds at an appropriate level.

Finally, the opportunity has been taken to modernise the language of the Act.

This bill includes a number of consequential amendments ensuring that references reflect the terminology of the current *Crown Lands Act 1989* rather than the repealed *Crown Lands Consolidation Act 1913.*

The bill addresses the need for greater flexibility in managing available burial space by providing denominational reserve trusts with the ability to establish crematoria should certain preconditions exist.

These amendments will not provide a solution for every reserve trust or every faith in managing available burial space.

But they do provide new options for those who do want to explore this option to improve the longevity of this historic cemetery.

Trustees of cemetery reserves are taking up the challenge of managing these spaces for the future.

This bill will assist trustees in carrying out their job by providing them with new options, and clarifying existing practices.

I commend the bill to the House.

The Hon. RICK COLLESS [3.50 p.m.]: On behalf of the Opposition, I indicate that the Rookwood Necropolis Amendment Bill will not be opposed by the Opposition. The objectives of the bill include provisions to enable additional crematoria to be constructed, subject to the normal planning controls on the Rookwood site. It also provides for the right of appeal of a lessee of the crematorium to the Land and Environment Court in respect of the determination of rent based on land value for the existing crematorium site. The bill allows for a levy for cremations for the denominational crematoria that may be constructed in the future. I note that the levy will not affect the existing crematorium.

Rookwood Necropolis Cemetery, like most cemeteries in the Sydney metropolitan area, is currently experiencing logistical concern about the decreasing available burial places. The Opposition acknowledges that this amendment to the Necropolis Act 1901 is only one response to the shortage of available burial spaces. Rookwood Necropolis was established in the 1860s and is one of the largest and oldest cemeteries in the southern hemisphere. Originally it was a full-blown Victorian extravaganza, replete with fountains, canals, mausoleum, lavish gardens and funerary sculptures which, due to the ravages of time, vandalism and insufficient security, became overgrown and menacing until the Federal Government came to its aid with extensive renovations under the Federal Governments Federation, Cultural and Heritage Projects Program.

Rookwood Necropolis Cemetery, where more than one million people have been interred, sits on some 300 hectares of land and is one of the largest burial grounds in the southern hemisphere and probably the world. The headstones and monuments reflect the history of the colony of New South Wales and the development of the city of Sydney. The heritage value of the cemetery is of such significance that it is protected by an Act of Parliament. Six denominational trusts and the Joint Committee of Necropolis Trustees manage the Rookwood area. All trust officers employ their own staff and keep their own records. Maintenance of the cemetery is funded by the organisations which do not receive government assistance. More than 80 religious and cultural groups use Rookwood as a final resting place for their loved ones. Funerary customs, brought here from all over the world, reflect our multicultural society.

The committee oversees the maintenance of joint infrastructure such as roads and drainage within the area of the Necropolis. Currently, the only crematorium at Rookwood is subject to a statutory lease to a private company due to expire in 2025. The trust is currently funded by rental paid by the existing crematorium tenants, as well as by levies paid by the denominational trusts, which is in accordance with the criteria established by the current legislation. Any new denominational trust establishing a crematorium will also contribute a fee or levy for each cremation. The levy will initially be set at $100 per cremation, indexed to the consumer price index. The Catholic Cemetery Board has been pursuing this matter with the Government and intends to establish a crematorium at Rookwood on land held by it in trust to encourage cremation within the Catholic faith. The crematorium will be a state-of-the-art facility and will utilise modern technology. The Opposition also recognises that this is not a suitable solution for all religious groups, but for those that permit cremation the amendment will provide one option to assist the efficient management of burial space. The Opposition commends the bill to the House.

Reverend the Hon. Dr GORDON MOYES [3.54 p.m.]: The Rookwood Necropolis Amendment Bill amends the Necropolis Act 1901 in order to do a number of things including: to facilitate additional crematoria to be constructed, subject to planning controls; to provide a right to the lessee of the Rookwood crematorium to appeal to the Land and Environment Court in respect of the determination of rent based on land value for the existing crematorium site; and to allow for a levy for cremations for denominational crematoria. I welcome the changes made to the Necropolis Act—two Greek words meaning the city of the dead—by this bill. With the one million people who have been interred, buried or cremated there it really is a large city of the dead, one of the largest cities in Australia.

The Rookwood Necropolis Cemetery was established in 1868. Apparently, it is one of the largest cemeteries in the southern hemisphere, comprising 283 hectares in total. The burial grounds have been in continuous use since the cemetery's inception. Interestingly, a permanent conservation order currently protects 81 hectares of the cemetery. It should also be noted that this is one of the very fine places where one can see some of the best of the ancient forms of roses growing in Australia because all of the very old and beautifully perfumed roses have been growing for more than a century. The cemetery is managed by six denominational trusts and the Joint Committee of Necropolis Trustees, a committee which oversights the maintenance of joint infrastructures such as the roads and drainage within the area of the Necropolis. It is also the home of some fine gravestones and interesting forms of burial that has been seen over the past 150 years.

Rookwood is also the burial place of many people who were reinterred there from the existing Cathedral burial ground space between where St Andrews Cathedral and the Town Hall stand today. Bodies that were buried in that cemetery were taken and reinterred in the Rookwood Necropolis. Within the parameters of the Necropolis there are various denominational reserve trusts, including a general trust. Each of those religious and national groups manage dedicated land for burial purposes. As pointed out in the second reading, and as an obvious consequence of the phenomena of increasing populations, the trusts are grappling with the problem of decreasing burial space. The Parliamentary Secretary pointed out that burial trends tend to indicate some trusts have only enough land available for two or three years of interments while others have 20 to 30 years left.

I have observed in cemeteries around the world that some graveside are only as long as the upper bone in the upper leg and that the bodies, after drying out, are compressed and compacted into the length of an ossuary, which is about two feet long. The bill makes provision for land to be set aside. Some cemeteries of the world prefer vertical burials rather than laying them out horizontally in order to get more burials per square hectare, even though they might be double and triple-decker graves. This bill makes provision for the land to be set aside within the Necropolis for the purpose of denominational crematoria. Any trust that seeks to build a crematorium will be responsible for funding the construction of the facility and obtaining the necessary building consents and planning permissions. As an aside, the Catholic Cemetery Board has been pursuing the matter with

the Government for some time, and intends to establish a crematorium at Rookwood on land held by it in trust to encourage cremation within the Catholic faith.

When I was young all the priests argued about Catholic people being cremated, that with the resurrection of the body all the bodily parts would need to be in one place. However, I argued at that time that all the body parts were present in that little jug on grandma's shelf. I also say to the Leader of the House that in those days we used to argue that the more Catholics who were cremated the better. It is acknowledged, however, that not all denominational trusts will proceed with the construction of crematoria. I note that there is only one crematorium at Rookwood which is currently certainly oversubscribed. I have conducted services at Rookwood for several hundred people and note that additional crematoria are needed in the area.

The Joint Committee of Necropolis Trustees is currently funded by rental payments made by existing crematorium tenants, in accordance with criteria established by the current legislation as well as by levies paid by denominational trusts. As was pointed out in the Minister's second reading speech, the current legislation provides that the rental payable by the tenant and the existing crematorium may be calculated in two ways. It may be based on 10 per cent of the value of the land area of the crematorium or 5 per cent of the imputed revenue of the crematorium. Where there is a difference between the two calculations, the higher figure is used. Historically, the land value has been higher. However, with this funny language called English, it is quite unusual to speak about a tenant in the Rookwood crematorium. A bill established to review mechanisms for the parties is directly affected by the land valuation. Such a mechanism did not previously exist.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

CENTRAL COAST RAIL SERVICES

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Transport Services. Did the Minister promise on 3 November to travel to the Central Coast and publicly meet and hear commuters' concerns? In light of the commitment, why did the Minister not honour his promise, but instead make an unpublicised trip last Friday, thus denying commuters the opportunity to complain to him personally about the appalling rail service from the Central Coast to Sydney? Why did the Minister not bother to honour his promise reported in the *Daily Telegraph* to allow them to accompany him on the return trip?

The Hon. MICHAEL COSTA: As usual, the Leader of the Opposition is completely predictable in his questions. I am glad he is because he gives me an opportunity to respond to some mischief-making that has occurred.

The Hon. Duncan Gay: You are predictably hopeless.

The Hon. MICHAEL COSTA: I am predictably hopeless, says the Deputy Leader of the Opposition. This is the member who sat on a polling booth, I think at the Parkes East booth, at the recent election—

The Hon. Patricia Forsythe: Point of order: I draw attention to the standing orders on relevance. Clearly, the Minister is not responding to the question.

The Hon. Michael Egan: To the point of order: I actually support the point of order. I have instructed my colleagues that they are not to mention Dubbo at all. The word Dubbo must not pass their lips. Poor old Dubbo Dunc here, who is responsible for the catastrophe in Dubbo, is a nice man and we do not want to humiliate him or make things difficult for him in the last week of the sittings of this year's Parliament. So I say to my colleagues: You are not allowed to mention Dubbo.

The Hon. Duncan Gay: To the point of order: I thank the Leader of the Government for making it unnecessary for me to say that in nine years the support for the Labor Party in Dubbo has gone from 28 per cent, to 14 per cent, to zero.

The PRESIDENT: Order! The Minister will not mention Dubbo unless it is to do with railways.

The Hon. MICHAEL COSTA: As we were talking about relative hopelessness, and as I was about to point out, Parkes East booth, which the Deputy Leader of the Opposition sat on for many, many hours, saw a 22 per cent decline in the vote for The Nationals.

The Hon. Don Harwin: Point of order: This clown of a Minister chooses to ignore the question and the ruling.

The Hon. Michael Egan: To the point of order: I listened carefully to the Minister's response to the question, and he did not use the word Dubbo, so he is clearly not out of order.

The PRESIDENT: Order! I remind the Minister that his answer must be relevant to the question.

The Hon. MICHAEL COSTA: As I was saying, the fact of the matter is that I do travel regularly on trains on the northern line—as do my wife and daughter. Minister Della Bosca indicates that he also has travelled on this line. I do not need to be involved in a publicity stunt to know what northern line commuters are thinking. I have travelled on that service on many occasions, as I will continue to do. I look forward to the Leader of the Opposition meeting his commitment to travel on that service and explain to the public the Opposition's strategy to restore rail services. Is it to recruit truck drivers? Is it to ignore Waterfall? Is it to use the Essential Services Act? The Leader of the Opposition has a lot of explaining to do.

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

The Hon. MICHAEL COSTA: We would like to see him travel on that service and explain how the Essential Services Act, recruitment of truck drivers and ignoring Waterfall and Glenbrook will somehow fix rail services. I think the best thing I can say is that Mr 22 Per Cent wasted his time at the Dubbo by-election.

WORKERS COMPENSATION SCHEME COMPLIANCE

The Hon. CHRISTINE ROBERTSON: My question is addressed to the Minister for Commerce. Can the Minister outline the latest efforts by WorkCover New South Wales to reduce or eliminate fraud in the workers compensation scheme?

The Hon. JOHN DELLA BOSCA: I commend the honourable member for her interest in this matter. Fraud by employers, workers and service providers is a potential threat to the viability of the State's workers compensation scheme. It can also provide an unfair advantage to businesses that are prepared to evade their responsibilities. Honourable members would be aware of the recent reduction of $576 million in the WorkCover scheme deficit. That substantial reduction—over just six months—is largely due to a combination of better claims management and stronger investment returns, of course aided by increased compliance measures.

A package of workers compensation compliance initiatives was introduced in the Workers Compensation Legislation Amendment Act 2000. That package formed the basis of a tougher approach by WorkCover to fraud. The broader provision on fraud enables WorkCover to prosecute any person who commits an act of fraud against the WorkCover scheme, including a penalty of $55,000 or two years imprisonment, or both. Penalties for premium evasion and other failures to comply with workers compensation insurance requirements were also significantly increased and interest charges on avoided premium were introduced, as was an on-the-spot fine for non-insurance.

A further range of measures to improve compliance was introduced under the Workers Compensation Amendment Act 2002. Those included a broader definition of wages and requirements for principal contractors to check that their subcontractors have the proper workers compensation insurance. I announced further changes in February 2003, including a doubling of resources in the existing WorkCover Fraud Investigation Unit, the establishment of a dedicated fraud prosecution unit within WorkCover's Legal Group, steps to increase the co-operation between government agencies and assistance to insurers to develop more sophisticated detection systems within their organisations.

WorkCover now employs 20 specialist full-time staff to investigate and prosecute fraud and non-compliant activity in the scheme, as well as five other positions involved in data mining. As a result, I am advised that there has been a fourfold increase in WorkCover's prosecutions since June 2002. Last month, a man who undertook secondary work while receiving workers compensation benefits was ordered to repay more than $10,000 in restitution, pay $9,000 in legal costs and was sentenced to 1,500 hours community service in Forbes

Local Court. This month, a court ordered a man to pay over $18,000 and perform 250 hours community service for making false claims and working while receiving weekly benefits.

In 2002-03 WorkCover successfully conducted more prosecutions than the entire Australian Tax Office, nationwide. WorkCover has arranged an ongoing anti-fraud training program for insurers and will shortly introduce new measures to assist insurers to better detect and eliminate fraud-related matters. WorkCover investigates every report of fraudulent activity and appropriate action is taken. WorkCover's compliance unit now has sophisticated data mining software to detect potential fraud within the scheme by service providers and employers as well as claimants. During 2003-04 WorkCover issued approximately 13,000 requests for wage audits to insurers; identified approximately $25 million in additional premiums together with an additional $13 million in late payment fees; and issued 217 fines and penalties for premium evasion with a total value of approximately $1 million. Although the legislative and regulatory frameworks for compliance are necessary, WorkCover is committed to a process of education and the provision of information as the best way to ensure that everyone understands their rights and responsibilities.

PALMER REPORT ON ILLEGAL FISHING

The Hon. DUNCAN GAY: My question without notice is directed to the Minister for Primary Industries. Does an internal New South Wales Fisheries document indicate that Fisheries staff are upset with bureaucratic and/or political interference in the construction of the Palmer report on illegal fishing for commercial gain or profit in New South Wales? Does the document claim that the New South Wales Fisheries management team is ill-directed and poorly focused, and lacks leadership and vision? What is the Minister's response to staff within New South Wales Fisheries that findings contained in the Palmer report are neither new nor enlightening, and that they have been raised previously with Fisheries management?

The Hon. IAN MACDONALD: Sometimes I think the Deputy Leader of the Opposition should stick to sheep, like most members of The Nationals, and try not to get into matters about which he has no knowledge. His knowledge of Fisheries is pretty low. He should have directed the Hon. Jennifer Gardiner to ask questions on Fisheries.

The Hon. Henry Tsang: But she doesn't know about fish.

The Hon. IAN MACDONALD: She knows about fish. I was on a committee with her for years. Even when the Hon. Eddie Obeid was on the State Development Committee we examined the fishing industry in greater depth. She knows a lot about fish. The Palmer report is a landmark report in trying to wipe out black market fishing in this State. The Deputy Leader of the Opposition would be the only person in this State who would try to put down the report.

The Hon. Duncan Gay: It's your staff.

The Hon. Michael Gallacher: Your Fisheries officers.

The Hon. IAN MACDONALD: Absolute rubbish. The report is a landmark, clear-cut report that deals with the issues. The campaign has been effective. Last week alone, following upgrading of our compliance activities, our staff seized 1,976 abalone, 92 per cent of which were undersize. The campaign is working. The compliance effort has been enhanced. This is the second major bust of about 1,500 or 1,600 abalone in this State in recent times. I do not know what the honourable member is on about.

The Hon. Duncan Gay: It's your document.

The Hon. IAN MACDONALD: Rubbish!

The Hon. Duncan Gay: And you know that.

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition tries to make mountains out of molehills, as usual. Last night I attended the Seafood Industry Forum and met with most of the leading figures in the fishing industry who believe in the Palmer report. They believe that the department is doing extremely well in enforcing compliance. Major busts in recent months totalling nearly 4,000 abalone is a fantastic effort. But that is not all of it—there have been other compliance activities. Forget his little bit of nonsense.

The Hon. Duncan Gay: You won't talk to the staff.

The Hon. IAN MACDONALD: I talk to our staff all the time.

The Hon. Michael Gallacher: That's not what your staff are telling us.

The Hon. IAN MACDONALD: Go and try to get a few votes for The Nationals.

MR GEOFF BLUNT DRIVING SPEED WARNING

The Hon. JOHN TINGLE: My question without notice is addressed to the Minister for Justice, representing the Minister for Police. Has the Minister seen media reports of an incident in which a motorist claims police warned him that he was not driving fast enough? Will the Minister investigate the circumstances in which a retired police officer, Mr Geoff Blunt, alleges he was pulled over by a highway patrol car on the Pacific Highway at Kew, near Port Macquarie, and warned that truck drivers had called in to say that he was driving too slowly? Did the highway patrol officer say that truck drivers had complained about Mr Blunt driving at 85 kilometres per hour instead of 100? Did the officer say that he should drive faster? If it is not mandatory for everyone to drive at the maximum speed limit and if this event is confirmed, will the Minister take action to make sure it does not happen again?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Minister for Police.

CHILD NEGLECT

The Hon. KAYEE GRIFFIN: My question without notice is addressed to the Minister for Community Services. Will the Minister inform the House of the recent New South Wales Government initiatives relating to child neglect?

The Hon. CARMEL TEBBUTT: I thank the honourable member for her important question. We all know that the neglect of children can have terrible consequences. Neglect occurs when those with legal responsibility to care for a child fail to provide the necessities of life, such as adequate food, clothing, medical aid or shelter. The Government is working with families to reduce the incidence of neglect through an early intervention approach. This includes $150 million in additional funding for early intervention programs over five years, as well as the $117.5 million Families First program, all of which aim to intervene early when problems first occur and prevent more serious problems from occurring further down the track. Many children and families have been, and continue to be, helped through these programs. They are making a clear difference in the approach that parents take to parenting, and in understanding their families' needs.

Although the vast majority of parents and carers take great care of their children, or accept support and assistance when they need it, there are cases that demonstrate a complete and inexcusable failure to care for a child to such an extent that the child's life or health is seriously endangered. Although organisations like the Department of Community Services are an important safety net to provide care and protection to children in need, parents should not regard the existence of the department as a licence to walk away from looking after their children. Regrettably, some parents have this view of the world. To address this issue the Government recently strengthened and clarified the State's child neglect laws. The new provision in the Crimes Act, which commenced in October, states that a person who has parental responsibility for a child under 16 years and who, without reasonable excuse, fails to provide the child with the necessities of life is guilty of an offence if that failure causes a danger of death or serious injury to the child. The maximum penalty is five years imprisonment.

This change builds on the amendments to the Crimes Act at the end of 2003 with regard to the offence of exposing or abandoning a child, which lifted the age of the child in this case from two to seven years to better reflect community expectations. These new provisions complement the neglect-related sections in the Children and Young Persons (Care and Protection) Act 1998, which provide for a financial penalty of up to $22,000. The Government's efforts to strengthen and modernise the law of child abandonment and neglect make it clear that those who endanger the life or health of a child can face significant financial penalties or gaol. Although the Government does not believe custodial sanctions should follow automatically in all cases of child neglect, imprisoning an individual with parental responsibility for a child clearly should be available to a court in severe cases. We need guidelines in this complex area that make distinctions between parents who need extra support, extra home visiting or some other sort of support, and parents who have been provided with ongoing support but who to continue to ignore their child's welfare.

The task force to develop these guidelines comprises officers from NSW Police, the Office of the Director of Public Prosecutions and the Department of Community Services. They will provide direction on whether to provide an official warning to parents, whether to seek a fine under the Children and Young Persons

(Care and Protection) Act 1998 or whether to seek prison terms of up to five years under the Crimes Act. Child protection is a shared community responsibility. The Department of Community Services is steadily improving its capacity to respond to families with increasingly complex issues in a high-volume environment. Although the Department of Community Services will always try to help children and families under pressure, the care of children is a shared responsibility between the community, parents and carers. It is an accepted fact, and it is backed by research, that a child's best chance to prosper comes from having a loving and supportive family. It is appropriate that we send a message to those who would wilfully ignore a child's welfare that they can face stern action through the courts. The prosecution guidelines will make appropriate distinctions between parents who need extra help and parents who simply do not appear to care about their children. I look forward to the task force reporting back during 2005.

DEPARTMENT OF COMMUNITY SERVICES AND PORT KEMBLA BROTHEL UNDER-AGE WORKERS

The Hon. Dr PETER WONG: My question without notice is directed to the Minister for Community Services. Will she outline the length of involvement that the Department of Community Services has had with the two young children who were prostituting themselves for at least a month in the Southern Belles brothel in Wollongong? Will she authorise the Children's Guardian to undertake case file reviews of these young girls' cases to determine whether the department met its statutory responsibilities in their cases? Given the dreadful failures highlighted by this sad case and the department's inability to provide its annual report to Parliament this year, does the Minister retain confidence in the Department of Community Services?

The Hon. CARMEL TEBBUTT: I thank the Hon. Dr Peter Wong for his question. He is referring to a case on which I provided extensive information to the House towards the end of last year at a time when it was receiving significant public attention and to an estimates committee. In regard to the role of the Children's Guardian, it is my recollection that the two young girls to whom the honourable member referred were not in out-of-home care. Therefore there would not be a role for the Children's Guardian. I am happy to follow that up because it may well be that the girls spent a period in out-of-home care. I cannot recall at this stage whether that is so, but certainly my recollection is that they were not in out-of-home care at the time of those incidents. The department has continued to be involved in the lives of those two girls. I am happy to provide further information to the House, but I do not have that information with me at the moment.

COMMUNITY PARTICIPATION PROGRAM

The Hon. JOHN RYAN: My question without notice is directed to the Minister for Disability Services. What are the Government's criteria for identifying people with very high support needs in the new Community Participation Program? How many people does she expect to support with the $1.4 million she recently allocated to meet the needs of clients with very high support needs? How did the department arrive at the estimate of the amount of funding needed to provide for clients with very high support needs?

The Hon. CARMEL TEBBUTT: I thank the Hon. John Ryan for his question. He has referred to further changes that I announced on 26 November relating to the Community Participation Program for young people with a disability. As I announced, participants will have one level of funding which has been set at $13,500 per participant, but in addition an amount of $1.4 million has been allocated to service providers who are working with participants with very high support needs. The Department of Ageing, Disability and Home Care is working with service providers and their peak organisation, the Australian Council for Rehabilitation of the Disabled [ACROD], to develop the criteria and process for the allocation of this funding.

It is not possible at this stage to answer the specific questions asked by the honourable member with any level of certainty other than to say that the department has worked very closely with ACROD on the refinement of the policy proposal and has worked closely with a number of key service providers. We will be informed by that process and come up with a definition for those with very high support needs. It is my expectation that the definition will be resolved within the next month.

INDUSTRIAL RELATIONS COMMISSION TIME STANDARDS

The Hon. JAN BURNSWOODS: My question is addressed to the Minister for Industrial Relations. Will the Minister inform the House about the new time standards protocol introduced by the New South Wales Industrial Relations Commission?

The Hon. JOHN DELLA BOSCA: The New South Wales Industrial Relations Commission has established new time standards to expedite the processing of industrial and occupational health and safety matters brought before the commission. The introduction of the new time standards is in line with the process of

reform currently being undertaken by the commission. Under the new time frames, the State commission will list all industrial disputes within three to 10 days, finalise all unfair dismissal applications within two to nine months, finalise all enterprise agreements within three months, and finalise all leave to appeal matters within 18 months. These new procedures will give employees and employers the best chance of resolving differences quickly and getting back to work, particularly in the case of unfair dismissal applications. In order to maximise the chances of reinstatement, cases must be managed quickly and effectively. This feature of the New South Wales industrial relations landscape is another basis of the stark contrast with the Federal system—a system that the Howard Government wants to shore up through a unilateral takeover using its corporations powers.

When time is taken to examine the performance of the two systems, the very real threat by the Federal Government creates a genuine cause for alarm on the part of both employees and employers. Members will already be aware that the Commonwealth Workplace Relations Act is unnecessarily complex and that the Australian Industrial Relations Commission is difficult to access without legal advice, yet the Federal Government is intent upon dismantling the efficient and harmonious New South Wales industrial relations system and replacing it with a system that is inefficient and underfunded. The latest evidence of the Federal system's poor industrial relations performance can be found by reference to be Australian Industrial Relations Commission's annual report for 2003-04. The report states:

> ... that in the current year, there will be a significant gap between the funds provided by the Government... and the funds necessary for the provision of Registry services to the Commission and the public.

The report also states "that forecasts for later years indicate ongoing deficits of some magnitude". The report asserts that, without a significant increase in funding from the Federal Government, the commission and the registry will have no option but to reduce their services in 2005 and 2006. The findings stated in the Australian Industrial Relations Commission's annual report are alarming. They seriously question the ability of the Federal Government to sustain its proposed industrial relations takeover.

The Federal Government wants to bring 85 per cent of all employees under the coverage of the Federal system yet, based on the findings of the Industrial Relations Commission's own annual report, the Federal commission is incapable of dealing with its present caseload, let alone the caseload of an expanded jurisdiction. How can the Federal Government justify this takeover when the Australian Industrial Relations Commission is presently underfunded and, by its own admission, forecasting a reduction in services? I reiterate to the House that the New South Wales Government will continue to protect its system, which is based on fairness to both workers and employers.

CORRECTIONAL CENTRES EDUCATION PROGRAMS

The Hon. PETER BREEN: My question without notice is directed to the Minister for Justice. Will he inform the House how many prisoners, both young offenders and adult inmates, are currently in full-time education programs? Is he aware that some jurisdictions offer incentives to prisoners who undertake full-time education programs? What incentives, if any, are offered to prisoners in New South Wales to undertake full-time education programs? Are there any plans to implement additional incentives?

The Hon. JOHN HATZISTERGOS: The figures that I have for August 2004 indicate that there were 410 inmates across the correctional system undertaking full-time study in the Department of Corrective Services. I should add that the monthly average in 2003-04 of inmates enrolled in education courses in New South Wales was 4,519. Although 410 inmates were engaged in full-time education in August 2004, that figure is not reflective of all those in the correctional system who are involved in educational activities. The total figure is much higher because some inmates participate both in work and in education.

There are 181 teachers delivering more than 75,000 teaching hours across 33 correctional centres and the department purchased 19,000 teaching hours from TAFE, which means it is possible for inmates to participate in full-time education study through TAFE as well as through the adult educational and vocational training institutes that currently exist. In August 2004 the intensive learning centre was opened at the John Morony Correctional Centre, which provides opportunities for 12 young offenders to study in a full-time program. It is anticipated that the numbers will increase to a maximum of 50 young offenders over the next two years. The inmate educational programs across the State include adult literacy and numeracy, English as a second language, communications skills, vocational training, Aboriginal education, employability skills, general life skills and further education.

The honourable member asked me a question about incentives and there are obviously clear incentives for individuals to advance by undertaking courses that will assist them in rehabilitation. That is a fairly obvious advantage, but in relation to young offenders we are anxious to ensure whenever possible that they are

encouraged to undertake full educational programs, particularly through the intensive learning centre. For that reason, when the centre was opened it was indicated that young offenders who participated in full-time education would be remunerated in present wage rates at the same level as they would otherwise earn in industries. In other words, they would not be dissuaded from undertaking education by forgoing the opportunity of earning income from the performance of manual tasks. I trust that answers the honourable member's question.

CENTRAL COAST RAILWAY STATIONS CHRISTMAS CARD DISTRIBUTION

The Hon. CHARLIE LYNN: My question without notice is addressed to the Minister for Transport Services, and Minister for the Hunter. Is the Minister aware of the distribution of Christmas cards, in this festive season, at Central Coast railway stations in November? What action is the Minister taking in respect of that distribution of Christmas cards?

The Hon. MICHAEL COSTA: I am aware that the Leader of the Opposition was handing out Christmas cards on railway stations.

The Hon. Eric Roozendaal: Did they hand them out in Dubbo?

The Hon. MICHAEL COSTA: They might have received some votes if they had handed them out in Dubbo. I am very disappointed that the Leader of the Opposition did not get right the make of my motor vehicle. He ought to know that I do not have a chauffeur driven V8 with a DVD and GPS. I drive a little Prado—an interest I share with the Leader of The Nationals, Mr 22 Per Cent.

LOCUST OUTBREAK

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Primary Industries. Media coverage of locusts over the past few days has focused on locust swarms in the south of the State. Will the Minister update the House on the State's locust control program?

