

# LEGISLATIVE COUNCIL

Thursday 3 March 2005

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

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

## ELECTRICITY SUPPLY 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.**

## ANWAR IBRAHIM

**Motion by Ms Lee Rhiannon agreed to:**

That This House:

- (a) warmly welcomes Anwar Ibrahim to New South Wales,
- (b) congratulates Anwar Ibrahim and his wife, Dr Wan Azizah Wam Ismail, on their work for human rights and their work in support of the people of Malaysia and Burma,
- (c) further congratulates Anwar Ibrahim on his release from gaol.

## BUSINESS OF THE HOUSE

### Routine of Business

*[During notices of motions]*

**The PRESIDENT:** Order! Members who wish to engage in private conversations should leave the Chamber. I remind members that interjections are disorderly at all times. I call the Hon. Melinda Pavey to order for the first time.

## BUSINESS OF THE HOUSE

### Postponement of Business

**Private Members' Business item No. 9 in the Order of Precedence postponed on motion by the Hon. Tony Catanzariti.**

**Private Members' Business item No. 8 in the Order of Precedence postponed on motion by Ms Sylvia Hale.**

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

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

That standing and sessional orders be suspended to allow a motion to be moved forthwith that that Private Members' Business item No. 148 outside the Order of Precedence, relating to wood product extraction operations, be called on forthwith.

### Order of Business

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

That Private Members' Business item No. 148 outside the Order of Precedence, be called on forthwith.

**BRIGALOW BELT SOUTH BIOREGION WOOD PRODUCT EXTRACTION OPERATIONS****Production of Documents: Order**

**Mr IAN COHEN** [11.12 a.m.]: I move the following motion, as amended by leave:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Infrastructure, Planning and Natural Resources, the Minister for the Environment, the Minister for Primary Industries, the Department of Primary Industries, Forests NSW, the Department of Environment and Conservation, or the Department of Infrastructure, Planning and Natural Resources relating to wood product extraction operations in all State forests and Crown timber lands within or up to 10km adjacent to the Brigalow Belt South bioregion of New South Wales:

- (a) any reported or known breaches since 1 January 2005 of the requirements under the Threatened Species Conservation Act 1995, National Parks and Wildlife Act 1974 or the Forestry Act 1916;
- (b) any correspondence regarding any decision or action by departmental staff in relation to breaches or alleged breaches;
- (c) any document which records or refers to the production of documents as a result of this order of the House.

**The Hon. IAN MACDONALD** (Minister for Primary Industries) [11.14 a.m.]: I will speak briefly to the motion. The matters that are the subject of the amended motion moved by Mr Ian Cohen are the subject of investigation by the Department of Environment and Conservation. As I have made clear on a number of occasions, the matters will be dealt with properly and in a non-political environment. They will be dealt with by the regulator, which is the Department of Environment and Conservation, by reference to the facts. I point out that forestry in New South Wales is strictly regulated to help maintain soil and water quality and to protect native fauna and flora from the potentially damaging effects of timber harvesting and associated road and bridge construction. Forestry operations by Forests NSW are regulated by the integrated forestry operations approvals or, in the case of the western and Riverina regions, the threatened species licence.

Citizens may report suspected breaches to the principal regulator, the Department of Environment and Conservation. Allegations of offences in State forests are thoroughly investigated by reference to the rules and proven offenders are fined or prosecuted by the regulators. Honourable members should advise their constituents to approach the Department of Environment and Conservation if they have any concerns about possible offences under timber harvesting regulations. A process is in place, and allegations will be dealt with according to proper process.

**Motion agreed to.**

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) ENFORCEMENT  
AMENDMENT (X 18+ FILMS) BILL****Second Reading**

**Debate resumed from 24 February.**

**The Hon. PETER BREEN** [11.16 a.m.]: When this bill was last debated in this House I said that people in New South Wales are selling and buying illegal pornographic material on such a scale that the market for unclassified material in New South Wales is now completely unregulated. I recall that when the film, *Baise-Moi*, was originally banned by the film censor, Premier Carr was one of the outspoken critics of the decision. He said that people should be able to watch whatever they please. That reminded me of the Peter Sellers film *Being There*, and the famous line "I like to watch", which seems to have become the theme for film classification censorship in New South Wales. It seems to me that the Premier has achieved his desired outcome because the people of New South Wales watch whatever they please. The market in illegal DVDs and videos is open slather. One could not successfully prosecute for selling or buying illegal pornographic films in this State for love or money.

I am reliably informed that everybody in New South Wales who has pleaded not guilty to a charge of selling or publicly exhibiting an illegal pornographic film in the past four years has been acquitted. In other

words, not one successful prosecution has occurred in New South Wales over the past four years for selling or publicly exhibiting an illegal pornographic video or DVD. According to the New South Wales Bureau of Crime Statistics and Research, just 14 people have pleaded guilty to a charge of selling or publicly exhibiting an illegal pornographic film in the past four years, and the average fine has been approximately \$300.

**Reverend the Hon. Fred Nile:** Shame!

**The Hon. PETER BREEN:** Reverend the Hon. Fred Nile says "shame", and I agree with him, particularly given the fact that the maximum penalty for selling or publicly exhibiting an illegal pornographic video or DVD is \$11,000 or imprisonment for 12 months. In terms of a range of penalties, one would have to say that a fine of \$300 is at the very bottom of the scale.

**Reverend the Hon. Fred Nile:** It is almost decriminalisation.

**The Hon. PETER BREEN:** It means that people can sell or publicly exhibit an illegal pornographic video or DVD with impunity. There is no attempt by the Government to enforce the law, so the law is brought into disrepute. If a corporation publicly exhibited or sold an illegal DVD or video, the fine under the legislation would be \$27,500 whereas the average penalty imposed is \$300. It is a disgrace. I mentioned the film *Baise-Moi* and the furore it caused when the censors first banned it and then changed their minds. What actually happened was that the Office of Film and Literature Classification banned the film and that decision was overturned by the Classification Review Board. The film depicts sexualised violence in the name of art. I was so appalled by the film that I had to leave the cinema. One would never find that level of sexualised violence in an X-rated video or DVD because the censor would not allow it. So it is quite incongruous that a film containing sexualised violence, in the name of art, is allowed to be publicly exhibited whereas material watched by people in their own home depicting erotic sex between consenting adults—no violence, no fetishes, no exploitation, no under-age people—is somehow illegal. I will not be surprised to see the arguments being rerun, because another film that is currently before the censor called *Nine Songs*, like *Baise-Moi*, contains sexualised violence—

**Reverend the Hon. Fred Nile:** It has real sex.

**The Hon. PETER BREEN:** I again have to defer to Reverend the Hon. Fred Nile on these matters. Someone told me that he has his own private collection of these things.

**Reverend the Hon. Fred Nile:** No, that is a lie.

**The Hon. PETER BREEN:** It is a good story. It is part of the urban mythology on the censorship of films and videos.

**Reverend the Hon. Fred Nile:** You can visit my home—

**The Hon. PETER BREEN:** In fact, someone said to me yesterday that he has a wall of videos. If he has, I would really like to see it because I get very confused about how these films are classified.

**Reverend the Hon. Fred Nile:** *My Fair Lady* and all those films.

**The Hon. PETER BREEN:** I think that is on the same shelf as *Debbie Does Dallas*. I know nothing about the film *Nine Songs* except that there is almost certain to be sexualised violence, exploitation of teenagers and some kind of sexual fetish. That is the genre. That is how it works. That is what the art filmmakers include in order to promote their work. It may be artistic but the point I want to make is that these films are much worse, much further beyond the pale and much more damaging—certainly more demeaning—than X-rated films. The guidelines are very strict as to what can be shown in an X-rated film. I have explained them before. I will not explain them again, particularly with children in the gallery.

The author Helen Vnuk wrote a very good book in 2003 about film classification and censorship in Australia. Published by Random House, the book is titled *Snatched: Sex and Censorship in Australia*. Writing about the book in the *Sydney Morning Herald* on 7 July 2003, Helen Vnuk said that Premier Carr wants to lobby for changes to Federal legislation to allow banned films to be shown at film festivals. But on the subject of introducing legislation to permit the sale of X-rated videos and DVDs the Premier is notably silent. Not one X-rated DVD or video would hold a candle to the graphic depiction of nasty sex exhibited in the art films. Yet the Premier would prefer to leave sleeping dogs lie. As I said earlier in the debate, the people who exploit the Government's inaction by profiting from the black market in pornographic DVDs and videos may be dogs but they are not sleeping.

I understand that approximately 10,000 pornographic videos were produced around the world last year, and about 600 of them were classified by the Office of Film and Literature Classification. The remainder, approximately 94 per cent, do not go unsold but, rather, end up in retail shops with forged classifications on the covers, or indeed no classification. The industry is now so bold that no-one bothers to put a classification on the binder of pirated videos and DVDs since nobody is policing the industry. I will not terrify honourable members again by repeating the titles of the videos I attempted to table but I make the point that the material included under-age material. Since the laws were changed last year relating to child pornography I believe that material would qualify as child pornography.

Most of the erotic and pornographic material sold in New South Wales each year has not been approved by the censor. The stringent guidelines of the Commonwealth are being ignored, and reasonable material is being sold alongside hardcore, offensive, violent and illegal films that do not comply with any guidelines or legislation. If films classified X 18+ by the censor were sold legally the policing of illegal pornography would be made much simpler. The existing law is adequate to enforce film classification legislation but only minimal or no action is taken and, as I said, the fines are minuscule. If it were legal to sell as well as buy legitimate X-rated videos in New South Wales that would enable more effective policing of the illegal industry.

Movies that have received an X 18+ classification from the censor could then be sold legally in sex shops or adult shops and it would be illegal for them to be sold in video shops or the so-called adult bookshops that are so abundant about town. It would dramatically reduce market access for the illegal pornography. All that is required is a label classification on the jacket by the Office of Film and Literature Classification. Any item that did not have an authentic label would be illegal to sell or buy from any outlet. It would be a very simple matter to police and would become a source of revenue for the State.

The argument that legalising the sale of X18+ material will lead to a plethora of erotic material suddenly being made available in the State is flawed. The fact is that there is an overwhelming amount of illegal and highly offensive material currently being sold from a variety of unrestricted premises, with very little policing of the industry. The only way to reduce this black market is to make a clear distinction between what is legal and what is illegal, and in that way provide for greater enforcement than currently exists. Items [2], [5], [8] to [10], [12] and [17] of schedule increase the penalties for offences relating to allowing minors access to the material and provide for up to two years imprisonment.

Schedule 1 [3] ensures that the legal material must only be displayed in a restricted publications area, only delivered to a person who has made a direct request, and only published if the film displays the determined markings and classification number allocated to the film by the board. Schedule 1 [6] prohibits delivery to a minor and schedule 1 [13] prohibits privately exhibiting the material in the presence of a minor. The bill incorporates the amendments of the Classification (Publications, Films and Computer Games) Enforcement Amendments (Uniform Classification) Bill 2004 passed by the Parliament last year. I supported the amendments to the uniform classification bill because they were aimed at standardising the separate and inconsistent classification systems that exist among the Commonwealth and the States.

The amendments in this bill have a similar purpose. Schedule 1 [1] removes the current prohibition on selling or publicly exhibiting a film classified X 18+. In New South Wales a sharp contradiction still exists in relation to X 18+ films: while it is illegal to sell an X 18+ film in this State, it is not illegal to buy one. Even though they have been the subject of a legal classification by the Commonwealth censor, the sale of these films warrants a penalty of approximately \$11,000 or up to 12 months in gaol. In the case of corporations the penalty is \$27,500. Under Commonwealth law, and in the Territories, it is legal to buy and sell material classified by the censor as X 18+. Schedule 1 [1] will bring New South Wales into line with Commonwealth law and, by enabling more efficient policing of the industry, will reduce the amount of illegal and highly offensive material currently being sold throughout the State. I commend the bill to the House.

**Debate adjourned on motion by the Hon. Peter Primrose.**

### **CO-LOCATED GENERAL PRACTICE CLINICS**

**The Hon. KAYEE GRIFFIN** [11.30 a.m.]: I move:

That this House:

- (a) recognises the strong evidence that co-located general practice (GP) clinics help to reduce pressure on busy public hospital emergency departments,

- (b) condemns the Federal Minister for Health, Tony Abbott, for refusing to adequately fund such clinics despite many attempts by the New South Wales Minister for Health to convince the Federal Minister these clinics will be strongly welcomed in the New South Wales community, and
- (c) calls on the Federal Minister for Health to provide funding for a co-located GP clinic at Canterbury Hospital, where it would be strongly welcomed by the local community.

Health care is expensive. With the decline of Medicare and bulk-billing it is often difficult to find affordable general practitioners. Finding one after hours or late at night is almost impossible. So we are now faced with public hospital emergency departments bursting at the seams, with people seeking affordable health care in non-emergency situations. The New South Wales Government is persisting with its work to establish general practice after-hours clinics co-located with emergency departments at busy public hospitals. I am more optimistic about making progress on these clinics now than I was when I first gave notice of this motion last year. Since then there have been new developments to which I will refer later. However, they do not make having a co-located after-hours general practice clinic at Canterbury Hospital any less vital.

Up to 40 per cent of presentations at emergency departments can be treated by a general practitioner. It is imperative that we take the pressure off emergency departments so that they can do their job administering emergency medicine to traumatically injured or acutely ill people. Co-located general practice clinics help to ease this pressure on our emergency departments, and the Federal Government knows this. In order for an after-hours general practice clinic to be established State and Federal governments must work co-operatively to secure joint funding and access to Medicare for these clinics. The idea of co-located general practice clinics in New South Wales would see purpose-built clinics staffed by local general practitioners who would be invited to share a roster with other colleagues treating patients with less acute conditions. There are wins here for general practitioners, families, individuals, and busy emergency department doctors and nurses. People who present at emergency departments could go through the normal triage process or be referred to the rostered general practitioner, as appropriate.

Before I refer to a co-located general practice clinic at Canterbury Hospital and the specific needs of the Canterbury area, I wish to speak briefly about the successful Hunter trial. The value of these services has been proven. The general practice after-hours service has already been a great success in the Hunter region. The results have been outstanding. The service was piloted in 1999 and, after a four-year assessment period, it is still operating successfully. These clinics in the Hunter treated more than 40,000 patients in the first 12 months of operation. As part of this trial, five of these after-hours general practice clinics were established in the Hunter region—at Maitland Hospital, John Hunter Hospital, Belmont hospital, Toronto polyclinic and Newcastle Community Health Centre. The objectives of this trial included the operation of a subregional network of general practice after-hours clinics, the provision of a region-wide telephone triage and an advice service call centre, as well as the provision of home visits and funded transport of patients where necessary. I seek leave to table a brief summary of the Hunter results for the information and interest of honourable members.

**Leave granted.**

**Document tabled.**

Honourable members will find that these results speak for themselves. The following are some of the successful outcomes of the trial in the Hunter region. The telephone triage call centre took close to 45,000 calls for assistance and bookings to attend the clinics in the first 12 months. Forty-seven per cent of patients were seen at or before their appointment times and 92 per cent of patients were seen within 30 minutes of their scheduled appointment time. In the first year more than 500 home visits were undertaken and more than 300 funded journeys to and from care were provided. In the first 12 months of the service operating, 346 people living in a nursing home received care through home visits under the program. In normal circumstances all over the State many of these elderly people would have required ambulance transport to an emergency department for treatment for an illness or ailment that required general practitioner attention only.

These home visits took the place of patients having to access an emergency department when a general practitioner could have more readily assisted them. These clinics regularly ease the pressure on congested emergency departments to enable them to treat more urgent cases quickly. A significant indicator of the program's initial success in the Hunter region is the number of general practitioners who signed up to work under the trial program. By the end of its first year of operation more than 200 general practitioners had been recruited to work in the service and, what is more, all this was performed within budget. An article from the Northern Rivers Division of General Practitioners quotes Dr Mark Foster, Service Director of General Practitioner Access After Hours, Hunter Urban Division of General Practice, as stating:

It's been a huge success here, with the numbers of GPs involved in the roster continuing to increase, and many saying it's the best thing in their working life, especially those who would otherwise be on-call one night in every three.

These clinics help in breaking down inefficiencies in care delivery in Australia. They allow for more co-ordinated and comprehensive care for those who need general practice services but who turn to emergency departments for treatment either because no after-hours service is available in their area or because they do not have a regular general practitioner. We do not need to set up competing businesses with local general practitioners in a location where a medical clinic is already established. Furthermore, the co-located general practice clinics will operate under the same rules of medical benefit schedule payments that exist for all other general practitioners in the community.

A key feature of these clinics is to refer people back to their general practitioners so that there can be continuity of care and, where possible, an avoidance of hospitalisation. The benefits of co-located general practice clinics in hospitals are not just applicable to patients—general practitioners also benefit. General practitioners are given greater certainty in their work schedule. Through suitable rostering they do not have to be on call to their patients around the clock seven days a week. Practitioners are working in a safer environment, especially when working late at night. They have ready access to diagnostic services such as X-ray and pathology, with immediate access to a hospital if the patient's situation is worse than it was first thought.

General practitioners do not have to pay from their own pockets for locums or after-hours deputising services. As a result, there is more consistency in the level of service and greater quality control. Patients who access the service can feel secure that they have immediate access to a general practitioner rather than face the task of attending a busy and congested emergency department or paying exorbitant fees at a private medical centre. Any follow-up care that is required can then be pursued through the local doctor. The same results can be achieved in many locations throughout New South Wales and, in particular, Canterbury. The list of benefits is long and compelling. I hope that it is compelling enough to convince the Federal Government to help the New South Wales Government fund a co-located general practitioner clinic at Canterbury Hospital.

After a false start and early disappointment last year a more satisfactory agreement over co-located general practice clinics was reached with the Federal Government after the election in October 2004. During the Federal election campaign the Federal Labor Party announced a funding program for after-hours general practice clinics that was followed by similar commitment from the Coalition. Prior to this, despite a number of meetings initiated by the New South Wales Minister for Health, Morris Iemma, with his Federal counterpart, Minister Abbott, the Commonwealth offered a low level of funding and a small number of clinics in New South Wales two months before the election. That has now changed and there is good co-operation between Federal and State government agencies, which are working to establish more co-located general practice clinics.

I refer now to Canterbury Hospital. Canterbury Hospital is one of the busiest in Sydney, servicing a diverse local population of more than 135,000 people. It offers public hospital services that include emergency, general medicine, surgery, obstetrics, gynaecology, paediatrics, aged care, rehabilitation and palliative care. Years ago in the Canterbury area there were a series of 24-hour medical centres. With the decline in bulk-billing these medical centres are opening shorter hours. People who cannot find a general practitioner or a bulk-billing general practitioner go to the hospital emergency department looking for assistance. This means that late at night, when people frequently fall ill—especially children, babies and the elderly—the only medical care option is to head for the emergency department of Canterbury Hospital. A significant percentage of these patients do not require hospital treatment; they need to be treated by a general practitioner.

The Canterbury area would benefit greatly from a co-located after-hours general practice clinic. Various factors affect Canterbury residents' access to appropriate after-hours general practitioner services. The high culturally and linguistically diverse population of Canterbury is a prime example of the obstacles that Canterbury residents face in trying to access affordable health care outside traditional hours. The Canterbury City Demographic Profile 2004 found that 44.3 per cent of Canterbury residents were born in a non-English speaking country. This is almost double the percentage of residents from a non-English speaking background in the Sydney region as a whole. In the 2001 census the main countries of birth of Canterbury residents from non-English speaking backgrounds included China, Lebanon, Greece, Vietnam, Korea and Italy. The immediate surrounds of Canterbury Hospital take in two of the three suburbs with the highest percentage of overseas-born residents in the Canterbury area. More than 60 per cent of residents of Campsie were born overseas and more than 57 per cent of residents of Lakemba were born overseas.

Canterbury city has consistently higher percentages of people with profound, severe and moderate disabilities compared with the inner west. In fact, 33.6 per cent of those in the inner west with moderate,

profound or severe disabilities reside in the Canterbury city area. Accessible and affordable health care is of paramount importance to people with disabilities and their carers. Many elderly people live in the Canterbury area, and many of them live alone. Canterbury city also has a greater percentage of female lone parents—11.9 per cent—than the Sydney region as a whole. The level of single-occupancy residences or single-parent families is rising, and many people—the elderly, young mothers and single parents—do not necessarily have a good support network available to them. For example, they do not always have someone to drive them long distances late at night in search of a bulk-billing general practitioner.

The 2004 Canterbury City Demographic Profile found that more than 59 per cent of Canterbury residents have access to only one motor vehicle or have no access to any motor vehicle at all. This is a substantial proportion of residents who do not necessarily have the option of using a car to access a GP late at night or in the early hours of the morning, when public transport is not always operating. Demographically, the Canterbury area is one of the most socioeconomically disadvantaged local government areas in the State. As at last year, about 30 per cent of Canterbury households earned less than \$25,949 per annum. Across the whole Sydney region only 14 per cent of households earn less than this amount.

The Canterbury area has the highest density of 0 to 4-year-olds and the highest density of young people aged 12 to 24 years per square kilometre compared with similar-sized local government areas. The large number of children and young people in the Canterbury area becomes an issue when looking to provide affordable health care for children and their families and carers. Many families do not have the luxury of being able to afford to pay a fee to attend a doctor's surgery. A high percentage of Canterbury residents rent their homes. In the 2001 census the nature of occupancy in almost two-thirds of apartments in Canterbury city was rental and there are more than 3,000 public housing tenant households in the Canterbury city area.

By and large, it is the people who rent, welfare recipients and public housing tenants who can least afford to be selective with their health care. This is a substantial proportion of Canterbury residents who rely on bulk-billing for their health care. These are people who do not speak English as a first language, single parents, pensioners and low-income families. These are people who, in the present circumstances, have no option but to attend the emergency department of Canterbury Hospital when they fall ill, in search of affordable health care. The Canterbury area is crying out for affordable health care outside traditional hours. An after-hours clinic at Canterbury Hospital would provide essential health care, help take the pressure off the hospital's busy emergency department and reduce waiting times.

At present the medical centre nearest to Canterbury that is open late at night is located in Bankstown. This centre is difficult to access for many Canterbury residents due to its location and the difficulties in obtaining transport very late at night. An after-hours general practice clinic in Canterbury Hospital would greatly assist local residents. The clinic would be centrally located and accessible, and staff would have access to hospital facilities in serious cases, as well as interpreting services to help break down some of the cultural and language barriers that patients from a non-English speaking background often experience when seeking treatment or when trying to communicate the nature of their symptoms. During the Federal election campaign, the member for Watson, Tony Burke, distributed petitions entitled "Fighting for an After-Hours Clinic at Canterbury Hospital". Local residents flocked to sign these petitions to urge the Federal Government to agree to the funding. There was then, and is now, enormous support from locals for this project to be extended to Canterbury Hospital.

The Canterbury Division of General Practice supports the clinic—indeed, it has general practitioners prepared to staff it. The facilities are in place and the floor space needed for the clinic is available at the hospital. I urge the Federal Government to join the New South Wales State Government and commit to a jointly funded clinic at Canterbury Hospital. The people of Canterbury are waiting for the Federal Government to give them a major boost in health care and fairer access to health care in their community. The New South Wales Government is ready and willing to make its contribution now. There are no obstacles to establishing more after-hours general practice clinics in this State except for the need for an assurance from the Federal Government that patients at the clinics will have access to Medicare. General practitioners in many areas are ready to be involved in co-located after-hours general practice clinics statewide. The Prime Minister said that he wanted genuine health care reform after the recent election. Here is his chance. The New South Wales Government, together with the Canterbury community, wants this to happen and happen quickly.

As I have said before, health care is expensive for everyone and, with private health fund premiums set to rise in April this year, many Australians will again be feeling the pinch when it comes to paying for their health care. We must make access to affordable, quality health care as fair as possible, and that means access to

general practitioner services around the clock. I know the Canterbury area needs a co-located after-hours general practice clinic and I will be actively seeking to have Canterbury Hospital earmarked as a site for one in the near future. The New South Wales Government and community strongly believe in the benefits of these clinics and want them to be up and running as soon as possible. I ask John Howard and Tony Abbott to recognise and acknowledge the benefits of an after-hours general practice clinic at Canterbury Hospital. I urge them to help us move towards establishing one in the near future and to help us extend this important health service to other communities in New South Wales.

**The Hon. ROBYN PARKER** [11.45 a.m.]: I speak on this motion on behalf of the Coalition. It is a pity that the school students from my local area who were in the Chamber earlier are not present for this debate because I think they, like everyone else in New South Wales, would understand what this motion is about. They might understand this motion more than they understood the matter under discussion when they were in the Chamber. This motion is about the State Government doing what it always does when it is in trouble. This Government is in trouble on health and cannot manage the State's finances. So what does it do? It looks for someone else to blame. In this case, Labor is blaming the Federal Government. It is that easy. Instead of working out how to use the State's massive goods and services tax revenues to provide proper health care for the people of New South Wales, this Government, like a small child, is pointing the finger of blame at the Federal Government. But we know where the blame should lie. The blame should rest with the Carr Government and its mismanagement of health.

This motion seeks to politicise health care. But the facts tell a different story. In the 2001 budget the Federal Government committed \$43.4 million over four years to trial a range of different models of after-hours service provision through the After-Hours Primary Medical Care Program. Since then, it has funded four trials of different after-hours models. The Hon. Kayee Griffin mentioned the trial in the Hunter, which has worked very well. There was also one in Western Sydney. Trials were conducted in other States. In addition, the Federal Coalition Government has fostered better after-hours services by providing practice incentives to general practitioners. General practitioners receive \$50 million a year. Under the agreement general practitioners agree to provide after-hours services and to link with an after-hours service provider.

In the 2004 Federal budget the Coalition Government provided \$6.9 million to support four after-hours clinics co-located in public hospitals. After the budget it offered to fund a further three clinics in New South Wales. Guess what? The New South Wales Government is yet to take up the offer and has left it on the table. Today the Hon. Kayee Griffin has bleated about the Federal Government, but her motion is all about playing politics with the New South Wales health system. Instead of working with the Federal Government and providing better health care for the people of New South Wales, the Carr Government has chosen to leave the offer of after-hours clinics on the table. Why? Because it sees co-located general practice clinics as the only option. Why? It is clear to most people—I am sure it would have been clear to the schoolchildren who were in the gallery earlier—that it is about cost shifting and shifting the blame. Who pays? Medicare. Who funds Medicare? The Federal Government.

The motion has not been moved because the Australian Labor Party sees this as the best way to provide the people of New South Wales with better after-hours health care; it is trying to ease the political pressure on its under-performing public hospitals. The Government is trying to hide how badly it manages its public hospitals and it is shifting the cost from the State Government to the Federal Government through the Medicare subsidy that would be available at a co-located clinic. That is no way to service the needs of the community. Health services should be based on the needs of the community, not on the financial penny pinching of an irresponsible Government that cannot manage the public health system. It is absolute dire straits. I foreshadow that I will move an amendment that points out the Government's failure to provide public health care for the people of New South Wales.

If we had co-located after-hours clinics there would be an absorption of available general practitioners willing to provide after-hours services. There would be a one-size-fits-all arrangement geared to the political priorities of the State Government, not the needs of local communities. It would dictate to doctors how they would be involved, if they were persuaded to be involved at all. Co-located clinics rely on telephone triage—patients being referred to hospitals and other providers through central call centres staffed mainly by nurses. I am advised that the Federal Government does not reject call centres as an option. However, it believes that the first priority should be building up the after-hours general practitioner infrastructure to which patients can be referred, which is the central point of around-the-clock medicine. The Federal Government believes that general practitioner services should be well located and at sites where communities gain the maximum benefit, whether or not they are linked to the public hospital.



The Federal Government is providing recurrent operating subsidies to a maximum of \$200,000 a year to 30 new recently established general practitioner clinics—New South Wales has the option to take up the offer of 3 in 2005-06, 15 in 2006-07 and 5 in 2007-08. They may be established standard-hours clinics that want to set their operating deputising services or new dedicated after-hours services. This Government has failed to take up the subsidies for three clinics. The approach that the Labor Party touts today focuses on clinics located only in public emergency departments. We know who would absorb the cost. It should not be the only option, and we certainly should not be condemning the Federal Minister for Health for seeing other options. We should condemn the short-sightedness and selfishness of this Labor Government, which is looking after its pockets and its political standing rather than looking at the best possible health services for the people of New South Wales.

There is no reason why public hospital emergency facilities cannot be linked to an after-hours general practitioners service, contrary to the Labor approach in the motion moved by the Hon. Kayee Griffin. The Coalition believes that the Federal Government is looking out for the needs of people in New South Wales. I will move an amendment to the motion. The real issue is not what the Hon. Kayee Griffin presented in her motion; the real issue is since 1995 the Carr Government has closed 4,750 hospital beds, which has put incredible pressure on public hospitals. Contrary to the claims of the Carr Government, Department of Health statistics show that triage level 5 presentations have declined since 1995. The Carr Government should stop blaming others for health failures, re-open closed beds and start to support the hardworking doctors and nurses in the public hospital system.

Earlier students from Jewells Primary School were in the public gallery. Since 1995-96 there has been a reduction of 567 hospital beds in the Hunter—my area—which has put incredible pressure on hospitals. We have seen bed blocks. Many stories have appeared in newspapers. For example, on 23 December the *Newcastle Herald* reported that a pregnant woman was being driven around New South Wales looking for a bed. How many similar headlines and stories of bed blocks and people not being able to get into hospitals have we seen in New South Wales? During the past few years we have seen story after story of mismanagement by this Government of public hospitals. We have seen hospitals on code red and ambulances unable to access hospitals. We have seen headline after headline showing that this Government cannot manage health, as is demonstrated in the way it is operating public hospitals.

**The Hon. Michael Costa:** Eight per cent yesterday!

**The Hon. ROBYN PARKER:** I acknowledge the Minister's interjection. It is yet another example of the Carr Government using any opportunity it can to blame the Federal Government. The Government forgets its property taxes, its failure to manage the goods and services tax in relation to hospitals and its failures with respect to health. New South Wales is the highest taxing State in this country. In spite of that and the huge goods and services tax revenues that have come to the State, our hospital system is falling apart. What does this Government do? It points the finger and blames the Federal Government—like children who blame someone else—for its own mismanagement. Newspapers in the Hunter region constantly have headlines about ambulance officers preparing to go on strike because they cannot cope with the crisis in emergency departments in hospitals. Nurse retention is an issue in such an environment. We have seen how bullies treat nurses who complain or blow the whistle. Why would nurses want to work in a public hospital system where they are not valued? My Coalition colleagues have story after story about the way in which—

**The Hon. Rick Colless:** Point of order: I ask that the gagging Government members be directed to keep quite so that the Hon. Robyn Parker has a fair opportunity to deliver her speech.

**The Hon. Eric Roozendaal:** To the point of order: I am unable to hear what is being said by the Hon. Robyn Parker because Dubbo Duncan keeps yelling out something about the result of the Dubbo by-election. I ask that the Deputy Leader of the Opposition be directed to remain silent.

**The PRESIDENT:** Order! I remind all members that interjections are disorderly at all times.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

### WORKCOVER FINES RECOVERY COST

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Special Minister of State, Minister for Industrial Relations, and Assistant Treasurer. Did WorkCover last year spend almost \$13 million in legal fees to recover \$13.3 million in fines—a net gain of \$300,000? Does the Minister know whether any other department has a similar record?

**The Hon. JOHN DELLA BOSCA:** I thank the Leader of the Opposition for asking the question and turning attention to the issue of workers compensation and WorkCover—a subject in which he is interested but still does not know anything about. WorkCover, of course, is not a government department; it is an independent statutory authority. Its compliance campaigns—as the Hon. Michael Cost suggested during the asking of the question—are about just that, compliance, not revenue raising. I do not think anyone could apply either a public test or a test of administrative quality—

**The Hon. Michael Gallacher:** The figures are right, though.

**The Hon. JOHN DELLA BOSCA:** I will come to whether or not the figures are right. First, I want to engage the general tenor of the question, which infers that the WorkCover compliance campaigns should somehow be tested on the basis of the revenue they raise. I refute and reject that suggestion. Most business people in New South Wales and most people interested in occupational health and safety and workers compensation also would refute his suggestion. Honourable members would be aware that fines imposed by the Local Court, Chief Magistrate and the Industrial Relations Commission in Court Session are collected by the courts or the State Debt Recovery Office.

Between July 1995 and June 2004 WorkCover undertook more than 3,800 successful prosecutions for breaches of occupational health and safety legislation in New South Wales courts. During this period New South Wales courts awarded \$57.1 million in fines for those breaches. I am not sure which figures the Leader of the Opposition quoted and to which particular compliance campaign he refers, but clearly his numbers are wrong. He must be referring to one particular compliance campaign. I would be interested to know which one that is. I refute the suggestion about WorkCover's compliance campaigns, or indeed those of any vigilance authority like WorkCover. The success of their compliance campaigns cannot be measured by the net proceeds of those campaigns, but rather by the effectiveness of the regulatory framework that they support.

#### TRADESPEOPLE SHORTAGE

**The Hon. IAN WEST:** My question is directed to the Minister for Education and Training. What action is the Government taking to increase the number of people entering apprenticeships and to address skill shortages across New South Wales?

**The Hon. CARMEL TEBBUTT:** All honourable members would be aware of the increasing importance of the issue of skill shortages. This is not a new issue, but it is becoming increasingly urgent and important for the nation's economy. Recently, the Reserve Bank Governor, Ian Macfarlane, called for national policy changes to increase the number of skilled workers across the economy. There are entrenched shortages in a range of areas: engineering, vehicle, electrical, construction and food trades. There are also significant shortages in health and community services. Recent research by the Australian Council of Trade Unions shows that in the next five years 170,000 trades people will leave the industry, but only 40,000 will enter it. While the Commonwealth Government only discovered the skill shortages prior to the last election, the New South Wales Government has strong plans to address the issue and is getting significant results. In the past 12 months 19,288 people have started apprenticeships in New South Wales—a record. This is a 26 per cent increase from 2003. It brings the total number of people doing apprenticeships to 45,000.

These apprentices are across the board—but it is pleasing that they are particularly in areas of shortage: engineering, construction, automotive and electro-technology. Strong industry performers include utilities and electro-technology, which has had a 42 per cent increase; automotive, which has had a 22 per cent increase; and manufacturing engineering, which has had a 20 per cent increase. This impressive growth has been achieved despite Commonwealth Government funding constraints. The New South Wales Government has worked hard to put in place training funding priorities that clearly target existing and emerging skill shortages through the Contracted Training Program. Last year \$13.1 million was spent purchasing training for 7,700 people through the program. This year at least \$19.1 million is being committed to New South Wales Government priorities in industry.

The Government has also put in place funding for pre-vocational courses. Pre-apprenticeships are usually short courses that operate over 6 to 8 weeks. They provide early skills training for potential apprentices and trainees in trade and non-trade skill shortage areas. Pre-apprenticeships are popular with students because the courses give them a head start in their chosen field. They are very popular for trades employers because they provide job-ready employees and give them a sense of what they will experience in the work force. In 2004, \$3.8 million was spent on pre-vocational courses that provided training that feeds directly into relevant

apprenticeships and traineeships. This funding assisted 2,600 people to access pre-apprenticeship training—and it works. At Granville TAFE, for example, pre-apprenticeship training has increased the number of metals industry apprentices from 20 to more than 100 in two years. That commitment continues.

The Department of Education and Training is working closely with industrial parties to provide more flexibility in traditional trade training. With an ageing population, the challenge is to increase the pool of people who will take up trades training. That is why we have cut the apprenticeship term for adults with demonstrated industry experience in mechanical engineering and fabrication engineering from four years to two years. As a result of these types of initiatives, adult apprenticeships have increased by 40 per cent between 1998 and 2003. TAFE plays a critical role in supporting the State's continued economic growth. In 2004-05, the Government is providing over \$1.4 billion in recurrent and capital funding. The percentage change in expenditure over the past five years represents an 18.4 per cent increase. This funding will support more than 500,000 enrolments across more than 130 campuses. The skill shortages issue is real. It is having an impact on our economic situation and the opportunity for growth, but the New South Wales Government has strong and detailed plans to address the skill shortages. We would like to see the Commonwealth come on board.

### PEST INSECT DESTRUCTION FUND LEVY INCREASE

**The Hon. DUNCAN GAY:** My question without notice is directed to the Minister for Primary Industries. Does the Minister recall his comments in this House on 18 November 2004 that "the Government will not be imposing a new levy" on landholders for locust control? Is it not a fact that the Minister went back on his word and increased the levy on landholders for locust control in January 2005? Is the Minister now not only mean, but mean or a liar, or mean and a liar?

**The Hon. IAN MACDONALD:** What a silly and almost offensive comment by the Deputy Leader of the Opposition.

**The Hon. Duncan Gay:** Well, if you lie to the Parliament—

**The Hon. IAN MACDONALD:** I did not lie to the Parliament.

**The Hon. Duncan Gay:** You said there would be no increase in the levy.

**The Hon. IAN MACDONALD:** No, I did not.

**The Hon. Duncan Gay:** Yes, you did.

**The Hon. IAN MACDONALD:** No. This is where the honourable member gets it wrong. What I in fact said was that there would be no new levy. I did not say that there would be no increase in the levy. I said there would be no new levy—and there is no new levy.

### MACQUARIE FIELDS RIOTS

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question without notice is addressed to the Special Minister of State, representing the Premier. Given that the Government's response to the one night of rioting in Redfern last year was to conduct a parliamentary inquiry and create a special authority directing \$5 billion into the economic and residential redevelopment of the area, what does the Government propose to do in response to the four days of rioting in Macquarie Fields? Given that both Waterloo and Macquarie Fields rate very low on the Australian Bureau of Statistic's Index of Relative Socioeconomic Disadvantage, what is the Government's long-term plan to solve economic disadvantage, which is conducive to crime?

**The Hon. JOHN DELLA BOSCA:** I note that the honourable member's question, which deals with the events of the past few days at Macquarie Fields after an unfortunate event that resulted in a fatal accident, is directed to the Premier. I am happy to convey the honourable member's question to the Premier and seek his earliest practicable response.

### DAIRY INDUSTRY

**The Hon. TONY CATANZARITI:** My question is directed to the Minister for Primary Industries. Yesterday the Australian Bureau of Agricultural Resource Economics [ABARE] released its outlook for

Australia's dairy industry. One of the key elements of the information presented at the ABARE conference was the need for applied research. What steps is New South Wales taking to help deliver the innovations that our dairy producers need?

**The Hon. IAN MACDONALD:** It is well known that Australia's dairy producers have faced a decade of trials and tribulations. First, the Coalition Government forced deregulation upon Australia's dairy farmers. Deregulation and Coalition Government go together. This was followed by drought, high feed costs and unfavourable exchange rates. The Carr Labor Government has done what it could to support the State's dairy farmers, including vital drought support measures such as transport subsidies, management and education programs, and ongoing research to help producers improve their productivity and profitability.

**The Hon. Duncan Gay:** You've just taken \$500,000 of their money for the NLIS and claimed it was yours. How dishonest is that?

**The Hon. IAN MACDONALD:** I did not. I said it was industry funds. Although the recent ABARE report provides some bright spots for our hardworking dairy farmers, long-term production is expected to remain relatively flat unless we can create breakthroughs in applied research and technology. I inform the House that New South Wales will now head a new \$10.5 million, three-year research and extension project designed to do just that. The New South Wales Department of Primary Industries, Dairy Australia, the University of Sydney, the University of Melbourne and the Victorian Department of Primary Industries have teamed up on the three-year project called Future Dairy, which will have its headquarters at the Department of Primary Industries Elizabeth Macarthur Agricultural Institute [EMAI] at Camden. New South Wales will contribute \$5.75 million, which represents half the resources needed for the project. It will also provide 15 of the more than 25 researchers, technicians and extension officers.

The Future Dairy project is designed to deliver a major boost to dairy farmers by delivering new technologies and new management systems that fit those technologies. Specifically, researchers will examine ways to increase milk production of individual animals, and work to improve feed management options. Feed accounts for more than 50 per cent of the direct cost of a dairy farm. If we can develop ways to maximise forage crops and improve feed management systems we can help deliver better returns. Through Future Dairy, researchers will develop a range of management models focused on feed, fodder and innovation. The models will then be trialled on five partner farms in New South Wales and Victoria to gauge their effectiveness in real world situations. A cost benefit analysis of the different models will be conducted to help producers determine the mix that will best meet their business goals.

Researchers and extension officers will work also with individual farmers to take results to a second tier of case study farms so that new technologies can be tailored to particular environments and dairy businesses. One of the innovation components planned in Future Dairy projects is automatic milking, which has great potential to improve per cow production. The Department of Primary Industries currently is in final negotiations with commercial partners to secure a robotic dairy at the EMAI site. I look forward to updating the House on this matter in the near future. The Future Dairy research project clearly has strong support from a range of industry groups. The industry is injecting nearly \$3 million in direct funds to this important program. The EMAI is recognised as one of Australia's leading research centres consistently delivering world-class results. The fact that the new national project will be headed by EMAI is yet another feather in its cap. As honourable members are aware the State Government's dairy research is concentrated largely at EMAI. Concentrating our dairy research at this site will help deliver better results for all dairy producers, including those in the North Coast, Sydney Basin, Hunter Valley, Riverina, where the Hon. Tony Catanzariti comes from, and the Lachlan Valley.

**The Hon. Duncan Gay:** Did you tell the dairy farmers you took their money and claimed it was yours?

**The Hon. IAN MACDONALD:** I did not claim it was ours. The honourable member should read the documents. It is very much an industry fund. Our teams at EMAI will continue to be supported by feed nutrition work at the Department of Primary Industries Wagga Wagga Agricultural Institute. Pasture nutrition, climate forecasting and feed management will be carried out at our Wollongbar Agricultural Institute with the help of commercial farms.

*[Interruption]*

The dairy industry wanted it. New South Wales is Australia's second-largest dairy State, and it employs more than 6,000 people. The Future Dairy project is another example of the State Government's strong and detailed plan to introduce world-class, cutting-edge technology for our primary production sectors.

### SYDNEY BASIN AGRICULTURAL LAND

**Mr IAN COHEN:** I direct my question without notice to the Minister for Primary Industries. What is the Minister doing to ensure that the economic and social value of agricultural land in the Sydney Basin is maintained, and that Sydney continues to receive the same level of quality supply of food under the Government's metropolitan strategy? Will he confirm that 90 per cent of Sydney's fresh leafy vegetables are grown in the Sydney Basin and that produce from the small holdings and market gardens of the Sydney Basin is worth more than \$1 billion a year? Does he concede that the Government's plans to redevelop large tracts of Sydney farmland will greatly restrict fresh produce being available to Sydneysiders and that a significant increases in fresh food prices will result? Does he further concede that the focus of Primary Industries—and the Opposition—on the west of the sandstone curtain abrogates the department's responsibilities to a vast number of New South Wales agricultural producers who may disappear under the Government's urban expansion plans?

**The Hon. IAN MACDONALD:** I have been a strong advocate, as the New South Wales Farmers Association would know, of the protection of the Sydney Basin and its \$1 billion worth of agricultural production. Many people do not realise how important agricultural production is in the Sydney Basin. Late last year, under the auspices of New South Wales Farmers, and particularly Ms Francis Vella, I was able to visit a number of key industries in the Sydney Basin along the Hawkesbury-Nepean rivers. Later this month, in company with New South Wales Farmers, I will tour various agricultural areas in the Sydney Basin starting at Gosford and moving through into the Hawkesbury area. I have made it clear that we need a diverse Sydney Basin with a strong agricultural base and that we must protect that \$1 billion agricultural output from the basin. On several occasions I have used the expression that the last thing we need is concrete and cement from the mountains to the sea.