The Hon. IAN MACDONALD: A photograph on page three of today's *Daily Telegraph* would give honourable members a good idea of what rural communities, response teams and landholders are facing in their ongoing locust control efforts. The photograph shows a man walking through a swarm of locusts.

The Hon. Duncan Gay: It shows what a good job you have done!

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition quipped to the effect, "You are not doing a good job." To indicate how out of touch he is I will share with honourable members a letter I received from the Country Women's Association of New South Wales, which states:

> Dear Minister,
>
> We congratulate the Department of Primary Industries, Plague Locust Commission and the Rural Lands Protection Boards on their handling of the current locust plague.
>
> We realise that the situation is still of concern to some areas of the state but know that you are striving to deal with these problem areas.
>
> When dealing with farmers, your staff members have been professional and courteous, and this is much appreciated.
>
> Yours sincerely,
>
> Colin Coakley,
> General Manager

At least the Country Women's Association got it right. As the Deputy Leader of the Opposition continues interjecting, it is appropriate that I put on the record an analysis of the by-election at that place we are not meant to mention. The Deputy Leader of the Opposition must have had a pretty difficult time during that by-election. It was a very warm day, and almost 1,000 voters turned up at Parkes East.

The Hon. Duncan Gay: Point of order: The Minister has clearly failed in his responsibility to handle the locust plague. Yet in response to a question—which, surprisingly, was asked by a member on the Government side of the House—on an issue that is important to people in rural New South Wales he wants to play silly political games. I ask you to draw the Minister back to the question that was asked.

The PRESIDENT: Order! The Minister may mention Dubbo only in reference to the locust control program.

The Hon. IAN MACDONALD: Dubbo is the second-largest area to be plagued by locusts. I realise that the Deputy Leader of the Opposition did his best out there and at Parkes East—

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

The Hon. IAN MACDONALD: At Parkes East the Deputy Leader of the Opposition managed a 21.8 per cent swing against The Nationals.

The Hon. Duncan Gay: Point of order: The Minister is quoting from an unnamed document. I request the Minister to table the document, because I believe it is the script that the Premier used in the lower House today. He has just put the document down.

The Hon. IAN MACDONALD: I have not read from that.

The Hon. Duncan Gay: The Minister did. He changed documents. He does not have an original thought. He used the document that was written for Bob Carr, the one scripted for Bob Carr.

The Hon. Michael Egan: To the point of order: The Minister was not referring to any document other than that entitled "Results of the Two Candidate Preferred Count" issued by the State Electoral Office for the electoral district of Dubbo. That document lists the polling places, and states that in Alectown, Cowley got 63 votes and Fardell got 92; in Ballimore, Cowley got 41 votes and Fardell got 74 votes; in Bogan Gate, Cowley got 80 votes and Fardell got 74 votes; in Churchill Gardens, Cowley got 830 votes and Fardell got 982 votes. I could go on.

The Hon. Duncan Gay: I seek to move that the document quoted by the Minister be laid on the table.

The Hon. IAN MACDONALD: What document?

The Hon. Duncan Gay: That one. Table it!

The Hon. Dr Arthur Chesterfield-Evans: To the point of order: I believe the Treasurer has abused the standing orders and used a point of order to score debating points, and that is farcical. He read from a document that is completely unrelated to the point of order. I ask that you stop members from engaging in such behaviour and rule substantially on the point of order.

The PRESIDENT: Order! Standing Order 56, which sets out clearly what is demanded of members with regard to an order requiring a document to be laid on the table, states:

> (1) A document relating to public affairs quoted by a Minister may be ordered to be laid on the table, unless the Minister states that the document is of a confidential nature or should more properly be obtained by order.
>
> (2) An order under paragraph (1) may be made by motion without notice moved immediately on the conclusion of the speech of the Minister who quoted the document.

Does the Deputy Leader of the Opposition wish to move such a motion?

The Hon. Duncan Gay: Yes I do, Madam President. The Minister was reading from a document that was attached to the document he is now holding. The Minister may wish to lie, but the House knows that the Minister was reading from another document.

The Hon. IAN MACDONALD: I ask the honourable member to withdraw his comment that I lied.

The PRESIDENT: Order! If the Deputy Leader of the Opposition used such unparliamentary language, he will withdraw it.

The Hon. Duncan Gay: I withdraw the word "lie". If the Minister wishes to mislead the House—and that is not unparliamentary language—and read from a second document that was attached to the first document—

The Hon. IAN MACDONALD: It was not attached.

The Hon. Duncan Gay: It was. The Minister was reading from a document that was prepared for the Premier to read in another place. Anyone on this side of the Chamber who was watching the Minister would have seen him quoting from that document. The Minister quoted from a document and we do not know its sources. How did the Government know where particular National Party members were?

The Hon. Michael Costa: We know where you were.

The Hon. Duncan Gay: People from the Labor Party were not working at those polling booths. Why does the Government have such an interest in this matter, given that in that electorate in 1995 it got 28 per cent of the vote and in 2003 it got 14 per cent of the vote? So much for the stewardship of Country Labor and so much for road kill. After another 12 months under this Minister the Government's percentage of the vote went from 14 per cent to zero.

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. The Deputy Leader of the Opposition moved a motion that a certain document be tabled. He is now referring, chapter and verse, to how badly the National Party performed at the Dubbo by-election. While I am happy to have that on the record, clearly it is not relevant to the motion that he moved. He is simply wasting the time of members during question time. I ask you to draw him back to the motion he moved relating to the tabling of a document and stop him from wasting the time of the House.

The Hon. Duncan Gay: I formally move:

That the document quoted by the Minister be laid on the table.

I accept the point of order taken by the Hon. Amanda Fazio.

The Hon. Michael Egan: Point of order: The Deputy Leader of the Opposition cannot move that a document he claims that the Minister was using be tabled when the Minister has assured the House that he was not quoting from that document.

The Hon. IAN MACDONALD: To the point of order: I would like to clarify the matter. The Deputy Leader of the Opposition did not see what I was reading from.

The Hon. Duncan Gay: We will get the video of it.

The Hon. IAN MACDONALD: Then you can have a look.

The Hon. Melinda Pavey: Then we will know because the video will have picked it up.

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

The HON. IAN MACDONALD: Let me explain this matter for the benefit of honourable members. I was reading from a document that I obtained from the web site of the State Electoral Office. Having received that document, I had written on it earlier that the Deputy Leader of the Opposition had done remarkably well for The Nationals at Parkes East by getting a 22 per cent swing against him in that booth. As a member of The Nationals he worked hard and admirably all day in very hot temperatures. I put that document down on top of the previous document I had referred to—the letter from the Country Women's Association, which refers to the good efforts of this Government's in relation to the locust campaign. I then picked up another document and I was about to read some really good quotes from it. I hope I get a chance in a minute to read out those quotes. I was then going to deal with some other issues. I do not think the Deputy Leader of the Opposition should get so precious about this matter.

The Hon. Duncan Gay: You had a 22 per cent swing against you.

The Hon. IAN MACDONALD: If I had a 22 per cent swing against me in the middle of rural New South Wales, there would be no doubt that I would be quite upset.

Motion by the Hon. Michael Gallacher negatived:

That this debate be now adjourned until the conclusion of question time.

The Hon. Michael Egan: Madam President, I remind you that I have taken a point of order. Standing Order 56 refers to "a document relating to public affairs quoted by a Minister". We have the Minister's assurance that the document the Deputy Leader of the Opposition wants tabled was not quoted by the Minister. I suggest to you that the motion is therefore clearly out of order.

The PRESIDENT: Order! The Minister made it clear from which document he was quoting. The Chair accepts the assurance of the Minister. The Leader of the Opposition moved a motion calling for that document to be tabled. I will now put the question.

Question—That the document quoted by the Minister be laid on the table—put.

Motion agreed to.

Document tabled.

Later,

The Hon. TONY KELLY: During question time the House resolved that a document from which the Minister for Primary Industries had quoted be tabled. I seek leave to have that document incorporated in *Hansard*.

Leave granted.

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RESULTS OF THE TWO CANDIDATE PREFERRED COUNT

NSW STATE ELECTORAL OFFICE

Electoral District of DUBBO

POLLING PLACE	CANDIDATES		EXHAUSTED
	COWLEY	FARDELL	
ALECTOWN	63	92	3
BALLIMORE	41	74	2
BOGAN GATE	80	74	2
CURCHILL GARDENS	830	982	60
COOKAMIDGERA	31	27	1
DUBBO	710	851	49
DUBBO EAST	1204	1475	85
DUBBO GROVE	897	1058	54
DUBBO HOSPITAL	80	83	1
DUBBO NORTH	880	1112	35
DUBBO SOUTH	835	1047	53
DUBBO WEST	658	773	39
ELONG ELONG	42	40	7
EMMAGOOL	68	35	1
EUMUNGERIE	92	84	6
GEURIE	246	239	14
GOLLAN	43	38	1
CUNNINGBLAND	54	32	2
LOURDES HOUSE	220	291	14
MONTEFIORES	314	338	10
MUMBIL	72	76	2
NARROMINE	1257	1044	60
ORANA HEIGHTS	1399	1614	88
PARKES	659	941	36
PARKES EAST (Duncan Gay -22% all day)	409	691	9
PARKES HIGH	205	348	19
PARKES HOSPITAL	278	472	17
PARKES SOUTH	257	492	23
PARKES WEST	285	569	7
PEAK HILL	280	387	15
TOMINGLEY	113	85	1
TRUNDLE	183	208	6
TULLAMORE	98	129	2
WELLINGTON	624	767	36
WELLINGTON EAST	444	523	26
WONGARBON	173	176	16
YEOVAL	235	174	8
TOTAL	14359	17440	820
	44.02%	53.47%	2.51%

* Dawn Fardell won 26 out of 37 booths.
* Of the 11 booths lost, 6 were only lost by less than 10 votes at each booth.
* Won Nat strongholds: Peak Hill, Alectown, Trundle.

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The Hon. TONY CATANZARITI: I ask a supplementary question. Would the Minister please elucidate his answer?

The Hon. IAN MACDONALD: The south of the State is now at the peak of locust swarm activity, while swarms are easing off in the north. Overall, the number of new hatchings continues to drop—down to 302 reports this week, which is nearly one-fifth the number of new reports just one month ago. We have now issued enough insecticide to treat nearly 850,000 hectares, including 300,000 hectares covered by aerial control and 550,000 hectares treated through ground control, confirming once again that this is the largest locust control campaign in the history of the State. As I mentioned earlier, locust swarm activity is peaking in the south, in particular, around the Wagga Wagga and Young rural lands protection board [RLPB] districts.

Control teams are doing everything possible to treat swarms using aerial sprays to help minimise migration and limit the level of egg laying. In the past week alone teams from the New South Wales Department of Primary Industries and the Australian Plague Locust Commission have treated another 120 swarms. That includes swarms in the Coonabarabran, Dubbo, Forbes, Gunnedah, Molong, Mudgee, Narrandera, Hillston and Hay districts. Authorities will continue to target locusts in the south of the State but are prepared for some temporary delays. Predicted storm activity throughout the week could hinder aerial efforts in some districts. Staff members are also waiting until the locusts move to more open areas away from the town before they can continue their full-scale attack with control chemicals.

Unfortunately, we are bracing ourselves for a further round of locust egg hatchings, with recent reports suggesting some locusts were continuing their breeding cycle. I assure honourable members that our trained and committed staff members are fully prepared for any future hatchings. The Government has full faith in the ability of its response team to limit the impact of any future generations, including staff from the New South Wales Department of Primary Industries, the RLPBs and the New South Wales Farmers Association. Every member of this team deserves full credit for successfully limiting the impact of locusts so far through their consistent and targeted control. They have already managed to give our winter crops significant protection from the locusts, with experts still forecasting a total harvest of just over eight million tonnes. For every dollar we spend on control efforts, the benefit to our farmers is estimated to be approximately $30.

ELECTRICITY DEMAND MANAGEMENT

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question without notice is directed to the Minister for Local Government, representing the Minister for Energy and Utilities. Has there been a call for expressions of interest [EOI] in managing demand for electricity in New South Wales? If so, what stage has that process reached? What level of demand reduction can be expected as a percentage of peak load? Is the Government likely to be in the same position as the Victorian Government, which had blackouts while EOI responses sat in the bottom drawer with no action having been taken? What has the Government done with the $10 million that it previously had in a fund as a sop to demand management after the central business district grid augmentation?

The Hon. TONY KELLY: Despite the fact that the honourable member's question contains argument, I will refer it to the Minister for his answer and report back to the House.

RURAL FIRE SERVICE VOLUNTEERS

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Local Government and Minister for Emergency Services. Given the number of volunteer rural firefighters deserting the service as a result of Government neglect and failure to provide adequate safety equipment, why has the Minister been sexing up volunteer numbers to justify funding for his growing bureaucracy? Just how many volunteers are there?

The Hon. TONY KELLY: I could not hear the whole of the honourable member's question, in particular, her argument when she commenced her question. There are approximately 67,000 volunteers in the Rural Fire Service. In the past two years State emergency service numbers have increased from 9,000 to 10,000, so there has been an increase.

NATIONAL MULTICULTURAL MARKETING AWARDS

The Hon. ERIC ROOZENDAAL: My question without notice is directed to the Minister Assisting the Premier on Citizenship. Will he acquaint the House with the success of the 2004 National Multicultural Marketing Awards in engendering inter-community harmony and inter-cultural dialogue?

The Hon. JOHN HATZISTERGOS: The Treasurer usually answers questions such as this, so I am breaking with tradition. Businesses and organisations throughout the State are increasingly recognising the value

of projecting messages and advertising products to a wider audience. Such projections are not only good for business but also allow people from non-English speaking backgrounds to participate in community life, to purchase products from a wider marketplace and to access messages from more extensive information sources.

The National Multicultural Marketing Awards dinner was held last week, and I was able to attend. I am pleased to advise the House that the grand award winner was the Goodness and Kindness Campaign, a unique program conceived initially amidst the crisis of September 11, 2001 that has now become a valued and approved New South Wales school resource. It is an initiative of Chabad House on the North Shore, in co-operation with the Forum on Australian Islamic Relations and Christian laypeople, who share a profound belief in goodness, kindness and harmony. The campaign involves ambassadors of the Jewish, Islamic and Christian faiths visiting children in schools and working with them constructively to dispel prejudice and promote harmony. It invites children to carry out personal acts of kindness, such as helping parents and greeting other students who seem strange to them and not excluding them from participating in school activities.

The project required children to decorate square pieces of cloth with their hopes and dreams and to sew them into a giant patchwork quilt. The quilt was presented to the New South Wales Parliament on 18 March this year, when the Premier addressed more than 1,000 year 5 and year 6 students who participated in the campaign. To date, the campaign has reached about 13,000 students in Sydney and regional schools. Surveys of children at the 96 schools—which are mostly State schools but include Jewish, Muslim and Catholic independent schools, as well as a Sydney museum—and teachers groups who have taken part in the project said that they would recommend it to other schools.

Imagine people of different faiths sitting together in the comfortable climate of a classroom. It is a powerful icon that obliterates stereotypes and illustrates how we can work together as Australians to achieve a peaceful and progressive society. I commend the organisers of this campaign, which I am pleased to advise the House was supported by the New South Wales Department of Education and Training. The campaign also received support under the Community Relations Commission Community Development Grants Program. Patrons of the program included Mr Thomas Keneally, the noted author, and the Chief Executive of Harvey Norman, Mr Gerry Harvey.

I will also inform the House of the winners in other awards categories. Loud Multicultural won an award for its campaign targeting real estate customers by ethnicity, language and culture. Vittoria Coffee won for a campaign that exploited successfully the strong Italian heritage connection with coffee in Australia. Message on Hold won the export and small business award for taking a small business into the Asia-Pacific region and creating a monopoly across many languages and cultures. New company *E* Translate won a technology award for a new business venture that, in its first 16 months in the online language marketplace, secured more than 5,000 jobs from around the world. In the Government category the Metropolitan Public Libraries Association won an award for a project to make people aware of just how multilingual council libraries have become and how almost anyone in Sydney can inform himself or herself by visiting a library. I congratulate all those who participated in the awards night, particularly the independent judging panel, and those members of the Community Relations Commission who put the event together and ensured its success.

HUNTER ELECTRICITY INDUSTRY

Mr IAN COHEN: My question is directed to the Minister for Transport Services, and Minister for the Hunter. Will the Minister inform the House of any non-greenhouse producing initiatives that the Government supports that would be viable alternatives to any proposed new coal-fired power stations in the Hunter region?

The Hon. Michael Egan: Point of order: I think the question seeks an opinion and is therefore out of order.

Mr Ian Cohen: To the point of order: I realise that the Treasurer is a recidivist greenhouse gas emitter but my question asked the Minister whether he supports any non-greenhouse producing initiatives by this Government. The Treasurer is intervening out of habit—he did the same thing the last time that I attempted to ask this question.

The PRESIDENT: Order! The question goes close to asking for an opinion but presumably support is not necessarily an opinion; it could be an act.

The Hon. MICHAEL COSTA: As Mr Ian Cohen should be aware, because there has been significant publicity about this matter; the Government has released a green paper that will cover all these issues.

Mr IAN COHEN: I ask a supplementary question. Will the Minister confirm that 6,000 megawatts of clean energy and other energy saved through efficiencies are available now and would create many more new jobs in the Hunter region than are currently found in the fossil fuel electricity generation industry if only he and his Government colleagues would commit to them?

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

VENDOR DUTY

The Hon. GREG PEARCE: My question is directed to the Treasurer. As at October had the Treasurer raised only $92 million from the disastrous vendor duty, which is $138 million short of his forecast amount? Will the Treasurer now acknowledge that he has killed the property investment market in New South Wales and abolish the vendor duty?

The Hon. MICHAEL EGAN: It is true that the vendor duty thus far has not raised as much revenue as was anticipated at the time of the mini-budget. Nevertheless, the fact of the matter is that, of all the investor residential housing finance that has been approved in recent months across Australia, New South Wales has accounted for well over 40 per cent. Well over 40 per cent of all investor housing finance approved by all lending institutions has been accounted for by investment in New South Wales. So New South Wales is clearly still seeing more investment in residential accommodation than any other State. Mind you, a few years ago about 20 per cent of all housing loans went to investors. A year or two ago, that figure increased to 50 per cent and, as a result, prices went through the roof: we had a 61 per cent increase in prices in about four years. That priced people out of the market, and that meant that young people could not afford to buy their own homes.

The Hon. John Ryan: Give us a break!

The Hon. MICHAEL EGAN: That is what I'm trying to do: I am trying to give young people a real break. What is more, if the Hon. Greg Pearce had any regard at all for the views of his Federal Liberal colleague the Treasurer, Mr Costello, he would know that Mr Costello said the other day that the housing market was going just as he wanted it to go—in other words, prices were stabilising and first home buyers were coming back to the market. Of course that means that the proportion of investors will decline, as it should for the benefit of all.

WINE AUSTRALIA 2004

The Hon. IAN WEST: My question is directed to the Treasurer, and Minister for State Development. Will the Minister inform the House how the New South Wales Government is helping to develop the wine industry?

The Hon. MICHAEL EGAN: Certainly. We are helping the wine industry in many ways—and not just by drinking the product. Australia's biggest wine show, Wine Australia 2004, was held two weeks ago, from 26 to 28 November, at Darling Harbour. I had the privilege and honour of opening the show. The Department of State and Regional Development and Tourism NSW sponsored the event, which will also be held in Sydney in 2006 and 2008. Some 19,000 people visited the exhibition over the four days and sampled about 4,000 different wine varieties from 475 exhibitors. I had the opportunity of tasting many of them, but certainly not all 4,000! More than 400 international buyers, along with about 50 international media representing 45 countries, visited Wine Australia this year, showing that interest in Australian wine remains at an all-time high.

This year under the New Market Expansion Program the State Government assisted more than 20 wineries from the emerging New South Wales wine regions of New England and North West, the Shoalhaven and the Southern Highlands to exhibit at Wine Australia. The New England and North West region is building a reputation as a producer of premium to ultra-premium wines across a variety of styles. This region has about 50 vineyards growing more than 400 hectares of grapes, 20 cellar door operations, three commercial wineries and 30 labels.

The Government has further helped the New England and north-west regions by funding a regional viticulture strategy as well as a two-year Food and Wine Industry Development Project to grow the local food and wine industries. Since 1997 the Shoalhaven Coast Wine Industry Association Inc. has grown from 4 to 20 grape growers, regional cellar door facilities have increased from 4 to 12 and the number of wineries has increased from 1 to 6. The region's industry currently employs about 90 full-time workers, produces 300,000 litres of wine and generates sales of about $7.5 million each year.

In the Southern Highlands the Government has helped six wine companies exhibit for the Southern Highlands Vignerons Association. The first vineyards were planted in the Southern Highlands about 20 years ago but today the region has 60 vineyards over about 400 hectares and is making its mark with its whites, particularly sauvignon blanc and chardonnay, and with its reds, pinot noir and merlot. Wine Australia provided a fabulous opportunity to promote New South Wales wine regions, and I look forward to Sydney hosting Wine Australia in 2006 and 2008.

If honourable members have any further questions, I suggest they put them on notice.

RURAL FIRE SERVICE VOLUNTEERS

The Hon. TONY KELLY: Earlier today the Hon. Melinda Pavey asked about the number of volunteers in the Rural Fire Service. The annual report 2003-04 states that there were 69,375 volunteers in the Rural Fire Service.

PALMER REPORT ON ILLEGAL FISHING

The Hon. IAN MACDONALD: Earlier today the Deputy Leader of the Opposition referred to an alleged internal departmental document. I show him a document and ask him to confirm that that is the document.

The Hon. Duncan Gay: I do not know if it is, but we will have that one as well.

The Hon. IAN MACDONALD: The department has done a quick search in relation to any of the documents—

The Hon. Duncan Gay: Did they find the other document?

The Hon. IAN MACDONALD: Wait a second. My staff and I are convinced that this document is the one referred to by the Deputy Leader of the Opposition in his mischievous question. The document is not from an internal fisheries section of the Department of Primary Industries but from the Fisheries Officers Vocational Branch of the Public Service Association. In fact, it is a union document. I must say that it is good to see that The Nationals are quoting union documents.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

DUBBO POLICE AND COMMUNITY YOUTH CLUB

On 19 October the Deputy Leader of the Opposition asked the Minister for Justice, representing the Minister for Police, a question without notice regarding the Dubbo police and community youth club. The Minister for Police provided the following response:

> On 11 November 2004, I issued a media release on this issue in the following terms:
>
> > Minister for Police John Watkins said today the new Dubbo Police Station would not be built on land sought by the Dubbo PCYC.
> >
> > Mr Watkins has ended months of speculation in Dubbo, caused by both the police station and PCYC needing major upgrades.
> >
> > "I can now assure Dubbo residents the land they want for the PCYC will not form any part of our planned upgrade to Dubbo Police Station," Mr Watkins said.
> >
> > "After a recent meeting with a delegation from Dubbo, including Dubbo Mayor Alan Smith, Deputy Mayor Dawn Fardell and PCYC authorities Alan Backhouse and Chris Gardiner, I can today make this guarantee," he said.
> >
> > "The delegation lobbied hard for this outcome, and convinced me the decision reflected the needs of the Dubbo community," Mr Watkins said.
> >
> > "The people of Dubbo are concerned about the upgrade of their police station and the PCYC and it remains a top priority for this Government," he said.

Mr Watkins also reaffirmed the Government's commitment to upgrade Dubbo Police Station, saying planning was already underway.

"Our commitment to upgrading Dubbo Police Station is rock solid," Mr Watkins said.

"As I told Parliament yesterday, once a detailed study of available properties in the Dubbo area is complete, I look forward to announcing more specific details and timetables for development.

"But the Erskine Street land sought for the PCYC, will now be removed from the list of possible site options."

Mr Watkins said Dubbo Police Station has now emerged as being among the top six priority stations targeted for upgrade.

"Preliminary planning is underway in 27 locations statewide but the Police Ministry Properties Unit has already identified six priority stations," Mr Watkins said.

They are:

- Dubbo
- Campsie
- Fairfield
- Lismore
- Orange
- Wagga Wagga

"In the absence of unforeseen circumstances, these stations will be upgraded first," Mr Watkins said.

"Planning for the remaining 21 priority stations will continue and local police and the Police Association will be consulted every step of the way to ensure the upgraded stations meet operational requirements."

Mr Watkins said the 2004/2005 Budget provided $700,000 to start preliminary planning for the 27 priority stations.

From next year, $40 million a year will be available to fund the projects.

MOTORWAY E-WAY TAGS

On 19 October the Hon. Peter Breen asked the Minister for Transport Services, representing the Minister for Roads, a question without notice regarding motorway E-way tags. The Minister for Roads provided the following response:

> I am advised Interlink Roads, which operate the 'E-way' tolling and billing system for both the M5 and M4, have addressed with the Hon Peter Breen MLC, the issues relating to the incorrect toll being charged on 12 August 2004.

MENTAL HEALTH SENTINEL EVENTS REVIEW COMMITTEE REPORT 2003 GOVERNMENT RESPONSE

On 19 October the Hon. Dr Arthur Chesterfield-Evans asked the Special Minister of State, representing the Minister for Health, a question without notice regarding the Government's response to the Mental Health Sentinel Events Review Committee Report 2003. The Minister for Health provided the following response:

> The Government will release its response the Sentinel Events Review Committee shortly. I am advised that the Sentinel Events Review Committee has not yet indicated if it intends making a public reply following the release of the Government's response.

JOINT SELECT COMMITTEE INQUIRY ON THE TRANSPORTATION AND STORAGE OF NUCLEAR WASTE GOVERNMENT RESPONSE TO REPORT

On 19 October Mr Ian Cohen asked the Minister for Justice, representing the Minister for the Environment, a question without notice regarding the Government's response to the joint select committee inquiry on the transportation and storage of nuclear waste report. The Minister for the Environment provided the following response:

> The Government has written to the Commonwealth conveying the recommendations of the Joint Select Committee on the Transportation and Storage of Nuclear Waste. The Commonwealth's response provides no additional information or assurance on the matters raised in the recommendations. The Government is presently considering these Commonwealth-related issues in the context of its overall response to the Committee's Report.
>
> The Commonwealth has legislated specifically to exclude the States and Territories from any oversight of ANSTO or ARPANSA. The Government has previously sought legal advice which confirms the constitutionality of this legislation, and there is no information at the present time which suggests that further advice is required.
>
> The Government has previously stated its determination to fight any proposal to construct a nuclear waste storage facility in NSW.

FIRE TRAILS CLEARING

On 19 October the Hon. Jon Jenkins asked the Minister for Emergency Services a question without notice regarding fire trails clearing. The Minister for Emergency Services provided the following response:

1. There is an inherent risk in any firefighting operation, which is why this government has allocated $930 million over ten years to the NSW Rural Fire Service, including $233 million for almost 2,500 tankers and $15 million over the past three years for personal protective equipment.

2. Of the 66 recommendations made in the report of the Joint Select Committee Inquiry into the 2001/02 bushfires, five recommendations dealt specifically with fire trail management, maintenance, mapping and identification. These are being implemented by the appropriate land management agencies. The Bushfire Coordinating Committee already has an established policy on State-wide fire trail classification, construction and maintenance.

3. The earth works carried out in the Cabarita/Bogangar fires were on established asset protection zones and on informal access trails used by property owners to access their properties, not to fight fires. A dozer was also used to construct a containment line not a fire trail around the base of Round Mountain.

4. These earthworks cost $8112.

5. One of the recommendations arising from the Joint Select Committee Inquiry into the 2001/02 bushfires, and adopted by this Government, dealt with land management agencies exploring arrangements with appropriate recreational groups, for maintenance and clearance of fire trails where suitable.

   As an example, I am advised that, in line with this recommendation, the Department of Environment and Conservation has a Memorandum of Understanding (MOU) with the Four-Wheel Drive Clubs of NSW and the ACT Inc in place, and that some very useful and effective joint projects, including trail maintenance have already been undertaken.

EMERGENCY SERVICES CALLS

On 19 October the Hon. Rick Colless asked the Special Minister of State, representing the Minister for Health, a question without notice regarding emergency services calls. The Minister for Health provided the following response:

I am aware of both the cases which have been raised and I can advise that there was no failure of the emergency 000 call system in either case.