We have a large number of programs, including working with various ethnic communities involved in the vegetable industry in the area, to help improve water management and food safety through the food production chain. We have been solid in supporting the involvement of primary industries in the basin and before the metropolitan strategy meetings. Our aim is to protect agricultural land wherever we possibly can. There is no question that we will continue to do that because we agree with Mr Ian Cohen that the Sydney Basin is an important part of agricultural production in the New South Wales. It is booming, particularly the horticultural side. Recently we opened a new greenhouse just outside Liverpool, which is one of the most advanced in Australia, to produce vegetables for the export market. It is a wonderful initiative. I agree wholeheartedly with the honourable member that we must protect agricultural land and industries within the Sydney basin.

**Mr IAN COHEN:** I ask a supplementary question. Will the Minister lobby other Ministers to zone agricultural land for protection to stop the urban sprawl?

**The Hon. IAN MACDONALD:** The Department of Primary Industries and I clearly are putting forward a strong case for the protection of agricultural land in the Sydney basin. We will continue to do that. We will have an input into that metropolitan strategy to do precisely what the honourable member is talking about, to ensure that we have a sustainable and profitable agricultural and Primary Industries base in the Sydney basin.

### HURSTVILLE GROUP HOME VISITOR ACCESS

**The Hon. JOHN RYAN:** I direct my question to the Minister for Disability Services. Does he recall my asking him a question last Thursday about the refusal of the Department of Ageing, Disability and Home Care to act in response to complaints from the parents of four clients housed in a group home in Hurstville who have not been able to enter the group home to see their children since last December? Has he or his department taken action to contact these parents and obtain more details about their complaints since last Thursday? Why has it been necessary for these parents to come to Parliament today and sit in the gallery to get his attention on this very serious matter? When will he instruct his department to implement its policy that family relationships will be kept intact while funded or direct services are provided to people with disabilities, unless the person with the disability says or indicates otherwise?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for his question. I acknowledge his advice that the families of the clients are in the gallery. I have taken steps to ascertain some of the issues involved in the particular matter he has pointed out in his question. In response to the general elements of his question I make the point that in addition to direct services, the Department of Ageing, Disability and Home Care funds a large number of organisations that deliver supported accommodation services to people with a

disability. These services, whether delivered directly through the department or contracted through service providers, are required to meet the principles and the application of principles under the Disability Services Act. As I understand the essence of the matters under discussion, in simple terms there is a conflict between the interpretations that might be placed upon the Act and other relevant pieces of government legislation. Some of the implications of that are being worked through.

**The PRESIDENT:** Order! I call the Hon. John Ryan to order for the first time.

**The Hon. JOHN DELLA BOSCA:** I was alluding to the fact that there are a number of matters in relation to occupational health and safety. I do not think I need to dignify the honourable member's interjections or his question with any further answer.

*[Interruption]*

With respect to the Hon. John Ryan's histrionics, let me just say that clearly there is a problem. My officers will get to the bottom of the problem and I expect a resolution of it. I have said previously that I was not aware that the families of the clients involved were seeking to see them.

**The Hon. Catherine Cusack:** What have you done since you have been aware?

**The Hon. JOHN DELLA BOSCA:** I have just told the Hon. Catherine Cusack. Why does she not listen to the answer?

**The Hon. John Ryan:** Isn't this a serious problem?

**The Hon. JOHN DELLA BOSCA:** Yes, it is.

#### FEDERAL GOVERNMENT ECONOMIC POLICY

**The Hon. HENRY TSANG:** My question is addressed to the Minister for Economic Reform. Will he outline the impact of yesterday's economic developments on the New South Wales economy?

**The Hon. MICHAEL COSTA:** I thank the honourable member for this very important question. Yesterday the people of this State witnessed the Howard Government in record-breaking form. Yesterday, record after record fell in the Howard Government's management of the economy. The results of those broken records are reflected in today's headlines. They were certainly headline-grabbing achievements. Today's *Australian Financial Review* has the headline, "Goldilocks economy: Howard and Costello's porridge goes cold". The *Daily Telegraph* put it another way but the implication is exactly the same, "Double trouble—Families feel the pinch as home loan rates and health premiums rise." The *Sydney Morning Herald* provided this short and sharp description of the state of our economy, "The day Australia hit a speed bump". These beg the question: What does this mean for the hardworking families of New South Wales?

New South Wales families will be sluggish by a further impost because of the completely incompetent management of the national economy by the Howard Government. Yesterday the Howard Government delivered the highest current account deficit in half a century. The nation's current account deficit is \$15.2 billion—a staggering amount. I note that an Opposition member cited achievements of the Hawke-Keating Government in a notice of motion earlier today. I make the point that in 1986 when Paul Keating declared that Australia was heading for banana republic status, the current account deficit was only 6.2 per cent of gross domestic product [GDP] and currently it is 7.1 per cent of GDP.

It is obvious that members of the Opposition are so ashamed about it that they are adopting a deliberate strategy of avoiding the question and the answer. I accept that it is a very embarrassing situation for members opposite to see the economic incompetence of the Howard Government's management of the economy hitting home. Members opposite are embarrassed, as they ought to be. I recall that when Paul Keating declared that Australia was heading for banana republic status, the current account deficit was 6.2 per cent but it is currently running at 7.1 per cent. Clearly the Howard Government has eaten the banana and is about to slip on the skin, and we are about to face the consequences. If only we could get back the banana, we would be in a better position. The Howard Government has driven the economy to low growth rates, an increase in interest rates, an increase in the current account deficit, a slug in mortgages and a slug in health care costs. The Howard Government is completely incompetent. It is a government that takes enormous amounts of money.

The Howard Government is incompetent and has taken enormous amounts out of taxpayers' pockets in New South Wales. It has mismanaged the finances. The record of its mismanagement is to be seen in the current account deficit, the increase in interest rates and the additional slug in medical costs to families. The Howard Government really should be ashamed of itself for lying to the Australian people.

#### ORANGE CITY COUNCIL FORMER GENERAL MANAGER CORRUPTION ALLEGATIONS

**Ms SYLVIA HALE:** I direct my question to the Minister for Local Government. When he dismissed the need for an inquiry into attempts by the former general manager of the Orange City Council, Allen Dwyer, to influence how council staff voted at the 2003 council elections, did he assess any evidence other than that in the tape he referred to in this House? Is he aware that two days before the elections, the *Central Western Daily* printed allegations by the current mayor of improper activity by Allen Dwyer? Is he aware that the current acting general manager warned Allen Dwyer not to attempt to influence how council staff voted? Has the acting general manager or the mayor been interviewed about their comments?

**The Hon. TONY KELLY:** I have already addressed this issue. The Director General of the Department of Local Government has advised me that based on the Crown Solicitor's advice he does not intend to pursue the matter further. I am aware however that Councillor Jeremy Buckingham yesterday made a number of passionate claims on the radio. His allegation that the general manager tried to influence staff is serious indeed. Councillor Buckingham is spinning a very colourful tale of rumour and innuendo. This tale seems to have got him into a spot of trouble. From recent media speculation it appears that defamation action may be on the cards. I understand that Councillor Buckingham has not been in public office very long and perhaps is unaware that his actions may lead to the potential for defamation suits.

Others who might be more experienced in these matters know that the legal experts should examine the evidence before anyone starts slinging mud. For example, when I received the tape I forwarded it to the Crown Solicitor who thoroughly investigated the content of the tape and, as I informed the House yesterday, cleared Mr Dwyer of any criminal conduct. I can only assume that, unfortunately, Councillor Buckingham's inexperience has got him into trouble. Now with a potential defamation suit lurking he has pulled the proverbial rabbit out of the hat and is claiming—

**The Hon. Michael Costa:** Is he a Green?

**The Hon. TONY KELLY:** Yes, he is a Green. He is claiming that others in Orange may have other evidence. The problem is that not one of these other people has come forward—despite my pleas for many weeks that if anyone had any evidence, or copies of the tape at that stage as well concerning Orange City Council, he or she should come forward. Ultimately, about a week after I made the request, we received a copy of the tape. As I said, we passed it on to the Crown Solicitor, who reviewed it in relation to a number of Acts and reported that no criminal activity had taken place. My advice to Councillor Buckingham would be that before he starts getting himself into more trouble and making passionate, ill-advised allegations in the media he should spend some quality time with a solicitor. That said, I would urge Councillor Buckingham to focus his attention on the needs of the citizens of Orange.

**Ms SYLVIA HALE:** I ask a supplementary question. My question was specifically directed to whether interviews had been conducted with either the acting general manager or the mayor, who are both reported to have made allegations about improper activity by Mr Allen Dwyer. What I am asking is whether the department has made any inquiries other than about the tape to which the Minister referred earlier.

**The Hon. TONY KELLY:** I refer to my previous answer. We asked people to come forward with any evidence they had and the department investigated the matter.

#### INDUSTRIAL RELATIONS COMMISSION FEMALE APPOINTMENTS

**The Hon. CATHERINE CUSACK:** Does the Minister for Industrial Relations recall his answer to my question on 11 March last year regarding Labor's 1995 promise that by the year 2000, 40 per cent of the New South Wales industrial relations commissioners would be women? Does the Minister recall telling the House, "I will provide details once I have established whether a commitment along those lines was made during the 1995 election campaign"? Has the Minister confirmed that despite the appointment of Trish Kavanagh, wife of Laurie Brereton, and Jan McLeay, wife of Leo McLeay, only 29 per cent of the commissioners were female by 2000? Why did the figure fall to 25 per cent last year? Given that the Minister had a whole year to confirm the promise, does he now know why the Government failed to fulfil it?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for her question but not for its construction. She of all people should not attempt such posturing in this Chamber. Her references to the spouses of commissioners are both churlish and inappropriate.

**The Hon. Michael Costa:** It is a cheap shot and it denigrates women.

**The Hon. JOHN DELLA BOSCA:** It is worse than a cheap shot; it is basically denigrating women to refer to those individuals in such a discriminatory way. I am personally embarrassed for the honourable member that she has phrased the question in that way. I assume that it was phrased by some bigot on the staff of the Leader of the Opposition in the other place, and the Hon. Catherine Cusack, because of her lack of experience, has been foolish enough to ask the question in that form. I do not recall giving the answer in the terms stated in the question. I will ascertain whether I did give that answer and provide the honourable member with the facts she has asked for.

### **LONG HAUL TRUCKING INDUSTRY OCCUPATIONAL HEALTH AND SAFETY**

**The Hon. PETER PRIMROSE:** Could the Minister for Industrial Relations please update the House on initiatives to improve safety in the long haul trucking industry?

**The Hon. JOHN DELLA BOSCA:** Some honourable members would be aware that today the Government released a new draft regulation for long haul trucking. It deals with a number of important general issues that reach beyond the industry. The proposed changes give effect to a commitment made by the Premier to amend occupational health and safety law to allow the investigation of unrealistic or dangerous delivery schedules and timetables and the extent to which they may contribute to accidents or incidents involving long haul trucks. The proposals are outlined in a consultation paper. The proposed amendments will allow WorkCover to investigate whether driving rosters and inadequate training for drivers on fatigue issues or loading schedules contributed to trucking incidents.

Further, in recognition of the influence consigners and consignees have on driving timetables, those with more than 200 employees in industries such as retailing, wholesaling and transport services will have a responsibility to ensure they do not impose unreasonable deadlines for freight deliveries. The consultation process on the draft changes will be supported by a series of information sessions held throughout the State. The memorandum included in the plan will help drive a series of practical initiatives to improve safety in the road freight industry, including making sure workers in the industry have access to induction training, developing strategies to improve the effectiveness of occupational health and safety consultation mechanisms, training for managers and supervisors on effective risk management, and ensuring safe design principles are utilised in the design of trucks, equipment and warehousing facilities.

WorkCover has also facilitated the development of interagency guidelines for the key New South Wales government agencies involved in the long haul trucking industry. The guidelines, which were signed by relevant Ministers last year, set the basis for agencies working in partnership, and with non-government organisations, to enhance the safety of all road users, and of long haul truck drivers in particular. There is no doubt that an integrated approach is essential for better road safety in the long haul trucking industry. The Government recognises that agencies and industry must work in partnership to improve the safety of all road users. The public consultation process for the draft regulation is an example of the Government's commitment to this partnership. I again make the point that long haul trucks share the roads with the rest of the motoring public. Therefore, enhancing occupational health and safety for long haul truck drivers is good news for all motorists as it improves general road safety.

### **GOODS AND SERVICES TAX REVENUE EXPENDITURE**

**Reverend the Hon. FRED NILE:** I ask a question of the Special Minister of State, representing the Premier and the Treasurer. Does the New South Wales Treasurer believe that the Government should be accountable for State spending of the Federal goods and services tax [GST] payments as stated by the Federal Treasurer, the Hon. Peter Costello? Does the Treasurer believe that the Government has financed and efficiently managed all areas pertaining to health, transport, housing, education and infrastructure in New South Wales? Does the Premier agree with Queensland Premier Chris Beattie that a Federal call for a public review of State spending on health, education and infrastructure is mere "bunkum"? Will the New South Wales Government support the Federal Treasurer's call for a public review of the way that all State governments spend the Federal GST payments of \$60.2 billion for 2004-05, with New South Wales receiving \$17.6 billion?



**The Hon. JOHN DELLA BOSCA:** I note that Reverend the Hon. Fred Nile asked me the question in my capacity as representing the Premier and the Treasurer. I am happy to forward the substance of his question on to the Premier and Treasurer for their comments. I am sure they will be happy to make detailed replies to it. But I would make a couple of observations in relation to the points raised by the honourable member in my own capacity as Leader of the House and Assistant Treasurer. I endorse wholeheartedly the remarks by the Premier of Queensland that the Costello outburst the other day is simple bunkum, an attempt to distract public attention from the massive competency failures that are now becoming evident in the Commonwealth Government. Let me point out the other big lie that stands behind the question, not that Reverend the Hon. Fred Nile is ever known for deceitful behaviour. The campaign being run by Mr Costello is a deceitful campaign, particularly in the context of New South Wales. As used to be pointed out very regularly by our former colleague the Hon. Michael Egan, after the last lot of general purpose grants New South Wales is not GST positive. In other words, all the taxes that we have given up—

**The Hon. Greg Pearce:** You have got that wrong.

**The Hon. JOHN DELLA BOSCA:** No, I have not.

**The Hon. Greg Pearce:** Did you take a look at the half yearly reports?

**The Hon. JOHN DELLA BOSCA:** No, because he has moved the goalposts. We get \$370 million less in Commonwealth grants. We are still not net positive in GST terms.

**The Hon. Greg Pearce:** I suggest you look at your own half yearly report.

**The Hon. JOHN DELLA BOSCA:** This is a furphy.

**The Hon. Greg Pearce:** You ought to get your facts right.

**The PRESIDENT:** Order! I call the Hon. Greg Pearce to order for the first time.

**The Hon. JOHN DELLA BOSCA:** Even if the interjections of the Hon. Greg Pearce were correct, he and Opposition members ought to know—Peter Costello knows—that the GST agreement substitutes for a wide range of State taxes that existed before, which used to give us revenue to perform all these services. The problem with the current Commonwealth Government is that it cannot do its job properly, so it is trying to find fault with the State Government.

**The PRESIDENT:** Order! I call the Hon. Greg Pearce to order for the second time.

**The Hon. JOHN DELLA BOSCA:** Regardless of one's views about the original Constitution and the rights of sovereign States—I do not want to get into that argument; it is an issue about which Opposition members used to have a lot of concerns—we are elected as a democratic Parliament by the people of New South Wales, who also pay Commonwealth taxes. We will always be accountable for the way in which we spend their money, whether it is in the form of Commonwealth remittances or the moneys that we collect directly from them.

This Government is open and transparent, it has the strongest budget and it has a net positive value. The Commonwealth Government has a net negative value, it has a disastrous current account and it is worried only about fifth and sixth order issues. Governments that do that and then try to shovel blame onto other organisations and other governments instead of endeavouring to solve major problems on their own plates are on the "trickety-track" path to their own destruction.

### LOCAL COUNCIL AMALGAMATIONS

**The Hon. JENNIFER GARDINER:** My question without notice is directed to the Minister for Local Government. Is he aware that the creation of Tamworth regional council has cost approximately \$5 million, grossly outweighing the amalgamation's projected cost savings of \$2 million identified in the Peel regional review, which was undertaken by his appointee Mr Chris Varden? Is he further aware that the amalgamated Clarence Valley council is budgeting for a \$1.15 million deficit despite claims by the regional reviewer, former Federal Labor Minister Mr Simmonds, of \$5.2 million one-off savings and annual savings in excess of \$1.5 million? Has the Minister misled the people of New South Wales and this House in that respect? Where are the so-called savings? Is this a first order issue, to quote the Hon. John Della Bosca, for the people of Tamworth and the Clarence regions?

**The Hon. Michael Costa:** When was the last time you were in Tamworth?

**The Hon. JENNIFER GARDINER:** I was there the other day and I will be back there on Monday morning. What are these councils and ratepayers meant to do about these costs burdens?

**The Hon. TONY KELLY:** I am aware of the Clarence Valley council budget. I understand that council budgeted for a deficit, but only a small deficit. It has had two cost increases, but I cannot remember the figures exactly. The council had a deficit of about \$1.6 million because of two cost blow outs. Council carried out additional capital works that were not in its budget and it had some additional workers compensation costs that were not reflected in its original budget. So it has had significant increases.

**The Hon. Duncan Gay:** Why did Mr Simmonds not identify them?

**The Hon. TONY KELLY:** This was decided by council after the amalgamation. If those two costs are taken out of the equation, it becomes obvious that council picked up \$750,000 through the year. Those are the facts.

### HOME BUILDING INDUSTRY CONTINUING PROFESSIONAL DEVELOPMENT PROGRAM

**The Hon. EDDIE OBEID:** My question without notice is addressed to the Minister for Fair Trading. Will the Minister acquaint the House with the benefits and progress of the home building industry Continuing Professional Development Program, which commenced one year ago?

**The Hon. JOHN HATZISTERGOS:** Members will remember that the introduction of the Continuing Professional Development Program [CPDP] for the residential building industry culminated following reports by the Campbell inquiry—a committee of this Parliament—and the inquiry into the home warranty insurance scheme conducted by Richard Grellman. Pages 43 to 44 of the Campbell inquiry encapsulated the rationale for this program. The report states:

... there has been a decline in builder skills and, in turn, a resulting decline in the quality of builders and building... Building today is a complex matter and builders' management skills are just as critical as their technical skills.

In 2002 legislation incorporating the new scheme was unanimously accepted by this Parliament. The CPDP was designed to raise the standards of industry in the interests of builders and of consumers. Other States have followed this initiative, specifically Victoria, which introduced a voluntary regime bearing the same name, which came into force in March 2004. The Building Commission of Victoria, heartened by the feedback, indicated that it might make its program compulsory. In July 2004 Tasmania implemented a similar program, which is also called the Continuing Professional Development Program.

Notwithstanding the support that that program has in other States, and notwithstanding the support that it had from this Parliament when it was introduced, I note that the shadow Minister for Fair Trading, Katrina Hodgkinson, called on the Government to adopt a more sensible and practical approach to the development of the CPDP. She said that the program imposed onerous burdens and posed a draconian threat. However, in contradiction of her earlier claims, she called it "a worthy aim". I do not know how something that she opposes can constitute a worthy aim. In any event, the Government has been careful in rolling out this program to ensure it has a staged approach for New South Wales.

The first licensees who will be required to collect continuing professional development points are builders and swimming pool builders. Other specialist trades such as plumbers, gasfitters, drainers, electrical contractors, airconditioning and refrigeration contractors will commence to collect points in July 2005. It is intended that all other categories of licence and certificate holders will commence at a later stage. The Office of Fair Trading has conducted 25 seminars across New South Wales to inform builders, answer their questions and hear their views on the program. Courses will be available through the TAFE network and through distance learning opportunities in remote areas. These low-cost courses will ensure that builders are offered an alternative to the expensive courses provided by some interest groups.

Credit for excellence points will be offered in recognition of a good licensing record. The range of learning opportunities encompasses areas such as new technologies, business management and financial skills, site safety, the Building Code of Australia, and basic contract law. A number of core benefits will flow from the scheme. It will maintain an increased technical competence and expertise, it will establish links between industry participants, it will raise industry standards and support business viability, it will enable builders to

better manage their finances, and it will improve consumer confidence and help reduce costly disputes. The Master Builders Association has welcomed the program. In response to the discussion paper of the Office of Fair Trading it stated that it "is supportive and has been a strong advocate of continuing education and professional development within the NSW building and construction industry". The Home Building Advisory Council also endorses the program. It is a shame that the shadow Minister does not.

#### **WALTER CONSTRUCTION GROUP LTD SUBCONTRACTOR SECURITY FUNDS**

**Ms LEE RHIANNON:** I direct my question to the Minister for Industrial Relations, and Special Minister of State. Is the Minister aware that the Walter Construction Group Ltd failed to lodge in trust at least \$3 million that would have eased the burden on subcontractors following the collapse of this company? What is the Government doing to ensure that moneys owed to subcontractors of that company are pursued so that they and other employees will not be hung out to dry? Why did the Government not audit and monitor compliance to ensure that Walter was complying, given the obvious breach of trust? Is the Minister aware of any other instances where retention money is not held in trust?

**The Hon. JOHN DELLA BOSCA:** There have been many reports that Walter Construction Group Ltd failed to hold relevant security funds in trust. Under the Government's contracts, for example at the Gosford and Wyong hospital sites, Walter was required to include trust provisions in all its subcontracts of any value greater than \$25,000. I understand—although I do not have specific information at my disposal at the moment—that the same or similar provisions existed in regard to Sydney Water project contracts. The subcontracted security funds were either in the form of a bank guarantee or moneys retained from progress payments. Fortunately, those subcontractors who lodged bank guarantees are currently not out of pocket. The provisions require that subcontractors' security funds would be held in trust. Media reports allege that Walter breached its obligations under the trade contracts and failed to hold these funds in trust.

I am advised that the Department of Commerce wrote to the administrators of Walter on 8 February this year seeking details about those funds currently held in trust. The administrators have not yet responded formally to that letter. However, I understand that the department has received verbal advice from the administrators that Walter held no funds in trust for the Gosford and Wyong projects. This indicates a clear breach by Walter of the head contracts and the subcontracts. The department has written again to the administrators of Walter about this matter and is investigating what appropriate action the Government can take if the trust moneys have been spent wrongfully.

My advice to affected subcontractors is that they should obtain legal advice on what action they may take at this time. The Government, through the Department of Commerce, is monitoring the situation closely. We believe it is outrageous when either workers lose their entitlements or subcontractors are not remunerated properly for the work they have performed. Lest the honourable member gain the wrong impression about how easy or difficult these problems are to resolve, I might add that the Government's other obligation is to ensure that taxpayers are not obliged to pay for the same work twice. That is a critical part of the equation in making sure the transaction is fair to everyone.

#### **THE SPIT BRIDGE WIDENING**

**The Hon. GREG PEARCE:** My question is directed to the Minister for Roads. Why did the Minister refuse requests by Manly council to provide comprehensive plans for widening The Spit Bridge prior to lodging a development application? What is the current cost of the project? Does the Minister stand by the project cost estimated in the budget papers?

**The Hon. MICHAEL COSTA:** I am not aware that I have even met with Manly council. I met the local member from the lower House only recently to discuss The Spit Bridge.

**The Hon. Melinda Pavey:** What's his name?

**The Hon. MICHAEL COSTA:** His name is David Barr. If the Hon. Melinda Pavey wants any other information, I am happy to provide it. I know that, with her research base, it is difficult to obtain that sort of information, but I am happy to provide it. The honourable member for Manly raised with me the matter of The Spit Bridge. I do not know the purpose of the question of the Hon. Greg Pearce, but I shall certainly continue to liaise with the local member about issues relating to his electorate.

## MINIMUM WAGE

**The Hon. KAYEE GRIFFIN:** My question is addressed to the Minister for Industrial Relations. Can the Minister inform the House whether the New South Wales Government supports a reduction in the minimum wage?

**The Hon. JOHN DELLA BOSCA:** I thank the Hon. Kayee Griffin for her question and commend her for her ongoing interest in fair industrial outcomes. The New South Wales Government has given its formal support for a \$20-a-week pay rise for workers on Federal awards. This is good news for working families, which, as honourable members will know, have just received a double huge hit from the Federal Government—an 8 per cent increase in private health insurance premiums and a quarter per cent rise in interest rates. The minimum wage in New South Wales is \$12.30 an hour. The Commonwealth has signalled that it believes the 1.3 million workers who rely on the minimum wage are overpaid.

I note that before question time the Hon. Robyn Parker was discussing the way in which the New South Wales Government treats its emergency and essential services employees. As background, I note the public commentary from the Commonwealth Government about its approach to the minimum wage and the rather bizarre proposals that it has on the table about minimum wage fixation. Apart from the minimum wage issue, the Commonwealth has also signalled that we are paying our teachers, nurses, firefighters and police too much. The Commonwealth Minister for Employment and Workplace Relations, Mr Andrews, claims that the minimum wage is about \$70 too high.

Let us consider what that means. It means lower wages for the nation's cleaners, shop assistants and bar staff, for example. Cleaners are currently paid \$516.20 a week. That is the accepted rate. A bar attendant in a hotel is paid \$467.40 a week and a shop assistant is paid \$527.80 a week. An aged care personal attendant receives \$517 a week. Consider the consequences if the Commonwealth reduced these \$500-a-week jobs by \$70, as Mr Andrews is suggesting. Could honourable members pay their accommodation costs, feed their children, pay for their health care and clothe themselves on \$400 a week? In the past two decades these minimum-wage workers have increased productivity for wage rises. But, every Federal Minister, like every parrot on every biscuit tin—as someone is wont to say at the moment—is ranting and raving about productivity in the economy and wage fixation.

Last year the New South Wales Government negotiated a new five-year contract with our cleaning staff. It became a somewhat controversial exercise. We made it clear that we wanted more flexible use of hours and tighter control of cleaning contractors. We realised during the negotiations that one thing could not be achieved: After careful consideration and after working through the issues, we realised that there are not many productivity gains left to make. Anyone who understands what has happened in the economies of New South Wales and Australia as a whole will know that increased productivity among the lower paid can be achieved only through changes in technology and in the application and management of services. Productivity gains cannot be made by these employees giving up things—except if we start talking about core issues such as their wages, shift penalties and their entitlements.

Most Australians do not want an American-style system, under which people working full time cannot possibly afford to live on what their employers pay them. In response to public questions about this issue the other day the Premier mentioned that in Kansas the minimum wage is \$US2.65 an hour. In Mississippi wages are as low as the employers can drive them—there is no minimum wage.

**The Hon. Melinda Pavey:** How interesting; how intriguing.

**The Hon. JOHN DELLA BOSCA:** Those opposite would find it interesting if they believed they might end up in that kind of fixed-wage system, which is what the Commonwealth is currently proposing. In America bar attendants, shop assistants and home care workers rely on tips for their living. That is the kind of mentality that the Federal Government is trying to impose on the Australian economy. [*Time expired.*]

## RADIATA PLATEAU PRESERVATION

**Mr IAN COHEN:** My question is directed to the Minister for Justice, representing the Minister for the Environment. Will the Minister act to protect the Radiata Plateau, which is the last remaining undeveloped plateau in the Blue Mountains, and consider taking out an interim preservation order to stop land clearing in preparation for sale and subdivision? In what way is the Minister protecting the environment of the Radiata

Plateau, which is home to the Explorers' Tree and 30 rare and significant plant species? Will the Minister consider staged acquisitions?

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

### OVINE JOHNE'S DISEASE

**The Hon. PATRICIA FORSYTHE:** My question is directed to the Minister for Primary Industries. Is it still the Minister's intention, as advised to the House in June last year, that the transaction-based collection scheme that was used to fund the Ovine Johne's Disease [OJD] Program will not be used to pay off the loan that the Government made to the industry fund prior to amending the Agricultural Livestock (Disease Control Funding) Act? Has the Minister placed any pressure on the New South Wales OJD Industry Advisory Committee to make such a recommendation?

**The Hon. IAN MACDONALD:** A committee has been established under the Act. Mr Garry West chairs the committee and a number of industry representatives from New South Wales Farmers and elsewhere have been appointed to it. I have not put pressure on that committee in dealing with the matters raised by the Hon. Patricia Forsythe. I am waiting for the committee's advice and, when it sends me its advice, I will act on it. We will have a transaction levy in this State. We will deal with it accordingly and the committee will advise me about its purposes.

### PRISON SYSTEM REFORM

**The Hon. AMANDA FAZIO:** My question is directed to the Minister for Justice. What is the New South Wales Government's response to recent calls to reform the prison system?

**The Hon. JOHN HATZISTERGOS:** Honourable members will be aware that, following the release of Christopher Binse from prison in February this year, a number of requests were made of me—both publicly and with the support of at least one member of this House—that I accord Mr Binse a visit to my office and, according to one media report, that I employ him as a consultant on rehabilitation, which Mr Binse was severely critical of in the context of the New South Wales prison system. Honourable members will also recall that on 7 December 2004 Ms Lee Rhiannon took the opportunity afforded by the adjournment debate to congratulate Mr Binse on circulating a prohibited questionnaire among fellow inmates and encouraging more to do the same.

On 11 February, following Mr Binse's release from custody at the end of a 13-year term, Ms Lee Rhiannon accompanied him to the Parliament's media room for the purposes of holding a press conference to expound and support his claims. Let me make it quite clear that I will not employ Mr Binse in any capacity, let alone to advise on rehabilitation. Before any member of this House decides to push the agenda of individuals such as Mr Binse they ought to know with whom they are dealing. The correctional system tries to give all offenders opportunities to address their offending behaviour, but in some instances it is dealing with very difficult material.

I will edify the House about the sort of person Mr Binse was, to confirm the Parole Board's wisdom in denying him parole on four occasions and ensuring that he served the whole 13-year term before he was released. This is a man who describes himself as "Badness". He was described in a publication entitled *Tough: 101 Australian Gangsters* in regard to offences including armed robbery, kidnapping and using a firearm in public. He had previous convictions in Victoria for escape, attempted escape, threatening life, assault police and illegally possessing and using a pistol. After he committed an armed robbery in Melbourne he took out an advertisement in the Melbourne *Herald Sun*, which stated "Badness is back". He bought a Queensland property with armed robbery money and named it Badlands. The reason he gave as to why he enjoyed committing armed robberies was:

For the excitement, the rush ... you're in control, your blood starts rushing ... it's an addiction.

In 1993 he was the leader of a plan to free up to 30 of Victoria's most dangerous prisoners, including double murderers, drug traffickers and escape experts, from Pentridge Prison. His plans involved taking hostage prison guards and other selected inmates to be killed as a payback. That is just one of the reasons that while he was imprisoned in Victoria he was the only prisoner to be shackled in leg irons and handcuffs for 23 hours a day. As I said, the Parole Board is to be commended for its wisdom in denying him parole, not only on the basis of that history, but also because his record in custody was frankly appalling, including assault, possession of contraband, fighting and refusing to provide urine samples.

He claims he was denied opportunities to reform his offending behaviour. I can advise the House that he was offered, and refused to complete, a violence prevention program at Long Bay Correctional Complex—a program which, bearing in mind his prison and previous record, one would think was one of the most important programs for him to undertake. I advise Ms Lee Rhiannon to use her position in this House a little bit more responsibly, and not support the twisted agenda of people such as Mr Binse. I wish him well on his return into the community, but I am certainly not going to provide him with any platform to rehabilitate anyone in the prison system.

**The Hon. JOHN DELLA BOSCA:** I suggest that if members have further questions, they place them on notice.

### **GREENWELL POINT PUBLIC SCHOOL STAFFING**

**The Hon. CARMEL TEBBUTT:** On 1 March the Hon. Patricia Forsythe asked me a question regarding staffing at Greenwell Point Public School and I undertook to provide her with further information on the matter. As the answer is lengthy, I seek leave to incorporate it in *Hansard*.

#### **Leave not granted.**

The Department of Education and Training has provided me with the following advice:

In 2003 and 2004 the teacher entitlement at Greenwell Point Public School was four classroom teachers.

This year there are 75 students enrolled at the school, which entitles the school to three classroom teachers. This is seven fewer students than are required for a fourth classroom teaching position.

The Department's Staffing Services Directorate will continue to work closely with the School Education Director and Principal to monitor the enrolments at Greenwell Point Public School. If enrolments increase during the year to a level which provides an additional teacher, the school's entitlement will be adjusted.

The circumstances affecting the school community at Scarborough Public School regarding the road closure are different. The RTA has funded the additional temporary teacher at that school for 2005.

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

*[The President left the chair at 1.05 p.m. The House resumed at 2.45 p.m.]*

### **MR AND MRS BUI FISHING INFRINGEMENT NOTICES**

#### **Ministerial Statement**

**The Hon. IAN MACDONALD** (Minister for Primary Industries) [2.45 p.m.]: I wish to make a short ministerial statement to respond to claims made in the other place by the honourable member for Liverpool on 1 March 2005. I should say at the outset that I do not generally comment on individual grievances. However, the comments were incorrect on a number of points, so it is important that I set the record straight. The member's comments related to two of his constituents who were issued with an infringement notice on 5 February 2004 by New South Wales Fisheries because they were fishing on the Parramatta River in an area which is closed to recreational angling. I am also advised that they were in possession of a large number of fish taken illegally, and that a number of those fish were of a prohibited size.

This is not a new fishing closure; in fact, it has been in place for 25 years. As with many of our closures, it is a sensible precaution designed to protect human safety, as there are concerns surrounding higher than normal levels of heavy metals in the water. Even with regular monitoring the closure remains in place to ensure that public safety is given the highest priority, which is of paramount importance. I am advised that there was clear and adequate signage in the vicinity of the closure to alert the general public to the fact that fishing is not permitted. This included a sign at the entrance of Homebush Bay on Rodd Point and other signs throughout the park. However, I am also advised that statements given by the Fisheries officers involved claimed that the couple in question accessed the river through a hole in a fence which had been erected around private property.

The honourable member for Liverpool also referred to a third person who accompanied the couple in question. I am advised that the Infringement Processing Bureau referred a written representation from this third person on 23 February 2004 to New South Wales Fisheries, as it then was, which exercised its discretion and

withdrew the penalty notice, on the basis that he was a senior citizen. The third person was advised by the Infringement Processing Bureau, by letter dated 3 May 2004, that the matter pertaining to his representations had been withdrawn. The member claimed that the couple approached him after receiving their Fisheries infringement notice, as they are entitled to do. This is a reasonable course of action and I regularly receive representations from local members who have been approached on similar issues.

The member made representations to the Treasurer on 25 February. I am advised that Mr Egan referred the matter to the Infringement Processing Bureau and a response was issued to the member by Mr Graham West, Parliamentary Secretary, advising him that the penalties stand. The member then made further representations to the Treasurer on 10 May. There is no record of any representations being made by the member to me, as the Minister for Primary Industries responsible for fisheries in New South Wales, relating to the couple on either 25 February or 8 June 2004. Instead, it was the Infringement Processing Bureau that took the step of bringing the issue to my attention when it referred the matter to me on 7 October 2004. I immediately instructed my department to investigate the matter and provide advice.

Within five weeks the investigation was completed. On 15 November I wrote to the member advising him of, and enclosing, the findings signed by Ms Renata Brooks, Executive Director Biosecurity, Compliance and Mine Safety, New South Wales Department of Primary Industries. It is and has been an established practice for many years for the department to investigate and make decisions on such matters. I am confident that the New South Wales Department of Primary Industries has been professional and thorough at all times in its treatment of this case. The matter was handled entirely appropriately when it was brought to my attention by the Infringement Processing Bureau, for the first time, on 7 October last year.

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [2.49 p.m.]: I thank the Minister's staff for letting me know that the Minister was to make a ministerial statement to address a matter raised by a member of Parliament yesterday in the lower House. I had no further information. My research following that advice revealed that the only matter that could be the subject of a ministerial statement was one which the Minister's Labor Party colleague Mr Lynch had raised the previous day. I now know from the Minister's statement that that is so. It would be unfair if the Minister's statement was not put in context, and to address that I will place on record part of what was said in the lower House. Mr Lynch, the Labor member for Liverpool, said:

One is inclined to speculate that some bureaucrat has decided to punish Mr and Mrs Bui for having the temerity to raise the issue with a local MP. Alternatively, someone has decided to placate their animus against me by punishing my constituents—or it may just be bureaucratic stupidity and bloody-mindedness. Needless to say, when I became aware of the position I made some fairly enthusiastic further representations. My letter, which was sent by facsimile, was dated 8 June 2004. I requested a response by return mail. I did not receive a substantive response for five months. The eventual response was from Minister Ian Macdonald, dated 15 November 2004 and received in my office on 17 November. There are a number of interesting features about the response. First and obviously, it was five months late.

Anyone who deals with the Minister would not be surprised. Mr Lynch continued:

Second, the Minister simply attached a letter from the agency, the Department of Primary Industries. There was no separate assessment by the Minister's office of the issue involved. Third, the department's response comprehensively fails to confront the central issue raised in my April representations: why were similar cases treated so differently?

This comes not from a Coalition member, but from a Labor member in the lower House. Mr Lynch went on to say:

Perhaps there is some massive distinction between these cases, but if so, none of the official responses are able to identify it. More likely, it is about bureaucratic arrogance and ministerial indifference.

I remind the House that this comes not from one of ours, but one of theirs. Mr Lynch continued:

The other interesting issue from the Minister's letter was that the Minister asserted that the fines had been paid. In fact, they have not. So apart from all the other issues, there is some real question about who is keeping records and what is being paid and what is not. I would ask someone in the Minister's office, or the Minister, to have a proper look at this. What has happened is an absolute outrage.

[Time expired.]

## CO-LOCATED GENERAL PRACTICE CLINICS

**Debate resumed from an earlier hour.**

**The Hon. ROBYN PARKER** [2.53 p.m.]: The Liberal-Nationals Coalition rejects the motion. The failure of the New South Wales health system should be sheeted home to Bob Carr instead of his Government

trying to palm off any problems to Canberra. All our local areas have health care problems. On 20 December 2004 the Newcastle *Herald* ran an article about staff at Newcastle Hospital slamming as inhumane the treatment of a patient forced to sleep on the floor because of a lack of beds. Another article on 10 February highlighted growing waiting lists in orthopaedic surgery. All of us have numerous newspaper clippings highlighting problems within the New South Wales health system—bed closures and mismanagement by the Carr Labor Government—that the Government refuses to admit to because it wants to sheet home the blame to the Federal Government. It wants to shift costs from the State Government to the Federal Government at a time when it is imposing further taxes on the highest-taxing State in Australia. I move:

That the question be amended by omitting all words after "House" and inserting instead::

- (a) recognises the Carr Government's closure of 4,750 hospital beds since 1995 and the pressure these closures have caused within public hospitals,
- (b) notes Department of Health statistics that, contrary to Carr Government claims, show that its Triage Level 5 presentations have declined since 2000; and
- (c) calls upon the Government to stop blaming others for its health failures, reopen closed beds and start to support the hardworking doctors and nurses in the public hospital system.

We oppose the motion.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [2.55 p.m.]: The motion is another example of the depressing point scoring and time wasting that goes on in this House. Private members' motions should be innovative. Their aim should be to draw attention to model legislation or problems the Government is not addressing adequately to solve problems within New South Wales. This motion contributes little and does nothing other than blame another tier of government and another party. It is true that co-located general practice clinics reduce the pressure on busy public hospital emergency departments, but why do so many people present at emergency departments rather than general practice? It is not difficult to work out. Originally the Medicare rebate was 85 per cent of the Australian Medical Association most common fee, but because it has not been raised against the consumer price index it now represents less than 50 per cent. Some doctors are not allowed to raise their fees because they do not have general practice accreditation.

Big corporations are buying into general practice and, in some cases, taking up to 55 per cent of doctors' gross salaries. Thus doctors will not provide their services at the Medicare rebate level set by the Federal Government. They will not bulk-bill so the patient must pay. Cost shifting from the Federal Government then goes back to either the patient or the private health insurance system. Many people, particularly poorer people, who are not covered by private health insurance either cannot or will not pay the difference so they present to the hospital emergency department. It is exactly because of the cost shifting of the Federal Government to the private sector and individuals that people present to emergency departments: they have been shifted there.

I understand that the emergency department staff at Newcastle Hospital were working so hard attending to people who should have been seen in general practice that the hospital agreed to pay general practitioners in session so that when patients presented at the hospital they had the choice of being seen in either the emergency department or the general practice. Some patients chose to be seen in the general practice, which took the load off the emergency department staff. However, the emergency department staff were unhappy to find that general practitioners working those sessions, and in a market situation, were being paid twice their salary. That says a lot about the state of the private and public health systems in New South Wales and Australia generally.

The Government supports private medicine in that manner, and all the resources will effectively go into the private sector. Co-location is now being discussed, which means that doctors will be able to make so much money from private medicine they will not have to work in public medicine at reduced payment. Co-location means doctors will not have to walk far from where they make the bulk of their income to where they could help the poor people. The public health system is becoming a safety net for poor people. Although the public health system does emergency cases, a profit cannot be made from intensive care cases and cases that arise unexpectedly, because they are expensive.

Evidence given at last week's inquiry into the Mona Vale Hospital closure revealed that 70 per cent of elective surgery on the northern beaches is carried out in private hospitals. Private hospitals can gear up with the right number of staff, have the right timetables and be paid for those more lucrative procedures. However, cases that arise at irregular intervals and require casualty departments, emergency staff and intensive care units are



dealt with in public hospitals. Those sorts of services cost money and prevent a profit from being made under the current billing scheme. The public sector is meeting the costs of medicine and the private sector is reaping the profits. As the doctors transfer their energy because their incomes are being derived from the private sector, the public sector will be more mendicant, as it is in the United States of America.

Honourable members should make no mistake: this country is transferring its health care system from a British-style national health service that takes a lower percentage of gross domestic product but delivers more in relation to the major indices of health—such as the neonatal mortality rate and lifespan—when balanced against the proportion of GDP spent on health care, to an American path that is characterised by an increasing percentage of GDP being spent on health, greater inequalities and far less cost effectiveness in the delivery of service. The market mechanism does not work in health for the simple reason that people will obtain as much health care as they can. They are not in a position to say, "No, I will not pay for that." That is the key element in this debate. The cost shifting by both levels of government to either private health insurance or private individuals is a sad fact of life.

The motion to which an amendment has been moved, examines only one tiny aspect of the problem. This debate is talking around the point and wasting everybody's time. The motion condemns the Federal Minister for Health, Tony Abbott. Although it is true that Tony Abbott does not fund general practice clinics, it is equally true that the overall health system in Australia is being mismanaged. It is my contention that any argument about whether Tony Abbott funds general practice clinics or adequately funds the Medicare rebate should be resolved in favour of adequate funding by the Federal Minister for Health of the Medicare rebate. The last paragraph of the motion calls on the Federal Minister for Health to provide funding for a co-located general practice clinic at Canterbury Hospital. That is simply local politics from a member who technically represents New South Wales.

The motion moved by the Hon. Kayee Griffin criticises the Federal Government for shifting costs to the State. The amendment moved by the Hon. Robyn Parker attempts to shift the blame back to the Carr Government. To some extent, the Carr Government is to blame because it has refused to borrow money to provide infrastructure. Instead of having the benefit of \$100 million in infrastructure, for which it pays an interest component of approximately 6.5 per cent, the Carr Government takes the \$6.5 million representing the interest component and pays off the State's debt, has no funds left with which to provide infrastructure, and is then roundly but deservedly criticised for its absurd policy of buying infrastructure while being totally obsessed with controlling State debt.

There is nothing wrong with borrowing money provided there is sufficient asset backing for the debt. That is the view of the financial sector and that is the way this country has been built. It is beyond my understanding why the Carr Government follows such an insane economic policy. Be that as it may, the Opposition amendment criticises the Carr Government for the closure of hospital beds. People are obsessed with bed numbers. However, I point out that bed utilisation is not an adequate yardstick. Beds were closed down for a month over Christmas, so 10 per cent of the capacity of hospital beds has been lost. The beds have been opened but are not in use, and that is clearly an absurd situation. The amendment calls for more beds to be provided, which would result in increased costs when hospital beds that are currently available are not fully utilised. The amendment has not been thought through. The classification of "triage level 5" is a problem of definition and it contributes nothing to the debate. An amendment that is designed to simply shift the blame is of no consequence.