In relation to the unfortunate incident at West Wyalong on 12 October 2004, the Southern Operations Centre quickly responded a double crew to the patient and they arrived at the scene seven minutes after the 000 call was completed.

In regard to the incident on Friday night 8 October 2004 at Mays Hill involving a man from Cowra I am advised, the 000 call was received at 8.59 pm and a crew assigned at 9.04 pm. The ambulance crew arrived on the scene at 9.22 pm. At the time of the incident all four Parramatta crews were occupied. A Castle Hill ambulance crew was therefore called and responded from the Carlingford area.

UNBORN VICTIMS OF VIOLENCE LEGISLATION

On 19 October Reverend the Hon. Dr Gordon Moyes asked the Minister for Justice, representing the Attorney General, a question without notice regarding the unborn victims of violence legislation. The Attorney General provided the following response:

The Court of Criminal Appeal's decision in *R v King*, brought down subsequent to the Finlay Report, makes it clear that offences carrying up to 25 years imprisonment are presently available where an offender has intentionally harmed an unborn child. The Government continues to consult on this very important area of law. The Government intends to introduce relevant legislation in this session of Parliament.

POLITICAL ACTIVISM IN SCHOOLS

On 19 October the Hon. David Oldfield asked the Minister for Community Services, representing the Minister for Education and Training, a question without notice regarding political activism in schools. The Minister for Education and Training provided the following response:

The Department of Education and Training has specific policies in place which clearly state that information of a political nature should not be distributed to students by teachers or other school staff during school hours.

NSW POLICE COBURN REPORT

On 19 October Ms Lee Rhiannon asked the Minister for Justice, representing the Minister for Police, a question without notice regarding the NSW police Coburn report. The Minister for Police provided the following response:

Matters relating to the Redfern riot and the death of T J Hickey are subject to the inquiry of the Standing Committee on Social Issues into Redfern of the Legislative Council.

LUNA PARK AREA DEVELOPMENT

On 20 October the Hon. John Tingle asked the Minister for Transport Services, representing the Minister for Infrastructure and Planning, a question without notice regarding the Luna Park area development. The Minister for Infrastructure and Planning provided the following response:

I am advised:

The subdivision of Land at Luna Park does not imply approval or endorsement of any future cliff top development. It does not change the possible future uses of the land.

The subdivision application was assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 (as amended).

The application was referred to North Sydney Council in accordance with the provisions of State Environmental Planning Policy No. 56 and restrictions on car park use were imposed, as recommended by Council.

PROTECTED DISCLOSURES ACT ISSUES PAPER

On 20 October the Hon. Peter Breen asked the Special Minister of State, representing the Premier, a question without notice regarding the Protected Disclosures Act issues paper. The Premier provided the following response:

The Premier is aware of the Ombudsman's issues paper: 'The Adequacy of the Protected Disclosures Act to Achieve its Objectives'. In May 2004, the Premier wrote to the Leaders of both Houses of Parliament proposing that a motion be introduced to refer to the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission a review of the Protected Disclosures Act. Discussions are continuing with the Committee on the timing of the review.

KARIONG JUVENILE JUSTICE CENTRE OCCUPATIONAL HEALTH AND SAFETY

On 20 October the Hon. Catherine Cusack asked the Minister for Commerce, and Minister for Industrial Relations, a question without notice regarding Kariong Juvenile Justice Centre occupational health and safety. The Minister provided the following response:

The Department's past performance was acknowledged as unacceptable. In recent years, the workers compensation premium for the Department of Juvenile Justice has reduced from $8.33 million a year in 2002 to $4.824 million in 2003. I am also advised the Department was the recipient of the Treasury Managed Fund Award for outstanding occupational health and safety work in 2003.

FISHING BANS IMPACT

On 21 October the Hon. Jon Jenkins asked the Minister for Primary Industries a question without notice regarding the impact on fishing bans. The Minister for Primary Industries provided the following response:

Further to my previous responses, I can advise that several studies both in Australia and overseas have been undertaken that compare the value of recreational fishing and commercial fishing, and I would reiterate that the commercial striped marlin fishery is managed by the Australian Government.

The NSW Government will continue to highlight the importance of this resource and seek the cooperation of the Australian Government to ensure that the fishery is managed sustainably so that the social and economic benefits to NSW are maintained for both commercial and recreational fishers.

DISABLED SUPPORTED ACCOMMODATION

On 21 October the Hon. John Ryan asked the Minister for Disability Services a question without notice regarding disabled supported accommodation. The Minister for Disability Services provided the following response:

Lorrae Thomas, who is 43 years of age, continues to occupy a bed at Westmead Hospital. The Department of Ageing, Disability and Home Care (DADHC) is currently investigating supported accommodation options for Ms Thomas, including providing appropriate supports to enable her to return to her own home.

RESPONSIVE USER SERVICES IN HEALTH UNIT

On 21 October the Hon. David Oldfield asked the Special Minister of State, representing the Minister for Health, a question without notice regarding the Responsive User Services in Health Unit. The Minister for Health provided the following response:

I am advised that the acronym, RUSH, stands for Responsive User Services in Health. This service provides a comprehensive range of services to people who inject drugs, in addition to the provision of needles and syringes. The acronym has been used in the context of this service for thepast five years and is acceptable to clients who use the service and has not been an issue in the community.

Allegations of criminal activity are taken very seriously. If Councillor Daley is aware of criminal activity he should report these allegations to the Police and the Independent Commission Against Corruption as a matter of urgency. NSW Health will willingly assist the Police and Independent Commission Against Corruption with any investigation with may ensue from Councillor Daley's allegations.

BINNAWAY TO GWABEGAR BRANCH RAIL LINE MAINTENANCE

On 21 October the Hon. Rick Colless asked the Minister for Transport Services a question without notice regarding the maintenance of the Binnaway to Gwabegar branch rail line. The Minister for Transport Services provided the following response:

I am advised:

The Australian Rail Track Corporation (ARTC) is undertaking work on the Binnaway to Gwabegar branch line under contract to the Rail Infrastructure Corporation (RIC). The work is carried out utilising RIC employees seconded to ARTC under the agreement between the ARTC and RIC. This agreement commenced on 5 September 2004.

As part of the lease agreement any staff who do not transfer to ARTC or any frontline staff not required by ARTC are eligible for redeployment or a transitional voluntary redundancy package.

As a result of this arrangement, a number of RIC employees are engaged in RIC's Career Transition process assessing options for redeployment or voluntary redundancy.

There are no forced redundancies from workforce changes resulting from the ARTC arrangements.

DEPARTMENT OF STATE AND REGIONAL DEVELOPMENT JAPAN DELEGATION

On 21 October the Hon. Greg Pearce asked the Treasurer, and Minister for State Development, a question without notice regarding the Department of State and Regional Development Japan delegation. The Treasurer, and Minister for State Development, provided the following response:

1. I am advised that the Department of State and Regional Development did not send a Central Coast delegation to Japan.

2. Not applicable.

DIVISION OF ANALYTICAL LABORATORIES DNA TESTING

On 26 October the Hon. Peter Breen asked the Minister for Justice, representing the Minister for Police, a question without notice regarding the Division of Analytical Laboratories DNA testing. The Minister for Police provided the following response:

Responsibility for the Division of Analytical Laboratories rests with the Minister for Health. Responsibility for the administration of the local courts rests with the Attorney General. I would suggest that the Honourable Member address his question to my ministerial colleagues for response.

ELECTRICITY BLACKOUTS MONITORING

On 26 October the Hon. Dr Arthur Chesterfield-Evans asked the Minister for Emergency Services, representing the Minister for Energy and Utilities, a question without notice regarding electricity blackouts monitoring. The Minister for Energy and Utilities provided the following response:

MONITORING OF BLACKOUTS

The New South Wales regulatory framework already requires electricity network operators to publish annual performance reports on their web sites. These reports, which are independently appraised for the validity of the information presented, include electricity network reliability performance using measures which are consistent throughout Australia. These reports even go beyond what is required under the national framework. They require regional performance reporting and the disclosure of poorly performing sections of the network until their performance is rectified.

To go beyond this, as the question suggests, would create large quantities of data without value. Numbers of blackouts vary widely from week to week and from region to region, according to many factors of which severe storms is one of the major ones. Blackouts also vary in impact, from those affecting only one customer to major ones affecting thousands of customers. The standardised measures already used and published are generally agreed throughout the world as the most meaningful way of reporting and analysing reliability performance.

TRANSGRID DEMAND MANAGEMENT

TransGrid is currently subject to regulation by the Australian Competition and Consumer Commission (ACCC) via:

- authorisation of the National Electricity Code (the Code); and
- promulgation of the Regulatory Test for network augmentations.

The Code requires a public and transparent process to be followed before a decision to construct augmentations to TransGrid's network is made. These requirements specifically include the consideration of both network and non-network options and the application of the ACCC regulatory test. The Code is given force under the National Electricity Law and significant penalties are in place for non-compliance with these requirements.

In carrying out these functions the ACCC has extensive information collection powers, comparable to those of a tax audit. Electricity flow data is included in the information used by the ACCC in carrying out expenditure efficiency assessments, including comparisons of non-network options with network options.

Oversight of the National Electricity Code is expected to pass to the Australian Energy Regulator during 2005.

In addition TransGrid is required to publish each year (including on their web-site) the New South Wales Annual Planning Report. The primary purpose of this report is to provide advance information on the nature and location of emerging network constraints in New South Wales.

INDIGENOUS FISHERS CONSULTATION

On 26 October Mr Ian Cohen asked the Minister for Primary Industries a question without notice regarding consultation with indigenous fishers. The Minister for Primary Industries provided the following response:

Further to my previous response, I can advise that indigenous people are currently represented on the two peak fishery advisory groups, the Advisory Council for Commercial Fishing and the Advisory Council on Recreational Fishing. Indigenous people are also currently members of the Inland Management Advisory Committee; the Marine and Estuarine Charter Boat Management Advisory Committee; and two sub-committees of the Advisory Council on Recreational Fishing.

The indigenous position on the lobster management advisory committee has not been vacant for the past five years.

The Department of Primary Industries is reviewing the existing advisory structure and looking at ways to streamline their effectiveness while also looking at ways to better engage different stakeholder groups. The participation of indigenous fishers on advisory bodies is being considered as part of this process. This will take into account the difficulty that many indigenous leaders have expressed in having a single member being able to represent indigenous fishing interests across the state for each fishery.

Under the Indigenous Fisheries Strategy a working group was established to oversight the implementation of the Strategy and provide advice to my Department on fishery issues facing indigenous people across NSW. I can advise that the working group will continue to provide such advice.

PROSTITUTION

On 26 October the Hon. David Clarke asked the Minister for Justice, representing the Attorney General, a question without notice regarding prostitution. The Attorney General provided the following response:

These statements are certainly not a true reflection of the position in New South Wales.

The Report referred to in the Home Office consultation paper is not a United Nations report. It is a report produced by the International Save the Children Alliance entitled "Children's Rights: Reality or Rhetoric? – The UN Convention on the Rights of the Child: The First Ten Years", published in 1999.

Secondly, the quotation taken out of context suggests that the Report is comparing Victoria and New South Wales figures with the rest of the world. This is not the case. The Report is merely quoting figures from an anecdotal study conducted in 1998 by ECPAT Australia which found that the highest number of reported cases in Australia of young people under 18 engaging in commercial sexual activity was in Victoria, followed by New South Wales.

Thirdly, the ECPAT figures are raw figures, not percentages, and therefore do not take account of New South Wales' population size in comparison to Australia's other States and Territories.

It is also important to keep in mind that these figures are anecdotal figures.

Prostitution and brothel laws in New South Wales comply with Article 34 of the UN Convention on the Rights of the Child and the UN Protocol on the Sale of Children, Child Prostitution and Child Pornography.

As recently as 22 November 2004 Neville Hilton was successfully prosecuted on child prostitution charges and sentenced to a maximum of four years imprisonment.

The "trafficking of East Asian Women" is principally a matter for the federal jurisdiction.

FOUR-WHEEL DRIVE VEHICLES LICENCES

On 26 October the Hon. Jon Jenkins asked the Minister for Transport Services, representing the Minister for Roads, a question without notice regarding licences for four-wheel drive vehicles. The Minister for Roads provided the following response:

The Honourable John Jenkins will receive a reply soon.

GAMING MACHINE VENUES AUTOMATIC TELLER MACHINES REMOVAL

On 26 October Reverend the Hon. Dr Gordon Moyes asked the Minister for Primary Industries, representing the Minister for Gaming and Racing, a question without notice regarding the removal of automatic teller machines from gaming machine venues. The Minister for Gaming and Racing provided the following response:

The Carr Government introduced legislation in 2000 that generally prohibits automatic teller machines (ATMs) being located within the gaming machine areas of clubs and hotels, and within the defined boundary of the Sydney casino. Other Government-introduced controls require that ATMs located within clubs, hotels and the casino environs display specified responsible gambling signage.

In 2003, the Government appointed the Independent Pricing and Regulatory Tribunal (IPART) to review the effectiveness of these and other gambling harm minimisation measures.

IPART has considered and made recommendations regarding ATMs in gaming venues.

The Government is currently considering the IPART report and will be releasing its response in the near future.

MANDALONG VALLEY COALMINING OPERATION

On 27 October Ms Lee Rhiannon asked the Treasurer a question without notice regarding the Mandalong Valley coalmining operation. The Treasurer provided the following response:

1. Commencement of any operations depend on the company obtaining all necessary approvals and licences as specified in the development consent and as required under the Mining Act 1992 for longwall mining.

2. See Answer 1.

3. This matter is the responsibility of the Minister for Infrastructure and Planning.

4. No.

CAR DVD PLAYERS

On 27 October the Hon. John Tingle asked the Minister for Transport Services, representing the Minister for Roads, a question without notice regarding car DVD players. The Minister for Roads provided the following response:

The Australian Design Rules (ADRs) are national construction and performance standards that all new vehicles must meet before they can be used or sold for use in road transport in Australia. Since 1988, the ADRs have not allowed VDU-based entertainment systems to be fitted to new vehicles if any part of the screen image is visible to the vehicle's driver.

In NSW, the Road Transport (Vehicle Registration) Regulation 1998 requires vehicles to continue to comply with any ADRs in force when the vehicle was originally built.

Under the Australian Road Rules it is an offence for any person to drive a motor vehicle while operating a VDU-based entertainment system if any part of the screen image is visible to the driver or is likely to distract another driver. The Australian Road Rules apply nationally and are incorporated into NSW law under the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999.

The Government as part of the recent review into fines and demerit points increased fines and introduced demerit points for this offence to reinforce the seriousness of the offence. The new penalties are scheduled to commence in February 2005.

However, the use of VDU-based driver aids are allowed under the ADRs and the Australian Road Rules. These devices include:

- Navigational (GPS) systems; Intelligent Highway and Vehicle System equipment; Closed-circuit television security cameras; Rear view screens; Vehicle monitoring devices; Dispatch systems and Ticket-issuing machines.

The Roads and Traffic Authority (RTA) has commissioned a driver simulator study to quantify the extent to which VDU based entertainment systems (such as DVD players, television receivers and computer game consoles) contribute to driver distraction for those units mounted behind the driver, which currently comply with the ADR and the Australian Road Rules.

SMOKE-FREE WORKPLACE POLICY

On 27 October the Hon. Dr Arthur Chesterfield-Evans asked the Special Minister of State, representing the Minister for Health, a question without notice regarding the smoke-free workplace policy. The Minister for Health provided the following response:

The NSW Department of Health is committed to ensuring the health, safety and welfare of all persons utilising its facilities and services and has had a policy prohibiting smoking inside all health service buildings and vehicles since 1988.

In 1999 the policy was extended to include a ban on smoking in most outdoor areas, restricting smoking to designated smoking areas only. This policy was to be introduced over a three-year period. Further progression to Phase 4 (smoke-free campuses including a total ban on smoking outdoors) was to be based on a review of the capacity of facilities to implement the policy.

The comprehensive review in Phase 3 identified a broad range of issues concerning the safety and security of staff and patients who continue to smoke. For example, if a campus is smoke-free outdoors, nicotine-dependent night staff members or patients who refuse the use of nicotine patches during hospitalisation may have to leave the hospital grounds in darkness to smoke and may be at risk of injury or assault. Initiatives to address these issues have now been developed in consultation with stakeholder groups.

In recognition of these complexities, the statewide deadline was removed, allowing facilities, sectors and Areas to independently move towards smoke-free campuses, as long as certain criteria are in place locally to support smokers. In September 2004 a Circular was released to provide practical advice to NSW Health facilities on how to progress to smoke-free campuses.

A number of Area Health Services have already commenced rolling out totally smoke-free campuses, including several sites in Northern Rivers, New England, Macquarie, and Western Sydney Areas, with several other sites preparing to provide additional support for staff prior to implementation of Phase 4.

Questions relating to the NSW Quit smoking campaign should be directed to the Hon Frank Sartor, the Minister Assisting the Minister for Health (Cancer).

KOSCIUSZKO NATIONAL PARK MASTER PLAN REVIEW

On 27 October Mr Ian Cohen asked the Minister for Transport Services, representing the Minister for Infrastructure and Planning, a question without notice regarding the Kosciuszko National Park master plan review. The Minister for Infrastructure and Planning provided the following response:

The Perisher Master Plan (November 2001) provides for a review to be undertaken after 5 years or earlier if necessary. Undertaking this review is a matter for the Minister for the Environment.

NSW HEALTH CHRISTMAS CARD DESIGN

On 28 October Reverend the Hon. Dr Gordon Moyes asked the Special Minister of State, representing the Minister for Health, a question without notice regarding the NSW Health Christmas card design. The Minister for Health provided the following response:

I am advised by NSW Health that the theme for the design of the NSW Health Christmas Card Cover was 'Healthier People 2005' focusing on physical, emotional and spiritual wellbeing.

LEGAL FEES INQUIRY

On 9 November the Hon. Peter Breen asked the Minister for Justice, representing the Attorney General, a question without notice regarding the legal fees inquiry. The Attorney General provided the following response:

As part of a consultation process with members of the community and the legal profession, the Legal Fees Review Panel has prepared a discussion paper. A copy of this paper is available from the Attorney General's Department. Any submissions or comments on the discussion paper should be provided to the Legal Fees Review Panel by 17 December 2004.

JENOLAN CAVES

On 9 November Mr Ian Cohen asked the Treasurer a question without notice regarding Jenolan Caves. The Treasurer provided the following response:

There is no proposal to privatise any Caves, including those at Jenolan.

Questions without notice concluded.

SPECIAL COMMISSION OF INQUIRY (JAMES HARDIE RECORDS) AMENDMENT BILL

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

Motion by the Hon. Tony Kelly 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.

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following papers:

(1) Agricultural Livestock (Disease Control Funding) Act 1998—Report on the five year review of the Act, dated December 2004.

(2) Annual Reports (Statutory Bodies Act 1984—Reports for the year ended 30 June 2004:

Banana Industry Committee
Board of Veterinary surgeons of New South Wales
New South Wales Cancer Council
Rice Marketing Board
State Forests

(3) Annual Reports (Departments) Act 1985—Reports for the year ended 30 June 2004:

Heritage Council of NSW and Heritage Office
NSW Agriculture—Administration of Agricultural Statutory Authorities

Ordered to be printed.

ROOKWOOD NECROPOLIS AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. Dr GORDON MOYES [5.05 p.m.] Earlier I referred to the way imputed revenues to the crematorium would be paid by various tenants of the existing crematorium. Historically there has been a difference between two calculations:10 per cent of the value of the land area of the crematorium or 5 per cent of the imputed revenue of the crematorium. Historically the land value has been higher. The bill establishes a review mechanism for third parties directly affected by the land valuation. Such a mechanism did not previously exist. Both the Joint Committee of Necropolis Trustees and the tenant of the existing crematorium will be able to appeal to the Land and Environment Court in relation to the valuation set by the Valuer-General. This is a commendable method that ensures a more equitable outcome.

The bill provides that any new denominational trusts establishing a crematorium will also contribute a fee or levy for each cremation. The levy will be initially set at $100 per cremation. Currently there is only one crematorium in Rookwood, and it is overtaxed. We look forward to the new developments. During my speech the Treasurer made quite significant comments about Roman Catholics being cremated at Rookwood. I assure the Treasurer that no Catholic living within 10 kilometres of Rookwood can be cremated there.

Ms SYLVIA HALE [5.06 p.m.]: The Greens support the Rookwood Necropolis Amendment Bill. As a culture, Australians tend to shy away from discussing the dead, the industry or the processes associated with the disposal of the dead. But I acknowledge that Rookwood is a fascinating and physically beautiful place. Established in the 1860s, it is Sydney's largest graveyard and is reputed to be the largest cemetery in the southern hemisphere. The first person buried there in 1867 was only 18 years of age, and many of Sydney's most prominent, and less prominent, citizens have been buried there since. A great deal of Sydney's history and culture is captured in the gravestones and monuments at Rookwood. Reverend the Hon. Dr Gordon Moyes referred to the heritage roses at Rookwood, but it also has a significant colony of animals that have sought refuge in a large undisturbed area in the inner western area of Sydney.

By their very nature funerals are sad events, but most Sydney families have attended, or will attend, at least one funeral at Rookwood. As such, it represents an important part of Sydney's culture and physical infrastructure. Rookwood also provides a window into our successful multicultural society. At a time when the politics of how and where people are buried can be an explosive and deeply divisive issue in some countries, Rookwood is an example of what a harmonious multicultural society can achieve. The dead from cultures from all over the world are buried side by side at Rookwood. Indeed, one of the most interesting aspects of a visit to the cemetery is the variety of styles, customs and traditions evident in the monuments.

But after almost 140 years of use, some parts of Rookwood are nearing capacity. For that reason it is important to explore alternatives to burial. Not all cultures embrace cremations, but for those that do, they provide an opportunity to use less space and extend the capacity of the cemetery. Provided crematoria conform with all planning and safety requirements, cremations remain a more environmentally sustainable form of land use and burial. Rookwood has only one crematorium which all denominations are able to use. The bill allows other denominations to build their own custom-made facilities, and one hopes this will facilitate a higher number of cremations at Rookwood. For this reason the Greens are happy to support the bill.

The Hon. PETER BREEN [5.09 p.m.]: I would like to add my support to the Rookwood Necropolis Amendment Bill. The object of the bill is to amend the Necropolis Act to allow for land to be set aside within

Rookwood necropolis for the purposes of denominational cremations. At the moment there is only one crematorium and the various denominations that make demands on it find it difficult to accommodate the number of cremations. The rates that are to be set by the trust are to be determined in accordance with the provisions of the bill, that is, Valuer-General's valuation of land. Initially the fee will be $100 per cremation.

At Rookwood a trust is set up by each of the various denominations, and an overarching or joint trust, which includes representatives of the various denominations, determines the fees, which are currently based on the number of bodies either buried or cremated at Rookwood. About 50 per cent of the total number of bodies are cremated, and 25 per cent of burials are Catholic Church burials and the other 25 per cent of burials are those of other denominations. So clearly there is a need, based on the large numbers of people being buried, for additional cremations facilities, and that is the object of the bill.

The Government has foreshadowed a number of amendments, which it has circulated within the last hour. The amendments are a surprise in one respect, and that is in the proposal to remove section 20B (2), which is a consultation provision. It is important that there be consultation between the joint trust and the trusts of the various denominations. When this provision is discussed in Committee I will take the opportunity to explain to honourable members that the consultation process will be defeated if the relevant Government amendment is to be proceeded with. Currently the Catholic Cemetery Necropolis Trust opposes Government amendment No. 3 and says that section 20B (2) was introduced to enable consultation between the Minister and the trusts about the financial requests of the joint committee. To remove that provision without any consultation, or without notification, seems to me to be contrary to the intentions of the bill.

In his contribution Reverend the Hon. Dr Gordon Moyes referred to the important requirement that no Protestant living within 10 kilometres of Rookwood Cemetery can be buried. In the bad old days, when people had strange ideas about death and burial and resurrection, it may have been the bog Irish position that one should not be cremated, or even those burned to death or eaten by sharks could not go to heaven. I do not think that was ever Vatican teaching. Whilst I accept the spirit in which the observation was made, I should add that it is a good thing for Christianity generally that people do not have these kinds of debates any more. The fact that there is such a level of agreement as to what happens at the Rookwood Cemetery, as outlined in the bill, is a positive development, and I hope the Christians continue their good work together of being ecumenical and develop in other directions as well.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [5.14 p.m.], in reply: I thank all honourable members for their comments on the Rookwood Necropolis Amendment Bill. In particular, I note that Reverend the Hon. Dr Gordon Moyes and the Hon. Peter Breen mentioned that no living Catholic or Protestant living within 10 kilometres of the cemetery could be buried or cremated. For those who did not understand what they were saying: it means that those people are still alive! So even those living within 200 kilometres could not be buried or cremated at the cemetery. I concur with the comments made by the Hon. Peter Breen that it is good that these debates now occur without any of the acrimony that there may have been 30 or 40 years ago.

Since the bill was introduced the Joint Committee of Necropolis Trustees, with the support of several denominational trusts, has contacted me. It has raised some issues concerning the administrative impact of some specific proposals. It is not the intention of the bill to cause unnecessary administrative impacts on those bodies. Therefore the Government proposes the three amendments, to which reference has already been made, to the current Rookwood Necropolis Amendment Bill. The Department of Lands will conduct a management review of the Rookwood Necropolis in 2005. Consultation on the need for further legislative changes will be addressed then through that process. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [5.17 p.m.]: I seek leave to move Government amendments Nos 1 to 5 in globo.

The Hon. PETER BREEN [5.17 p.m.]: I have no objection to the amendments being moved in globo, as long as the questions are put seriatim.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [5.17 p.m.]: Agreed. I move Government amendments Nos 1 to 5 in globo:

No. 1 Page 3, schedule 1. Insert after line 12:

(2) Pending the determination of an appeal under this section, the valuation to which the appeal relates, and the lessee's liability for any rent payable on the basis of that valuation, are unaffected by the appeal.

No. 2 Page 3, schedule 1, line 16. Omit "financial". Insert instead "calendar".

No. 3 Page 4, schedule 1, lines 1-4. Omit all words on those lines.

No. 4 Page 5, schedule 2, lines 16 and 17. Omit all words on those lines.

No. 5 Page 13, schedule 2, line 7. Omit "financial". Insert instead "calendar".

These amendments are intended to reduce any unintended administrative burdens on the management of Rookwood and to ensure that revenue payments are made in a timely fashion. The first Government amendment relates to page 3, schedule 1. The proposal is to insert after the existing section a new subsection (2), which provides that pending the determination of an appeal under section 8E the lessee's rental premium is to be paid despite any subsequent appeal to the Land and Environment Court against the land value. This will ensure that funds are available to the Joint Committee of Necropolis Trustees to continue the maintenance of the joint infrastructure at Rookwood. Should the Land and Environment Court reduce the value on appeal it is intended that any money paid in excess of the new value-based rental would be offset against future rental payments.

The second amendment, which deals with proposed new section 20B (1), proposes that the word "calendar" be substituted for the word "financial". Although reporting is based typically on the financial year, discussions with representatives of the Joint Committee of Necropolis Trustees and the denominational trusts revealed that a change from the calendar year reporting would result in a substantial administrative upheaval and inconvenience. It is not the intention of the Government to burden trusts through this amendment. Therefore it is recommended that the status quo be maintained. An amendment to proposed section 20B (1) will result in collateral amendments to pages 5 and 13 of schedule 2 to ensure consistency through the Act, and clarity in the savings and transitional provisions.

The final amendment deals with the deletion of proposed section 20B (2). Although the Government supports the consultation proposal, several stakeholders have raised the time involved in consultation and the possible impacts upon revenue of the joint committee. In these circumstances the Government has chosen not to proceed with this provision at this time, but to continue the discussion with stakeholders to ensure that there is a level of comfort with the process. These sorts of issues will be examined in the upcoming management review of Rookwood Cemetery. The review will examine issues facing reserve trusts at Rookwood, and determine what sort of administrative and legislative structures should be put in place to best ensure the sustainable future of this Sydney icon. I commend the amendments to the Committee.

The Hon. RICK COLLESS [5.21 p.m.]: The Opposition will not oppose any of these amendments.

The Hon. PETER BREEN [5.21 p.m.]: I am concerned about Government amendment No. 3, which would delete proposed section 20B (2), which reads:

> The approval referred to in subsection (1) (d) must not be given until after the Minister has consulted with the reserve trusts, and with the general crematorium lessee, as to the total amount determined by the Joint Committee under subsection (1).

The subsection provides for consultation. The Minister will consult the reserve trusts and the reserve trusts will then have an input. If that provision is deleted the Minister will be able to make a decision without consultation, which would defeat the very purpose of the bill. At the moment the reserve trusts are made up of various denominational groups. The Catholic Cemetery Necropolis Trust strongly opposes no consultation. The church trust is at some disadvantage because it is the largest of the trusts. There is some sympathy for the proposition that other trusts also should have an equal contribution to determine payments. Although I agree with that, the only way it can be done is by negotiating and consulting, not by deleting this provision. I support the Government's amendments, with the exception of Government amendment No. 3, which I oppose.

Ms SYLVIA HALE [5.23 p.m.]: The Greens also have reservations about Government amendment No. 3. I note that the Minister said the consultation provision had been deleted because of its possible impacts upon the joint committee: he wanted to establish a level of comfort with the process. But it seems appropriate to start with the consultation process to ascertain how it works in practice and only then consider deleting it. To delete it before it has been given a chance to operate seems to be putting the cart before the horse. For the reasons outlined by the Hon. Peter Breen, at this stage it is appropriate that the consultation provision remain in place. Its operations can be reviewed when the Act is reviewed.

Reverend the Hon. FRED NILE [5.24 p.m.]: I was under the impression that these amendments were requested by the trust, which is why we will support them.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [5.25 p.m.]: That is exactly true. The current legislation says that we may consult. Perhaps I should repeat that although we support the consultation process, several stakeholders have raised these issues, particularly the time involved in consultation and its possible impacts on the revenue of the joint committee. They have told us that it could delay their getting in revenue. In these circumstances we have said that we will not proceed with it at this time, but we will have further discussions with the stakeholders and we will consider it as we go through the review process. In relation to discussions with the Catholic trust, we have spoken to Mr O'Keefe, the chairman, and we support his view. I can say no more than that.

Amendment No. 1 agreed to.

Amendment No. 2 agreed to.

Amendment No. 3 agreed to.

Amendment No. 4 agreed to.

Amendment No. 5 agreed to.

Schedule 1 as amended agreed to.

Schedule 2 as amended agreed to.

Schedule 3 agreed to.

Title agreed to.

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

SPECIAL COMMISSION OF INQUIRY (JAMES HARDIE RECORDS) AMENDMENT BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [5.29 p.m.]: I move:

That this bill be now read a second time.

As the second reading speech is lengthy, I seek leave to have it incorporated in *Hansard*.

Leave granted.

Honourable Members are by now fully aware of the shameless behaviour of James Hardie in its attempt to try to separate itself from its asbestos liabilities.

This is one of the worst cases of corporate misconduct Australia has seen.

The Special Commission of Inquiry led by Commissioner David Jackson QC found the Medical Research and Compensation Foundation established by James Hardie was substantially under-funded.

James Hardie claimed that the Foundation was fully funded to meet all legitimate claims from current and future asbestos victims.

Commissioner Jackson described the press release where this claim was made as *"a pure public relations construct, bereft of substantial truth".*

Commissioner Jackson found that the company's CEO, Peter Macdonald *"… ought reasonably to have known that the information in the media release was false in material particulars, and materially misleading."*

After it established the Foundation, James Hardie headed for The Netherlands.

On the way, it misled asbestos victims, unions, the share market, the Supreme Court, governments and the public.

Our priority is of course to secure funding from James Hardie to ensure that claims made by current and future asbestos victims are met.

We will keep the pressure on James Hardie so that they negotiate a satisfactory outcome for all concerned.

While the negotiations are the highest priority, we should not lose sight of the fact that the actions of James Hardie and its executives may have involved breaches of Australian law.

The full force of the law should be applied to this company and its executives so that they are held accountable for their conduct.

Last month this Parliament passed the *Special Commission of Inquiry (James Hardie Records) Act 2004* to transfer all the records of the Special Commission of Inquiry to the Australian Securities and Investments Commission.

That legislation will speed up ASIC's investigation by several months.

We introduced this legislation at the first opportunity that we had and called on the Commonwealth Government to clarify the powers of ASIC to handle privileged information.

Some five weeks later, I am pleased to see the Commonwealth has responded to our call.

The Act made it clear that ASIC could transfer the records to other regulators to assist those bodies where they too are conducting investigations into James Hardie.

The ACCC has now indicated that it will be scrutinising the conduct of James Hardie and its executives and has sought access to the records.

The ACCC will be considering whether the misleading and deceptive conduct identified by Commissioner Jackson may constitute a breach of the *Trade Practices Act*.

This could result in litigation for the recovery of damages on behalf of the Medical Research and Compensation Foundation.

The Government obviously wants to make sure that there is no doubt about the ACCC's ability to receive the records of the Special Commission of Inquiry so it can investigate these matters fully.

There is a risk that people might object to any attempt to transfer the records to the ACCC.

This risk exists because the documents obtained by the Special Commission were the subject of a number of claims of legal professional privilege by James Hardie.

While Commissioner Jackson said those claims would, if challenged, be difficult to justify, the Government wants to avoid a situation were the ACCC is hobbled by such objections.

Like ASIC, the ACCC needs to be able to get on with the job of scrutinising the conduct of James Hardie and its executives.

This legislation – which has been requested by the ACCC – will put these matters beyond doubt.

The Bill will prevent a person from objecting to the transfer by ASIC of the records of the Special Commission of Inquiry to the ACCC or any other person.

The Bill also provides that the use in investigations of such records by the ACCC, or other person who receives them from ASIC, cannot be objected to on the ground of legal professional privilege or because of New South Wales law.

The Bill also provides that the records can be used and admitted into evidence by the ACCC in civil and criminal proceedings, despite any restrictions in New South Wales law, where Commonwealth law would permit this.

The Commonwealth Treasurer has recently criticised the failure of the *Special Commission of Inquiry (James Hardie Records) Act 2004* to wind back legal professional privilege more generally.

While this was originally requested by ASIC, the New South Wales legislation did not do this.

This was because there is legal uncertainty as to whether ASIC's own legislation permitted it to use such material, a point which is acknowledged in the explanatory note to the Commonwealth's own Bill.

In addition, ASIC was seeking the removal of privilege even in respect of criminal proceedings, which is a very serious step to take.

What was Mr Costello suggesting? That the New South Wales Parliament should try to redefine or clarify the powers of a Commonwealth body?

Leaving aside any possible constitutional issues, I am sure that he would not have thanked us if we had tried to do that.

The powers of the Commonwealth regulator are a matter for the Commonwealth Parliament.

The powers of New South Wales regulators are matters for this Parliament.

The NSW Government took the right action and swiftly drew to the Commonwealth's attention the need for clarifying legislation.

The Attorney General wrote to the Commonwealth Treasurer on October 20, 2004 requesting that the Commonwealth Government fix this problem.

While I welcome the Commonwealth's action on this issue some five weeks after the matter was brought to its attention, I am advised that the Commonwealth's legislation does nothing to assist the ACCC.

I urge the Commonwealth Government to amend its Bill to ensure that it applies to the ACCC, as well as ASIC, so that the ACCC can make full use of the records of the Special Commission of Inquiry in any subsequent proceedings.

The NSW Government has taken many steps to ensure that James Hardie is held accountable for its conduct.

We have to keep the pressure on James Hardie to ensure that it meets its current and future obligations to asbestos victims.

I want to make this point to James Hardie, this won't be the last legislation this Government introduces if that is what is required to ensure that the company negotiates a satisfactory solution.

I commend the bill to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [5.29 p.m.]: At the outset I express disappointment that, despite the importance of this legislation, the Government has shown no preparedness to acknowledge the independence of the Legislative Council by discussing with the Legislative Council Opposition the purport of this bill. I recognise that the Minister at the table, the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast, provided the Opposition and the crossbench with a briefing, but given the seriousness of the reforms provided in the bill, I would have thought that the Government would have adopted a more professional approach by providing members who will debate the legislation and vote on it with the opportunity of understanding the legislation and its implications.

There is no doubt that this legislation must be passed, but the Government's approach indicates sloppiness. Today the approach is evident in the Government's presentation of the Special Commission of Inquiry (James Hardie Records) Amendment Bill, but tomorrow and on other occasions it will be evident in relation to other legislation. This legislation is a classic example of the Government taking its eye off the very important issues affecting the people of New South Wales, irrespective of the number of people who are directly affected. Thank goodness a relatively small number of people are affected by the horrific effects of asbestosis, but this type of legislation unifies the nation.

Reverend the Hon. Fred Nile: It affects a large number of people.

The Hon. MICHAEL GALLACHER: In comparison with the population of the nation, the number of people affected is relatively small. However, Reverend the Hon. Fred Nile probably quite correctly interjects because at this stage we do not know the total number of people who are affected by asbestosis.

Reverend the Hon. Fred Nile: Now, or in the future.

The Hon. MICHAEL GALLACHER: Yes, but at the end of the day, legislation of this type unifies the entire nation. There is certainly unanimity in the State of New South Wales that this legislation should be proceeded with urgently and, quite rightly, the Opposition will not oppose the legislation. However, it is important to place on the record the Opposition's frustration that this important legislation has basically been dropped onto the table of this House with a demand by the Government to debate it, without the Opposition having had the opportunity of considering it. If the members of this House had been given an opportunity to properly consider the bill, that may well have resulted in improvement in its provisions and may have assisted people who are calling out for help. I recognise that the Government is trying to help the victims of asbestosis, but not all knowledge is reposed in the Legislative Assembly, and members of this House are well able to testify to that.

This bill was rammed through the Legislative Assembly this afternoon and that was the first time the Opposition had seen it. Literally minutes before I rose to speak, I was given a copy of the bill. It is very frustrating for members to have to decide upon such important legislation in such a short time frame. This legislation is designed to continue to correct the anomalies or difficulties that have been identified in the Special Commission of Inquiry (James Hardie Records) Act 2004, which was passed earlier this year. This bill is an attempt to improve on the original Act. This Parliament, constituted by the Government, the Opposition and the crossbench, has an interest in developing and improving the legislation. If an opportunity had been given to the non-government members of this House to consider the bill, collectively we may have identified other matters for improvement.

Be that as it may, the purpose of the bill before the House is to provide for the transfer of the records of the Special Commission of Inquiry into the Medical Research and Compensation Foundation by the Australian Securities and Investments Commission [ASIC] to the Australian Competition and Consumer Commission [ACCC] or any other person, and to enable the use of those records by the ACCC or any other person who receives the records from ASIC in investigations and, when Commonwealth law permits, in court proceedings. This bill is designed to ensure that barriers that confront people who have become ill through asbestosis and their loved ones are removed. As the Parliament acting on behalf of the people of New South Wales, we have an obligation to ensure that the barriers being experienced by claimants in the courts system are removed when it is correct and proper for them to be removed, and that is the main aim of this legislation. Investigations were being stymied and those difficulties demonstrate the clear need for better access by claimants to methods of redress beyond ASIC to the ACCC.

I am confident that this bill will receive the unanimous support of all members of the Legislative Council. I believe that all members of this House are literally sickened by the reports that we have read of what appears to be obfuscation. However, the Government has known about the issues for some time. As I stated when the Special Commission of Inquiry (James Hardie Records) Bill was debated earlier this year, the Government has been dragging its feet and has avoided coming clean on issues of monumental significance. One of those issues is the potential liability of the State for employees in power stations and rail infrastructure facilities. The Government has merely scratched the surface of those issues and the interjection by Reverend the Hon. Fred Nile is very apt: right now, we simply do not know the magnitude of the State's liabilities for asbestosis. That is an issue that the Parliament as a whole must address and the Government should not drag its feet in bringing to light the extent of its potential liabilities.

There is no doubt that the Government could have worked harder in the past in pursuing important issues related to asbestosis. The Opposition has not been given any indication of the number of workers in power stations and rail infrastructure facilities that may have been affected by asbestosis. Surely the Government is undertaking an assessment of its liability. The Opposition and the public of New South Wales are entitled to know the extent of current and potential liability. I encourage the Minister at the table, the Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast, to do everything he can to make publicly available full details of the State's liabilities for asbestosis and the number of workers who may be affected. Having made those points, I reiterate the Opposition's support for the Special Commission of Inquiry (James Hardie Records) Amendment Bill.

Reverend the Hon. FRED NILE [5.38 p.m.]: The Christian Democratic Party is pleased to support the Special Commission of Inquiry (James Hardie Records) Amendment Bill. The bill is necessary because the track record of James Hardie Pty Ltd indicates that it has made attempts to obstruct investigations, transfer funds, relocate its company headquarters to the Netherlands and withhold funds that were required to be transferred to the Medical Research and Compensation Foundation. A recent documentary featured some of the managers of James Hardie who admitted that they had known since the 1970s about the health dangers of asbestos. They had even made visits to some of the James Hardie factories to tell the workers that there were problems with asbestos, but there was no attempt to provide masks or other safety measures. Even in the face of actual knowledge, the approach of the company reflected mere tokenism.

This bill is necessary. The parliamentary inquiry into serious injury and death in the workplace discussed whether James Hardie is guilty not only of financial aspects but also of criminal aspects regarding asbestos, and whether there should be an investigation into the financial operations of that company as well as some consideration by the Government of criminal charges against individuals who acted in a proven irresponsible way that led to injuries and many deaths. The bill is simple and proposes that the Special Commission of Inquiry (James Hardie Records) Act provide for the transfer of the control of records of the Special Commission of Inquiry into the Medical Research and Compensation Foundation to the Australian

Securities and Investments Commission, and enables that commission to give possession or custody of any such record to any other person within or outside New South Wales for the purpose of considering appropriate action.

The special commission reported on 21 September 2004 and found potential contraventions of the Trade Practices Act 1974 of the Commonwealth that the Australian Competition and Consumer Commission might wish to investigate. This bill will facilitate that investigation. The Christian Democratic Party supports the bill.

Ms LEE RHIANNON [5.41 p.m.]: The Greens support the bill. We acknowledge the work of the Carr Government for asbestos victims. We certainly had concerns that the former Labor Senator, Mr Loosely, worked hard to open Labor doors for James Hardie management, but since then Premier Carr has spoken with passion and commitment on this issue. The bill tightens the principal Act, the Special Commission of Inquiry (James Hardie Records) Act, to cover the Australian Competition and Consumer Commission [ACCC]. The original bill allows for the release of records from inquiry into the Medical Research and Compensation Foundation to the Australian Securities and Investments Commission so it can investigate potential breaches of the law by James Hardie.

The bill makes it clear that a person cannot object to the use of transferred material by the ACCC. There are other areas in which the Carr Labor Government needs to amend its ways in order to do the right thing by the victims of asbestos diseases. The Parliamentary Contributory Superannuation Fund for members of this Parliament, which is asset managed by Citigroup, had a $168,582 investment in James Hardie industries as at June 2004. I find it highly objectionable that money that I and my colleagues in this place earn, and public money in general, is invested in that company. That company has committed terrible crimes, let us not forget that. That company did a runner overseas for the simple reason of protecting its profits, at the expense of people's lives and extreme suffering.

The behaviour of James Hardie's management is gross in the extreme. We need to recognise that the cruel action of James Hardie would add to the stress and suffering of the victims of asbestos and their families. I urge the Government to not wash its hands of the Parliamentary Contributory Superannuation Fund by saying, "That's up to the fund manager." The program of this parliamentary week shows what the Government can achieve for its own agenda when it wants to rush through bills. What about putting asbestos victims first and immediately moving to remove Citigroup as the asset manager for the Parliamentary Contributory Superannuation Fund and replace it with an ethical investment fund and make sure that gross investments such as this do not happen again. The Greens will support the bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.44 p.m.]: I support the bill. It is very important that the information gained from James Hardie be available for further investigation by the Australian Securities and Investments Commission [ASIC]. It is disappointing that the ASIC was naïve and allowed the bulk of James Hardies' moneys to be transferred to the Netherlands and only the Medical Research and Compensation Foundation to remain in Australia. I do not know how much medical research that foundation does, I suspect its name is just a public relations decision. Certainly, the foundation did not have enough money to meet its compensation requirements, as shown in the report by David Jackson, QC, that was released on 21 September.

It remains clear that James Hardie was the largest producer of products containing asbestos and that it knew of asbestos dangers for 50 years before finally stopping production; that in 2001 James Hardie moved its company and its assets to the Netherlands, beyond the reach of asbestos victims; that $1.9 billion was transferred from Australia to that company in the Netherlands; and that now James Hardie is still trying to say that it will bring back only some of the money, if the Government limits victims' rights to compensation. The unions, very correctly, have protested against that point.

One is worried that legal professional privilege is often cited to avoid companies producing documents. Indeed, the Carr Government has used legal professional privilege to try to stop documents from being released under freedom of information legislation regarding the sale of the Sydney markets site to Sydney Markets Ltd. That legal provision is quite often used, even by this Government, to avoid obligations. It might be noted that the destruction of documents has often occurred in Australian corporate history.

The tobacco industry managed to escape prosecution because documents that would have incriminated the industry had been destroyed. The Australian tobacco industry destroyed a large number of documents, which it referred to as "deadwood documents", that showed when the industry knew about diseases caused by tobacco,

the meetings it had held and the strategies it had worked out. Indeed those Australian documents were destroyed and the only documents that could be used for prosecution were discovered in America. An insider, a legal clerk, was asked to assess the documents and destroy any that were incriminating. He was so horrified by what he saw that he copied the documents and made them available to some health organisations. Of course, the document discoveries during court cases in which the tobacco industry was sued in the United States of America have been extremely important.

In 1982 or 1983, Peter Vogel of the Billboard Utilising Graffitists Against Unhealthy Products group [BUGA UP], made the point that there is plenty of legislation to prosecute companies that are indifferent to the effects of their products. The Trade Practices Act prevents the sale of goods that are likely to cause harm, when knowingly done. It has been said by BUGA UP and precious few other people that the legislation exists on the books to prosecute James Hardie and tobacco companies for the gross negligence. It is good that this bill has been introduced and that the Government is acting to help the ASIC, which years ago could have stopped James Hardie from going overseas while under the dozey administration of Joe Hockey, but did not do so. One certainly would have thought the obvious question to ask James Hardie when it was to go overseas was: Is the foundation sufficient? That question was not asked.

Now, somewhat belatedly, that question is being pursued. The Australian Democrats applaud the Government actions in this matter. It is interesting that Bob Carr's comment was that he had spoken to asbestos victims and he wanted to give them all the help that he could. I suggest he get himself down to a hospital and talk to some of the tobacco victims, of whom 13 are dying each day in New South Wales. Perhaps he could do something for them as well, or perhaps he could support my corporate manslaughter bill. Be that as it may, I recognise that the Government is not scaling the heights, that it must be cheered when it does anything. In the James Hardie case it is doing something good for asbestos victims and, naturally, the Australian Democrats support the bill.

The Hon JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [5.50 p.m.], in reply: I thank members for their contributions and for their support for the bill. I appreciate the various comments that were made by honourable members. I want to respond to the thrust of the remarks made by the Leader of the Opposition. I appreciate the fact that the Opposition supports the bill. However, the Leader of the Opposition expressed concern about the fact that he was briefed only a short time before the introduction of the bill. I acknowledge that fact and, to a certain extent, I apologise for it. The action that the Government has taken in relation to James Hardie has been part of a public schedule of actions enunciated by the Premier in the public arena on a number of occasions.

Over the past few weeks and months Opposition members have been made well aware of public utterances by both the Premier and me relating to various possible actions depending on the attitude James Hardie took to current negotiations. Regrettably, we have now reached about stage three of five potential groups of actions. This one, which is to remove the privilege from evidence given to the Jackson commission, is a radical step. The Government acknowledges that it is a radical step but it is appropriate, given that at present James Hardie has declined to take necessary action in relation to victims of asbestos-related diseases—that is, workers compensation, public liability and various third party product liabilities—being properly compensated in the future. Public interest requires the Government to move to the next level so that James Hardie gets the message that the Australian people, this Government and all members of this Parliament will not cop it.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SHOPS AND INDUSTRIES AMENDMENT (SPECIAL SHOP CLOSURES) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [5.54 p.m.]: I move:

That this bill be now read a second time.

The Shops and Industries Amendment (Special Shop Closures) Bill 2004 provides for general shops, that is, retail shops other than scheduled shops and small shops, to be kept closed on Saturday 25 December 2004 and on Sunday 26 December 2004. The bill provides a limited exemption for general shops in tourist areas to trade on 26 December where trading is normally permitted by a current ministerial order under section 89B of the Shops and Industries Act 1962 and where those shops are staffed by persons who freely elect to work on that day. These restrictions will be effected through the amendment of the Shops and Industries Act 1962 by the insertion of proposed new sections 89E and 89F.

In line with the Government's family friendly policies, it gives me great pleasure to introduce a bill that has as its main purpose the preservation of the tradition of families spending the Christmas weekend together. As honourable members will recall, the precedent for this type of legislation was set in 1999 with the enactment of the Shop Trading (Special Provisions) Act 1999. The exemption enabling general shops to trade in tourist areas on 26 December provides a sensible compromise between the commercial interests of shopkeepers and the family commitments of staff. It also caters for post-Christmas Day trade in tourist areas where families often travel to coastal tourist areas as part of their post-Christmas celebrations.

In order that honourable members understand proposed sections 89E and 89F I inform them that general shops include shops such as furniture, electrical and hardware stores, food supermarkets, department stores, and clothing and jewellery shops. Scheduled shops that satisfy everyday consumer demand, including newsagencies, chemists, takeaway food shops, souvenir shops and video shops will not be affected by the bill and will be free to trade on 25 and 26 December. Small shops, being small family-type businesses, will not be affected by the bill. Such scheduled shops and small shops are free to trade seven days a week under the Shops and Industries Act. In respect to Sunday trading by general shops, section 84 of the Shops and Industries Act provides that general shops are to be kept closed on Sundays, except for the two Sundays immediately preceding Christmas Day. This restriction does not extend to scheduled shops or to small shops.

Section 85 of the Shops and Industries Act provides that general shops, other than small shops, are to be kept closed on public holidays. These are defined under section 78 of the Act to include the publicly observed Christmas Day and Boxing Day holidays. Section 78A of the Shops and Industries Act enables the Director-General of the Department of Commerce to grant exemptions from the prohibitions in sections 84 and 85. A number of these exemptions have been granted since this section 78A was first enacted and an exemption under the section enables certain general shops to open on Christmas Day and more usually on Sunday 26 December 2004. The day 26 December will not be a public holiday under section 85 of the Shops and Industries Act as the Boxing Day holiday will be observed on Monday 27 December 2004 under the automatic contingency arrangements of the Banks and Bank Holidays Act 1912. Therefore, trading on 26 December by general shops will not be prohibited under section 85, but will be subject to the Sunday prohibition under section 84 of the Shops and Industries Act.

Under the provisions of the bill proprietors of general shops in New South Wales who have previously received an approval under section 78A of the Shops and Industries Act to trade on a public holiday and a Sunday will have that approval suspended in respect of the Christmas Day public holiday and Sunday 26 December 2004. This suspension will extend to orders made by the Minister, pursuant to section 89B of the Shops and Industries Act, which would permit general shops in tourist areas to trade on Christmas Day. However, these shops will be permitted to trade on 26 December if staffed by persons who have freely elected to work on that day, irrespective of normal rostering arrangements.

In this regard, the bill provides that no exemptions under sections 78A or 89B made before, on or after the commencement of proposed section 89E will apply in respect of Christmas Day trading, and a similar provision is made for section 78A exemptions that apply in respect of general trading on 26 December. The existing penalty provisions of the Shops and Industries Act will apply to general shop trading on 25 and 26 December, in contravention of the new provisions. In conclusion, the bill will provide for the automatic repeal of the new sections at the beginning of 27 December 2004. I commend this bill to the House in furtherance of the Government's commitment to family friendly policies.

The Hon. MELINDA PAVEY [5.59 p.m.]: Speaking on behalf of the Opposition, I oppose the Shops and Industries Amendment (Special Shop Closures) Bill. Opposition members oppose the interference of the Government and the special deals that it does with its mates to interfere with good commercial practice in New South Wales. In 1999 the Government introduced a similar bill when Boxing Day fell on a Sunday, as it will this year. The Opposition opposed the legislation in 1999 and it opposes the legislation in 2004. The bill will limit trading on 26 December, which is Boxing Day.

The Government claims that the bill will enable employees to spend Sunday with their families. How kind of it! It also denies them the right to earn triple time on Boxing Day—a choice that employees should be able to make for themselves without the interference of government.

The Government claims that the bill will enable employees to spend time with their families. Suddenly the Carr Government is concerned about people and their families. Does it express those sentiments to commuters who are trying to get home to their families via CityRail or CountryLink, or to patients awaiting elective surgery? Did the Government show the same concern when it introduced the new vendor tax? The Government's concern is not genuine.

The real intention of this legislation is to appease the Shop, Distributive and Allied Employees Association [SDA]. The SDA does not want employees making voluntary agreements with their employers because it believes that is outside the award and will undermine the union's role. Yet again this is rushed legislation. The Government did not consult the major industries affected by the bill—it is the second time that I have spoken about the Government's arrogance. Neither the Australian Retailers Association nor the New South Wales Chamber of Commerce—the peak retail organisations in this State—has been consulted about this bill, which will affect the members of both bodies. It is a complete disgrace that such legislation can be introduced in Parliament without input from peak industry groups and without consulting many retail employees who are happy to earn triple time on Boxing Day.

The Hon. John Della Bosca: Triple time?

The Hon. MELINDA PAVEY: I cannot imagine that the Hon. John Della Bosca has employed many people in his business. Many of our staff line up to get on the roster to work on a public holiday and earn some extra money.

The Hon. John Della Bosca: Do you own a department store?

The Hon. MELINDA PAVEY: I have owned more businesses than the Hon. John Della Bosca has ever owned. The Boxing Day sales have become a tradition in Australia. The rush to grab a bargain the day after Christmas has become as customary as the turkey and cranberry sauce. The Government wants to ban retailers from opening on what is possibly their busiest day of the year. Through its special deal with the SDA the Government is denying shoppers who want to get some good discounts on Boxing Day, it is denying the employees who want to earn triple time on that day, and it is denying the rights of retailers. The State Chamber of Commerce issued a press release earlier this month calling on the State Government to scrap plans to ban central business district retailers from opening on Boxing Day, saying that it would put the traditional boom shopping day at risk.

Retailers will not be the only ones to suffer as a result of this ill-conceived plan. Shoppers will also bear the brunt of the ban as retailers will be forced to rethink the size of the bargains on offer in order to combat the impact on their bottom line. Even before the bill's introduction in this place shop owners across New South Wales were confused as to whether they would be prevented from trading on 26 December or exempt from the ban. That is pretty poor communication on the part of the Government, given the millions of dollars it spends on spin every year. The Government should have ensured that clear guidelines were issued to alleviate the concerns of retailers. I have received several telephone calls from retailers on the mid North Coast who are concerned that they will be affected by the legislation. However, tourist precincts are exempt under the bill.

The schizophrenic approach in this bill will not achieve even the purpose that the Government intends: retailers will miss out, employees will not get their penalty rates and consumers will be affected. If the Government were genuine about giving employees time off to spend with their families at Christmas, it would introduce the restrictions that apply on Christmas Day and apply them to all retailers. The Government has opted instead for this unbalanced, haphazard, business-ignorant approach. The Opposition opposes the bill.

Reverend the Hon. Dr GORDON MOYES [6.03 p.m.]: I speak on behalf of the Christian Democratic Party on the Shops and Industries Amendment (Special Shop Closures) Bill, which amends the Shops and Industries Act 1962 to require that general shops—those shops other than scheduled shops and small shops—remain closed on Saturday 25 December 2004 and Sunday 26 December 2004. The bill provides a limited exemption for general shops in tourist areas—which will be permitted to trade on Sunday 26 December—where trading is normally permitted by the current ministerial order under section 89B of the Shops and Industries Act 1962 and where those shops are staffed by persons who freely elect to work on that day. We commend the

Government and the Minister for Industrial Relations on this move. The amendments introduced by this bill will have effect despite any exemption granted under section 78A by the director-general or under section 89B, which deals with the exemption of holiday resorts, or any order made under section 85 (2), the exemption by ministerial order under the Shops and Industries Act 1962.