As I have said many times, people who participate in debates in this House ought to contribute to providing a solution. It is one thing to criticise another tier of government or another party; it is another to come up with a workable solution that will fix the problem. As I stated earlier, I do not believe that the market mechanism works in the provision of health care because most economies are not derived from procedural deficiencies but from allocation efficiencies. In other words, it is more important to be doing the right thing than to be doing something cheaper. If lots of unnecessary investigations are being conducted, even at a reduced cost, progress will not be made. That is exactly the situation with the overuse of antibiotics and some drugs, investigation services, some types of surgery, intensive care units and pathology services. A single system that better utilises available resources and allocates resources more efficiently will obtain a better result, particularly with regard to the use of preventive measures, than will increased efficiency in procedures as defined by market criteria that will save a few dollars on a gall bladder operation.

I have given a great deal of attention to the best way to fix the health system. Indeed, the public health sector has carried out a considerable amount of work on this topic, but it has received little attention from people

who think health care is about treating end-stage diseases. That is what "health care" has come to mean. "Health" has come to mean paying for the treatment of end-stage disease by doctors, whereas the real definition of "health" is the absence of disease and a more holistic view of a well-functioning human body. I have devised a 10-point scheme under the heading "How to Fix the Health System". It is available at [www.chesterfieldevents.com](http://www.chesterfieldevents.com). The points are simply set out. First, maximise prevention; second, get a single source of funding; third, support a single system—the public system—but use competition to get the public system a better deal; fourth, integrate the community support system with the hospital system; fifth, have a public discussion of the limits of intensive care so that resources are not wasted on terminal patients—pre-funeral expenses, as I call them; sixth, make more intelligent use of investigations and pharmaceuticals; seventh, reform medical indemnity, replacing tort law with a safety management system; eighth, pay a reasonable Medicare rebate and move towards a salaried medical service; ninth, set up community medical centres, including salaried paramedical personnel; and, tenth, get a national dental scheme similar to Medicare.

My relatively short article also discusses the barriers to adoption of my fairly balanced approach. Some of the major stumbling blocks are Federal and State governments being reluctant to give up their powers, the private health insurance industry being unable to compete with Medicare but pretending that it can, doctors preferring to set their own fees rather than being on salaries, economic dogma as an impediment in itself, the sellers of technology and pharmaceuticals seeking to maximise profits rather than maximising health, the cost of prevention being strenuously resisted by people who do not want money being spent on causes other than their own, and the expansion of new areas such as home support that are being resisted by governments that do not want to expand services in areas of service provision in which they previously were not involved and would rather leave to people such as relatives who look after aged people in our population. To save the time of the House, I seek leave to table a longer version of the article. Whether one supports this motion is of no consequence, and whether one supports the amendment is of minimal consequence. Health should be discussed at a far more appropriate level than debate on this motion or amendment will allow.

**Leave granted.**

**Document tabled.**

**Debate adjourned on motion by the Hon. Peter Primrose.**

#### **VICTORIAN TRADES HALL COUNCIL REMEMBRANCE DAY PROTEST RALLY**

**The Hon. CHARLIE LYNN** [3.10 p.m.]: I move:

That this House condemns the Victorian Trades Hall Council for conducting a protest rally in Melbourne on Remembrance Day.

**The Hon. Amanda Fazio:** Which year?

**The Hon. CHARLIE LYNN:** It was 2003. Remembrance Day has been a day of national remembrance since 1918. Members have to rely on the lottery of the system in this Chamber for private members' business and the time has finally arrived for my motion to be debated. It is important to put on the record again our feeling towards people using remembrance days—whether Remembrance Day, Anzac Day or Kokoda Day—as days of protest for their own ideological cause. Australian defence forces have fought to preserve the liberty that allows people freedom of expression and belief and all the other freedoms we enjoy, many of which we take for granted. Protest rallies by union movements on these very significant days are an abuse of that freedom.

I am sure all members are aware of the origins of Remembrance Day. At 5.00 a.m. on 11 November 1918 three German Government representatives accepted the armistice terms presented to them by an Allied commander, General Foch of the French Army. The demands of the armistice included the withdrawal of German forces to the east bank of the Rhine within 30 days, immediate cessation of warfare, and surrender of the German fleet and all heavy guns, with no further negotiations until the signing of the peace treaty. The armistice became effective at 11.00 a.m. the same day and, as the guns fell silent on the Western Front in France and Belgium, four years of hostilities ended. The ceasefire was made permanent the following year when members of the Commonwealth and the League of Nations signed the Treaty of Versailles.

People across the world celebrated the war's end, celebrations tempered by thoughts of the enormous suffering and loss of life resulting from the war. More than 416,000 Australians volunteered for service in World War I. Of these, 324,000 served overseas. More than 60,000 Australians were killed, including 45,000

who died on the Western Front in France and Belgium and more than 8,000 who died on the Gallipoli Peninsula in Turkey. In Australia and other allied countries, including New Zealand, Canada and the United States of America, 11 November became known as Armistice Day, the day to remember those who died in World War I. Today it continues to be commemorated in allied countries.

After World War II the Australian Government agreed to the United Kingdom's proposal that Armistice Day be renamed Remembrance Day to commemorate those who were killed in both world wars. Today the loss of Australian lives in all wars and conflicts is commemorated on Remembrance Day. In October 1997 the Governor-General issued a proclamation declaring 11 November as Remembrance Day, a day to remember the sacrifice of those who have died for Australia in wars and conflicts. The proclamation reinforced the importance of Remembrance Day and encouraged all Australians to renew their observance of the event. In May 1915 Lieutenant-Colonel John McCrae of the Royal Canadian Army Medical Corps was working in a dressing station on the front line to the north of Ypres, Belgium, when he wrote *In Flanders Fields*:

In Flanders fields the poppies blow  
Between the crosses, row on row  
That mark our place; and in the sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.

We are the dead. Short days ago  
We lived, felt dawn, saw sunset glow,  
Loved and were loved, and now we lie in Flanders fields.

Take up our quarrel with the foe;  
To you, from falling hands, we throw  
The torch; be yours to hold it high.  
If ye break the faith with us who die  
We shall not sleep, though poppies grow  
In Flanders Fields.

Sir Evelyn Wrench, who wrote "Struggle 1914-1918" in *They Saw It Happen*, recalled that in Victoria Street in London at the eleventh hour of the eleventh day of the eleventh month:

... a group of Australian 'boys' accompanied by a band and their girls decorated in red, white and blue, were swinging down towards Whitehall to the huge delight of all spectators... In Whitehall we got blocked, but what did it matter? We danced on the buses, we danced on the lorries, we danced on the pavement, we shouted, we sang... the office boys and girls at the War Office yelled to their companions across the way; we cheered and cheered again and again, while the Church bells rang out a peal of jubilation...

It is little wonder that Australian soldiers were dancing in the streets. Armistice Day marked the end of the bloodiest war the world had ever seen. Although Australia became a nation in 1901, its loyalties still lay with Britain. So the Australian Government committed itself to supporting the British war effort and Australian men volunteered to fight and die on the battlefields of Europe, Turkey and the Middle East. Our Anzac troops earned a reputation for their gallantry and courage under dreadful conditions. They were often used by the British commanders in the first wave of an assault, leading to heavy casualties. Nearly 8,000 Australians men died in the Dardanelles campaign, 800 at Lone Pine, the most famous of the Gallipoli battlegrounds.

The experience was no better for the Australians at the Western Front. The front ran for more than 750 kilometres, from the English Channel to the French-Swiss border, and was marked by irregular rows of trenches. The names of the places and battles fought there are part of the collective Australian memory: the Somme, Pozieres, Ypres, Villers-Bretonneux, Bullecourt, Amiens, Passchendaele and the Hindenburg Line. Ten thousand Australians died at Bullecourt, nearly 23,000 died on the Somme. The official war historian C. W. Bean wrote of the Australian engagement at the Somme that the men there were "simply turned in there as into some ghastly giant mincing machine". He went on to say of the Australian Diggers:

Yet at heart even the oldest Australian soldier was incorrigibly civilian. However thoroughly he accepted the rigid army methods as conditions temporarily necessary, he never became reconciled to continuous obedience to orders, existence by rule, and lack of privacy. His individualism had been so strongly implanted as to stand out after years of subordination. Even on the Western Front he had exercised his vote in the Australian elections and in the referendums as to conscription, and it was largely through his own act in these ballots that the Australian people had rejected conscription and that, to the end, the A.I.F. consisted entirely of volunteers. He was subject to no death penalty for disobedience or failure to face the enemy.

From the great loss in the Great War we decided that we would remember that sacrifice and remember the values that our servicemen fought and died for. I remember going through primary school as a child at St Joseph's in Orbost. There was a very strong national feeling for Remembrance Day. At 11.00 a.m. on the

eleventh day of the eleventh month the country literally stopped. The traffic stopped. People paused for a minute to reflect. That has gone by the way a little: although the ceremonies are still held traffic continues to flow. The observance is probably not as strong. But, as they say, if we forget history we are destined to repeat it.

Australians again distinguished themselves on the field of battle in World War II. Many battles are symbolic of our sacrifice in that war. One I am closely associated with in trying to ensure that it takes its proper place in our history is the Kokoda campaign, not because I think Kokoda is any more important than all the other campaigns Australia was involved in but it is symbolic. People have at least heard the name Kokoda, and they respond to it. I am hoping that having Kokoda properly enshrined into our education system will create a desire in children to learn about the other battles that Australians were involved in in the Pacific, including the Battle of the Beaches at Buna and Gona, Sanananda, Milne Bay, Lae, Finchafen, Shaggy Ridge and Bougainville, and the efforts of our commandos, coast watchers and naval forces in the Battle of the Coral Sea, at Midway and in the air.

Before the Battle of the Pacific our troops were engaged in Europe and in the Middle East. They distinguished themselves, under Australian command, at places such as Tobruk, El Alamein and the Western Desert. Australians are interesting soldiers. Our leaders and our soldiers are not schooled in military traditions, as they are in England where they go through Sandhurst. If a soldier's father was rich enough or well enough connected he would buy that soldier a commission and he would become a commander of men. Generation after generation of soldiers come out of West Point. For example, I refer to William Macarthur and subsequent generations of the Macarthur family. Australians are not like that; they do not have that military tradition. However, we have a fine tradition of graduates from Duntroon, Portsea and Scheyville.

Basically, during the war our soldiers and leaders came off the farms and out of the public service, the banks and industry. They were just ordinary young people who took up the cause. Those who had a few schmicks and could earn their stripes did so largely on the battlefield. In the process of getting their promotion they earned the one thing that money cannot buy—the respect of their troops for the cause in which they were fighting. As a result of the trust and respect that they had for each other and their disrespect for foolish types of orders and so forth the bonds amongst those Diggers made them a special breed. That was epitomised in an incident that I remember reading about concerning General "Tubby" Allen, our commander of the 7th division on the Kokoda trail. General Allen was in a Land Rover with General Douglas MacArthur—that imperious, quite egotistical commander of the American Army. They were riding together up to Ower's Corner.

The Diggers coming back from the war were walking along and they saw this great general and a fat little Australian general sitting beside him. The Diggers yelled out, "G'day Tubby. How are you, Tubby? G'day Tub." The general said, "Good on you boys. How are you boys?" MacArthur and his staff were aghast that private soldiers would be calling their general "Tubby", but they totally misread it; it was respect. If they had called him "General" it would have been seen as a form of disrespect. That is the Australian way. It is something of which we should all be proud and it reflects our egalitarian spirit. Wars were not fought along political lines, ideological lines and so forth. We were all Australian. It did not matter whether we voted Labor, Liberal or Callithumpian. That is one of the great strengths that we have. I believe that young Australians need to know about this and they need to respect it. I will refer in a moment to why that is so.

The turning point was our involvement in Vietnam. Our Vietnam involvement was a different involvement because we had conscription. Some people were sent off to Vietnam against their will, but I was a conscript. I was a volunteer for Vietnam and I served in Vietnam. I forgot to get out and I finished up spending 21 years in the Army. So I served right through that national service period. The odd protester or two got an enormous amount of publicity, out of all proportion to what they were representing. The great majority of national servicemen went in with the same spirit of service as their fathers and their grandfathers before them. They did what they thought was right for their country at the time. The great strength about Australians is that we serve the government of the day, irrespective of our political beliefs. That was not the issue for us; the issue was wearing the uniform and doing what we were ordered to do. We went to Vietnam.

Then there was what I would call the great betrayal. It is the first time in our history when our troops, our Diggers, our soldiers were betrayed by the Australian people through the moratorium marches. Their own people betrayed them. I have spoken in this Parliament before about the fact that we did not mind that they attacked politicians for the decisions that they had made, as that was a good thing. Young 20-year-old men would go over there thinking that they were doing the right thing and they were proud to be serving their country. They put up with and saw stuff that would affect them for the rest of their lives. When they came back they were told on the plane to change out of their Army uniforms, to sneak out the back of the airport, to get on

a truck and to go home, and that their discharge papers would be sent to them. That was because left-wing ideological enemy collaborators were at the gates waiting to abuse them, to throw paint at them, to spit at them, to throw flour at them, to call them baby killers and so forth. A generation of soldiers never recovered from that great betrayal. It was a disgrace. As a result, a lot of Vietnam veterans dropped out of society and they still wear those deep scars. It is something of which we should be ashamed.

There is now a swing back to appreciating the service performed by our Vietnam veterans. Young people are now quite proud to say, after many years, "My father was a Vietnam veteran." But I do not meet any young kids going around saying proudly, "My father was a Vietnam protester", so that has passed. Unfortunately, after Vietnam everything was seen as a glorification of war. They seemed to think that we loved fighting; that we loved to go to war. For those who have been to war there is nothing glorious about war. Those who have been to war probably are the strongest anti-war advocates there are. When we have seen first-hand what it does to our mates and we have witnessed the post-traumatic stress we realise that war is futile.

The Diggers in the 39th Battalion who fought in Kokoda against the Japanese have been holding joint commemoration services with the Japanese 144th regiment. The soldiers on both sides realised that they were young men doing what they thought was right for their country at the time. They experienced war against each other and they never want their children or grandchildren to live through the horrors that they experienced. They thought of the idea of having these joint commemoration services. One year the Japanese soldiers and their families come to Australia and the following year we go to Japan. They thought that was a small act of reconciliation that might well prevent a war between our nations from happening again.

So there is great honour and respect amongst veterans. During the war there was a most shameful incident involving our unions. I do not want to say that I am a union basher because I am not. I believe that unions have a proper role in society in the genuine protection of workers' rights. However, when we get an ideological mix and unions become involved in issues that have nothing to do with workers' rights, their working conditions, their safety and so forth, they misrepresent issues or they are hijacked by ideologists who use them as fodder for their cause. A lot of people do not realise that during the Kokoda campaign, which without doubt was the darkest moment in our history, troops were fighting a desperate battle under the most horrific conditions and in terrain that was as rugged as anything on this planet. It is bad enough that they had to endure those conditions without having an enemy that outnumbered them by 6:1, 8:1 or 10:1. During that time we were short of supplies, food and vital ammunition. Right at the moment when we desperately needed the support of our home country the unions in Townsville went on strike because they wanted better money and conditions.

Our troops were running out of ammunition. They had no food. They were living on cans of bully beef—when they could get a feed—while the unions in Australia went on strike. It is the most shameful chapter in union history. Nobody could defend or be proud of that action, which brought great discredit on the unions involved. Our soldiers loaded the ships: They swept the striking workers aside and handled it. Fortunately, we were able to stem the Japanese tide by the slimmest of margins and, against all the odds, were successful in that campaign.

The same heroic unions identified our vulnerability during the Vietnam War and stopped the mail. When I went to Vietnam my daughter Jill was nine months old. As I have said before in this place, my greatest fear was that I would never see my child or my family again. Diggers to whom I have spoken since said they shared this fear with regards to their families. So my letters from mum, dad and my wife, which arrived almost daily while I was overseas, reinforced me greatly. But then the mail stopped coming and letters did not arrive for often a month at a time—and a month is a long time in a war zone. The diggers used to say, "Punch a postie when you get home", but they were lambasted for inciting their friends to punch posties. Feelings were running very high, and the mail strike was a great betrayal. The unions attacked us by cutting off our link with our home—there was no telephone contact in those days—and they attacked us again when we returned to Australia. It is a shameful episode in our history.

Post Vietnam, records of our activities in the area were removed from the system. No Anzac Day services were held in our schools—my three daughters were students in those days—and national pride was undermined. People wanted to change our flag; they wanted Australia to become a republic. That is a good debate to have in a free society. It is great that we have that freedom. But many people simply wanted to change who and what we are. There was a lack of belief and faith in our identity. I believe Australia is a great country and a very tolerant society. I believe Australia's multiculturalism is one of our great strengths. I fully support migrants teaching their children and grandchildren to speak their traditional language and understand their

culture because those children will be our proud Australian global ambassadors in the future. I believe most Australians share that view, but they do not like to be taken for granted.

The lack of belief in our Australian identity has had a most debilitating effect. People with no belief system have no reason to exist. I have kept an article that appeared in the *Australian* some years ago that had an enormous impact on me. It appeared under the headline "Youth and the Challenge of Change" and refers to the findings of a survey—which could have been conducted in an area like Macquarie Fields. The article states:

Nothing prepared us for the depth of the children's fear of the future, their despair.

The cultural decay of Western societies is evident from an array of social trends—the increase in youth suicide; the high, and perhaps still increasing, incidence of serious drug and alcohol abuse; the sharp rise in crime rates in recent decades; the increasing incidence of mental illness such as depression; the emergence of mass personal obsessions, such as dieting among adolescent girls; the widespread pessimism, cynicism, confusion, social alienation and sense of insecurity and powerlessness revealed by surveys.

When a culture fails to imbue people's lives with a sense of worth and meaning then they must attempt to find these qualities as individuals. It is a task that many find extremely difficult, even impossible. People want to know what is expected of them; they need to have something to believe in. This absence of belief in much beyond ourselves, and the subsequent lack of faith in ourselves are undermining our resilience, our capacity to cope with the more personal difficulties and hardships of everyday life.

It may be, then, that the greatest wrong we are doing to our children is not the fractured families or the scarcity of jobs (damaging though these are), but the creation of a culture that gives them nothing beyond themselves to believe in, and no cause for help or optimism.

That belief can be instilled through pride—pride in who we are as individuals, as a family and as a nation. Australia has much to be proud of. I think we punch well above our weight internationally. We have so many achievements, such as our penetration of overseas markets and our winning bid for the Sydney Olympics. We are, without doubt, the wealthiest nation in the world in terms of our quality of life, our democracy and our freedom. We should be very proud of that. However, we must instil that pride in our education system so that young people are proud to be the descendants of those who carved out our identity.

Last week there was a graffiti attack on the Australian War Memorial. It was not prompted by anti-war sentiments; it was simply a mindless act. People do not understand the significance of that building. The Kokoda Track Memorial Walkway at Concord is often vandalised. We cannot blame the kids for these attacks because they do not appreciate the significance of our memorials. We should blame the educators, the filmmakers who have not produced movies or documentaries about Kokoda and the authors who have not written books on the subject. That is starting to happen now. We must give our young people something to believe in.

About 10 years ago I had the great fortune of running against Mark Latham in the Federal seat of Werriwa. My contribution to that campaign has never been recognised. I let him win because I knew—I had the vision—that he would not make it.

**The Hon. Catherine Cusack:** Well done, Charlie.

**The Hon. CHARLIE LYNN:** My efforts were unsung, but that is the way it went.

**The Hon. Rick Colless:** You are still here and Latham's gone.

**The Hon. CHARLIE LYNN:** Indeed. I remember the campaign for a single action on my part. At the time I was brand new to politics and this was a national campaign.

**The Hon. Henry Tsang:** How old were you, Charlie?

**The Hon. CHARLIE LYNN:** I was very young; I was only about 50. I went to Macquarie Fields at the invitation of a bloke there who had a job. He had complained to me that when he returned from work every afternoon people who were on the street drinking grog called him a "dog" because he had a job. His kids were attacked at school because he was said to be "wealthy". This man wanted to do something about his situation. After my visit I was interviewed by a journalist from the *Bulletin*, who asked, "Well, what do you think of that place?" I replied, "It's a bit of a ghetto." Well, it was as though I had called in an artillery attack upon myself! Every do-gooder in the country, the Labor Party and the media attacked and lambasted me. I explained that I was not talking about the buildings. The house in which the family I met were living would have been considered luxurious compared with the one in which I grew up. Ten of us lived in a two-bedroom house—that is all Mum and Dad could afford—so my brother and I had to sleep on a veranda. But we did not think we were poor because our family life was rich.

I watched media coverage of the blow-up at Macquarie Fields the other night. They blew me out of the water years ago so no-one else was game to speak out on the issue. Anyone familiar with Macquarie Fields will know that bad stuff has been going on day after day for the past 10 years or more. We allowed that to happen. The children who were throwing rocks at the police the other night would have been aged six or seven when I made my comment and if we had addressed the problems in Macquarie Fields then perhaps we would not have the problems we have today. The kids of Macquarie Fields say they have no hope. We must give them something to believe in. We must get them into the education system and give them something to be proud of. We must extend our hand to them and try to break the cycle. We will not achieve all those goals in a single generation, but we must start somewhere.

So let us start by honouring the three great days that we celebrate each year: Remembrance Day, Anzac Day and Long Tan Day. I am not telling people to stay away from work on all those days; I am merely asking them to pause, reflect, remember and respect. I call on the unions to do the same and to honour those days. I say to the unions: By all means, have your protest marches—and Australia is about having the freedom to do that—

**The Hon. Catherine Cusack:** There are another 360-odd days to do that.

**The Hon. CHARLIE LYNN:** I agree. People should protest on other days and honour those three days. If they work together, they will have a lot more respect from people on the other side of politics, and it will give future generations of Australians something to be proud of and to believe in together. I commend the motion.