The Minister has said that the main purpose of the bill is to preserve the tradition of families spending the Christmas weekend together. The Christian Democratic Party congratulates the Government and commends the motivation behind this bill. The shops that will not be affected by the bill are listed in schedule 3 of the Shops and Industries Act and include, for example, chemists, cooked food shops, newsagencies, flower shops, fruit and vegetable shops and video shops—I am not quite sure why the latter is included on the list. Additionally, the bill will not affect small shops, which are defined as those with two or fewer shopkeepers that require not more than four persons to conduct the business of the shop on any one day. All shops not affected by the bill are necessary for day-to-day living. I do not think video shops can be classified as being necessary for day-to-day living.

As mentioned previously, shops other than scheduled shops or small shops will be permitted to trade on Saturday 25 December 2004. General shops will be permitted to trade on 26 December if they are staffed by persons who, as the Minister said, freely elect to work on that day. However, I point out that in the course of my inquiries about the bill I discovered that many casual employees are hired on the ground that they will work on Saturdays, Christmas Day and Boxing Day if required. We must also consider the rights of casual workers. In the second reading speech on the bill in another place, the Parliamentary Secretary said:

> … the exemption enabling general shops to trade in tourist areas on 26 December provides a sensible compromise between the commercial interests of shopkeepers and the family commitments of staff.

The Christian Democratic Party commends the bill, which also caters for the post-Christmas Day trade in tourist areas, where the demand by travellers for consumables is substantial. We are not totally opposed to working on Christmas Day or Boxing Day. I point out that Reverend the Hon. Fred Nile and I have worked on Christmas Day for the past 47 years, and we had a commercial interest.

The Hon. Peter Primrose: You only work for part of it.

Reverend the Hon. Dr GORDON MOYES: No, I work through to midnight; I do not have the afternoon off. But I do not work on Boxing Day. I am pleased to say that the bill will be repealed at the beginning of 27 December 2004.

Ms LEE RHIANNON [6.07 p.m.]: The Greens support the Shops and Industries Amendment (Special Shop Closures) Bill and the Government's move to allow most workers to spend more time with their loved ones. People do not expect shopping outlets to be open all the time and it is good sense to make these changes over the festive season.

The Hon. John Della Bosca: A chance for old-fashioned socialist intervention in the economy.

Ms LEE RHIANNON: I acknowledge the Minister's interjection; his interjections are getting better and better. Consumerism has come to dominate the Christmas period and the Greens hope that the extra holiday will restore some community spirit to the weekend. There will still be plenty of time to shop and hunt for bargains and the big stores will still make plenty of money between Christmas and New Year. There is no reason not to give people a bit more leisure time when they can enjoy it most. Everybody deserves a day off, and I think tourists and other visitors to our city will understand that. The Greens want the Government to ensure that in cases where businesses are allowed to open using people who volunteer to work, as set out in the bill, those people genuinely volunteered and were not pressured to work by their employers. It seems a rather arbitrary definition that shops that open can by staffed by "persons who freely elect to work on that day". Surely the Government would recognise the pressure that is applied to casual and part-time staff to work when their employers insist upon it and the capacity of some employers, albeit a likely minority, to exploit their bargaining leverage in this regard.

Moreover, I am sure that the House will agree that government policy that allows workers to spend more time with their loved ones should be enforced not just during holiday periods. The Government should help people to balance their work and family commitments throughout the year. This is not happening in New South Wales and Australia, where incidences of both overemployment and underemployment are increasing. A recent study by Ross Gittens and Professor Rodney Tiffen from the University of Sydney entitled "How

Australia Compares" found that on average Australians are working the longest hours in the industrial world. That is what representatives of the major parties should talk about in this Chamber.

The Hon. Melinda Pavey: Not their sop to the unions.

Ms LEE RHIANNON: It is not a sop to the unions, it is supporting human beings so they can have a decent life. The Hon. Melinda Pavey has no idea how people, particularly those who work in shops, are exploited. More than a quarter of full-time workers work more than 50 hours a week. Would Opposition members work 50 hours a week? They would scream blue murder if they did! This trend towards work intensification is fuelled in New South Wales by this Government's failure to adequately address the large growth in overtime. Considering the Minister's political interests, he would have grown up with an understanding of the deep commitment of the trade union movement to the eight-hour day campaign. That we have gone backwards, and most workers are working much more than 40 hours a week, is not an advance for this society. And a Labor Government in office for 10 years sadly has not addressed this problem.

While many Australians are working longer and longer and have less time to spend with their loved ones, a significant portion of the population are not able to work as much as they would like. That is underemployment. The growth in overtime, coupled with spiralling underemployment makes achieving any balance between work and one's personal life much more difficult. It also makes the Government's claim that it is committed to work family-friendly policies look dubious at best. The bill is a very small but welcome step forward. I hope we can look forward to supporting a Labor Government that addresses the overemployment and underemployment trends that now dominate our work force all year round.

Reverend the Hon. FRED NILE [6.12 p.m.]: I will not deal with this bill in any depth but I am obligated to comment on a recent newspaper article by Alex Mitchell, who with his great investigation ability allegedly discovered a new coalition between the Greens and the Christian Democratic Party to get this bill passed through the upper House. He said that Ms Lee Rhiannon and I were working in a close, conspiratorial way. Alex Mitchell did not speak either to Ms Lee Rhiannon or to me about this; he must work on intuition. The Christian Democratic Party support this bill for similar, and in some cases additional, reasons. The Christian Democratic Party believes the bill will provide a great opportunity for workers to rest and be with their families on Christmas Day, which although falls on a Saturday, will seem like a Sunday.

On Christmas Day all churches will hold Christmas and other religious services. The bill will provide an opportunity for those who work in the retail sector to attend church and/or be with their families. Boxing Day, which falls on a Sunday, will be another day for worship and rest and family life. That shops close on Christmas Day, our Christian society with a Christian heritage is given greater recognition. Christmas celebrates the birth of Jesus Christ. Christmas Day is virtually His birthday; a very important day in our society. Laws that state whether shops remain open or are closed on any given day indicate the importance of the day, whether it is Christmas Day, Good Friday or a Sunday. The Christian Democratic Party supports the bill.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [6.13 p.m.], in reply: I thank honourable members for their contributions to this debate, particularly Ms Lee Rhiannon, Reverend the Hon. Fred Nile and Reverend the Hon. Dr Gordon Moyes. I had difficulty following the arguments presented by the Hon. Melinda Pavey about interference by the Government by way of regulation in the affairs of business. For example, I am sure she would have share the outrage of most commentators and probably every honourable member of this House when traders breached the traditional Anzac morning prohibition on trading. Inspectors from the Office of Industrial Relations received loud cheers from all sorts of circles when they sought to prevent a recurrence of that practice. The simple fact of the matter is that Parliaments make laws that affect not only the way we go about our private affairs but also the way the economy works. I am a supporter of the plural economy. I do not think it is a good thing for governments to attempt to run the economy.

The Hon. Melinda Pavey: Especially not yours.

The Hon. JOHN DELLA BOSCA: My view is that no government should run the economy. It is important that governments in the social democratic tradition make regulations about the way markets operate and make proper provisions so that other values—human values and, in the case of the contribution of Reverend the Hon. Fred Nile, religious values—are taken into consideration. Just as one might be outraged if someone were to trade on Anzac Day morning, one might also be outraged if someone were to trade on Christmas Day. The argument that applies to 26 December applies equally to 25 December.

The Hon. John Ryan: Shopping is a family activity.

The Hon. JOHN DELLA BOSCA: Not if one has to work in the shop. During the debate I indicated to the Hon. Melinda Pavey that she could have my personal exemption to open her shop on Boxing Day. I understand that her family are proprietors of a book shop and café. They are allowed to trade on Christmas Day and Boxing Day if they so choose. She indicated that her place of business is exempt because it is within a designated tourist area anyway. It is important to remember that many small business people in large metropolitan sectors and right across the board have indicated to me that they are very relieved that the Government has introduced this bill. They trade in direct competition to and in location with the major chains within the context of supermarket/mall type developments. Those small business people do not have an option to close their shop on Boxing Day and many are happy with the opportunity the Government is giving them.

The idea of freedom to operate within the economy needs to be viewed from both perspectives. This is not an onerous law and, all jokes aside, I do not think it is by any stretch of the imagination an inappropriate intervention in the commercial affairs of business in New South Wales. I emphasise that this legislation affects only general shops under the Act. A wide range of shops are exempted. Audio shops, bookshops, chemists, confectionary shops, cooked food shops, fish shops, flower shops, fruit and vegetable shops, garden plant shops, newsagencies, pet shops, souvenir shops, tobacconists, vehicle service shops, vehicle shops and video shops are not prohibited from trading under this regulation and most, quite sensibly, will choose not to trade because they want to spend the weekend with their families. The legislation provides that employees of major retailers will have this privilege as well.

The Government has said that other shops may trade in certain circumstances, as in tourist designated zones, but they must manned by volunteer labour. A large number of people who work in shop industries who are, shall we say, professional shop assistants with families—people who have a partner and children—will have the option to have a couple of days off with their families. If people in designated tourist areas want to volunteer to work, they can. That is quite acceptable and reasonable. The Hon. Melinda Pavey raised a number of furphies. She said that people who worked on Boxing Day earn triple time pay. I do not know whether she pays her workers triple time—good on her if she does—but I am sure no-one else does. The Shops and Industries Act, a State award, provides for the payment of double time on Boxing Day, and I know of no Commonwealth industrial instruments that grant anything more than double time and a day off in lieu—and that is not triple time, not in the workers' hand anyway.

The Hon. Melinda Pavey: It is out of the employer's hand.

The Hon. JOHN DELLA BOSCA: No, there is no provision for triple time.

The Hon. Catherine Cusack: It costs the employer.

The Hon. JOHN DELLA BOSCA: It may cost the employer triple time, but it is not triple time in the hand of the employee. And it is not triple time. I have said that it was a Federal instrument. I do not know whether the honourable member thought that was funny. The vast majority of employees would be on double time, and they can earn that double time on the Boxing Day holiday. The next furphy was that the Boxing Day declared holiday and the Christmas Day declared holiday would be the post-Christmas sale days. People are quite able to shop and businesses are quite able to trade and make their profits on the post-Christmas sale days—that is, the traditional post-Christmas sale days.

The Hon. Melinda Pavey: Boxing Day, yes.

The Hon. JOHN DELLA BOSCA: No. They have been post-Christmas sale days. Many people find bargains that they might not find on other days. Some would argue that the retail experience of Boxing Day has become part of the Australian festive season. That was an argument put up by Ms Gladys Berejiklian in the lower House debate. Again I want to emphasise for those who normally would shop or could have shopped in previous years on 26 December that this Boxing Day, being a Sunday, they will be able to take advantage of both 27 December, which is a post-Christmas holiday, and 28 December to do any post-Christmas shopping they might like. In fact, they can quite literally shop till they drop. That argument is a furphy. This bill is an important contribution to the real and symbolic debate about the working family, and it should not be trivialised. It is important to restate that people need reasonable leisure, which traditionally has been centred around specific days and holidays, whether for religious purposes or other cultural observations. It is important that those traditions continue to be honoured.

The logical extension of the Opposition argument is that the Government should allow people to trade on Anzac Day morning and allow hotels to trade on Good Friday. Frankly, I am a libertarian when it comes to drinking, but if there is one day of the year on which people do not drink that is probably not a bad thing. For hundreds of years governments have been making regulations about when people can and cannot trade, and that needs to be restated in the context of respecting the community's entitlement to reasonable recreation and a decent lifestyle. I have been surprised at the level of support that this initiative has received. I had thought of it as a relatively minor proposition within my administration, and therefore I was surprised by the ferocity the Liberal Party opposition to it. But I was equally surprised by employer support for it. Small business and a large number of employers have supported this initiative.

I do not know where the Hon. Melinda Pavey gets her information about consultation. I have been consulting for months with the relevant retailers and retailer associations, as has my department and senior members of my staff. The retailers and the associations have known that the options the Government was considering were either a total prohibition on Boxing Day trading or some kind of exemption for perhaps the central business district or holiday areas. We have discussed those matters at great length with these groups. We have also consulted the union, but I have spoken with employers a lot more often than I have spoken with the union. I am surprised by the extent of the views that are different from those held by the Opposition—not only the views of rank-and-file shop assistants but also small business people who are quite happy about having this day off in a very busy and draining economy.

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

The House divided.

Ayes, 25

Mr Breen	Ms Griffin	Mr Roozendaal
Ms Burnswoods	Ms Hale	Ms Tebbutt
Mr Catanzariti	Mr Hatzistergos	Mr Tingle
Dr Chesterfield-Evans	Mr Jenkins	Mr Tsang
Mr Cohen	Mr Macdonald	Dr Wong
Mr Costa	Reverend Dr Moyes	
Mr Della Bosca	Reverend Nile	*Tellers,*
Mr Egan	Mr Obeid	Mr Primrose
Ms Fazio	Ms Rhiannon	Mr West

Noes, 12

Mr Clarke	Mr Oldfield	
Ms Cusack	Ms Parker	
Miss Gardiner	Mrs Pavey	*Tellers,*
Mr Gay	Mr Pearce	Mr Colless
Mr Lynn	Mr Ryan	Mr Harwin

Pairs

Mr Kelly	Mrs Forsythe
Ms Robertson	Mr Gallacher

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LEGAL PROFESSION BILL

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2)

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (IN-CAR VIDEO SYSTEMS) BILL

NSW SELF INSURANCE CORPORATION BILL

GAMING MACHINES AMENDMENT BILL

Bills received.

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

Motion by the Hon John Della Bosca agreed to:

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

Bills read a first time and ordered to be printed.

[*The President left the chair at 6.35 p.m. The House resumed at 8.00 p.m.*]

LOCAL GOVERNMENT AMENDMENT (PUBLIC-PRIVATE PARTNERSHIPS) BILL

WORKERS COMPENSATION AND OTHER LEGISLATION AMENDMENT BILL

Bills received.

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

Motion by the Hon. Tony Kelly agreed to:

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

Bills read a first time and ordered to be printed.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2)

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [8.04 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) continues the well-established statute law revision program that is recognised by all members as a cost-effective and efficient method for dealing with amendments of the kind included in the bill. The form of the bill is similar to that for previous bills on the Statute Law Revision Program. Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill.

The schedule contains amendments to some 40 Acts and four statutory rules. I will mention some of the amendments to give honourable members an indication of the kind of amendments that are included in the schedule. Schedule 1 amends a number of Acts within the Primary Industries portfolio so as to commit the director general of the Department of Primary Industries to delegate his or her functions under those Acts to any member of staff of that department. The amendments also update various outdated references to the Department of Agriculture and to a position that has been abolished.

Schedule 1 also amends the Catchment Management Authorities Act 2003. That Act permits catchment contributions to be levied under its predecessor Act during a specified transitional period. The amendment removes any doubt that those contributions can continue to be collected and recovered after the expiry of the transitional period, so long as they were levied during that transitional period. Another amendment made by schedule 1 is an amendment to the Crimes (Local Courts Appeal and Review) Act 2001. The amendment reinstates certain rights of appeal to the Land and Environment Court that were inadvertently omitted when the Act re-enacted the relevant provisions of the Repealed Justices Act 1902.

Schedule 1 also amends the Heritage Act 1977. As well as updating various outdated references, the amendments will permit a person to be appointed to the Heritage Council for a third term of office. Currently, a person cannot be appointed for more than two terms. Schedule 1 also amends the Natural Resources Commission Act 2003 to permit the commission to employ its staff directly. The amendment is consistent with the employment provisions of certain other statutory bodies, such as the Independent Pricing and Regulatory Tribunal. It does not change the employment status of any current employee of the commission.

The last schedule 1 amendments I will mention are those to the Public Finance and Audit Act 1983, which relate to the Audit Office. At present, that office is a Government agency whose staff is employed under the Public Sector Employment and Management Act 2002. The amendments establish the Audit Office as a separate public sector service. Its staff will consist of the persons who are appointed as members of staff by the Auditor-General under the Public Finance and Audit Act 1983. The amendments supersede, but are consistent with amendments set out in the Public Finance and Audit (Auditor-General) Amendment Act 1991, which is repealed by schedule 3.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are those arising out of the enactment or repeal or renumbering of other legislation, those correcting duplicated numbering or typographical errors and those updating terminology. Schedule 3 repeals a number of Acts and instruments and provisions of Acts. The Acts and instruments that were amended by the Acts or provisions being repealed are up to date on the legislation database maintained by the Parliamentary Counsel's Office and are available electronically.

Two of the Acts being repealed—the Broken Hill Proprietary Company Limited (Reclamation and Exchange) Agreement Act 1950 and the Broken Hill Proprietary Company Limited (Steelworks) Agreement Act 1950 ratified agreements between Broken Hill Proprietary Company Limited and the Crown in relation to the former BHP steelworks operation in the Newcastle area. In 2002, the State acquired freehold title to the relevant land from BHP under arrangements that required termination of the agreements and the repeal of the Acts ratifying the agreements.

Schedule 4 contains provisions dealing with the effect of amendments on amending provisions, savings clauses for the repealed Acts and a power to make regulations for savings and transitional matters, if necessary. The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts concerned. Rather than repeat the information contained in those notes, I invite honourable members to examine the various amendments and accompanying explanatory material and, if any concern or need for clarification arises, to approach the relevant Minister regarding the matter. If necessary, I undertake to arrange for Government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill. I commend the bill to the House.

The Hon. DON HARWIN [8.05 p.m.]: It is with pleasure that I advise the Chamber that the Opposition will not oppose the Statute Law (Miscellaneous Provisions) Bill (No 2). As a matter of course, when bills come before the Parliament, the 21 members of the Liberal-Nationals shadow ministry consult widely. They each go through their respective portfolio areas that deal with statute law revision and carefully scrutinise them to ensure that three main areas are retained: pure statute law revision, which is covered by schedule 2; administrative issues, for which Parliamentary Counsel has carriage and which are the subject of schedules 3 and 4; and schedule, 1 which contains amendments to 38 Acts and statutory instruments that are somewhat more significant than the other three schedules.

My colleague the honourable member for Vaucluse, Peter Debnam; the honourable member for Southern Highlands, Peta Seaton; our colleague the Deputy Leader of the Opposition; the honourable member for Murrumbidgee, Adrian Piccoli; the honourable member for The Hills, Michael Richardson; and the Leader of the Opposition, who has carriage of Treasury matters, have all been consulted and have said that they are happy with this bill. On that basis the Opposition will not oppose the passage of the bill.

Ms LEE RHIANNON [8.07 p.m.]: I speak in debate on the Statute Law (Miscellaneous Provisions) Bill because it contains provisions relating to the New South Wales Audit Office. The Greens support those provisions because they promote the Auditor-General's ability to recruit and keep well-qualified staff. He needs them to do the important job of scrutinising the operations of government through financial and performance audits. The key role of the Auditor-General under the Westminster system is to help Parliament hold the Government accountable for how community resources are used. The people of New South Wales have a right to information that lets them judge how well the Government is doing its job, in particular in key areas such as health, education and transport.

Clearly, we need the Auditor-General in this State as the Premier and Treasurer are obsessed with triple-A ratings and apparently are blind to the failings of the public services around them. The Auditor-General's valuable work has been evident in recent times. Last week his critical eye revealed the need for a

review of politicians' extraordinarily generous superannuation scheme. This bill gives him a better chance at attracting talented staff, and we commend the Government on its initiative. But what is the use of having competent staff on board if they are limited in their opportunity to rigorously monitor the performance of State departments and agencies? The Greens are concerned that the Government is stonewalling the Auditor-General by failing to make the necessary legislative changes that will allow him to vigorously audit agencies' key performance information.

In his financial audits report that was released last week Mr Sendt sounded very frustrated. The Treasurer claims that the Auditor-General already has this ability, but I note that the Auditor-General is more sceptical. Despite repeated calls by the Auditor-General asking the Government to give him tools to audit agencies' key performance information there has been no movement. I understand that New South Wales Treasury proposed the initiative in its 1998 review of financial and annual reporting legislation. It recommended at that time that as part of the annual financial statement audits the Auditor-General should have the power to review and report on the accuracy of the compilation of publicly reported key performance indicators.

Western Australia, Victoria and the Australian Capital Territory already have legislation that allows this to occur. I understand further that the Auditor-General is conscious of the need to look at the performance information available to him because financial information alone paints just a small part of the picture of how well agencies perform. Professor Bob Walker, former head of the New South Wales Council on the Cost of Government, put it well when he said:

> Current arrangements for the accountability of public sector agencies place particular emphasis on the publication of annual reports, and the presentation of extensive information about financial matters. These requirements … are undoubtedly important [but] … they do not tell much about the way in which those agencies have undertaken their core tasks [which are mainly] the provision of services to the community … Hence the primary measures of their performance must be largely derived from non-financial information.

The problems facing the Carr Government are well known to the people of New South Wales. They have only to travel on a train or walk into a hospital to work out that the services have problems, as does this Government. The Auditor-General reports that he recently found evidence that certain performance-based statistics were deficient, including hospital waiting list information and CityRail on-time running figures.

The Greens believe we need legislative change to allow the Auditor-General to examine systematically and thoroughly key performance information across all government agencies. Without verification by the Auditor-General there is no guarantee that agencies are not fudging it. If the Government is serious about its performance credibility it will introduce legislation to allow the Auditor-General to investigate how our departments and agencies are performing. I remind honourable members that such legislation exists in Western Australia, Victoria and the Australian Capital Territory. I challenge the Government to enact changes to the Public Finance and Audit Act and the annual reports Act in the next parliamentary session.

The Greens will certainly be ready to work with the Government to pass such legislation. This should, at the very least, require agencies to determine key performance indicators and submit them for auditing through their annual reports. If the Government does not act the Greens will be happy to introduce a private members bill to that end. But we hope that that will not be necessary and that the Government will do its job. In the meantime, the people of New South Wales cannot be blamed for suspecting that the annual or other reports of the Government may contain inaccurate information, or even porkies, in an effort to hide the real story of what is going on in the State.

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [8.12 p.m.], in reply: I thank honourable members for their contributions to the debate and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

REDFERN-WATERLOO AUTHORITY BILL

Second Reading

The Hon. TONY KELLY (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister for Lands) [8.13 p.m.]: I move:

> That this bill be now read a second time.

The communities of Redfern and Waterloo, compared with the rest of Sydney, are beset by a series of social challenges. Many of these challenges are unique to the area and require specific service and policy responses. The suburbs are home to particularly disadvantaged communities, with high numbers of unemployed people, low-income families and public housing tenants. Waterloo was rated as the fifth poorest suburb out of 526 Sydney suburbs in the 2001 index of relative socioeconomic disadvantage. Redfern was ranked in the bottom one-third. Nearly 60 per cent of Waterloo's residents are not in the labour force and are benefit dependent, while 12 per cent of Redfern households in 2001 lived on an income of less than $200 a week.

The area faces problems related to community safety, drug and alcohol abuse and extreme poverty. Social disadvantage is also a problem in the Aboriginal communities of Redfern and Waterloo. The New South Wales Government is committed to delivering the long-term changes needed in the area and delivering an improved quality of life for all residents. On 26 October 2004 the Premier announced the creation of a new authority, under the control of one Minister, to have sole responsibility for implementing development and urban renewal strategies within the area. The Redfern-Waterloo Authority Act 2004 establishes the Redfern Waterloo-Authority as a key building block of the Government's Redfern-Waterloo Plan 2004-2014.

The Redfern-Waterloo Authority will manage public infrastructure, land and properties in the area and promote the social and economic development of the community. Infrastructure development in Redfern and Waterloo is one of the keys to creating a sustainable and strong community. The New South Wales Government is the largest landowner in the area, with prime assets such as the Australian Technology Park, the railway station, Rachel Forster Hospital and Redfern Public School sites and the public housing estates. The development of these government assets in Redfern and Waterloo must deliver significant social and economic returns. It is important that the Government maximises its return on these assets if the urgent needs in the area are to be addressed.

By establishing a dedicated body, the authority can deal in commercial property management and development at a distance from government. Unlike a private company, the Redfern-Waterloo Authority will remain accountable to the Minister and to the community. It will allow the management and oversight of capital works projects to be conducted with maximum sensitivity to local issues, and encourage the integration of planning of land and infrastructure with broader social and community objectives. In the past the Government has established purpose-designed development corporations and authorities, such as the Darling Harbour Authority, the Sydney Cove Redevelopment Authority, the Sydney Olympic Park Authority and the Sydney Harbour Foreshore Authority.

This past experience and thinking has guided the drafting of the bill, as has the principle that our efforts to renew the communities of Redfern and Waterloo must be comprehensive. The principal functions of the authority are to promote and undertake the economic development and use of its land, including the provision of infrastructure and improvement of public spaces. The authority will also provide and promote employment opportunities and housing choice for local residents and will manage and encourage cultural activities. To assist the authority in the exercise of its functions, a Redfern-Waterloo Plan will be prepared and maintained. The plan may include provisions for the strategic vision for the improvement of the area, urban design, human services, employment, development, infrastructure, land-use zoning, public land renewal and other matters considered essential by the authority. Once the plan is approved by the Minister, the authority will be required to ensure that it is implemented.

The plan will focus on using infrastructure and commercial development as a driver for job creation and providing employment opportunities for local residents. Employment growth is a particularly important component of the authority's objectives. By providing meaningful jobs for locals, including the Aboriginal community, we can crack the cycle of welfare dependence and social disadvantage. The Redfern-Waterloo Plan will be kept under review, and the community will be able to comment on the plan and provide valuable feedback. In carrying out its functions, the authority is to liaise with other government agencies dealing with cultural, public housing, health and other social or community issues in the area. It will also consult with non-government organisations where appropriate.

Where relevant, the authority is to take into consideration the principles of social, economic, ecological and other sustainable development. The authority builds on the work that has been undertaken by the Redfern-Waterloo Partnership Project since 2002. The authority and the Redfern-Waterloo Partnership Project will work hand in hand to ensure that the Government delivers long-term and sustainable solutions that these two communities need and want. The authority and the Redfern-Waterloo Partnership Project are complementary. The Redfern-Waterloo Partnership Project will lead the Government's reform of the human service system in

Redfern and Waterloo, whilst the focus of the authority is job creation, urban renewal, improved public amenity and enhanced commercial activity. Together this will create a strong and viable community.

The bill establishes the authority as a separate statutory body with a governing board of no more than nine members, in addition to the authority's chief executive. The board will be accountable to the Minister and the community. The bill ensures that at least one of the appointed members of the board will be an Aboriginal person. To enable greater input into the authority's activities, the Minister may, under clause 12, establish advisory committees to ensure that additional expert advice and experience, including local experience, is brought in as needed. The authority's operational area covers Redfern, Eveleigh, Darlington and Waterloo. It will include the Australian Technology Park, which under the bill will be transferred from the Sydney Harbour Foreshore Authority. The Australian Technology Park is already the home to the New South Wales Cancer Institute.

It is an area with great potential, and may be developed into a biotechnology hub bringing a new and dynamic focus to the area. There is also a small portion of land within the authority's operational area, which currently falls within the ambit of the South Sydney Development Corporation. Under the legislation, this land will be brought within the scope of the authority as well to ensure that the authority is the sole agency responsible for planning, development and management in the area. Clause 28 refers to the declaration of State-significant sites. This will enable the Minister to be given development consent authority for State-significant developments within the authority's area of operations. The Minister may then subdelegate this function to the authority or the Council of the City of Sydney. The Government will continue to work closely with the council.

Clause 29 is comparable with the provision that was passed for Walsh Bay and ensures that heritage-protected properties within the authority's ambit may be redeveloped in the optimal manner, to the benefit of the entire community. The bill, like that for Walsh Bay, precludes the provisions of the Heritage Act 1977 from applying to development in the area that is State significant. This function will only be exercised where the Minister is satisfied that the development is essential for achieving the strategic vision articulated in the Redfern-Waterloo Plan. The work of the authority will be funded through the establishment of a Redfern-Waterloo Fund. Clause 33 of the bill allows for the fund to be applied to enable the authority to exercise its functions.

The fund will be financed through commercial activity on government land and properties and any profit made from the future sale of this land or property. The fund will also collect moneys raised from a new community levy and developer contributions. A contributions plan will be developed by the authority in due course. The Government intends that moneys raised through the authority's activities will be spent on infrastructure development in Redfern and Waterloo. The new Redfern-Waterloo Authority sits as a key part of a package of Carr Government initiatives that address infrastructure, social services, community renewal and the renewal of the precinct in and around the Block.