**Reverend the Hon. Dr GORDON MOYES** [3.40 p.m.]: I will speak but briefly on behalf of the Christian Democratic Party to this motion, which supports the recognition of days of cultural and historical significance for community remembrance, such as Remembrance Day, Anzac Day and Kokoda Day, and I include two others that are well known, Good Friday and Christmas Day. The Victorian Trades Hall Council did, in fact, abuse a day of remembrance. Also, I am ashamed to say, within the past week in the same area of Melbourne, a Uniting Church clergyman refused to allow a flag to be draped on the coffin of a returned serviceman at a funeral service. Clergy should have much more sense than to react so stupidly.

I realise that some people oppose war or have pacifist feelings, but no-one should have the power to deny the family of a deceased ex-serviceman the right to place the Australian flag on the coffin of their loved one. I reflect upon funerals I have conducted in the past few weeks. I recall the funeral of a former Commissioner of Police who was buried with full police honours. Should we have removed the police hat from his coffin? Should we have removed the Masonic symbol from another man's coffin whose funeral I conducted? Even more poignantly, should we not have allowed the many distinguished medals of a nurse, who was also a prisoner of war, to be carried on a pillow before her coffin?

It does not matter to me that a protest is organised by unions, students, employers or public servants on Remembrance Day, Anzac Day, Kokoda Day or any other significant day; some days are not appropriate for protest action—and sometimes clergymen should keep quiet on certain issues! This motion condemns the Victorian Trades Hall Council, and I would join in condemning anyone who is insensitive to the cultural, social and religious mores of others. I mentioned earlier a Uniting Church clergyman who ministers in a church at Mooney Ponds. I have particular affection for that church, and have preached in it on a number of occasions. My uncle, the Reverend H. P. Keith Gordon, was a minister at that church. He was a hero in my eyes and also in the eyes of the Methodist Church.

My uncle was superintendent of the Methodist Overseas Mission in Papua and New Guinea at the outbreak of the Second World War, and he refused to escape and come back to Australia, as he was ordered to by the Methodist Overseas Mission. He stayed to support the Papuan and New Guinean people during the Japanese invasion. He was a prisoner of war for years. I shudder when I realise that the minister who succeeded him in Mooney Ponds refused to allow an Australian flag to be placed on the coffin of an ex-serviceman. I join with others in condemning the Victorian Trades Hall Council for its action on this day, as I would condemn anyone who is insensitive to the cultural, social and religious mores of others.

**Reverend the Hon. FRED NILE** [3.44 p.m.]: I support the motion that this House condemns the Victorian Trades Hall Council for conducting a protest rally in Melbourne on Remembrance Day. In supporting the motion I am not being critical of the Victorian Trades Hall Council but of the attitude that was demonstrated on that day by a minority who do not respect Remembrance Day, Anzac Day or the observance of other special events in our society. We should promote respect for these days of significance in memory of the men and women who gave their lives in the service of their country so that we can share in our democratic freedom and parliamentary activities.

I am concerned also about the increasing number of attacks on our war memorials. I realise that among those attacks is the odd case of vandalism, perpetuated, generally speaking, by misguided teenagers. But I sense something more sinister in the more recent attacks. I refer specifically to the attack on the Cenotaph in Martin Place when the bayonets on the statues of the Australian soldier and sailor were broken and bent. That was an attack by someone who is anti-Australia, and against our former servicemen and those presently serving in Iraq. That person was making a political statement; there was no graffiti and it was not evident who committed the attack. I do not recall any other attack on that memorial, which is one of our sacred places.

There has been a recent attack on the Hyde Park War Memorial. Such attacks are occurring more frequently. There have been attacks on war memorials in other suburbs and in country centres, including Wollongong. That is a matter of great concern. It is a tragedy. It should not be necessary to have security guards, at great expense, watching over memorials around our city and Australia. The Government should give some thought to trying to discourage such behaviour.

I am concerned also about the unnecessary controversy that has arisen over the Anzac Day observance at Gallipoli. I understand that John Farnham had accepted Prime Minister Howard's invitation to participate in the ceremony but that New Zealand's Prime Minister, Helen Clark, objected to a pop concert being conducted at such a significant site. John Farnham has said that he is hurt by that statement because it was not his intention to be involved with a pop concert. John Farnham, as much as anyone else, respects the tradition of Anzac Day. He said he would choose songs that were appropriate for the reverent and serious occasion. It is a pity that he was dragged into the controversy and was misrepresented.

I am particularly supportive of Premier Carr's renewed emphasis on citizenship, and for insisting that Australian history, including the importance and meaning of Anzac Day and other significant events, is taught in our public schools. We need to make sure that the Department of Education and Training is carrying out his instructions in the classrooms because we know that the view of the Premier is contrary to the views of some teachers. Some teachers and principals have said that they would not support the view of the Prime Minister and the Federal education Minister that the Australian flag be raised in our public schools. These teachers do not have a right to impose their personal views on such an important part of our Australian culture and history.

Reverend the Hon. Dr Gordon Moyes referred to the use of the Australian flag in church services. I am also concerned about the attitude of a Uniting Church minister to an offer by the RSL to participate in the funeral service of a distinguished serviceman, as is customary, and to place the Australian flag on the deceased's coffin. The Australian slouch hat or medals of ex-servicemen are placed on coffins at a large number of funeral services that have been held at St Andrews Cathedral.

So I was amazed when the Minister objected and said that the Australian flag symbolised militarism and war. The Australian flag is carried in all kinds of events. It is carried and displayed in schools and on our beaches. Obviously, it is carried in wartime, but to say that the flag now represents only war and militarism is to misrepresent the truth about the Australian flag. I am glad that the Anglican Church stepped in and said it would allow the service to be held in its church and the Australian flag to be placed on the coffin. But imagine the distress felt by the family of that ex-serviceman caused by the minister's decision—I think a very thoughtless decision. If somebody said they would boycott his church, I would think he probably deserves that until he comes to his right senses. I support the motion and I congratulate the Hon. Charlie Lynn not only on moving the motion but on his speech, which obviously comes from his heart. I know that some members on occasions mock the Hon. Charlie Lynn, but I believe he makes a quite unique contribution to this Parliament by the emphasis he brings to these matters and the knowledge that he imparts as he addresses us. I thank him for his contribution.

**The Hon. ERIC ROOZENDAAL** (Parliamentary Secretary) [3.50 p.m.]: I oppose the motion. At the outset I want to acknowledge the contribution that the Hon. Charlie Lynn made in his long and detailed speech on the military history of Australia and the great tradition of Australian diggers and soldiers and support staff. It was an excellent speech in many respects. However, I am disappointed by the adverse comments made about those who would seek to uphold the very values that Australian Diggers have fought for in various military conflicts—the right to freedom of speech, the right to protest and the very important element and basis of democracy in our pluralistic society of allowing people to protest when they want to. I am disappointed that the honourable member misrepresented the Trades and Labour Council of Victoria, because its protest on 11 November 2003 was against the Federal Government's industrial relations policy and its proposed changes to Medicare and higher education.

Despite what people may think of the Victorian Trades and Labour Council—and I may not be its greatest fan, for a number of reasons—the council chose that day because it was aware of the day's historical



significance and thought it an appropriate occasion on which to exercise its freedom of speech and protest. The Victorian Trades and Labour Council protestors stopped their activity and fell silent in respect for Remembrance Day. That was an appropriate way to conduct themselves. To use the fact that they chose that day as an excuse to condemn them for exercising their right to freedom of speech, their right to express their views, and to hold the protest, I find disturbing and sad. I think that marred what was otherwise a very good contribution by the Hon. Charlie Lynn. It disappoints me that a member with such a deep and intimate understanding of the sacrifices that people make to defend this country, to defend democracy, and to defend freedom of speech would condemn people who choose to exercise their right to freedom of speech.

Of course, others in this place will take any opportunity to get stuck into the trade union movement, for their own political motives and for reasons that have nothing at all to do with Remembrance Day. The real point about the Remembrance Day rally was that it indicated the nature of the conflict-ridden environment of Victoria's industrial relations system—a point that seems to have been missed in this debate so far. The protest was not planned. It was provoked by the industrial relations climate that the Federal Government has generated. That same industrial relations system that the Federal Government is busy selling to the rest of Australia is the template for a unitary system of industrial relations today.

It is very interesting to examine the Federal system and how it has operated in Victoria. There, it has operated as a monopoly since Premier Kennett gave up the State system. According to the latest available data for the September quarter of 2004, Victoria accounted for 84 per cent of Australia's working days lost in disputes lasting five days or more. That is an awfully large proportion of those disputes. In comparison, no working days were lost in New South Wales in such long-running disputes. In the same period in the construction industry, New South Wales accounts for only 5 per cent of the nation's working days lost, compared with Victoria's 36 per cent. So there are fundamental flaws in the industrial relations system. I believe the trade union movement has every right to stand up, exercise its freedom of speech and protest and complain about the way the industrial system operates in Victoria. It is a warning to the rest of the country about the future of industrial relations in this nation if we allow the Federal Government to continue with its crazy plan to have a unitary system controlling all industrial relations in our nation.

I say to the Hon. Charlie Lynn that he should brace himself for more protests. It is unfortunate if he finds that reprehensible. But there will be more protests, because if what happened in Victoria is repeated in all States and Territories, massive divisions will be created throughout the country. I certainly do not wish to see industrial protests overshadowing traditional marks of respect, but I believe every person has a fundamental right to freedom of expression, within normal bounds, and the right to speak out and protest. That is the very reason we protect our democracy. It is why people make the ultimate sacrifice to protect democracy. It greatly concerns me that the Federal Government continues with its pursuit of a unitary industrial relations system based on adversarial and unbalanced principles, a matter that has been the cause of industrial mayhem within Victoria.

So I say to the House that, while I appreciate the contributions of the members who have spoken so far—and I find the discussion about the importance of marking days of remembrance and important points in our history to be very valuable to our society—I am very disappointed that this event has become an excuse to condemn the Victorian Trades and Labor Council, when all it was doing was conducting a peaceful protest, in accordance with the law, and exercising that absolutely basic element of any democratic society: freedom of speech.

**The Hon. RICK COLLESS** [3.57 p.m.]: I support and congratulate the Hon. Charlie Lynn on moving this motion. It raises a very important issue: unions protesting on days that are held very close to the hearts of so many people in this country, such as Anzac Day, Remembrance Day, Long Tan Day and Kokoda Day, as well as days mentioned by Reverend the Hon. Dr Gordon Moyes—Christmas Day and Good Friday. It is totally inappropriate for unions to try to score cheap political points by holding protests on such days, which have been held so special by so many for so long.

War touches all of us. I have never served in a theatre of war, but my grandfather certainly did. He served in the First World War, in which he was seriously injured when shrapnel removed the front of his skull. A steel plate was inserted over the part of the skull above his eyes. This resulted in some very serious disabilities for him in his later life: the slightest knock to the forehead would injure him and render him unconscious. He died prematurely as a result of those war injuries—as many others have died prematurely from the injuries they received in a theatre of war.

The father of a friend of mine was a rear gunner in a Lancaster during the war. One day when they were getting ready for a raid he had an earache and the doctor would not let him take his position as the tail gunner in the Lancaster. That day his aircraft was shot down and all the crew were killed. That man never forgave himself for not taking his position in the aircraft that day, and he always felt guilty about letting down his mates, despite the fact that he lived for another 50 or 60 years. We can only imagine what Anzac Day and Remembrance Day meant to him. They were so special and important to him that he often found it difficult to enjoy them because they brought back so many bad memories.

Those who returned from the war and the thousands who, unfortunately, did not have that opportunity are responsible for the freedoms we enjoy today. As the Hon. Eric Roozendaal said, the unions also claim to have achieved certain freedoms for the workers of Australia, which may be so. But the unions have their special days, such as Labour Day in New South Wales and other days around the country, to mark their contributions to achieving the workplace freedoms our workers now enjoy. But how would the unions feel if a protest rally that was contrary to their objectives and ideals were held on one of their special days? They would not like it.

**The Hon. David Oldfield:** The butchers' picnic.

**The Hon. RICK COLLESS:** The Hon. David Oldfield reminds us of the butchers' picnic. Likewise our veterans do not appreciate political protests on Anzac Day and Remembrance Day, which are apolitical days. War is not about politics. On the recent anniversary of the Eureka Stockade the unions stated that it was a landmark event in defining the Australian way. Perhaps it did contribute to the definition of what we now refer to as "the Australian way", but I was annoyed and insulted by the unions' claim that the Eureka Stockade was as important in Australia's history as Gallipoli and Anzac Day. The claim is an insult to our returned veterans and the memory of those who lost their lives. As important as the Eureka Stockade was to the definition and history of Australia, it certainly is not as important as Anzac Day. Even though I never served in a theatre of war my grandfather certainly did and my father trained with the air force, but the war finished before he took up active duty. He did not see overseas duty. Anzac Day always has been important to our family.

As the Hon. Charlie Lynn pointed out, we must educate our young people about the importance of these days of remembrance. When I was a school student I had the great honour of serving in the school cadets for five years. Anzac Day was our main day of presentation. We formed a guard of honour on the cenotaph for the Anzac Day service. I participated in the Anzac Day service for four years. It gave me a great deal of satisfaction, but it always brought tears to my eyes as I tried to grasp the sorts of things that our veterans must have been through. This year I will travel to Hellfire Pass on the Burma Railway to participate in the dawn service on Anzac Day. I am very much looking forward to it. I understand it is an extremely moving ceremony and is regarded as second only to the Gallipoli service. Some 12,000 Australians died on the Burma Railway and many more died prematurely soon after they got home as a result of war-related injuries. I congratulate the Hon. Charlie Lynn on moving the motion. It is an important matter that deserves the full support of the House.

**The Hon. CATHERINE CUSACK** [4.05 p.m.]: I join with other members in congratulating the Hon. Charlie Lynn on his outstanding contribution to the debate. His account of what happened to men and women in the service of our country who made many personal sacrifices, including the ultimate sacrifice, was very moving. It is incredibly distressing to think that any Australian would let down those men and women who fought for us overseas. The Hon. Charlie Lynn's experience has enabled him to relate their experiences to the House. For my family, and probably for all Australian families, Remembrance Day has always been a day that is above politics. That is what the Hon. Charlie Lynn's motion is all about. Of the 365 days in a year only a handful of days are dedicated to these men and women. It seems so little to ask that they be above politics.

Our veterans are inclusive in their commemorations. They honour each other and all soldiers around the world. With a comradeship that only soldiers can experience, the Gallipoli commemorations acknowledge the losses the Turks sustained during that campaign. It is a day about the veterans and ordinary soldiering. It is an absolute tragedy to think that somebody would stain that day with a political campaign. The mentality of the union movement in identifying vulnerabilities and cheap and easy ways of making an impact with their protests has become notorious in this country. There have been many acts of vandalism and selfishness, but the incidences highlighted by the Hon. Charlie Lynn involving our soldiers fighting overseas surely are the worst. It is no secret that poor behaviour by trade unions has been frustrating for members on this side of the House throughout our history. Of particular abhorrence is the willingness of unions to target innocent bystanders to make a political point. One example is secondary boycotts.

The example given by the Hon. Charlie Lynn of interference with the personal mail of our soldiers fighting in Vietnam was particularly sickening. I have heard some pretty shocking examples of their handiwork,

but I had not been aware of that union campaign, which certainly was a new low for me. I thank the Hon. Charlie Lynn for drawing it to the attention of the House. The Hon. Eric Roozendaal defended this type of behaviour by saying that protest is somehow appropriate to demonstrate the freedoms we have in this country and that it is appropriate to demonstrate that freedom on those days.

**The Hon. Rick Colless:** He didn't hang around in the Chamber to hear the criticism.

**The Hon. CATHERINE CUSACK:** As the Hon. Rick Colless said, he did not hang around to hear criticism on that point. To say that the actions of the unions on Remembrance Day is somehow consistent, let alone part of the celebration of Remembrance Day, is an extraordinary twist that cannot be supported by any member of the House. I can only assume it is an attempt by the Hon. Eric Roozendaal to valiantly defend what is, clearly, indefensible. The labour movement in this country is very proud of its history. Many books have been written by the labour movement glorifying its history, and I have read many of them. I studied labour history at the University of Sydney. In fact, I won an award in my class for labour history, which is very interesting and very detailed; it certainly is extremely well documented.

I have visited Trades Hall, the head office of the Labor Council, and I have seen the banners, which are marvellous and have been admirably preserved. The time and effort that goes into preserving that history is commendable because it is part of our nation's history. That part of our history is something that I believe all sides of politics greatly respect, but it is particularly irksome when the labour movement shows disrespect for everybody else's history.

Many veterans are former unionists who are very proud and protective of their own history and achievements. Most important, they are very proud of those who made the ultimate sacrifice—Australians who remain forever young. Their memory is sacred to us all, but it is particularly sacred to their comrades, their fellow soldiers. The few days that are set aside each year to commemorate their sacrifice should be regarded as sacred by everybody, irrespective of politics, and the trade union movement should be no exception.

I strongly support the Hon. Charlie Lynn's suggestion that at least three days should be sacrosanct. I believe that we must respect the diggers, and that even the labour movement must respect the diggers. As I have said, I am sure that many members of the labour movement were appalled and embarrassed by the behaviour of the Victorian Trades Hall Council in Melbourne on Remembrance Day in 2003. In conclusion, I thank the Hon. Charlie Lynn for moving a very important and significant motion. I strongly support the motion.

**The Hon. IAN WEST** [4.11 p.m.]: I am pleased to participate in this debate. I state for the record that as a trade unionist and as the grandson, son and brother of people who have served their country, I believe that Remembrance Day is a very sacred day for all Australians. In no way would I want to be disrespectful to that most important day. My grandfather was in the Light Horse Brigade and served in the Middle East in 1915. My father travelled from Kenebri all the way to Rushcutters Bay to join the Navy as S5029. He served on the *Lookout*, the *Watcher* and HMAS *Shropshire*, which accepted the surrender of the Japanese in Tokyo Bay. He also served on two other ships in Port Moresby, New Guinea and Darwin. My brother, Alan, was an engineer who was conscripted at 20 years of age to serve in the Vietnam War. His service in 1968 was to be for 12 months, but he ended up back in Sydney after 9 months, injured and certainly affected by his experience in Vietnam. He fought in Vietnam because the government of the day decided that Australia should be involved in a country that had a very long history of struggle against oppressors of the freedom of its citizens.

I assure this House that there is no way that I could condone anybody denigrating Remembrance Day. I am advised that at 11.00 a.m. on 11 November 2003 the workers in Victoria stopped to pay respect to and remember the fallen—their comrades, who had fallen in many wars from the 1850s onwards. Most of those who fell were workers, members of trade unions, who duly struggled for fairness and equity in raising their families. When they returned from World War II they organised RSL clubs. The workers, the people who had been part of the factory fodder and who earlier had been part of the cannon fodder, returned to this great country and tried to make a life for themselves and their families. They started up RSL clubs from tin sheds at the back of Smithfield and other places in the western suburbs. They got their friends together and mortgaged their houses. That is how RSL clubs began.

During the day these workers were employed in factories, and they were members of trade unions. They fought for fair and just wages and over many years met in RSL clubs. My father-in-law spent many years building up an RSL club from a tin shed near Smithfield and he mortgaged his house to do so. He now looks at its great facade and thinks, "It ain't what it used to be", and that RSL clubs are not what they used to be.

Nevertheless, I make it quite clear in this House that I will not accept any suggestion that the trade union movement is anything but respectful to its fallen comrades.

Trade unions are organisations that represent those who went away to represent their country in theatres of war, good and bad. Boy, we fought some bad wars. We fought a couple of wars that we had to fight, but no-one should ever denigrate the efforts of the cannon fodder and the factory fodder—union representatives and union members. In 2003 some members of trade unions were involved in a struggle and decided to take action, but at the appropriate time, the eleventh hour of the eleventh day of the eleventh month, they stopped to pay tribute.

I can only reiterate that I am a committed trade unionist but that I have the greatest respect for the men and women of this country who fought and died, those who were crippled, those who were not the same when they returned as when they went away, and those who returned and remembered their experience but went about their lives happily. I pay respect also to those who returned and do not want to remember what happened to them—those who are quite happy when the eleventh day of the eleventh month has gone and they can spend the next 364 days pretending that it never happened and hoping it never happens again.

Humans being what they are, each generation spews up the same good, bad and ugly, and we continue to go through the same good, bad and ugly activities and events in the great complexity of human affairs. But it is wrong for members of this House to try to demonise some individuals, to make out that they are the root of all evil and that those who are attempting to struggle to achieve what they see is right and just are somehow disrespectful. Let me say to honourable members that anyone who was being disrespectful in Melbourne on 11 November 2003 would have been completely and utterly disowned by the trade union movement.

**The Hon. AMANDA FAZIO** [4.20 p.m.]: I speak against the motion. I have listened carefully—in the Chamber and in my office—to all the contributions made to the debate. A very great distinction has to be drawn between people who were having—as the Victorian Trades Hall Council was having—a demonstration on Remembrance Day, who actually took time out to observe a minute's silence at the eleventh hour of the eleventh day of the eleventh month, and people having a demonstration that actually interrupted other people's commemoration of Remembrance Day. The Victorian Trades Hall Council did not march on the cenotaph in Melbourne, it did not disrupt other events that were being held that day; it was having its own demonstration during which it took a break to commemorate Remembrance Day.

The people at the demonstration were not showing disrespect to the fallen or to other people commemorating Remembrance Day. They were having a demonstration but they took time out to acknowledge Remembrance Day. That was not recognised by many people in their contributions to this debate. Had the demonstrators stormed the cenotaph on Remembrance Day and disrupted the formal commemoration service I would not stand up here today and defend their actions. But they did not do that. For that reason I think that in some way the motion is ill founded. I have no disagreement at all with the comments members from both sides made about the respect that we owe to people who served in the Australian armed forces and who fought to protect our country, our way of life, our democracy and our right to freedom of speech. We should be able to separate the two issues of respect for people who have served Australia and the rights of people to undertake activities other than commemoration ceremonies on Remembrance Day.

My family has a long history of respecting service in the armed forces. A great uncle was killed in the First World War, and is buried in the Commonwealth war graves at Jericho. My maternal grandfather was affected by mustard gas in the First World War, which caused him to pass away at an early age, so I never got to meet him. My paternal grandfather served in the Royal Australian Navy in World War II and my father served in the Royal Australian Navy in the Korean War and the Vietnam war. So both sides of my family are used to commemorating war service and participating in all sorts of memorial services. As children my brother and I were often taken to different commemoration ceremonies—Anzac Day, memorial day, commemorations of particular battles. We learnt very early to stand still, bow our heads, not talk and not fidget during the services, particularly not when people were observing a minute's silence. This is ingrained in Australian culture.

The Hon. Ian West talked about RSL clubs. When I used to go to the dining room of the local RSL club with my parents for that special night out everybody knew that at nine o'clock the lights would be dimmed, the red lamps would come on and the ode would be recited. This is deeply ingrained in Australian culture and an organisation such as the Victorian Trades Hall Council would not treat the matter lightly. We have heard a lot of comment today about other issues to do with vandalism of war memorials. Speakers are right when they say that

many children these days are not taught the value of the sacrifice made by people who are commemorated by the war memorials. I concur with the comments of Reverend the Hon. Fred Nile about the Premier's emphasis on young children in schools learning about the First World War and the contribution of the Australian forces at Gallipoli.

My children are not long out of primary school. When they did an assignment on Gallipoli they found it handy that my father had his vast library of reference books on the first and second world wars. They came to have a good understanding of what happened. My father goes out to many youth clubs, schools and other organisations and talks to children about what happened in the first and second world wars and in particular about naval history. Now that he has retired it has become his pastime. I strongly believe that we could do more to strengthen the understanding of people who come to this country from countries where there has not necessarily been a similar level of commitment and support for the armed services.

In some countries the armed services have been seen as a draconian force repressing the freedoms of the people. We could do more to educate immigrants about how Australian society commemorates people who, because of war service, have given their lives, their health and their capacity to contribute fully in society. When considering this debate we have to be mindful to separate the two issues. I do not think anyone in the Chamber at the moment would object to commemorating the service that has been given by members of the Australian armed forces in all the conflicts Australia has been involved in, probably going back to the Boer War, the Crimean War and other conflicts.

We should draw a line between, on the one hand, having respect for the war dead and commemorating the service that they gave to this country and, on the other hand, recognising that an organisation such as the Victorian Trades Hall Council, when it had a demonstration on Remembrance Day 2003, took time out to commemorate with a minute's silence and did not interfere with anyone else's commemoration of Remembrance Day 2003. They are two separate issues. If the motion were amended to delete the condemnation of the Victorian Trades Hall Council I would have no hesitation in supporting it. That would be a productive way to go. Using this motion as a way to take a cheap shot at the union movement is not really the most productive way to advance the debate.

**The Hon. DAVID OLDFIELD** [4.28 p.m.]: First I commend the Hon. Ian West. We have had our differences in the past on various things but I acknowledge that he spoke passionately and sincerely. I am pleased to find that his family has a military background. I also commend the Hon. Charlie Lynn, who as far as I am aware is the only member from either House of this Parliament who is actually a combat veteran or, for that matter, a returned soldier. I am happy to be corrected if I am wrong. It is unfortunate that Labor dumped its only returned soldier just before the last election and replaced him with somebody else at a preselection.

We are fortunate to have the Hon. Charlie Lynn in this Chamber. He is the most appropriate person to have moved a motion such as this because he is the only person in this Parliament who, to coin a phrase, has been where the metal meets the meat. I thank the Hon. Charlie Lynn for what he has done. During the course of debate one could be forgiven for believing that, to a degree, unionists have gone off to all the wars, won them, and then come back and built Australia. Statistically, the vast majority of people who volunteered and went off to war were not unionists or members of trade unions. Proportionately, fewer unionists went to war than did non-unionists per capita. That is something that should be understood.

It should also be understood that the vast majority who were not unionists came back and built this country. It would be good if Labor members were able to join us in supporting this most worthy motion and carrying that message to unionists. I learned only recently—and I am sorry that I was naive enough to learn this only recently—that anyone wishing to become a candidate for the Labor Party has to be a member of a union, which I find most discriminatory. That is an appalling situation. It is almost like saying, "We represent only one group of people." One has to be a member of a union to become a candidate for the Labor Party.

**The Hon. Henry Tsang:** These are all perceptions. You had to be a Catholic too, or you had to be Irish.

**The Hon. DAVID OLDFIELD:** Is the Hon. Henry Tsang a Catholic? Is he an Irish Catholic?

**The Hon. Henry Tsang:** I am Irish and a unionist to boot!

**The Hon. DAVID OLDFIELD:** That is what the unions should be given: the boot.

**The Hon. Henry Tsang:** I get fined every time I go into the Rotary club for having anything to do with the Irish. I am an honorary Irish person.

**The Hon. DAVID OLDFIELD:** I acknowledge the right for all people to protest.

**The Hon. Henry Tsang:** This is creating a perception.

**The Hon. DAVID OLDFIELD:** I acknowledged the earlier interjection of the Hon. Henry Tsang and it will be included in *Hansard*, so the honourable member should be quiet. I acknowledge the right of all people to protest, but there is time and a place. I, like the Hon. Charlie Lynn, believe that such days of commemoration, be it Anzac Day, Remembrance Day or Long Tan Day, are not suitable days for protest. Such protests are an affront to those who deserve our respect. I think they deserve our respect more than any other Australians. I am sure that the Hon. Charlie Lynn would agree that we could also note, for example, many other days. For 365 days of the year we could note the Battle of Kapyong or the Battle of the Coral Sea. For 365 days a year—and 366 in a leap year—we could go through Australian military history and find a day on which we should be grateful. But to ask for only three days I think is magnanimous to the nth degree.

I, like the Hon. Ian West, could point out a few things about my family. I am the only male member of my family who is not a combat veteran. Fortunately, some of them are still alive. Three of my great uncles served in World War I. One was killed, one was wounded and one returned unhurt. In World War II my uncle was a member of the 2/16th Battalion of the 7th Division—a unit with which I am sure the Hon. Charlie Lynn is familiar. My great-uncle, who unfortunately was in the 8th Division, was captured in Singapore and died in Japan as a prisoner of war. My father, who was in the original No. 2 Squadron, was twice decorated for bravery, including an American unit citation, which was very rare in World War II. Unfortunately, after 77 combat missions he was ultimately shot down and captured by the Japanese, where he enjoyed the hospitality of Asian food for a short period. However, I am afraid that for prisoners there was not much of it to go around.

My brother was a Vietnam veteran—a regular who volunteered. These days some might say that a person was foolish to volunteer for Vietnam, but I would suggest that that is not the case. It was a right and something to be respected, not only then but also now. Even in recent times with the controversy about the 450 troops that are about depart for Iraq, the military made it quite clear that it would be having to hold people back, that it would be swamped with military personnel willing to go because they, more than any of us, understand—as did their forebears who fought—their duty and responsibility to this country. In this case, we face the terrible threat of terrorism—a masked enemy that is often difficult to find, though at times we can root it out by its smell. I often feel that I live in the shadow of the people in my family—those who are now in Iraq and those who fought in all the wars in which Australia participated out of necessity.

If there were only one fight in which I could be involved it would certainly always be the fight to uphold their memory. The Victorian Trades Hall Council had a choice about when and where to protest. It owes that opportunity of choice to the Australians we commemorate on Remembrance Day, yet it chose not to honour but to affront that memory. The Hon. Charlie Lynn is right to remind us of union action, or perhaps reaction, during World War II. Frankly, the scum involved at that time should have been tried for treason.

**The Hon. Charlie Lynne:** Indeed, they should have been.

**The Hon. DAVID OLDFIELD:** They should have been. Those unionists left our boys to die unassisted in New Guinea whilst they were home safe and sound hard at work, not for our troops but aiding the Japanese. Unions must improve their record in relation to such actions. Their record of assault on Australian's fighting men and women is disgraceful. Supporting this motion would have been an important step forward, at least by union members in this House, in showing appropriate respect. Alas, once again, all decent Australians have been let down.

**The Hon. DAVID CLARKE** [4.36 p.m.]: I echo the sentiments expressed by the Hon. Charlie Lynn and I support his motion. Remembrance Day, like Anzac Day, has a special place in the history of our nation. It is a special sacred day to most Australians. Many Australians feel that day personally having lost family, friends and relatives in one of the conflicts in which our nation has been involved. Remembrance Day is a day of deep meaning to them. The overwhelming majority of trade unionists are good Australians. They are also good and decent people. They are patriotic Australians. They also fought for Australia in past conflicts. They do not want to see the desecration of our war memorials and our days of commemoration, but what the Victorian Trades Hall Council did cannot be defended.

I say to the Hon. Eric Roozendaal that freedom of expression is not in doubt. There are 350 days and more in the rest of the year when freedom of expression could have been exercised. I would like to give the Victorian Trades Hall Council the benefit of the doubt. I would like to think that it did not think it through. I would like to think that having thought it through it now regrets what it did. The truth is that it was wrong, unwise and unfeeling. If we agree to this motion it may help to avoid such an incident in the future and point out to us all that repercussions can flow from our actions.

**The Hon. DON HARWIN** [4.38 p.m.]: I thank the Hon. Charlie Lynn for giving me an opportunity to contribute in debate on this subject this afternoon. I will not try to match the Hon. David Oldfield by referring to family members who participated in wars, but I wish to comment briefly on an object that I have with me, which is something I treasure. I have a whistle that was made by J. Hudson and Company, Birmingham, in 1916. For the benefit of honourable members who can see this whistle, it belonged to my grandfather as a very junior, non-commissioned officer on the Western Front in France. It was his role to blow this whistle and basically send hundreds and hundreds of people to their deaths. They had to go up over the trenches and fight the Germans in an unbelievably bloody and pointless war. Nevertheless, all those Australians who responded to this whistle did so believing that it was their patriotic duty to their country.

For Australia, the Great War was the most costly of all the conflicts in which we have fought. Some 300,000 men enlisted from a population of fewer than 5 million and more than 60,000 were killed. That is a horrific statistic. Some 156,000 were wounded, gassed—as my grandfather was—or taken prisoner. It was a terrible war. The carnage ended on Remembrance Day and ever since we have commemorated on that day the pointlessness of that conflict and the sacrifices that Australian and others made during that war. Remembrance Day is observed throughout the Commonwealth.

The debate this afternoon underlines the importance of sensitivity in discussing these subjects. No member in the House could have failed to be moved by the Hon. Charlie Lynn's description of the way in which Vietnam veterans were treated upon their return to Australia. Some of our countrymen behaved absolutely disgracefully towards people who, at the end of the day, simply did their duty and respected the decision of the elected government to engage in a conflict that it believed to be in our national interests. I think many Australians shared that view at the time. In about 1990—I cannot remember the exact year—when I was State President of the Young Liberal Movement there was a march for returned Vietnam veterans.

**The Hon. Charlie Lynn:** It was 1987.

**The Hon. DON HARWIN:** I was policy vice-president then. Members of the Young Liberal Movement went to the march carrying a banner, which read, "Young Liberals say welcome". It was a tremendously moving day when all the Vietnam vets finally marched at home.

**The Hon. Charlie Lynn:** It was the welcome home parade. Thirteen years late.

**The Hon. DON HARWIN:** Yes, it was long overdue and certainly extremely worthwhile. I recall that a great many soldiers from the South Vietnamese army also marched on that occasion, which was an important and moving part of the parade. We must be sensitive, as the Vietnam episode proved decisively. I do not think any of us would look back on those events and say the right thing was done. On days such as Anzac Day and Remembrance Day we remember the tremendous sacrifices that people have made for our country. I am grateful for this opportunity to put some brief remarks on the record this afternoon. I commend all honourable members who have contributed to this debate.

**The Hon. PATRICIA FORSYTHE** [4.43 p.m.]: This is a most important motion—the Hon. Charlie Lynn perhaps did not appreciate just how important when he moved it. I congratulate him on moving this motion as it says much about the type of society we are and want to be. At all times we must be proud of and grateful to those who made the ultimate sacrifice. The Hon. Charlie Lynn made that clear in his contribution. We do this rarely through the year. Anzac Day has particular significance for Australians and Remembrance Day commemorates the sacrifice of allied forces in the First World War. I note that since 1918 many countries have observed Remembrance Day at the eleventh hour on the eleventh day of the eleventh month. Such commemorations give us an opportunity to reflect. Earlier today an honourable member said that the sacrifices made by Australians in war have ensured our freedoms—freedom of speech and freedom of action. We must always defend those freedoms. But one must never exercise freedom without responsibility.

As I reflect upon the action of the Victorian Trades Hall Council in 2003, I cannot help but think that it was not a simple protest by unionists but a deliberate act intended to draw attention to them and their cause. We

have a right to condemn them for that deliberate action. We must stand up at all times for our freedoms, including the freedom to protest, but we ask the unions to respect the importance and the role of Remembrance Day in our society. All honourable members have made genuine contributions to this debate and brought their own perspectives to this issue. We must remember that this is not a "them" and "us" debate. Coalition members certainly intend this motion to be not an attack on unions and union members but a specific action against the Victorian Trades Hall Council. We can all reflect on the sacrifices of trade unionists and others during time of war.

I find these sorts of debates most interesting. Two weeks ago my family gathered to celebrate and recall the life of my recently deceased father-in-law in a memorial service at Newcastle cathedral. He served in the air force. He was based in England and flew missions over Europe. We reflected on my father-in-law's contribution to the war effort, although he was most unwilling to talk about it during his lifetime. Although my father would never talk about it, I believe Anzac Day was one of the most difficult days for our family. In 1938 while my father was in training his commanding officer received a letter with a BHP letterhead suggesting that my father leave the training facility and return to BHP.

At the time my father, who was in his mid twenties, was the works accountant for BHP Newcastle. He was prevented from going to war: it was judged that he had an important role to play defending Australia in Australia. I think he never got over that. My father wanted to serve his country but others decided differently. He could never talk about it and he certainly had a difficult time on Anzac Day when he reflected on the sacrifices of people he knew. We come to this issue from different perspectives but we all respect those who have made the ultimate sacrifice. I believe today we have a right to condemn the Victorian Trades Hall Council for taking a day that is respected enormously by all Australians—as we have illustrated in this debate—and, by its actions, sully the reputation of unionists who made the ultimate sacrifice for us all.

**The Hon. GREG PEARCE** [4.48 p.m.]: I congratulate the Hon. Charlie Lynn and thank him not only for moving this motion but for his service to his country. We should all be proud to get to our feet and say, "Thanks, Charlie." I am lucky not to have been particularly touched by war. I was never called to front up and serve my country. However, I would be the first to put my hand up if I had to. My family has been touched by war service, as have most Australian families. A number of my great-uncles and cousins were involved in the First World War—some of them did not come back and one came back without a leg. At my age I did not have much of an opportunity to interact with them, but I respect and am grateful for their contributions.

I believe that it is appropriate today to condemn the Victorian Trades Hall Council for conducting a protest rally on Remembrance Day. I do not say that lightly. One of my colleagues indicated that he thought the Victorian Trades Hall Council may have simply been mistaken—and I hope it has realised it was mistaken. Many unionists are good people. I have no doubt about that and I support everyone who has made that comment. What the Victorian Trades Hall Council did on that day cannot be excused by suggestions that it allowed other people to properly observe Remembrance Day or, indeed, that some of the protesters properly observed Remembrance Day. We cannot accept the militant extremism that was represented by that group. This debate highlights the difference between the Liberals-Nationals and the union-dominated Australian Labor Party. The Liberals and our colleagues from The Nationals respect previous generations and work hard to ensure that we provide for future generations, provide opportunities and provide the infrastructure that they need.

I was surprised by the comments of the Hon. Eric Roozendaal in the debate. He was wrong to try to characterise the actions on Remembrance Day by this group as something that was an exercise of their right to free speech. I defend very hard—but I am not sure whether I would do so to the death—the rights we have gained to have free speech and freedom. But, as the Hon. Patricia Forsythe pointed out, with those rights come responsibilities. One of those responsibilities is not to protest on a day such as Remembrance Day. I spent much of my life in Greenacre and Bankstown. I have had a great deal of experience with many good workers. My first job, at 14 years of age, was as a sales assistant in the old G. J. Coles at Bankstown. I had many jobs when I was a student—including in security and in the kitchens of Qantas—and I knew lots of good workers and good unionists. Those people would have been outraged at the prospect of people protesting on Remembrance Day. The average Australian would feel that it is completely out of place to protest on a day such as Remembrance Day.

I was surprised to hear the Hon. Eric Roozendaal sprout his partisan agenda in relation to industrial reform. I will respond to that briefly, without diverting the debate, by pointing out to the Hon. Eric Roozendaal comments made by the Governor of the Reserve Bank in his appearance before the House of Representatives Standing Committee on Economics, Finance and Public Administration on 18 February. It is important, it is



relevant and it responds to the comments of the Hon. Eric Roozendaal. The Governor of the Reserve Bank pointed out that one of the key reasons that the inflation rate in Australia has not changed is that changes in wage-setting arrangements have meant that pressure in labour markets do not feed as quickly as previously into wage inflation. He said the main changes have been the decentralisation of wage setting via enterprise bargaining and the lengthening of contracts out to two, three or sometime four years. The independent Governor of the Reserve Bank pointed out the importance of industrial reform to achieving the inflation result in Australia.

**The Hon. Henry Tsang:** Point of order: Madam Deputy-President, I ask you draw the honourable member's attention to the fact that speakers must not move away from the important motion before the House—the protest rally that was held in Melbourne on Remembrance Day 2003.

**The Hon. Don Harwin:** To the point of order: It is clear that the Hon. Greg Pearce is replying at length to substantive points made by the Hon. Eric Roozendaal in his contribution to the debate. Therefore, he is quite in order. If the Hon. Eric Roozendaal was in order to make the comments, it is certainly in order for the Hon. Greg Pearce to reply to them.

**The Hon. Duncan Gay:** To the point of order: As I a result of this debate I now know that the Hon. Henry Tsang is an Irishman. However, his colleague the Hon. Eric Roozendaal made those comments. We can excuse the Hon. Eric Roozendaal for doing so because he is a new member. As everyone on our side knows, this is his first real job. He has never had a real job in the work force. He is still learning his new role.

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! The Deputy Leader of the Opposition will confine his remarks to speaking to the point of order.

**The Hon. Duncan Gay:** The Hon. Eric Roozendaal made those comments during the debate, and it is quite appropriate for us to respond to them.

**The Hon. GREG PEARCE:** To the point of order: I am surprised that the Hon. Henry Tsang has taken this point of order. When the Hon. Eric Roozendaal made those comments no-one took a point of order against him—

**The Hon. Duncan Gay:** He is only new. We let him go.

**The Hon. GREG PEARCE:** He is new. We did not take a point of order because of the seriousness of this debate. If people were prepared to let him have his say, it is only appropriate that I respond to his comments, which is what I was doing.

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! I realise that reference has been made to this matter by others in the debate but I ask the Hon. Greg Pearce to confine his remarks to the question before the Chair.

**The Hon. GREG PEARCE:** If you will permit me, Madam Deputy-President, I want to finish on that point because I was only half way through it. I want to respond briefly to what the Hon. Eric Roozendaal said. The Governor of the Reserve Bank, Mr Macfarlane, at the hearing before the House of Representatives committee was talking about the challenges for Australia, which are relevant when we are talking about the contribution made by many of our forebears and some of our colleagues to the freedom and good condition of this country. Mr Macfarlane said that one of the issues is productivity. He said:

We have done pretty well in terms of increasing productivity over the nineties. It's slowing down a bit at the moment.

Then he said:

The biggest thing in this area is industrial relations reform. There must be a lot of things that still can be done. From my own experience in the Reserve Bank, as we have changed things and reduced our size and, I think, increased our productivity enormously, one of the things that stood out was that there were a lot of a benefits and rules which were of some benefit to employees—but a very small benefit—but were extremely costly to the employer, which means that there is a classic opportunity for a win-win situation as these things are resolved.

In the spirit of this debate, when we are giving credit to and praising the contribution of our forebears and some of our colleagues, it would be best to look at the need for industrial relations reform in this country not as something on which to score political points but as something that should be a win-win opportunity for

everybody. I believe that the appropriate response of the House today is to condemn the Victorian Trades Hall Council for holding its protest rally on Remembrance Day. Again I say that I do not believe the majority of good, hard-working union officials would support the sort of extremist, militant action—

**Pursuant to sessional orders business interrupted.**

### **SPECIAL ADJOURNMENT**

**Motion by the Hon. Eric Roozendaal agreed to:**

That this House at its rising today do adjourn until Tuesday 22 March 2005 at 2.30 p.m.

### **ADJOURNMENT**

**The Hon. ERIC ROOZENDAAL** (Parliamentary Secretary) [5.01 p.m.]: I move:

That this House do now adjourn.

### **CAMDEN PROPERTY MARKETING PTY LTD**

**The Hon. CHARLIE LYNN** [5.01 p.m.]: On a number of occasions in the past I have spoken about a matter involving Mr John Leach and the Department of Fair Trading. I want to take this opportunity to bring the matter to a close. I am advised that on 7 February 2005, at the Campbelltown District Court, His Honour Judge Maguire convicted Mr Alex Cameron and imposed a sentence of six years imprisonment, with a 2½-year non-parole period. In that respect, justice was done. This saga commenced in September 2001, and was only brought to light by a chance meeting I had with Mr John Leach in the street at Camden. I had purchased my house through him, and I often met him at our local gymnasium. He lived just around the corner from me at the time, and I know him as a thoroughly decent bloke. As a result of this case, he has lost his livelihood, his career and his reputation, and has been crushed by the Department of Fair Trading. I would like to give a summary of this saga over the past couple of years.