The establishment of the authority, combined with the work of the Redfern-Waterloo Partnership Project demonstrates that the Carr Government is committed to ensuring that all people who live in Redfern and Waterloo have access to the same opportunities and services that are available to all other Australians. The bill recognises that there is a lot of great work being done in the community by government, by community groups and by the people who live and work in the area. With this bill, we can co-ordinate, harness and boost these efforts under the reach of one authority, under the charge of one Minister. It is a crucial step in achieving real and sustainable change in the area. I commend the bill to the House.

The Hon. DON HARWIN [8.23 p.m.]: Redfern and Waterloo are amongst the oldest parts of Sydney and are of enormous historical and cultural significance to Sydney. Aboriginal and non-Aboriginal people have in recent years suffered the problems of social dysfunction in the area. Those problems are no strangers to honourable members in the Legislative Council because Legislative Council committees have had an ongoing interest in the situation in the Redfern and Waterloo areas and the directions in which development and change have been pursued. Consequently, the need for more substantial and urgent action comes as no surprise to any honourable member of this House.

My colleague, the Hon. Patricia Forsythe, and I in the past Parliament were on a committee with you, Mr Deputy President, which dealt with the situation at Redfern Public School, which I am reminded was the alma mater of our former colleague the Hon. Elaine Nile at one stage, and the Social Issues Committee in this Parliament has also done a great deal. I am reminded that in her evidence to the 2002 General Purpose Standing Committee No. 1 inquiry that you chaired, Mr Deputy President, into the proposed restructuring of government

schools in inner Sydney, Debbie Coulter, in her capacity as Redfern-Waterloo Project Manager for South Sydney Council at the time, said of the Redfern and Waterloo communities:

> 76 per cent of Waterloo residents live in public housing … [with] high rates of unemployment, large numbers of children identified as at risk, high levels of drug and alcohol abuse, low levels of literacy and numeracy, many people with a chronic disability, increasing homelessness amongst the Redfern-Waterloo population, a problem with crime, a significant number of families of prisoners, many people who are victims of violence or sexual abuse, and high rates of employment-related discrimination.

At the more recent inquiry of the Social Issues Committee into issues at Redfern and Waterloo the Federal member for Sydney noted that the complex issues that exist in Redfern and Waterloo have arisen from generations of entrenched disadvantage, which is worth bearing in mind. The interim report from the Social Issues Committee inquiry includes alarming profiles of the two suburbs. Among the statistics are the following facts: 7.6 per cent of Redfern residents and 16.6 per cent of Waterloo residents are unemployed; 39 per cent of Redfern residents and 66 per cent of Waterloo residents have a weekly income of less than $300; 25 per cent of Redfern residents and 38 per cent of Waterloo residents have year 10 or below as their highest level of education; and 31 per cent of Redfern residents and 41 per cent of Waterloo residents are from non-English speaking backgrounds.

The reality of the circumstances in Redfern, however, is actually worse than the mere recitation of demographic statistics would suggest, as any resident in the community would advise. That was evident in the events that led to the Social Issues Committee inquiry. It is also a fact that Redfern is quite different, however, from Waterloo because it includes a much greater mixture of public and private housing, and the statistics for the suburb as a whole are partially obscured though the grim experiences of those living in the low income housing sections of the community. In that respect I have a large number of residents of Redfern as personal friends so I have a bit of a perspective there as well.

The clear and desperate need for major and comprehensive action by the State Government in regard to the problems in Redfern and Waterloo has been evident for many years. Unfortunately, the Carr Government has avoided such a major undertaking for as long as possible. The track record of this Government when faced with major infrastructure investment reform and development projects has always been far from satisfactory, and this situation has proven to be no exception.

Instead of the large-scale proactive revitalisation that was necessary, the Premier in March 2002 announced the Redfern-Waterloo partnership project—a $7 million, four-year package designed to combine the efforts of State government agencies, South Sydney Council, Commonwealth agencies, non-government organisations and local communities in securing reductions in crime, improvements in children's services and health outcomes and increases in educational and employment opportunities. This approach was woefully inadequate. It was a superficial approach, and it has failed to have a meaningful impact on the fundamental challenges facing the area. The Aboriginal Housing Company told the recent Redfern-Waterloo inquiry that the local community was "jaded, cynical, untrusting, complacent and even hostile" towards the Redfern-Waterloo partnership project, which "is seen as yet another project bearing lots of promises but with very little hope of delivering."

Despite the Government's attempts before the inquiry to eclipse the significant shortcomings of the Redfern-Waterloo partnership project with a list of its own limited achievements, the failure of the scheme was apparent. In fact City of Sydney Councillor Tony Pooley—well known to honourable members of this House, I am sure—noted the project's inability to meet agreed time lines for the rolling out of programs and its failure to deliver on other promised initiatives at all. Similarly, the Redfern Neighbourhood Advisory Board pointed out that strategies promised in consultations with the community had not been delivered, and that funds had not been provided to existing services and already established programs as promised. I presume honourable members of the House would know that Councillor Pooley is of course a Labor councillor.

As my colleague the honourable member for Wakehurst noted during his second reading speech in the other place, the report published last month by Morgan Disney and Associates Pty Ltd entitled "Making Connections: Better Services, Stronger Community" also found that the current arrangements were not delivering. In regard to Redfern and Waterloo the report found that "services have been largely unco-ordinated" and "have not gone where the community wants them to go." The report concluded:

> There is considerable rhetoric but few concrete examples of integrated service delivery.

Despite underperforming and failing to provide the radical and co-ordinated reform and redevelopment necessary, the Redfern-Waterloo partnership project was supported in the Redfern-Waterloo inquiry report

handed down in August. That report even urged the Government to back the scheme for the long term. Recommendation No. 1 of the report is:

> That the NSW Government continue the place-based approach represented by the Redfern/Waterloo Partnership Project, despite the criticisms made of the Project, and make a long-term financial commitment to the Project beyond the funding already committed up to 2006.

This recommendation, however, was not made unanimously by the committee members. My colleagues the Hon. Robyn Parker and the Hon. Greg Pearce made a statement of dissent in which they condemned the Government's approach as inadequate and a superficial failure. It is worth quoting their opinion at some length:

> We believe some recommendations will only result in a continuation of the Carr Government's inaction and ineffective bureaucratic policies.
>
> This is most evident in the majority Committee determination to defend the Redfern-Waterloo Partnership Project, refusing to accept overwhelming criticisms of the Redfern-Waterloo Partnership Project, and insisting that it continue its central role in the Government's response to the Redfern-Waterloo problems. There is an urgent need for the Government to allocate resources and priority, to ensure its own Departments and Agencies effectively address the problems. The lack of commitment is sourced directly to Premier Carr, who has taken the soft approach, extending the Redfern-Waterloo Partnership Project to 2006, as the Government's major response.

Further on, they continue:

> … it is obvious that an urgent, far-reaching review and change to the Government's delivery of services and strategy is required.
>
> The Government's own submission recognises the critical failures of the Redfern-Waterloo Partnership Project, ranging from failure to deliver programs, lack of communication with local and Aboriginal communities, poor co-ordination, slowness on the RED strategy and failure to commence and complete the Human Services Review and the Aboriginal Housing Company audit or site valuation on time.

After the hard work and commitment of my colleagues the Hon. Robyn Parker, the deputy-chairman, and the Hon. Greg Pearce on that committee, I have to say I am pleased that their opinion—which I have just extensively quoted from—has been utterly vindicated, unlike those of Government members. In presenting this legislation, the Government has in fact admitted that its approach to Redfern-Waterloo has been inadequate and that the Redfern-Waterloo partnership project was simply not working and was never going to deliver the outcomes that local residents need and deserve. It is to the great credit of my colleagues that they picked it and got it right.

I turn now to the bill. Clause 26 (1) provides that the authority to be established under the Act is to have the assistance of the Minister, in consultation with the board, to prepare a plan for the operation area to be called the "Redfern-Waterloo Plan". There has been no public consultation to date on development of the plan. But recent revelations in the *Sydney Morning Herald* indicate that the plan is well developed. In fact, I was fascinated by speculation that elements of what is in the *Sydney Morning Herald* are in fact Cabinet-in-confidence documents. Therefore one wonders, first, how those documents found their way into the *Sydney Morning Herald* and, second, what was the motivation of the person in giving them to the *Sydney Morning Herald.*

Reverend the Hon. Dr Gordon Moyes: They fell off a truck!

The Hon. DON HARWIN: Perhaps, as Reverend the Hon. Dr Gordon Moyes said, they fell off a truck, or perhaps, as others have said, they were simply handed over by the Minister to try to quieten some of the dissidents. I do not know. It is certainly true that the *Sydney Morning Herald* seems to be remarkably across elements of what the Government has been looking at. Nevertheless, this bill is very light on the details of the so-called plan, and is essentially a planning bill which covers the area set out in schedule 1—which, in the definitions, is referred to as the operational area. It does not include the Carlton United Brewery site, except to permit levies to be obtained from any development on that particular site. It is a framework which vests enormous power in the Minister, the Hon. Frank Sartor, as planning powers that normally would reside with Minister Knowles can be delegated to Minister Sartor.

Clause 27 relates to any land in the operation area that is a State significant development. This may include areas like Rachel Forster hospital, Redfern railway station, the Eveleigh railway workshops and the local public school site. The bill allows Minister Knowles, in administering the Environment Planing and Assessment Act, to delegate to Minister Sartor his functions as the consent authority. Minister Sartor may then sub-delegate to the authority of the Council of the City of Sydney his functions as the consent authority. The reposing of so

much power in Minister Sartor should be disturbing for all reasonable people. But, equally, the challenges and problems in Waterloo and Redfern need to be urgently addressed. Nothing that the Carr Labor Government has done thus far has seen any improvement in the area, and the Opposition is of the view that the Labor Government can have its belated go at trying to get improvement across the social and infrastructure needs of the area. Therefore the Liberal and National parties will not be opposing the bill, but we will move one amendment to limit Minister Sartor's capacity to grab other land areas into the operational area specified under schedule 1.

Honourable members who read the excellent report produced by the Legislation Review Committee would have noticed that clause 45 copped some criticism and was referred to the House for discussion and consideration. Clause 45 is what is referred to as a Henry VIII clause, which is a clause in an enabling statute that provides that the delegated legislation made pursuant to it overrides earlier statutes or the enabling statute itself in the event of an inconsistency. In other words, it is a clause in a bill that enables the Act to be expressly or impliedly amended by subordinate legislation or Executive action. Scrutiny committees in various Australian Parliaments, including the Legislation Review Committee in this Parliament, have taken the general view that any changes required to the Act should be brought about by amendment to the legislation, rather than by subordinate legislation, although it is accepted that there will be instances when clauses of this nature will be acceptable.

The Scrutiny of Legislation Committee in the Queensland Parliament knows, for example, that a Henry VIII clause is most commonly used to deal with unusual aspects of legislation, firstly, when complex processes are involved; secondly, when legislation is urgent; thirdly, when a strict time limitation within which any difficulties arising with respect to the legislation have to be corrected; and, fourthly, when unforeseen difficulties might arise. Minister Sartor has assured us through Premier's Department advisers that I and the honourable member for Wakehurst, the shadow Minister in another place, met with that this Henry VIII clause is very much supposed to fall into the fourth category: to deal with unforeseen difficulties that might arise. Although a Henry VIII clause is something to be much deprecated, this may be an instance of when one is permissible and can be supported without derogating from the important drafting principles that should be observed in drawing up best practice legislation.

However, in all the circumstances—the lack of consultation, the lack of specificity about what will be contained in the plan, and the unusual approach of making the Minister for the authority the consent authority under delegation from the Minister for Infrastructure and Planning—it is appropriate that some limitations should be placed on the Minister's capacity to act. We share the concerns of some members of the crossbench, but we do not see the solution to be the complete removal of all Minister Sartor's power to amend the operational area. Instead, by amendment, we propose to limit his power under clause 45 to amend an area no greater than 5 per cent of the geographical limits of the operational area specified in the schedule to the bill. This modest approach to limit the Minister's capacity to broaden the operational area ensures that the amendment cannot be used as an excuse by the Government to not carry out what the community wants: a substantial improvement in the quality of life for residents in the area. The Opposition has negotiated with the Government for a range of other amendments to be moved by the Government with the support of the Opposition. In the course of preparing our position on the bill the Opposition has had extensive discussion with groups such as—

Ms Lee Rhiannon: That's not a good look, Don.

The Hon. DON HARWIN: What?

Ms Lee Rhiannon: When you don't know the names of the groups. I mean, seriously, it's not much different from the Government's perspective.

The Hon. Rick Colless: He wants to get it right.

The Hon. DON HARWIN: I would like to get it right. But I will refer to them generically, if that would make Ms Lee Rhiannon happy. The Opposition had extensive discussions with representatives of indigenous communities in the Redfern area and also with representatives of the Redfern community, chaired by Jeff Turnbull, and with a large number of other people, including Ben Spies-Butcher, who, I believe, is a member of the Greens. Is that specific enough for Ms Lee Rhiannon?

Ms Lee Rhiannon: Yes. You're doing a good job.

The Hon. DON HARWIN: Also involved was Ian Thomson, who is a resident of the Redfern area and has been a friend of mine for more than 20 years. Even though the names of REDwatch and other groups might have slipped my mind, I can advise that I met with them for more than two hours on Friday. I have had lengthy

meetings with the Deputy Lord Mayor, Councillor McInerney from the City of Sydney, and Councillor Shayne Mallard from the City of Sydney. I have had lengthy meetings with Michael Ramsey, from the Premier's Department, and Dr Gellatly, also from Premier's Department, was kind enough to meet with me to discuss some of my concerns. In those meetings with representatives of the Premier's Department I was able to raise issues highlighted by REDwatch in their meetings with me in Parliament House last Friday and in numerous telephone calls and in emails too numerous to mention. However, I have been most grateful for its input. REDwatch raised concerns about the lack of proper community consultative mechanisms, the lack of ability to have timely input into the plan, the lack of objects in the bill, about the Minister for the authority being made the consent authority and about the operational area in clause 45.

We have been able to raise all those concerns with the Premier's Department and with representatives of the Redfern-Waterloo Partnership Project, and I believe we have made considerable progress. I want to allay many of their concerns by placing on the record what has been conceded by the Government at the request of the Opposition. The Liberal Party and The Nationals fail to understand why the Carr Government would introduce a bill without clearly stated objects. We have required that objects be inserted and that they will include the requirement that whatever is undertaken must, firstly, develop Redfern-Waterloo into an active, vibrant and sustainable community; secondly, promote, support and respect the Aboriginal community in Redfern-Waterloo having regard to the importance of the area to the Aboriginal people; thirdly, take into consideration principles of social, economic, ecological and other sustainable development; and, fourthly, establish public areas and promote social cohesion and community safety. We are pleased that the Government has regard for the concerns raised by REDwatch, which we passed on to the Government after they were raised with us.

We acknowledged concerns that no formal annual reporting mechanism was included in the bill. The Government amendment will require the annual report of the authority to be prepared under the Annual Reports (Statutory Bodies) Act 1984. The Coalition was concerned also about the capacity in the bill for the Heritage Act to be overridden. By negotiation with the Government we will amend clause 28 to at least require that any item listed on the State Heritage Register will not be demolished unless the Minister has consulted with the Heritage Council of New South Wales about the matter and has taken into consideration the advice duly provided by the council, and is satisfied that any such demolition is necessary for the sustainable development of the operational area.

This amendment at least puts a brake on Minister Sartor's capacity to steamroll over the top of significant heritage items without properly balancing up the interests of their preservation. It is a significant step forward. A number of my colleagues, including the Hon. Patricia Forsythe, have raised heritage issues with me. Our representations to the Government and the strong representations of community groups, such as REDwatch, have been listened to again. The Minister at the table, the Minister for Rural Affairs, can regard the resolution of concerns relating to heritage as a partial win, and that is a step forward.

With regard to levies, the Liberal Party and The Nationals are committed to ensuring that development contributions to affordable housing are appropriately raised and are appropriately applied. Clause 29 sets out a framework for raising levies on development that is State significant development and is carried out either in the operational area specified in schedule 1 or on the Carlton and United Breweries site. There is a necessity for a contributions plan to be developed and therefore for levies, which are not specifically detailed as to quantum in the bill, to be charged and applied to affordable housing. Clause 30 will be amended by the Government in relation to developer contributions other than those applicable to affordable housing.

It is noted that the Carlton and United Breweries site appears to be excluded from State significant development that attracts the levies. In accordance with clause 30 (3) the funds will be "applied towards the provision, extension or augmentation of public amenities and public services, or in the vicinity of the operational area". It is the Opposition's understanding that the funds raised under proposed section 30 may be applied pursuant to subclause (4) to areas anywhere in the operational area, and there does not need to be a "connection between the development, the subject of development consent, and the object of expenditure of any money required to be paid".

The Coalition notes that some of the amendments that we have encouraged the Government to accept overlap in intention with some of the amendments foreshadowed by the crossbench. The Coalition is satisfied that there is no benefit in supporting the amendments that will be moved by the crossbench because we believe that the Government has taken into account sufficient of the concerns we have expressed to lead us to the position of not opposing the bill, provided that the Coalition's amendments are incorporated in it. The Coalition

would have liked other amendments to be accepted, but will not oppose the bill. Finally I note that the model adopted by the Carr Government reflects a certain arrogance that is seen all too often in the Government's dealings with the public. It may suit the style of the Premier and Minister Sartor, but it is not generally a model that should be adopted more broadly. That is a very important point because there has been speculation in the newspapers about the wider application of the Redfern-Waterloo model.

The Coalition will be watching closely as the Government moves forward in the development of the Redfern-Waterloo Plan and the actions that are permitted under the bill. If the Government fails to consult broadly with the community and adopts an entirely top-down approach, it is destined to fail in achieving the bill's objects. The Coalition warns the Government that, in the interests of the people of Redfern and Waterloo, it must listen to the community and make decisions that are in the best interests of the communities. It must not be the Government's self-interest that determines the future path.

Ms SYLVIA HALE [8.53 p.m.]: The Greens note the irony of the Minister for Energy and Utilities, Frank Sartor, defecting from the Council of the City of Sydney to the Labor Party only to see him now in a grubby little power grab, attempting to wrest much of his former domain back to his control—because that is what this bill is all about, handing development control for the CBD-airport corridor to the "Can-do-man", Frank Sartor—or Frankenstein, as residents named him yesterday. The bill has been dressed up by the Government as a bill that will fix the social problems of Redfern and Waterloo, but that is totally misleading and the residents of Redfern and Waterloo know that. They are well acquainted with State Government apathy toward the real and serious problems in their community. For far too long this Government has turned a blind eye to the social and economic disadvantages of the area, and the provisions of this bill do not fool anybody.

This bill will not fix social disadvantage. It will dilute indigenous and public housing communities by pushing up property prices and gentrifying the area. The large-scale property development by this Government has been highly unpopular all over Sydney. Residents groups have sprung up from Kuring-gai to St Marys to Bundeena to save green space and protect public lands. Campaigns such as those at Callan Park, the water police site at Pyrmont and the former ADI site at St Marys are just three of those campaigns. In response to community concerns about developers taking over public land, public assets and green space, many urban councils experienced a dramatic increase in the numbers of anti-development Independents and Greens being elected in council elections earlier this year. The Council of the City of Sydney is an obvious case in point. Across Sydney, residents are well and truly fed up with rampant overdevelopment and government sell-outs to property developers. As we are all increasingly aware, property developers have become cash cows to both the Labor Party and the Liberal Party.

At all levels of government, the Labor Party and the Liberal Party continue to accept millions of dollars each year from the property industry. In 2003-04 alone, the New South Wales Labor Party received $2,121,629. The New South Wales Liberal Party received $1,393,072 in the same period. Add to that the donations made to individual councillors and to the Federal branches of both parties and the total amount is in the tens of millions of dollars each year. As a result, both parties are beholden to property developers. This bill will provide ample opportunities for favours to be returned. The residents of Redfern and Waterloo will be sold out, and mates will flourish. But neither the Labor Party nor the Liberal Party should underestimate the passions and commitment of the residents of South Sydney who are fully aware of the power grabs and gerrymandering attempts of this Government.

For evidence of that are we need look no further back than March of this year when the voters of South Sydney told the Carr Government in resounding terms that they expect community participation in democracy and decision making. They saw right through the power grab that resulted in the amalgamation of the South Sydney City Council and the Council of the City of Sydney, and they said "No way". Clover Moore was resoundingly elected as the Lord Mayor of Sydney on an anti-development platform and Chris Harris was elected as the first Greens councillor on the Council of the City of Sydney. The residents of South Sydney will not be silenced by Frank Sartor's latest power grab. Irrespective of whether this bill is passed by this House, the residents will not be silenced.

Let me be very clear, this bill undermines the powers of local government. That is precisely what it is designed to do. It has been constructed to remove the power for the planning of developments and a range of other powers from the Council of the City of Sydney and will hand them to the Minister. Under this bill the Minister has free rein to override the Heritage Act, to compulsorily acquire public and private property, to redevelop the Redfern railway station, to build new roads, buildings and freeways, and to completely circumvent the planning laws of the State and of the Council of the City of Sydney. This bill will hand

extraordinary powers to the proposed Minister for Redfern-Waterloo, but not to the Minister for Infrastructure and Planning.

When I checked the parliamentary web site this afternoon, Frank Sartor was still the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts. He is a busy man, yet he intends to take on all the complexities of being the Minister for Redfern-Waterloo. This legislation is based on the Sydney Harbour Foreshore Authority [SHFA] model. The operations of SHFA have been so contentious that an upper House inquiry is about to begin to examine issues that include conflict of interest and a lack of transparency. Indeed, the SHFA model has been so discredited in some local communities and professional areas that it is seen as nothing more than a rampant developer, a law unto itself—its own consent authority.

Against that backdrop it is breathtakingly arrogant of the Government to openly admit that the Redfern-Waterloo Authority is based on the SHFA model. One of the most worrying aspects of the proposed Redfern-Waterloo development is that it establishes a precedent for what the Government misleadingly calls urban renewal. The Greens suspect that the development corporation model, based on the SHFA legislation, will become a standard feature of the Government's impending metropolitan strategy. Wherever the Government has grand plans for large-scale property development and encounters resistance from either the local community or democratically elected councils, it will simply establish an authority with the same sweeping powers as SHFA or the Redfern-Waterloo Authority. The power and effectiveness of councils and other State planning laws will gradually be eroded. Development corporations using this model have already been flagged for the airport corridor, the Parramatta Road corridor and for swathes of central-western Sydney. A number of organisations have grave concerns about this development. The Environmental Defender's Office briefed the crossbenchers today on this bill and its analysis includes the following:

> The functions identified in Clause 14 of the Bill are extremely wide-ranging and cover matters relating to environmental planning, housing, employment, management of public land, economic development, educational transport, recreational activities, and any other matter for sustainable improvement of the operational area. These functions are presently carried out by a number of government departments under comprehensive, legislative and statutory regimes …
>
> It is unclear from the terms of the Bill what the Authority's role and relationship will be with other government departments and also local government. In particular, it is uncertain whether the Authority will operate in the role of the local council in terms of providing services relating to such things as: the assessment of development applications, the collection of rates and the levying of contributions for development and the provision of infrastructure and services; or whether the Authority is merely operating as a vehicle to promote commercial development opportunities.

The analysis of the Environmental Liaison Office includes the following:

> The bill removes the power of the democratically elected Sydney City Council to regulate development. It also circumvents the accepted procedures for the preparation of a Local Environmental Plan and consideration of development applications that apply to virtually all other land in NSW.

The Planning Institute of Australia wrote to me about this bill, as I am sure it did to most other members of this House. Its analysis of the bill includes the following:

> The Redfern Waterloo Authority Bill in its present form raises some serious concerns, in that it appears to override established environmental planning processes that apply elsewhere in NSW.

In its analysis the residents group REDwatch wrote:

> In essence, this Bill grants place-based powers to the Redfern-Waterloo Minister, some of which relate to other Ministerial portfolios, in ways that have not been seen in NSW before.

Clearly, many members of the community share concerns about the powers being bestowed on Frank Sartor. Another worrying concern of the SHFA model is the proposal to establish a private police force. Clause 36 allows the authority to appoint authorised officers to act as privatised police officers with functions conferred on them by the Act or by regulation. Those powers include issuing penalty notices to persons if it appears to the officer that the persons have committed an offence under the Act or regulation. The bill does not specify exactly what those offences might be; there are no details of the proposed offences.

The Sydney Harbour Foreshore Authority has similar powers and it has installed its own officers to patrol areas around Darling Harbour and Circular Quay. Officers harass people going about their daily business if their actions do not conform to SHFA's vision for the area. Busking without a permit or handing out a flyer can be regarded as an offence. It is irrelevant that the person is not interfering with people using that public space or that passers-by are enjoying the activity. It is all about management—managing the area to make it as

amenable as possible to commercial activity. I have seen SHFA officers harass unauthorised buskers. They have also harassed me and other Greens as we attempted to hand out flyers to ferry commuters during the Federal election campaign. Forget about the principles of democracy, the concept of informing the electorate or even the normal conventions and traditions of a Federal election! In its wisdom, SHFA has decided that citizens using the public space around Circular Quay railway station and/or the ferry terminals are not entitled to receive flyers. It is irrelevant that commuters might ask for a flyer or stop to have a chat.

In many parts of Redfern and Waterloo policing is a vexed and, at times, divisive issue. The last thing the area needs is another private police force imposing arbitrary rules conceived by a bureaucracy installed to gentrify the area and pave the way for developers. The Greens are strongly of the view that policing should be left to NSW Police and that this provision must be removed from the bill. The bill embodies an appalling absence of community consultation. The Government's position is: Just trust us. The Greens might like to trust the Government, but, unfortunately, secrecy and deception have been the hallmark of this bill so far. Community groups, indigenous groups and even members of Parliament have already been lied to. We were told that there was no plan when clearly there was one. We know that a document called the Redfern-Waterloo Plan 2004-2014 was circulated to Cabinet, despite the Government repeatedly denying the existence of any such document. We know that the plan has been in the process of development for the past two years.

With such secrecy and dishonesty, what grounds does the community have to trust the Minister when he says that he will consult with the community, that the level of Aboriginal public housing will be maintained or that the principles of heritage protection will be respected? Under this bill the authority is not accountable to anyone but the Minister. There is virtually no statutory requirement for him to consult with the community before embarking on any major development. Today members of the crossbench heard from an indigenous delegation called the Organisation of Aboriginal Unity, which has six major concerns, all of which have been ignored by the Government. I will leave it to my colleague Mr Ian Cohen to expand upon that. Suffice it to say that the Organisation of Aboriginal Unity represents the various Aboriginal organisations in the Redfern area. Clearly, they are key stakeholders in the development of Redfern and it is a shameful reflection on the Government that they have not been consulted.

No-one is denying that some parts of Redfern are dreadfully run down and in need of rejuvenation. Almost everyone agrees that Redfern railway station desperately needs upgrading. It does not have disability access and there are ongoing security concerns. As a major transport interchange, the station needs a major upgrade, but that is no reason why heritage rules should be overruled. This bill will threaten the historic Eveleigh rail yard workshops. Community and artistic groups that currently use the space could be turfed out to make way for ugly new residential apartments. There is also a fear that the space above the station will be developed. Other instances of this type of development, such as Chatswood station, have proved disastrous. A once-elegant old rail building makes way for an ugly new residential tower.

The Hon. Duncan Gay: Where is the elegant building at Redfern railway station?

Ms SYLVIA HALE: Redfern railway station is a marvellously elegant building. One need only stand back and look at it; it is a lovely railway station. Developers rake in profits while the public receives no compensation for loss of sunlight, visual amenity or public air space. The redevelopment of the railway station also poses a threat to the ongoing existence of the Block. There is no denying that many social problems in the area need to be addressed urgently. Poverty, unemployment, lack of educational opportunities and dispossession of Aboriginal people have all contributed to the cycle of drug and alcohol dependency, and crime and welfare dependency. But will property development and gentrification fix those problems?

The Opposition has come up with the extremely unhelpful and naive solution of bulldozing the Block. Bulldozing land and homes that belong to Aboriginal people is an apt metaphor for the Opposition's insensitive and superficial approach to solving social problems. Such comments are totally dismissive of the root causes of such problems, including cultural dispossession, poverty and lack of opportunity for jobs and for political and economic autonomy. Unfortunately, the Government's solution is not much better. The bill establishes a development corporation to oversee gentrification. How will that help the existing residents of Redfern? Will it reopen the recently closed Redfern Public School? Will the much-touted expansion of the Australian Technology Park at Redfern provide jobs for disaffected local youth? Will the shopping complex over Redfern railway station help the Eora people connect with country?

Far too many people in Redfern and Waterloo are living in poverty. If this bill and this Government are to be viewed positively they must raise the living standards of those residents to an acceptable level, not gentrify

the area and move them out. The bill and the Government should provide better quality affordable housing, provide jobs, improve school retention rates, and provide better health and community services—not for the new yuppies who will move into the area, but for each and every individual resident currently living in Redfern and Waterloo. It is true that every major heritage organisation in New South Wales is alarmed at the extent to which the bill overrides heritage protections. The National Trust strongly opposes the bill, and in its submission it stated:

> The proposed bill can nullify the operation of the Heritage Act and give "development" absolute priority. Any semblance of "balance" in the planning system is swept away. Public consultation, transparency, protection of our history—all are sidestepped.
>
> In the Redfern/Waterloo area there are four conservation areas that have been classified by the Trust and entered on the National Trust Register. Forty three percent of the total area is classified by the Trust with an expectation that it will be conserved for future generations.
>
> Two hundred and five individual buildings and parks are also entered on the National Trust Register including Redfern, Waterloo and Darlington Primary Schools and Redfern Railway Station considered by the Trust to be unique among the state's train stations and dating back to the 1870s.
>
> The bill tolerates no obstacles to a "Strategic Vision"—a vision without any public input and which admits defeat in solving social injustice by simply "moving people on."

At this stage I could go on at length about the Block, but I will leave that to my colleague Mr Ian Cohen. On the heritage aspect, I note that the Potts Point and Kings Cross Heritage Conservation Society is also concerned.

The Hon. Duncan Gay: Who?

Ms SYLVIA HALE: The Potts Point and Kings Cross Heritage Conservation Society. In its communication it has said:

> The Eveleigh railway yards are listed by the state's prime heritage protection body, the NSW Heritage Council, itself set up under the NSW Heritage Act.

The Hon. Duncan Gay: You are talking about Redfern railway station?

Ms SYLVIA HALE: I am talking about the Eveleigh railway yards. The submission from that conservation society, referring to the Eveleigh railway yards, states:

> They are of state and national significance and described as "some of the finest historical railway yards in the world [and] of international significance".
>
> The Waterloo water pressure tunnel and pumping station are also state heritage-listed. The 16km underground water tunnel, built in 1921, is described as "a key component of Sydney's water supply... whose function has remained unchanged since it was constructed. The tunnel and shaft are socially significant... [and have] historical and technical significance [as the] third largest pressure tunnel in the world.

The society also made the point:

> The Bill does not offer any heritage protection to heritage items listed either by the former South Sydney Council or by the current City of Sydney Council, which now has jurisdiction over the area. These heritage items will effectively disappear off the heritage radar.

I turn now to affordable housing and what is envisaged for the area. We have been told that the quantity of public housing will remain the same, but, of course, with the influx of an expected 20,000 people the proportion will be drastically diminished. One of the underlying justifications for the bill is the perceived need to do something to respond to the problems that afflict Redfern and Waterloo and to eliminate the possibility of disturbances such as that which followed the death of TJ Hickey. As I mentioned earlier, the Leader of the Opposition justified his support for the bill on the grounds that the only solution to the area's problem is to blow up the Block.

The Hon. Duncan Gay: That is not what he said.

Ms SYLVIA HALE: I stand corrected: his only solution is to bulldoze the Block. Therefore, it is important to ask whether such a solution—demolition and physical redevelopment of the Redfern-Waterloo area—will really provide a solution to the area's problems. It is not as though evidence is not readily to hand that provides a good indication of how successful such an approach is likely to be. There is fresh, pertinent evidence that clearly indicates the outcomes that are likely to be visited upon the residents of Redfern and Waterloo. I

refer, of course, to the redevelopment of the Minto public housing estate. I am especially indebted to the authors of a study, which is in its draft stages, entitled "A Preliminary Study of the Social and Economic Impacts of the Redevelopment of Minto Public Housing Estate". Much of the information I am about to give comes from that report.

The authors of the report are Dr Judith Stubbs, Senior Research Fellow at the University of Western Sydney's Social Justice and Social Change Research Centre; Ms Julie Foreman, Director of the St Vincent de Paul Society's Animation Project; and Ms Adele Goodwin, Chairperson of the Minto Resident Action Group. Minto provides a real-life model for the likely outcomes of this bill and for that reason it deserves to be examined in detail. The parallels with Redfern-Waterloo are numerous and very telling. As with Redfern, most of us would be familiar with the social distress, unemployment, disadvantage and crime associated in the public mind with public housing estates in south-western Sydney. The Government has attributed much of that perception to the physical environment, to the poor design of Radburn-type developments.

Indeed, so convinced was the Government of the importance of physical renewal of public housing assets that between 1996 and 1999 it spent about $57 million on physical redevelopment strategies in both south-western and western Sydney. In 1997, however, the New South Wales Bureau of Crime Statistics and Research produced a report on the relationship between crime and public housing in Sydney. The report found that by far the most significant factor in the crime rate of a local area was the rate of unemployment rather than the concentration of public housing or its physical design. The report by Don Weatherburn stated:

> … [there is] little evidence to support a proposition that the quantity or type of public housing in a postcode exerts a strong effect on its recorded rates of assault, robbery, malicious damage to property, motor vehicle theft or break and enter dwelling, independently of social factors.

What was concentrated at Minto and is concentrated at Redfern is unemployment. If the goal is to cut crime, it is clear that the Bureau of Crime Statistics and Research at least believes that money is best spent on social programs to eliminate unemployment and social disadvantage. The Government adopted two strategies in south-western Sydney: one was physical redevelopment of the area, as outlined above, and the other was encouraging community participation in the management of housing estates—a strategy to which the Government has paid lip-service in Redfern and Waterloo over the past two years.

Between 1998 and 2000 a Minto Intensive Tenancy Management Program was adopted, and its results were particularly positive. There was a slowing of housing turnover, a reduced number of vacant properties, increased resident involvement in improving the area and increased feelings of safety and security. In 2000 the success of the Intensive Tenancy Management Program was evaluated in Bidwill and in Minto. The report on the program noted the remarkable success in such areas as a significant reduction in reported crime, an improved sense of personal safety, increased tenant satisfaction and increased tenant involvement in community activities. So good were the findings that the program was extended to another eight public housing estates in 2000-01.

I am sure honourable members will recall the good news stories that emanated from the area at the time—stories of community gardens and of award-winning community development programs. So good were the results that the Intensive Tenancy Management Program was awarded the Premier's gold award for improving service delivery in late 2000. An article entitled "Pride Triumphs" in the *Macarthur Chronicle* of 4 June 2002 reported that very good results were emerging from the State Government's community renewal program for public housing estates and that a key aspect of the program allowed the community to "identify and manage its own solutions to local problems". Like Redfern and Waterloo, Minto had many other things going for it, such as proximity to educational, retail and support services, and public transport. It had a long-term commitment by residents to the area that had developed over many years, strong social and community ties and strong positive feelings about the area.

If that can be said about Minto it can certainly be said also about Redfern and Waterloo. Every one of those factors is present today in Redfern and Waterloo, whether it be in the Block or in the Waterloo Towers public housing estate. None of this is to say that money and services are not needed in Redfern and Waterloo. But it does say that empowering the community, giving it a say in outcomes, providing people with jobs, and providing and maintaining appropriate health and housing services, are what is needed, not wholesale demolition of houses and removal and relocation of families. Nor is this a prohibitively expensive option. A 1999 study of the Department of Housing's different renewal strategies—the asset-based strategy, which involved physical redevelopment of housing, and the non-asset based strategy, which applied in the case of tenant participation proposals—found that while all strategies produced benefits, the community participation strategies were particularly positive.

This was despite $57,600,000 being spent on physical redevelopment strategies between 1995 and 1999 and the intensive management program for Minto having an annual yearly budget of $250,000. One cost $250,000 and the other cost $57 million, and the outcomes were approximately the same. The salaries-driven community development program was thus a fraction of the cost of the capital improvement driven program. Tonight we are looking at what happened at Minto and asking what is likely to happen in Redfern-Waterloo. It is obvious that there was a fierce ideological battle waged within the Department of Housing—a battle that was won by the advocates of public-private investment in low-cost housing. The key to the success of the program, as the then Director-General of the Department of Housing, Andrew Cappie-Wood, said, would be "developing financial structures that showed clear value for money".

Suddenly, in mid-2000, Minto was once again being described as a ghetto of disadvantage whose problems could only be solved by wholesale demolition and relocation of residents. So the department completely turned its back on the successful results of the community participation strategies and endorsed demolition and private-public redevelopment. So what happened at Minto? On 29 May 2000 Minto residents received a letter informing them that their houses were to be demolished. The next day, 30 May, the Department of Housing announced that it would bulldoze Minto and replace it principally with privately constructed and owned housing, with a 20 per cent to 30 per cent public housing component. The rationale, according to an article in the *Sydney Morning Herald* of the same day, was that "Minto concentrated hundreds of disadvantaged people in one area enabling crime and unemployment to flourish and social problems to become ingrained over generations". That is a repetition of the stereotype that ignored the major improvements in the area.

However, the article noted that there had been a substantial drop in police callouts and that the physical problems confronting the residents were those of termites, drainage and poor estate design. An article in the *Australian Financial Review* of 4 July 2002 was more concerned with the financial aspects of the Government's policy than any social problems experienced in the area. An article entitled "NSW Public Housing to go Private" looked at the opportunities offered by the sale of poorly maintained public housing estates to the private sector and noted the Minister's focus on reduction in maintenance liability, improved amenity of cost-effective, low-income housing, and the Government's desire to improve the area's social mix. This is what we are hearing again with Redfern and Waterloo. We have had a lot of talk about improving the social mix, whatever that might mean, but I think we all have a good idea that it means gentrification of the area.

We also see in the bill and in the Minister's statements the reliance upon the private sector to come to the Government's rescue and to undertake the redevelopment of public housing. Of course, it all sounds familiar. The object was to drop substantially the proportion of public housing in Minto, and that is the aim for Redfern-Waterloo. So what happened in Minto? On 1 August 2002, just two months after the residents were told that their homes would be demolished, the bulldozing started at Valley Vista. The *Macarthur Chronicle* reported:

> More than 900 families will be moved out of Minto, but under the proposed 70-30 per cent mix of private and public housing, just 300 families can return.

That is the prospect facing the people of Redfern and Waterloo. We had this vision of the redevelopment of Minto—a redevelopment that I note has failed to occur—but significantly it was mooted without any social impact assessment or other assessment of the likely impact being made before the department's decision to demolish was announced. Similarly, the bill fails to provide for an appropriate social impact assessment or other assessment. No planning permission was granted by the Minto consent authority, Campbelltown City Council, yet the demolitions went ahead.

The Government's fact sheet, which was released at the same time as the Minister's demolition announcement and was entitled "Urban Renewal: Building safer and stronger communities", guaranteed that redevelopment would occur only "after extensive consultation with the local community". I think we have heard it all before. We have heard it in relation to this bill and we have heard it in relation to Minto. The Government talks about extensive consultation but when it comes to the crunch there is none. People are told what will happen; they are not consulted. As I said, on 1 August 2002 demolition and relocation began without the release of any written guidelines, without any community consultation, and with no liaison with local and regional services that had been working closely with the community.

So where do we stand with Minto today? About 300 people have lost their homes, 89 houses have already been demolished and about 1,000 housing units are slated for demolition. Not one home has been rebuilt in the area. A master planning process, similar I suppose to the Redfern and Waterloo plan, has been spoken about. In Minto that master plan has been under way for two years but no final master plan has been formally exhibited or approved by Campbelltown City Council, which is the consent authority, though several drafts have been put to the community and to the Minister.

It is highly unlikely that the remaining 700 public housing units marked for removal from Minto will be replaced in other areas of Sydney because of the cost of land and construction. Also to be borne in mind is that the waiting list for public housing currently stands at 100,000. So the prospect of finding housing for the people who will lose their homes at Minto is extraordinarily grim, almost non-existent, and it will be equally grim and non-existent for the people who are removed from their houses in Redfern and Waterloo.

Mention has been made of the community consultation process. In 2003 a Minto Renewal Reference Group was established to enable residents to have input into the redevelopment process. The chair of the Minto Renewal Reference Group was a respected local school principal who was invited to participate in the overarching Minto renewal steering committee. The principal went along to the steering committee but she has been unable to provide information to the community renewal reference group because many of the steering committee's discussion are commercial-in-confidence and she is not allowed to reveal them. So, lip-service has been paid to community consultation. A person has been put on a steering committee but they are not allowed to report back to the community.

As with the Sydney Harbour Foreshore Authority and with this proposed Redfern-Waterloo Authority, there are major potential conflicts of interest for Campbelltown City Council. Campbelltown City Council owns the land and is also the consent authority. The Department of Infrastructure, Planning and Natural Resources [DIPNR] could also face a similar conflict, given that it both owns land and could be the arbiter to resolve disputes between council as the consent authority and the consortium of land owners, including DIPNR, as represented by Landcom. So there are conflicts of interests all over the show and that is what is embedded in this Redfern-Waterloo bill, with the new authority also becoming the consent authority for the redevelopment, demolition, or whatever, of the land that it owns.

I suggest that Minto is Redfern-Waterloo mark one. Houses have been destroyed, community ties have been severed, and tenants have been removed. Under this bill that is what is in store for the residents of Redfern and Waterloo, but for what purpose? On 5 July 2002 the *Australian* reported that the private sector was "cautious about the New South Wales Government's plan to develop private-sector-funded housing for people on low incomes". It is still cautious. Despite the vast benefits that were to be derived from public-private financing of the redevelopment of Minto, none has been forthcoming and there is no prospect of any. When the current Minister for Housing, Carl Scully, was asked about the failure of this policy during the budget estimates committee hearings, all he could say was that the Minto redevelopment was not a scheme he would have embarked upon.

Is that the only consolation that the people of Redfern and Waterloo will have? When in several years time Minister Sartor's successor is asked what has happened and why there are no tangible results other than the demolition of houses and the removal of families, will he or she say, "It is not really a scheme I would have embarked upon"? Is the Redfern and Waterloo proposal any different? Honourable members must remember that big developers are often very cautious. With 10 years worth of expansion left in the central business district why would they want to rush into Redfern immediately, unless they can be assured that Redfern's public housing and indigenous communities can be moved, all traces of their presence eliminated, and the area gentrified in a manner befitting the better-heeled, more privileged elements in our society?

Of course, as we all know and as the Government has canvassed in other areas, it will be necessary to retain a work force in the area. These days they are called key workers—workers who are necessary to do the housework, the odd jobs, or the menial jobs. So we will need a token presence of key workers. But the Government's real objective is to remove communities that are an impediment to the increase in housing prices and to redevelop the area not for the benefit of the community but for the benefit of the Government's mates. As I said, Minto has not worked. Why should we expect Redfern and Waterloo to work when so many of the ingredients of Minto's failure have been incorporated into this bill?

The Greens will move many amendments to this bill. Despite repeated requests to the Government to make its amendments available, it did not do so until the Greens had insufficient time to seriously consider them. Similarly, we have had insufficient time to consider the Opposition's amendments. We will deal at length with those amendments and with our own when we are in Committee. From what I have heard and what I have seen of the bill so far there is no way that the Greens, anyone with any sort of social conscience, anyone concerned about appropriate planning, or anyone concerned about the exercise of safeguards against the autocratic exercise of government power, would remotely consider supporting this bill.

Ms LEE RHIANNON [9.39 p.m.]: My colleague Ms Sylvia Hale outlined the many reasons why the Greens oppose his bill. Ms Sylvia Hale and members of the Greens are working closely with communities to

oppose this blatant power grab by an arrogant Carr Government. Having failed to seize the mayoral chains in March, the Government is hoping to chisel away at the democratically elected council and its lord mayor, Clover Moore. The Government owes favours to its developer mates. Since it failed to win control of choice, inner city real estate legitimately, by winning popular support from the voters, it is now trying to seize that control illegitimately.

Developers are not going to sit idly by while members of the community get a say in planning and development decisions that affect their lives. Instead, they are egging on the Carr Government to create an unaccountable, undemocratic, unelected body to return those decisions to the back rooms of Macquarie Street and Sussex Street. This Government is earning its keep. Labor cannot ignore the $5.4 million in donations it has received from property developers in the past five years. The developers want a return on their investment, and this bill is definitely a down payment. Pity those who cannot make big donations and who therefore do not count in the grand scheme: the public housing tenants, the indigenous community, students, and ordinary residents who make Redfern and Waterloo a diverse and dynamic place to live and work in.

Nobody is denying that Redfern and Waterloo have high crime rates, and that there are health and drug problems there. The Greens are as keen as any local to see services improve. We would like to see Redfern Street and Botany Road renewed and rejuvenated. We would like to see sensible, sustainable development around Redfern station. We would like better quality public housing in Redfern and Waterloo. But unleashing property developers onto the area via an undemocratic authority will simply drive disadvantaged people out, not fix the problems. It is an unjust, irrational, and selfish response.

This is not the first time a government has eyed off Redfern on behalf of developers. In 1948 the County of Cumberland Planning Scheme advocated sweeping the old houses away and carpeting the area with high-density living. Fast forward five decades and here we are again. The story of Sydney has always been a story of politicians and developers working together against the interests of the community. But it is also a story of communities fighting back, and of communities winning. Let us remember how The Rocks were saved and how public housing remains an integral part of that area. Parts of Waterloo were saved, and the best of the area's housing commission came after the community's voice was finally heard.

It might be that once again the community will have to take to the streets and defend these areas. They will be vilified by the Government, and by the media that gives it so much support, but they will be lauded in the future. Even conservatives now acknowledge the legacy of Jack Mundey and the Builders Labourers Federation, whose green bans ensured that our city retains links to its history. They also acknowledge the lunacy of some freeway plans, like the one that would have destroyed Glebe. Those freeways were also halted by community activism. Now the fight is on again. Development will occur, and must occur, but it must be sustainable, sensitive, and respectful. Development must come with the community's input and imprimatur. The Greens are concerned that this will not happen under the authority set up by this bill.

In particular, the development of The Block must come in consultation with, and with the consent of, indigenous people. Redfern is a long-term home to the indigenous community. Rents were cheap and the railway workshops were a source of jobs for Aboriginal people coming to Sydney from rural areas in the 1920s. In Redfern-Waterloo we find a foundry of protest and dissent that has won local people many rights. In the 1940s Bill Ferguson held a public meeting to get endorsement for his place on the Aboriginal Welfare Board. In that same decade, the Aboriginal Progressive Association held a protest in the Redfern Boots Trades Hall over the chaining of Aboriginal workers on a station in Oodnadatta. An Aboriginal football club also started, injecting pride and self-esteem into the community.

In the 1970s the community set up its Aboriginal Legal Service, the Aboriginal Medical Service, a community housing co-operative, and an Aboriginal children's service. The squatters who were arrested in Louis Street in October 1972 sparked a series of events that led the Commonwealth Government to buy land and help to set up the Aboriginal Housing Company. Redfern Oval was the starting point for the march to Hyde Park on Australia Day in 1988 and for the launch of Australia's participation in the International Year of Indigenous People in 1992. More recently, Redfern's indigenous community has been portrayed in the media in a more negative way. In both 1997 and 2004 Redfern residents clashed with police. Between 1994 and 1999, 23 homes were demolished in the Eveleigh Street neighbourhood.

The history of Redfern's indigenous community is a history of rising to meet challenges. Setbacks are met with protest and then progress. I believe this will happen again. If the people of Redfern and Waterloo and their many supporters stand up to intimidation and arrogance they can still win the battle to save their suburb.

Development in this area should retain the hundred years of culture and heritage, both of the working class and the indigenous communities. Development should address problems constructively, not simply sweep them under the carpet of gentrification. Development should be community driven, not run by an unaccountable, unelected authority with a mission to make Redfern safe for developers.

In response to some of the interjections when my colleague Ms Sylvia Hale was speaking, the Greens are not against development. But where we part company with many in this place is over our commitment to development that puts people first, works to reduce disadvantage and inequity in our community, and is a plus for our environment. As for the Opposition's tactics with this bill, we never had any faith that the Opposition would stand up for disadvantaged communities. Brogden's infamous "Bulldoze The Block" statement showed that the Coalition had thrown its lot in with the developers. What appalling tactics it is displaying with this bill. Sartor is at his megalomaniac worst and the Opposition is giving him a free kick. It may have even given him the boost he is looking for in the race to be Carr's successor. It could have been quite different. The Opposition could have cruelled Sartor's grand plan while still being the developers' friend, which we know it wants to be. Again, all we get is an unimaginative Opposition performance.

On Monday I attended a rally in the Redfern-Waterloo area. It was called at very short notice, and I congratulate the organisers. It was an impressive affair. About 200 people were there, mainly local residents. They were hungry for information about the future because they just did not know. There was a large Russian-speaking community present and many speeches were translated. There were many people from the indigenous community and others who live in the area. Many people spoke of the need for housing and other social improvements in the Redfern-Waterloo area, but they were adamant that Redfern-Waterloo is their home. That is what they are worried about: how long will it be their home? Many spoke to me about their opposition to being moved, their fear for the future of the community and their concern that their support networks will be broken up.

The mayor of Sydney, Clover Moore, made a moving speech. She said this was the worst bill she had ever seen, how unnecessary and undemocratic it is, and how it denies proper process. Another speaker was Tony Pooley, a former Labor mayor of South Sydney and now a Labor member on Sydney city council. He also strongly criticised the bill, and his comments were clearly appreciated by many. A number of Labor Party branch members were also at the rally and signed the Greens petition. They urged me and the other Greens MPs to do all we could in Parliament to stop this ugly piece of legislation going through. One old Labor veteran said to me, "It is ridiculous to concentrate so much power in one Minister's hands, but when that Minister is Frank Sartor you all need to have your head read." That sums up what we are facing here.

Many members of the Labor Party have expressed concern about the legislation. Not only Labor councillors on City of Sydney council and Labor branch members but Labor members of Parliament have expressed private concerns about the bill, its execution and content. I urge Labor members of Parliament who do not agree with this bill to speak up. They must take a stand against horrendous bills, such as the one before us. On several occasions Labor members of Parliament have objected to onerous bills introduced by the leadership of their party. History has shown those of us outside the Labor Party that Labor members of Parliament are expelled from caucus for crossing the floor but not for speaking out. I understand that some members of the Legislative Council have spoken out in previous Parliaments against horrendous law and order bills, such as that which introduced the move-on powers.

Interestingly, this year marks the fifty-fifth anniversary of when three Labor members of the Federal Parliament took a stand against the National Emergency (Coal Strike) Bill in Parliament. The then Minister for Transport, Eddie Ward, and Senators Morrow and O'Flaherty publicly opposed the bill that put troops onto our coalfields to break coalminers' strikes. What is happening tonight will open deep wounds in our society. I believe this bill could be as socially divisive as the National Emergency (Coal Strike) Bill was in the late 1940s. Opposition to this bill will not end tonight, and Labor members would do credit to themselves—even to the Labor Party in the long run—and to the rights of disadvantaged communities by speaking out.

This bill serves the wrong people. It is the product of a Government that is shedding its Labor identity and embracing an agenda of economic rationalism, law and order, and conservatism. Redfern and Waterloo are areas of bedrock Labor support, but people there have trouble recognising the party that runs this Government as the Labor Party that they grew up with. The Government is doing Redfern and Waterloo a terrible disservice and the community will let Frank Sartor and Bob Carr know this in no uncertain terms. The Greens join the community in opposing this bill and in seeking a sustainable, community-driven development plan for Redfern and Waterloo. We know that the bill will pass through Parliament tonight but the fight is just beginning.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [9.52 p.m.]: The Redfern-Waterloo Authority Bill is a prime example of the Carr Government's "rule by decree" mentality. Under this bill a new government authority will be given immense statutory power to redevelop the inner-city suburbs of Redfern, Waterloo, Darlington and Eveleigh. The area will stretch from South Dowling Street in the east, along Cleveland Street to City Road in the west, encompassing part of the grounds of Sydney university, then wind down through Golden Grove past Macdonaldtown railway station to near Erskineville station, along Railway Parade to Henderson Street, down Botany Road to the junction of Botany Road and Bourke Street, down Bourke Street and across O'Dea Avenue to South Dowling Street. Other sites affected by the bill include the Alexandria Public School and the Carlton and United Breweries site on Broadway, the developer contributions to which are said to be the seed capital for this project.

The key feature of this bill is that it will override the local council and exempt from all other planning instruments any development that has the blessing of the Minister. I recognise that there are imperatives: the central business district must grow. I recognise also that this Government's neglect of infrastructure as a result of its dogmatic refusal to borrow has made life difficult. Rather than borrow and have assets to set against its borrowings—which is perfectly reasonable economics and a policy that has been followed for perhaps hundreds of years—this Government is obsessed with saying, "The debt is less." Thus it has sold assets and neglected infrastructure. The Government has sold city land at wholesale prices to developers, who make a killing. The same developers are then appropriately grateful and give money to the Carr Government in an appalling fashion that is contrary to good governance.

That wrong policy has led to further bad policy decisions by the Government. It combined the council areas of Sydney and South Sydney and then tried to gain control of the whole area. If it had succeeded I believe it would have developed the area using City of Sydney council as the vehicle. However, the people were not impressed by the Government's arrogance and they were lucky to have a champion in Clover Moore, who they believed was more willing to consult them than the Labor Party was. Clover Moore decisively won the election for the combined Sydney and South Sydney local government areas.

But the Labor Government does not take things lying down—this is an arrogant, bullying government. It is payback time. I am sure that this bill would not have seen the light of day if the Australian Labor Party had won the mayoralty and control of City of Sydney council. The Government thought it could get away with the forced boundary changes. It did not, so it has come back with this bill. One wonders whether we could extrapolate this approach and say that when the Government wants to proceed with development it will always override local government. It has nibbled away at local government in many areas. The Sydney Harbour Foreshore Authority took control of choice waterfront areas. Areas of the Balmain peninsula were excised from the control of Leichhardt council. Parts of Pyrmont were removed from the control of Sydney council. An authority was created to oversee the Olympic site when Auburn Council was denied control of it. We cannot trust these local councils, can we?

The question is: Does this Government have any commitment to local government, which is elected by the people, is not always corrupt and sometimes actually gets it right? I do not believe the Carr Government has any respect for democracy, but does it have any respect for history? The bill overrides the Heritage Act 1977. The Government's excuse is that sometimes heritage campaigners prevent the demolition of small toilet blocks or refuse to allow bathrooms to be installed in heritage buildings. That is the Government's justification for allowing the Minister to override the Heritage Act. According to the Government's amendments to the bill, the Minister must only consider and discuss the issue; he still has the final say.

One wonders whether the bill is the Carr Government's bulldozer solution to the problems in Redfern. When John Brogden suggested earlier this year that the Block be bulldozed he was pilloried resoundingly by the media and by the Carr Government. As was said earlier in this debate, I do not believe social problems can be fixed simply by changing buildings; the solution must be part of a total package. The community must be involved in infrastructure improvements so that they own, are grateful for, are pleased with and can work in the new structures that they helped to plan and believe they have built. It is not charity but part of what a community is about. The Government's public relations spin doctors bandy about the words "community" and "consultation" but the Government's approach is the antithesis of all that those terms represent.

While the Carr Government pilloried John Brogden's suggestion that the bulldozer was the solution to the Block, it shows shades of adopting the Coalition's policy. It is sad that the Coalition has not learnt anything or thought about the issue. It seems to be going along with the Government's plan. The Coalition should be criticising the Government and keeping it honest. It should not be agreeing to legislation that gives all power to

the government with no real process. Why would the Opposition support such legislation? Extraordinarily enough, the Opposition has said it will.

There are approximately 100 agencies and 200 services involved in social projects in the Redfern-Waterloo area. The Redfern-Waterloo Partnership Project, which is co-ordinated by the Premier's Office—one could say dominated by the Premier's Office—has not successfully co-ordinated programs for an area approximately 3.1 square kilometres in size. So now we are debating this bill. Another manner in which the Government is annoying is in its incredible hypocrisy and arrogance. Bob Carr and Frank Sartor had a great time criticising Clover Moore for having two job, as the State member for Bligh and the Lord Mayor of the City of Sydney. But Frank Sartor is the Minister for water in our worst drought, one we think will go on and on because of a persistent decrease in the average rainfall; the Minister for Electricity, when blackouts are looming because of the neglect of infrastructure; and the Minister for cancer, which is the second-highest killer of Australians. The Government does not have and never has had a preventative program. And he will soon be the Minister of a new statutory authority to miraculously solve all of the social problems in the Redfern-Waterloo area. What a lot of hypocrites they are!

I was pleased to be an integral part, perhaps a driving part, of the Parliamentary inquiry into the social issues surrounding the Redfern-Waterloo area. Aden Ridgeway and I drafted the significant amendments that took it from being an inquiry into police, as was suggested by the Hon. Greg Pearce, to a broader social inquiry. The Government, recognising we had the numbers, agreed to have the inquiry conducted by the Standing Committee on Social Issues. The committee has been inquiring into the area for some time. Yet the first we heard of this new Government plan was a press release on 26 October, almost to the day we were to complete our report. We had a difficult time obtaining the Morgan Disney report on human services in the area. Initially, I and the journalists in the press gallery thought that the announcement of the Redfern-Waterloo plan was merely a deflection tactic to distract media attention from a negative Ombudsman report.

The Carr Government insists on controlling the agenda and operates the State by managing the spin. It is a spin-doctor government. One would think that if the Government wanted to come up with a bold new plan with the intention of revitalising an economically depressed area that has huge social problems by investing billions of dollars, it would want to get things right. It would want to be sure that it did not repeat past mistakes and waste millions or billions of taxpayers' dollars. This bill should have been referred to the social issues committee or another parliamentary inquiry to make sure the inquiry process was undertaken effectively and the committee received good feedback. I will be moving an amendment to achieve such a process or at least some parliamentary oversight.

We found out how comprehensive the Government's plan was for a $5 billion proposal to redevelop the Redfern and the surrounding inner-Sydney suburbs after it was leaked to the *Sydney Morning Herald.* The newspaper article revealed a plan that involved seizing control of the Block and letting private developers take over two-thirds of the area's public housing estates. Bob the Realtor brought in the new overlord for Redfern-Waterloo: Frank Sartor. They could not wait for the findings of the parliamentary inquiry. I confess I have some admiration for Frank Sartor. He has had some successes in Sydney and is one of the few lord mayors who you can say has put a stamp on some areas and achieved lasting benefits. Many lord mayors sold off a few lanes and went along with the developers. However, Frank Sartor's lack of willingness to say no to developers when their option to build the Toaster expired meant that we got the Toaster. We did not have to have it at all.

Although I acknowledge Frank Sartor's talents, which are stretched by his four jobs, legislation should not be crafted for one individual. It should be a 20-year plan. The process must not depend on one individual. Frank might be needed elsewhere, especially if the Government is to be saved—not that I am convinced it is worth saving. The Carr Government claims that the new authority will create jobs for the indigenous community in the Redfern-Waterloo area. This is a cheap and hollow promise. The Department Of Housing does not even follow its own guidelines for Aboriginal participation in the building industry when it hires head contractors. The Government's arrogance and contempt for local residents are truly astounding.

On Tuesday 18 May, the first day of the hearings of the Standing Committee on Social Issues inquiry into Redfern-Waterloo, the Director-General of the Premier's Department, Mr Col Gelatly, read an extract from the whole-of-government submission on community engagement by Mr McCullam. Mr Gelatly read:

> The community, for the most part, does not want others to come swooping in and take over. They want to be consulted, included and to use the opportunities to come together to work with others and work together for sustainable and lasting change.

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

SUPERANNUATION LEGISLATION AMENDMENT BILL

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

Motion by the Hon. Michael Egan 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.

ROOKWOOD NECROPOLIS AMENDMENT BILL

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

BILLS RETURNED

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

Gene Technology (GM Crop Moratorium) Amendment Bill

ADJOURNMENT

The Hon. MICHAEL EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [10.08 p.m.]: I move:

That this House do now adjourn.

NATIVE VEGETATION REGULATION

Mr IAN COHEN [10.08 p.m.]: The regulation under the Native Vegetation Act 2003 that is meant to end broad-scale land clearing in remnant and protected regrowth vegetation in New South Wales is currently on public exhibition. This regulation is supposed to honour a promise made by the Australian Labor Party back when it was trying to win Government in 2003 and implement the report of the Wentworth Group of Scientists entitled "A New Model for Landscape Conservation in New South Wales". The promise was that there would be a ban on the clearing of remnant and protected regrowth vegetation. This proposal received the support of many conservationists.

The Greens, like the majority of peak and regional conservation organisations in New South Wales, now have serious doubts about the Government delivering on its promise because of the many rorts, loopholes, exemptions and design oversights in the vegetation regulation and supporting documents. This is not in any way a criticism of the scientists and others who have contributed an extraordinary effort to put a basic framework in place by the beginning of next year. The fault lies squarely with the Minister, who has made political commitments to farmers groups which fundamentally undermine the intent of the Government's promise. The end result is yet another system riddled with loopholes that has been introduced deliberately to appease agribusiness and provide avenues for clearing.

There are so many problems with this regulation that I will get to mention only a few of them. The original Wentworth report called for a ban on broad-scale clearing unless the clearing improved or at least maintained environmental outcomes. Anybody who has the tiniest bit of nous on environmental issues knows that this is rarely, if ever, the case. Clearing creates environmental degradation; it does not stop it and it certainly does not fix it. Therefore, it was assumed that this clause would be used to end clearing in New South Wales. However, the Minister and his department had a much better idea. They introduced George Orwell into the debate. They would allow clearing of one patch of vegetation that degraded the environment in return for offsets on another patch of vegetation. It was similar to the "you can still pollute, just have offsets" concept we saw this week in the Government's energy paper. Offsets can be fencing or weeding some other area.

While the scientists who designed the program say they should be maintained in perpetuity, the regulation gives the Minister the power to terminate them at any time. Offsets allow one to practise business as usual. Yes, one can clear those old trees with the hollows that took more than 200 years to form and that have

provided habitat for generations of fauna as long as one has offsets: a fence here, some weeding there. The tree hollows disappear and the offset—well, it lasts until the next change of government or whatever and then it disappears too. Meanwhile there is nowhere for the current generation of fauna to nest, shelter and breed, so they disappear from that area, which brings us to the loopholes, exemptions and oversights of the regulation.

Firstly, it has produced an unworkable definition of "regrowth" and "remnant". Rather than a clump of vegetation around a mature tree being remnant, only the tree is remnant. Each plant must be individually assessed as to its age. In most cases it is impossible to tell, particularly for shrubs and ground storey plants. This major definitional problem means that one of the major forms of land clearing these days, underscrubbing—where all the vegetation is removed underneath the trees—can continue unabated. Furthermore, regrowth can be cleared if the landowner determines that the plant or vegetation is regrowth. No evidentiary provisions are required. Following on from this, the regulation talks about how it will stop the broad-scale clearing of protected regrowth, but despite having had a year to determine what regrowth vegetation should be identified as protected regrowth, only regrowth on steep slopes has been identified.

The regulation lists a number of exemptions, including where landowners will be able to clear without first seeking permission. In total, these exemptions add up to significant ongoing land clearing and in many cases they are no better than the exemptions under the previous Act, which numerous committees investigated, including a taskforce by the Premier, and claimed the exemptions were being abused. However, one exemption stands out as being even worse than any that previously existed. The regulation allows the clearing of remnant vegetation if the landowner says that the area is used for rotational farming activities. It inserts a date—1950—and says that if a farmer has cleared land twice since 1950 for farming activities it can be cleared again. Now it seems that the loggers are getting in on the act and claiming that as they have logged areas twice since 1950, and as logging is a farming activity then they should be allowed to go on logging with no restrictions because it is just a rotational farming activity.

I am told by those far better acquainted than I with this subject matter that there are millions of hectares in New South Wales that have had regrowth since 1950—since 1943 in the west—and could potentially be affected by this exemption. All over this State there are gullies in active states of erosion. The situation was created by the clearing of the original native vegetation. In some places, where there once was a little rivulet one could jump there is now a gully in which one could lose a truck. Millions of tonnes of soil continue to make its way down these gullies, into our river systems and into our estuaries. So does this regulation protect the native vegetation on gullies and streams? The answer is no. Unless the stream has a name it is offered no special protection—any so-called regrowth can be cleared right to the edge and remnant can be cleared with offsets, which means that the majority of waterways in New South Wales are likely to continue to erode. That is a disgrace! All this can happen because the regulation deems it to be good for the environment. That is no doubt the message that the spin doctors will sell. Newspeak lives in 2004 in New South Wales—where we clear land to help the environment.

THE HONOURABLE AMANDA FAZIO ELECTORATE DUTIES

The Hon. AMANDA FAZIO [10.13 p.m.]: On Saturday 26 November I had the pleasure of representing the Premier at the thirty-fourth annual ball of the St Antonio Da Padova Association, held at Le Montage in Leichhardt. The Association of S'Antonio Da Padova Protetorre Di Poggioreale Trapani Sydney Pty Ltd was formed in 1969 to assist the Italian community. It fosters religious and cultural traditions and provides services for the aged. The association was formed by a group of families who had migrated from the small Sicilian town of Poggioreale and settled in Sydney. In January 1972 the association imported a statute of St Anthony from Italy to be the protector of the people from Poggioreale in Australia. In April 1987 the association purchased an existing, viable 26-bed nursing home in Elizabeth Street Ashfield.

This nursing home was operated successfully until June 1990 when it was sold to allow a larger facility to be bought. This resulted in the purchase of a 40-bed nursing home at Ryde. The association is currently building a new nursing home in Ryde. In 2003 the State Government was able to provide the association with a special grant of $10,000, which is being used towards this project. It is proceeding well. The funds raised at the ball will go towards this project. As well as caring for aged, the association, as part of the Sicilian tradition, conducts an annual festival in honour of St Antonio. It attracts more than 5,000 people, young and old. I thank the secretary, Elizabeth Aliperti, the president, Peter Maniscalco, and the other members of the board of directors for their hospitality and hard work.

On Saturday 4 December I had the pleasure of representing the Minister for Emergency Services at the official opening of the renovated Gundagai Fire Station. Present were Assistant Commissioner John Benson, Regional Commander South, Councillor Len Tozer, Mayor of Gundagai, and other councillors and staff, Captain Peter Pollack and the fire crew from Gundagai, retired Gundagai members, and other members of the NSW Fire Brigades and emergency services. Gundagai Fire Station began operations and was officially opened on 1 December 1930. The fire station was originally located in Sheridan Street, near Homer Street, on the site of a blacksmith's shop. It remained a temporary premise until a permanent station was built on the present location in Otway Street. It was officially opened on 24 November 1962.

Renovations to the station began on 23 February 2004 and were completed on 18 June 2004. Renovations to the station included: addition of an office, a watch room, a new recreation/training room, kitchen facilities, locker room uniform room, upgraded ablutions, the addition of disabled ablutions and a new automatic engine bay panelift door. The upgrade also included complete external and internal painting of the existing station and replacement of external fences. The total cost of the works carried out was approximately $224,600. I am sure that these newly renovated facilities will make the working life of the Gundagai fire crew much better because people who undertake such vitally important and dangerous work should have the best working conditions that we can manage to provide.

On Saturday 4 December I represented the Minister for Lands at a ceremony to present certificates of long service for members of the Burrinjuck Waters State Park Trust. The ceremony was held at the State park and gave me a first-hand opportunity to see the fruits of the hard work of the members of the trust. The park is well maintained and appointed, and the drive down the valley to the floor of the park is quite spectacular. It was an honour to recognise their years of enthusiasm, dedication and hard work. Trust members are imaginative and energetic people. They make a commitment to manage and preserve our significant public assets. Trust members accept a challenging and valuable voluntary role, with the simple reward of contributing to their local community.

I think it is a great pity that the people who use the Burrinjuck Waters State Park are not aware of the hard work and dedication that the trust members have contributed to this valuable community asset. The long-serving trust members who received certificates were Margaret Buckmaster, who has been a trustee since July 1982, amounting to 22 years of service; John Andrew Glover, who has been a trustee since July 1974, amounting to 30 years of service; and Ian Lumsden, who has been the trust's secretary since 1963, amounting to 41 years of service. Their combined years of service on the Burrinjuck Waters State Park Trust are 93 years, which is a remarkable feat. Following the ceremony I had the opportunity to talk with Margaret, John and Ian about their plans for the park and the opportunities for further improvements. It was a most enjoyable way to spend an afternoon. I was greatly impressed by their passion for the park and the dedication that they show. I thank them for their contribution to the local area and also thank Leanne Taylor from the Department for Lands for co-ordinating the day.

Finally, I will comment on what I consider to be an unwelcome development in the political life of New South Wales. We are all aware of the utilisation of victims to personalise perceived problems in the delivery of government services. This is a well-established tactic used by both sides of politics. I am disturbed about the trend to not just use victims but to exploit, manipulate and even abuse them. This tactic has been developed by the current Leader of the Opposition in New South Wales. Quite frankly, it is deplorable and unacceptable. I refer to the Paice family, Paul Leaver and the Kariong workers as recent victims of this tactic used by the Opposition.

COURTS UPGRADE

The Hon. GREG PEARCE [10.17 p.m.]: Today I read about the improvement in court hearing times in the Supreme Court in an article headed "Beware of Statistics says the Chief Justice". The Government has used an unending train of spin to try to bury many problems it has caused and allowed to develop in the nine years it has been in office. One surprising area is in relation to the courts and the Attorney General's Department. Notwithstanding the good results achieved by the courts, the Government is years behind in its program to upgrade them. Despite announcing $250 million in this year's budget to upgrade courts, Bob Carr and Bob Debus have set aside just $3 million this year for the project. At that rate, it will take another 83 years for the project to be completed. The people of New South Wales do not want to wait another three years—let alone another 83 years—to fix the problems with our infrastructure.

There are massive blow-outs in the cost of the courts building maintenance program, which is years behind schedule. It was supposed to be finished in 2007, but it has blown out to 2008. That is an additional

$5 million cost blow-out on the $54 billion allocated to it. Current project blow-outs are up to $25 million, according to current budget papers. For example, Bankstown Court House was budgeted to cost $16 million, but it has blown out more than $5 million to $21.212 million. Courts are falling apart, maintenance backlogs are growing bigger and blowouts are costing more each year as the department struggles to make up for lost time and money in its allocated projects.

It is little wonder the $58 million Sydney West Trial Complex at Parramatta has been delayed. It was supposed to be the centrepiece of a new $200 million public-private partnership, which has now apparently been shelved because this Government cannot manage projects. The Sydney West Trial Complex at Parramatta, which was due to be completed in 2008, has blown out to $58 million and completion in 2009, and only $200,000 has been spent on it. Other projects, such as the Mount Druitt Courthouse, have blown out. Mount Druitt Courthouse is now due for completion in 2006 and the costs are up $1.16 million on the previous costing of $10.34 million.

Projects across the board are being mismanaged by the Government. Completion of the Aboriginal Outstation Project at Griffith has blown out to 2006 and the cost has almost doubled. A sum of $2.1 million was allocated to be spent in 2003-04, but only $300,000 was spent last year. The Hunter Children's Court has been pushed back another year. While the State's courthouses are falling apart the Government is spending up big on more minders and spin doctors. Attorney General Bob Debus is getting in on the act. He is seeking more State Emergency Service senior executives. Interestingly, at the moment Mr Debus is prepared to pay $72,534 per annum for an Information and Events Coordinator. The role of that person is to "promote public confidence in the Attorney General's Department".

The Attorney General's Department also wants another minder, a so-called Manager (Ministerial Liaison Unit) at a salary of $99,914 to "advise on the responsibilities of the Attorney General". Well, does Bob Debus not know his responsibilities? I am sure I could tell him for free—stop the waste, deliver on your promises, get your court maintenance backlogs cleared, forget the spin doctors and concentrate on getting the courts fixed. The Government is obsessed with spin. It spends its time hiring fat cats instead of investing in front-line services and infrastructure. Even the Attorney General's Department is obsessed with spin and cannot manage a single project on its list.

GOULBURN CORRECTIONAL CENTRE SURVEY

FOX STUDIOS ASBESTOS POLLUTION

Ms LEE RHIANNON [10.22 p.m.]: Christopher Binse, a long-term inmate of the C-Wing of Goulburn maximum security gaol, has undertaken a survey of his fellow inmates, and it paints a revealing picture of conditions at the gaol. Mr Binse photocopied his survey on slips of paper and circulated them. He got 134 responses to his questions about conditions in the wing and the availability of rehabilitation programs. The survey results show that Goulburn gaol is violating the United Nations standard minimum rules for the treatment of prisoners. Under rule 6.1 there is supposed to be no discrimination, yet inmates are separated into different yards on the basis of their ethnicity. Under rule 10 prisoners are supposed to be protected from weather extremes, but the yard is exposed to the elements. Inmates are also refused permission to return to their cells when the weather is bad.

Under rule 17.1 prisoners are supposed to have adequate clothing, but it is not enough to withstand Goulburn's winter. Under 17.2 that clothing should be kept in proper condition, but there are no facilities for inmates to hang up their wet clothes, jackets and towels. This has caused illness among the inmates. Rules 58, 60.2 and 64 relate to rehabilitation and post-release care, but it is clear from the survey that, although prisoners are very willing to undertake education and rehabilitation programs, and they want to get out of gaol and stay out, they are simply not getting access to adequate programs. I congratulate Mr Binse for undertaking this survey, and I urge the Minister for Justice to seriously consider how to improve conditions and rehabilitation programs at Golden gaol and indeed all New South Wales prisons.

On another matter, the Greens have received complaints from residents adjacent to the Fox Studios site in Sydney, where toxic fumes and asbestos dust have been polluting their neighbourhood. Structures at Fox Studios have been demolished and removed, blowing asbestos fibres and fibreglass fumes into resident's homes, their gardens and even their cars. Residents sitting in their own backyards have been exposed to hazardous chemicals and strong fumes coming from the workshops and factories operated at Fox Studios. During the hot weather the solvents heat up, making the effect worse than usual and effectively forcing these residents indoors.

In addition, heavy construction has taken place late into the night, right next door to people's homes. These are industrial activities. Residents have told me how an asbestos shed was demolished in high winds, with workers standing on top of a roof dropping sheets into the back of a tip truck on the ground metres below. I am told that each sheet smashed on impact, sending clouds of fibrous dust onto the homes next door to the site. The work took some four to six weeks. However, the impact continued 24 hours a day 7 days a week, as the builder had swept up the dust and left it in large heaps on the site. The builder told one of the residents that there was a matter of urgency to get the job done.

Numerous reports were made to WorkCover, yet it did not carry out inspections because the company was supposedly working within government guidelines. That is a failure of this Government. It granted development consent without any knowledge of what chemicals would be used in the workshops and without proper regard for the demolition works that would pollute the neighbourhood. Noel Childs of Childs and Associates carried out an independent assessment of the emissions at the site and of the process the Government followed to grant development approval for Fox Studios. The Government was found seriously wanting.

Why was this development application approved in the absence of detailed knowledge of what chemicals would be used in the workshop adjacent to a residential area? Why was it approved without proper regulation of demolition of asbestos sheds only metres from the residents' homes? The Premier and the Government were never more strident than when they admonished the appalling behaviour of James Hardie, and were never more concerned than when they sympathised with the asbestos victims that James Hardie left in its wake. Yet, when the residents who live next to Fox Studios have voiced their concerns, this Government has ridiculed them or ignored them. When will the Government complete its review of Fox Studios, listen to the advice of the Environment Protection Authority, and do something for the suffering residents who live next door. The Greens urge the Government to close the industrial operations at Fox Studios and relocate them to a more appropriate industrial site.

NEW SOUTH WALES-ASIA BUSINESS RELATIONSHIP

The Hon. HENRY TSANG [Parliamentary Secretary] [10.26 p.m.]: I shall report to the House on two important events that I am pleased to have been involved with recently. The New South Wales-Asia Business Advisory Council held its annual lunch on Thursday 25 November at Government House. About 100 Australian and Asian dignitaries and businesspeople attended the lunch and had the chance to hear the Premier deliver the keynote speech. The Premier spoke about the importance and growth of New South Wales trade with Asia, the fastest growing regional economy in the world. He highlighted the fact that last year alone New South Wales businesses exported $11.2 billion worth of merchandise to Asian countries. This amounts to nearly 60 per cent of total New South Wales exports. Total bilateral merchandise trade with Asia last financial year amounted to $37 billion—or 51 per cent of total New South Wales bilateral merchandise trade worldwide. The growing trade between New South Wales and Asia is important to our economy, and the local Asian business community and bilateral chambers of commerce play an important role to this end.

The Premier also gave a very interesting report on his recent trade mission to India. The visit was part of the New South Wales-India initiative, which he announced two years ago, which also saw the inclusion of India on the advisory council. The advisory council reported to the Treasurer, the Hon. Michael Egan, who, as of last week, became the longest-serving Treasurer in New South Wales, overtaking Mr Askin. I congratulate the Treasurer. The emergence of the Indian economy as the new major regional power has important implications for Australia in terms of jobs and investment. Bilateral trade between Australia and India grew by more than 85 per cent last year, and this is set to continue. The sooner we build stronger links with India, the greater the benefits to our own economy. This is why the New South Wales Government has worked hard to forge close working relationships with Asian bilateral chambers of commerce. This year's lunch helped to bring the parties together and benefited New South Wales businesses in enhancing their trading relationships with the region.

There have been 19 New South Wales Government-organised trade missions and market visits to Asian countries in the last two years and more than 100 New South Wales companies have participated in them. Last weekend I accompanied the Minister for Regional Development and Minister for Small Business, the Hon. David Campbell, on a trade mission to Shanghai before attending the joint economic meeting with our sister State Guangdong Province, Guangzhou. The joint economic meeting between New South Wales and Guangdong Province is the backbone of the sister State-Province relationship and provides the formal mechanism for determining and progressing co-operation.

As Parliamentary Secretary Assisting the Premier on Trade and Investment, I have participated in the last two joint economic meetings and helped to strengthen the government-to-government aspect of the relationship. I was, therefore, pleased to join the mission and to assist in reaffirming the New South Wales Government commitment to the relationship. The Wran Labor Government signed the sister State-Province relationship with Guangdong in 1979. In celebrating its twenty-fifth anniversary this year we can appreciate how far-reaching and visionary that decision was. China has become a major business partner for New South Wales, overtaking the United States of America. With its strong economic growth, China is now New South Wales's sixth largest export market and our second largest source of imports. The joint economic meeting in Guangzhou was a great success, with several projects and memorandums of understanding signed between businesses from New South Wales and Guangdong.

The trade mission to China is important because it shows to our Chinese partners that New South Wales is serious about doing business with Asia and the region. It provides the Government with the chance to sell to the region the great benefits and attractiveness of trading and doing business with New South Wales. That is an important part of the New South Wales Government's plan to bring new business and investment opportunities to this State, and in the process provide jobs for young Australians. I congratulate the Government and Minister Campbell on helping to expand our trading and investment relations with Asia. I also wish to thank the members of the New South Wales-Asia Business Advisory Council—including Douglas Park, Peter Sinn, Neville Roach, Orawan Taechaubol, Nisin Sunito, Charles Chung, Stephanie Fahey, Minshen Zhu, Raj Logaraj, William Chiu and Kate Barnett—for doing a great job in assisting the New South Wales Government to this end.

FEDERAL MEMBER FOR RICHMOND JUSTINE ELLIOTT

The Hon. CATHERINE CUSACK [10.31 p.m.]: I am sure all honourable members of this House would congratulate the winners at the recent Federal elections and commiserate with the losers. In the electorate of Richmond Justine Elliott was elected as the new Federal member, and I wish her success for our region. I commiserate with Larry Anthony, who has been a magnificent Federal member and won a lot for his electorate. I acknowledge Ms Elliott's courtesy in recognising in her maiden speech last week the contribution that Larry Anthony made to his community.

Unfortunately, last week in Canberra there was a sour note when Independent member Tony Windsor called on the Senate to conduct an inquiry into what he described as pork-barrelling. With the support of the Labor Party, it appears that such an inquiry has been established. I find this ironic coming from the Independent member, because it is well known, at least on our side of politics, that Independents make an art form of claiming there is something special about them politically and their ability to hone pork-barrelling to an art form for the benefit of their electorates. It is incredibly strange that a group of people who do specific political deals would do an about-face and talk critically about pork-barrelling. Nevertheless, that inquiry is to proceed.

In the media I heard Justine Elliott defending her support for the inquiry, particularly as part of the terms of reference of the inquiry will be to investigate a $12 million package of assistance for our local cane industry. It was incredibly disappointing that the new Federal member for Richmond would support what I believe will be an attack on a package of assistance offered by the Federal Government to benefit her electorate. I am also disappointed by the new member's silence in relation to the $30 million package that the Federal Government was offering to assist with the reopening of the Casino to Murwillumbah branch line. Those two projects together represent $42 million that is sitting on the table, waiting to come into Richmond. I urge the new member for Richmond to avail herself of the opportunity to bring this funding to our electorate.

Last week I toured parts of the Richmond electorate with the Hon. John Ryan. We visited a number of community service providers that have benefited significantly from the many marvellous programs that Larry Anthony, a former Federal Minister for Children and Youth Affairs, worked hard with the community and through his portfolio to establish for the electorate. It is no exaggeration to say that those service providers now have real fear and trepidation as to their future funding. I urge the Federal member for Richmond to tend to those needs as quickly as possible.

I regard it as very ironic also that the Federal Labor Party in the Senate supported the establishment of the inquiry, given the $150 million pork-barrelling promise it made to reopen the Murwillumbah to Casino railway line. This offer was made in an effort to neutralise the stupid decision of the Carr Government to close that line. The promise of the Federal Labor Party was made without any real documentation being provided. Certainly, I am not aware of any funding submission that Federal Labor was responding to when it made that

commitment. Ms Elliott's silence in relation to the $30 million that was on offer is astounding. I freely admit I was one of those who went to John Anderson and suggested we had to match that offer because we need to get our railway back.

The Hon. Amanda Fazio: Point of order: Today the report of General Purpose Standing Committee No. 4 on the Casino to Murwillumbah railway was set down as a take-note debate, to take place in the new year. Therefore, it is out of order for the honourable member to be discussing that matter now. I submit the member should save her comments for the take-note debate.

The Hon. CATHERINE CUSACK: To the point of order: The report did not deal with the future of the $30 million in funding that is on the table at the moment. We are seeking the support of the Federal member for Richmond to broker an agreement between her Labor colleagues in the New South Wales Parliament and her Federal colleagues in Canberra. I believe the Federal member is perfectly placed to negotiate such an agreement. Indeed, I would be astonished if she were unable to negotiate a speedy resolution of the issues surrounding the $30 million for the railway line that is on the table and waiting to be delivered. That is not a matter that was canvassed in the committee's report and, therefore, I believe I am quite in order when I call on the new member for Richmond to deliver on that funding.

The Hon. Amanda Fazio: Further to the point of order: The report does in fact refer to funding options that were put up during the Federal campaign. For that reason, I believe the honourable member is out of order.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! As the report makes reference to that funding issue, I uphold the point of order. The member's time for speaking has expired.

"TEEN TRIPLE P" POSITIVE PARENTING PROGRAM

The Hon. PETER PRIMROSE [10.36 p.m.]: This evening I draw the attention of the House to a recent publication by the Australian Institute of Criminology entitled the "Teen Triple P" Positive Parenting Program: A Preliminary Evaluation". Report No. 282 by Director Toni Makkai found that adolescents who develop severe conduct disorders were at greater risk of becoming involved in juvenile crime, including property crime, interpersonal violence, theft, arson and illegal substance use. Prior research had found that dysfunctional parenting practices often place children at risk of developing conduct problems and are among the strongest predictors of later delinquent behaviour.

Various programs have been developed to assist parents in improving their parenting skills. The paper evaluates one such program, the "Teen Triple P" Positive Parenting Program. Preliminary results suggest positive outcomes for most participating parents. The paper found there had been significant reductions in a variety of risk factors, with some evidence of improvements still being maintained after six months. The paper recommended that further extensive evaluations be undertaken to assess the reliability of those preliminary findings. I urge honourable members to read the report.

Motion agreed to.

The House adjourned at 10.38 p.m. until Wednesday 8 December 2004 at 11.00 a.m.