John Leach had been appointed as a licensee in charge of real estate agency Modena Investments, to trade as L. J. Hooker, Camden. Modena Investments previously operated as Camden Property Marketing Pty Ltd, which continued to maintain the rent roll of its business which was not included in the sale to Modena Investments. In September 2001 John Leach discovered a major discrepancy in the accounts of Camden Property Marketing. He notified both the Camden police and the Department of Fair Trading in accordance with the correct procedures. Department of Fair Trading investigators arrived at his business and, instead of pursuing Alex Cameron of Camden Property Marketing, who had clearly committed the fraud and who had now absconded, they decided to investigate Mr John Leach. This was despite Mr Leach's protestations that he had no legal relationship or responsibility for Camden Property Marketing, and despite his advice that two recent audits of his books—one conducted by a local accountant and the other by L. J. Hooker—had found them to be in order.

The department eventually called in Mr John Leach and his solicitor, Mr Peter Richardson, for a two-hour or three-hour interview. The very next day the director-general suspended his licence and deemed him not a fit and proper person to practise in the industry. I personally do not accept that the Department of Fair Trading could have transcribed a couple of hours of evidence given in the interview, then analysed that data, and tested it, between 5.00 p.m. and 8.30 a.m. the following day. I can only conclude that the decision to close down Mr Leach's business and destroy his reputation and career in the real estate industry had been taken prior to the interview and that the necessary paperwork had been prepared prior to the interview. If this is the case, I believe that process was corrupt.

The matter could have ended at that point, with the Department of Fair Trading, having claimed Mr Leach's scalp, and with Mr Leach effectively ruined, had it not been for the intervention of Mr Leach's solicitor, Mr Peter Richardson. Peter Richardson declared that this was the most outrageous instance of injustice he had witnessed in his 30 years of practice. He agreed to represent Mr Leach and worry about the costs at the end of the case. Incredibly, Alex Cameron, the bloke who stole the \$200,000, was not even interviewed by the police in the whole of the time between 2001 and 2002.

During the court case it was discovered why the Department of Fair Trading set out to destroy Mr Leach. It was revealed that Camden Property Marketing was not registered with the department in

accordance with the appropriate regulations. In other words, the Department of Fair Trading had been negligent in allowing Camden Property Marketing to continue trading illegally. It was obviously clear to the department that clients who had been defrauded would not have any claim on the compensation fund against Camden Property Marketing due to the negligence of the Department of Fair Trading. The department obviously decided to cover its incompetence by destroying Mr Leach.

I sat through the six-day court case with Mr Leach and his wife to provide some moral support and to see how the Department of Fair Trading would try to defend the indefensible. Around day three it was clearly a massacre. The Department of Fair Trading had unlimited legal resources to engage a barrister, but its evidence was methodically discredited during cross-examination by Mr Leach's solicitor. The magistrate dismissed the complaints against Mr Leach and he was awarded costs. But, even then, the Department of Fair Trading was narky in defeat. It challenged the costs submitted by Mr Richardson and incurred more legal expenses. The magistrate then ordered the costs to be reviewed by the Law Society, which reduced some of the expenses.

So, after three harrowing years, Mr Leach has been found to be innocent, but he has lost his livelihood, his reputation and his career. He no longer feels that he can work in real estate. He still requires sedatives to sleep due to the stress he has endured and has placed his family home on the market. He now has to consider the long and stressful process of compensation, which will cost the taxpayers of New South Wales thousands of dollars. And, while Mr Leach struggles to keep his life together, Mr O'Connor, the director-general, remains ensconced in his job, undoubtedly on a salary of a couple of hundred thousand dollars, even though he was party to a corrupt process, and even though he attempted to mislead a parliamentary committee to cover the incompetence of his department. [*Time expired.*]

#### **THE HONOURABLE CHRISTINE ROBERTSON CAR ACCIDENT**

**The Hon. CHRISTINE ROBERTSON** [5.06 p.m.]: This is my first opportunity to make an adjournment speech since the car accident on the Guyra-Inverell road which resulted in my long absence from this place. I want to start by thanking firstly my husband, Richard, and my family, including my extended family, for their enormous support throughout this episode in my life. I also wish to recognise the support I have received from the people of Tamworth and the north-west of the State. The New South Wales Branch of the Australian Labor Party, the staff in this place and my own member of staff Robin Schuck have kept me on track and made sure I got back here. I appreciate the support and welcome of the people in both Houses of this Parliament, from all parties, who have made it easier for me to return to work.

I take this opportunity to acknowledge the excellent emergency services and health services in New South Wales that participate in the care of acutely ill patients from throughout the State. On 1 August 2004 I was travelling with a Country Labor colleague, Diane Carter, to attend a Country Labor meeting in Inverell. Not far from Tingha our car collided with a car that was on the wrong side of the road. I have no memory of the incident or of the two weeks after the incident, but now know that the country health services swung into action for us both, and very successfully. Passers-by removed us from the car and made the area safe as the other car apparently burst into flames. Emergency services, including the police, attended and were very professional. The ambulance officers attended, assessed and treated both of us, and transferred us to the nearest district hospital, at Inverell. The emergency treatment at Inverell District Hospital was top-class.

The rescue helicopter was called in from Tamworth with an intensive care doctor who assisted the local staff to stabilise us both for our transfer to the base hospital at Tamworth and the tertiary hospital in Sydney, which were assessed as being required for our ongoing care. The rescue helicopter transferred my Country Labor friend back to Tamworth Base Hospital, where she was treated for her multiple injuries. At Tamworth Base Hospital the specialists and role delineation—that is, the level of health care this hospital can safely deliver at high quality—were exactly right for her level of injury. She is back at work.

I was transferred to Royal Prince Alfred Hospital in Sydney via the air ambulance. By the time I got to Sydney that evening my family had congregated in the hospital, including my husband, who had driven from Duri, and were being treated by the hospital staff with kindness and support. They were kept informed and supported throughout my stay in the hospital. I spent two weeks in intensive care—not an easy thing for the staff; as I gather from my fleeting memories of these two weeks, there were disagreements over my removal of tubes and high levels of unhelpful confusion whenever I came to. Then I went to the general orthopaedic ward for five weeks. The nurses, doctors, physiotherapists, social workers, pharmacists, X-ray people and many other support staff do a top-class job.

The support staff know their job and they do it. There is no doubt they have suffered from the continual attacks on the health system that we hear about in this House and in our committees. Unfortunately this morning

another attack was made on our health system. They continue to do their job: they get people back into the community, where they should be. They fixed my head, my chest and my neck injury, delivered complicated surgery to my legs, which, I am told, saved my left leg from amputation, and generally got me into a fit state to go home with the support of the rehabilitation people and physiotherapists from Tamworth. I was transferred to the New England brain injury team based in Tamworth.

The house was assessed for access and equipment. My husband was consulted and supported in how to look after me at home. The physiotherapist was called. Equipment arrived and my rehabilitation had started. I am still being looked after by the orthopaedic surgeon in Sydney to whom I was referred on 1 August 2004 and there is still a way to go in the public system. I know I will get the best available care because I know this State has one of the best public health systems in the world. With no help from the Opposition and as much obstruction as the Howard Government can offer, we still have a way to go. But the hospitals know what they can do safely and what they can do well. They are networked throughout the State to ensure that sick people get the proper care when they need it.

The New South Wales Ambulance Service knows what to do and when. Its officers are trained and resourced to do it properly. They take people to the proper hospital. Diane and I were not taken to Tingha, an excellent community hospital 14 kilometres up the road; we were taken to the district hospital at Inverell where the emergency department was the proper level for our injuries. We were sent to the base hospital and the tertiary referral hospital, which was the right thing to do. We got the care we needed in the public health system, a system of which we should be very proud.

### **GUNNEDAH BACHELOR AND SPINSTER NEW YEAR'S EVE BALL**

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [5.11 p.m.]: I draw to the attention of the House a matter raised with me in a letter from a constituent, Dick Cameron from Gunnedah. The following question was put to me:

Is it the intention of the police to prevent crime, or would the police prefer to allow young people to break the law and then charge them?

I was somewhat disappointed after reading the circumstances of an incident involving my constituent's adult children at the 2004 Gunnedah Bachelor and Spinster New Year's Eve Ball. I will now recite a letter sent to Sergeant Brett Bellis, Manager of Gunnedah police station, from my constituent Mr Cameron:

Dear Sgt. Bellis,

I wish to raise some issues in relation to the B & S Ball, which was held at Gunnedah on New Year's Eve, 2004.

My son was one of more than three thousand young people who attended this ball. He has recently turned 18, and this was the first function of this type he had attended. He, like so many others, had a great night and camped at the venue. Having no standard against which to judge his sobriety the next morning, he walked to where the police were conducting breathalyser tests to ask if he could be tested before driving home. He was told by a police officer that he would only be tested if he was driving a motor vehicle, and, if he were found to be over the legal limit, would be charged.

I am astounded by the attitude of the police in their handling of this issue. My son was one of many who approached the police with this request, and they were all given the same response.

The main question that arises out of this is, "is it the intention of the police to prevent crime, or would they prefer to allow young people to break the law and then charge them?" My son, and others his age, has never been in this position before. As they are on P Plates, there is a zero tolerance for alcohol in their bloodstreams. How are they to judge this unless they abstain completely, or are given the opportunity to be tested?

Testing before they drove would allow these young people to learn from the experience and better manage their alcohol intake in the future.

Senior Constable David Rixon suggested in the Namoi Valley Independent on the 06-01-2005 that the equipment used to conduct tests on a 'courtesy' basis was inaccurate. If that is the case, then the police should use the same equipment that can result in a driver being charged. There is no logical argument against testing all drivers before they are on a public road, if they volunteer for such a test. If they do not take advantage of the opportunity to be tested, then they must deal with the consequences. Similarly, anyone who breaks the law in any other way deserves to be punished.

You are also quoted in the Namoi Valley Independent as being critical of the organisers of the B & S and of their observance of the Responsible Service of Alcohol. An Act of Parliament is not going to curtail the exuberance of youth.

As a parent, I am grateful that my son, and his brother and sister when they are old enough, are provided with a safe environment with responsible people willing to supervise them and keep them safe. It is quite likely that they will drink too much, but I would

much prefer that they do so in a controlled environment where they cannot drive. They may come home a little worse for wear, but at least they will come home, and hopefully be a little wiser for the experience.

The organisers of the B & S provide the community and its young with a fabulous service. If this service were not available, they would be roaming at large at numerous unsupervised events and be in far greater danger.

It is my view, and that of many other parents and local citizens, that the police had mishandled the B & S. An opportunity to build a good relationship between the young people who attended the B & S and the police has been squandered and this is unfortunate.

R. R. Cameron.

Mr Cameron drove several kilometres to pick up his son. It is both hypocritical and irresponsible that a Government that purports to advocate preventative drink-driving programs would allow its Police Force to say to young people, "You are not able to ascertain whether you are safe to drive before getting behind the wheel." There were 522 fatalities on the New South Wales roads in 2004, with country people being 2.5 times more likely than city people to be involved in a road accident. In light of these figures it is beyond me as to why members of the New South Wales Police Force working at that Gunnedah B and S were not actively encouraging the previous night's ball-goers to be breath-tested before getting behind the wheel.

### MACQUARIE FIELDS RIOTS

**Ms SYLVIA HALE** [5.16 p.m.]: The law and order auction that has occurred since riots broke out in Macquarie Fields five days ago has been a thoroughly inappropriate and inadequate response to what is occurring in that suburb. Both the Government and the Opposition have failed miserably to speak of the real issues confronting the suburb, particularly those faced by young people. Premier Carr's comment that these kids are not disadvantaged, just bad, is offensive and reprehensible, and wilfully distorts the real situation. Once again we see the victims being blamed. The Premier's comments are nothing more than media spin, electioneering, and populism. These riots are the face of the social fractures that we know exist in our society. John Brogden, for his part, worries about what the film footage does for Sydney's reputation overseas. How embarrassing that the world should learn that Australia and its glittering city, Sydney, are not the egalitarian celebrations we pretend they are.

The Greens know that there are only so many services you can refuse to give a community, only so many schools you can run into the ground, only so many medical facilities you can fail to provide, and only so little public transport you can refuse to provide before people learn that there really is an us and them in this State. When there are so few jobs, so little money and so little affordable housing, can we really be shocked that genuine community frustrations are expressed in events such as these? And while the Premier and the Opposition leader have fallen over themselves to praise the police, the Greens have heard the voices of some of the young people in the area who confirm that the riots are the culmination of ongoing harassment and bullying by the police in this area. As one young person is reported to have said, and I quote from a letter in Tuesday's *Sydney Morning Herald*:

For the past 12 years the cops have been coming here throwing blokes into the backs of paddy wagons and taking them on joy rides where they beat the shit out of them. It's no wonder everyone who lives around here hates the cops.

The police are clearly complicit in the events that occurred in Macquarie Fields. Why is the Minister for Police not demanding an investigation into the causes of the underlying tensions in this area? The most crucial question, and one that we should all ask, is how we can solve these problems. Clearly, Carr's law and order response is out of touch with the realities of life in Macquarie Fields and surrounding suburbs. Services, public transport, decent housing, medical facilities in the area, and employment and training opportunities are the real answers for Macquarie Fields. Don Weatherburn, Director of the New South Wales Bureau of Crime Statistics and Research, lucidly made the connection between social disadvantage and criminal behaviour in an article in yesterday's *Sydney Morning Herald* entitled "Government action needed to help crime-prone areas". He wrote:

There is no doubt that economic and social disadvantage provide excellent breeding grounds for crime. Juvenile offenders are much more common in neighbourhoods with high rates of poverty, family breakdown, household crowding, residential instability and long-term unemployment.

He went on talk about why conditions in such neighbourhoods predispose people to criminal activity, and concluded by stating:

What about the longer term? There are two important strategies. First, federal and state governments need to pursue policies that limit the number and geographic concentration of families living in poverty. Second, state governments need programs and services that promote better parenting and reduce rates of child neglect and abuse.

The housing situation in Macquarie Fields, for example, is deplorable. As the co-ordinator of the South West Multicultural and Community Centre, Ms Molly Thomas, is quoted in Tuesday's *Sydney Morning Herald* as saying, "I think everyone has admitted that the [housing] estate was one of the worst blunders of the last century. They have created terrible social problems." Official unemployment statistics for the area are at 11 per cent and up to 17 per cent for young people. We know that the real figures are much higher because many people have given up looking for work.

Others know that, even if they find jobs, it is almost impossible to get to them, given the absence of adequate transport. And many working people are underemployed in casual and part-time positions when what they really want is more secure, full-time work. The Greens know that the riots in Macquarie Fields, like the riots in Redfern last year, are not about a single incident involving the police or about the morality of the people who live in those areas. They are about the historically poor way in which these communities have been treated and serviced, and more specifically about the ongoing tensions between the police and youth of the area. The Premier and the Leader of the Opposition should be ashamed of their responses to these matters.

### CHINESE YOUTH LEAGUE OF AUSTRALIA INC. LUNAR NEW YEAR CELEBRATIONS

**The Hon. AMANDA FAZIO** [5.21 p.m.]: On Saturday 5 February this year I had the pleasure of representing the Premier at the opening ceremony for lunar new year celebrations organised by the Chinese Youth League of Australia Inc. which, for the first time, was held at Belmore Park at central. Also present at the ceremony were the Hon. Henry Tsang MLC; Ms Gladys Berejiklian MP; the Hon Dr Peter Wong MLC; the Lord Mayor of the City of Sydney, Clover Moore; the Hon. Phillip Ruddock MHR, Commonwealth Attorney General; and Mr Qiu Shaofang, Consul General for the People's Republic of China.

New South Wales has important historical links with the Chinese community and celebrates the Lunar New year with some of the biggest and brightest festivities in the world, attracting many thousands of international visitors. The Lunar New Year has the longest chronological record in history, dating from 2600BC when the Emperor Huang Ti introduced the first cycle of the zodiac. Like the Western calendar, the lunar calendar is a yearly one, with the start of the lunar year being based on the cycles of the moon. Therefore, because of this cyclical dating, the beginning of the year can commence anywhere between late January and the middle of February. This year it fell on 9 January. A complete cycle takes 60 years to complete and consists of five elements of 12 years each.

The lunar calendar names each of the 12 years after an animal. Legend has it that the Lord Buddha summoned all the animals to come to him before he departed from earth. Only 12 came to bid him farewell, and as a reward he named a year after each one in the order in which they arrived. The Chinese believe that the animal ruling the year in which a person is born has a profound influence on their personality, physical and mental attributes as well as the degree of success and happiness achievable throughout life. The Year of the Rooster will be an exciting one for all Australians. It is said that those born in the Year of the Rooster are headstrong, with a self-belief that can make even the most idealistic plans succeed. They are also believed to be hardworking, courageous, definite about their decisions and talented in organisational work.

Roosters can be blunt and seem boastful, but their extravagance makes them excellent company. Roosters make ideal restaurant owners, publicists, soldiers and travellers. This year's celebrations coincided with the inaugural presentation of the New South Wales Premier's Annual Chinese Service Awards. These awards were established in recognition of the longstanding presence of the Chinese community in New South Wales and its significant social, cultural and economic contribution. One of the principal Chinese Youth League volunteers, Ms Connie Tung, was announced as the Young Chinese Volunteer at these awards. I was very happy to be able to personally congratulate Connie.

The festival was an exciting event and showcased a full spectrum of artistic and cultural activities. It was estimated that during the course of the festival 20,000 people attended. For over 65 years the Chinese Youth League of Australia Inc. has played a major role in meeting the needs of the community and shaping its future. The league plays a valuable role in assisting the Chinese-speaking community to maintain its culture and identity. The New South Wales Government has been happy to support the league in its efforts to share Chinese culture with the broader community.

The objectives of the Chinese Youth League are to attend to the general welfare of the Chinese community in Australia, to enhance cultural exchange between Australia and China, to promote friendly relations between the people of Australia and China, and to conduct sporting activities for the community.

Participants are not required to be members of the league. The league was founded in 1939, and is one of the oldest Chinese community organisations in Australia. Most of the founding members were unskilled workers and farmers—migrants from the Guangdong province of China.

The Chinese Youth League has a longstanding history of provision of welfare and cultural services to Australian Chinese. It has played a significant role in assisting the successful settlement of many Australian Chinese. The Chinese Youth League has maintained effective communication and contact with political leaders. Activities arranged by the league include Chinese and contemporary dance classes and performances, music ensembles and classes, cultural concerts, film nights, a magazine, the *Chinese Youth League News*, language classes, painting, calligraphy and cooking classes. The needs of the aged Chinese community are also catered for by the league.

The Chinese Youth League organises a wide variety of sporting activities and supports many sports events, including dragon boat racing, an Easter Chinese sports carnival, and the annual Chinese community basketball competitions. These activities, excluding the Chinatown Carnivale, are organised without the aid of significant government funding. Many activities are aimed at raising money for Australian charities and Chinese welfare organisations. Since 1996 the Chinese Youth League has received funding support from the Casino Community Benefit Fund of the Department of Gaming and Racing to raise community awareness and help combat problem gambling among Australian Chinese.

In 2003 the Chinese Youth League hosted the first ANZ Bank Chinatown Moon Festival at Tumbalong Park, Darling Harbour. In 2004 the New South Wales Government made land available in Pyrmont for the league's Sydney water sports centre to store the organisation's dragon boats. I commend the President, Mr Ken Wong, and all the office-bearers and committee members of the Chinese Youth League for the wonderful work they do for the community.

#### ARUNDHATI ROY SYDNEY PEACE PRIZE

**Mr IAN COHEN** [5.26 p.m.]: Last year I met the winner of the Sydney Peace Prize, Arundhati Roy, who is best known as the author of the Booker Prize winning novel *The God of Small Things*. She was controversially awarded the prize in May of last year. She follows other distinguished recipients of the Sydney Peace Prize: in 1998 the founder of the Grameen bank for the poor, Professor Muhammad Yunus; in 1999 former Nobel Prize recipient Archbishop Emeritus Desmond Tutu; in 2000 the poet-artist and President of East Timor, Xanana Gusmao; in 2001 the former Governor-General of Australia, Sir William Deane; in 2002 former United Nations Commissioner for Human Rights Mary Robinson; and in 2003 the Palestinian academic and human rights campaigner Dr Hanan Ashrawi.

[*Interruption*]

I acknowledge the interjection "shame" as a comment on this award. But I have met the recipient of the award. She is Palestinian, a leading human rights campaigner and, I must say, a wonderful, brave human being in the context of the Middle East and well deserving of the prize. I will quote to the House some of the issues raised by Arundhati Roy in her keynote address when she came to Sydney and was awarded the prize. She said:

So what does peace mean in this savage, corporatized, militarized world? What does it mean in a world where an entrenched system of appropriation has created a situation in which poor countries which have been plundered by colonizing regimes for centuries are steeped in debt to the very same countries that plundered them, and have to repay that debt at the rate of \$382 billion a year? What does peace mean in a world in which the combined wealth of the world's 587 billionaires exceeds the combined gross domestic product of the world's 135 poorest countries? Or when rich countries that pay farm subsidies of \$1 billion a day, try and force poor countries to drop their subsidies? What does peace mean to people in occupied Iraqi, Palestine, Kashmir, Tibet and Chechnya? Or to the aboriginal people of Australia? Or the Ogoni of Nigeria? Or the Kurds in Turkey? Or the Dalits and Adivasis of India? What does peace mean to non-Moslems in Islamic countries, or to women in Iran, Saudi Arabia and Afghanistan? What does it mean to the millions who are being uprooted from their lands by dams and development projects? What does peace mean to the poor who are being actively robbed of their resources and for whom everyday life is a grim battle for water, shelter, survival and, above all, some semblance of dignity? For them, peace is war.

We know very well who benefits from war in the age of Empire. But we must also ask ourselves honestly who benefits from peace in the age of Empire? War mongering his criminal. But talking of peace without talking of justice could easily become advocacy for a kind of capitulation. And talking of justice without unmasking the institutions and the systems that perpetrate injustice, is beyond hypocritical.

It's easy to blame the poor for being poor. It's easy to believe that the world is being caught up in an escalating spiral of terrorism and war. That is what allows the American President to say "You're either with us or with the terrorists." But we know that that's

a spurious choice. We know that terrorism is only the privatization of war. That terrorists are the free marketers of war. They believe that the legitimate use of violence is not the sole prerogative of the State.

It is mendacious to make moral distinction between the unspeakable brutality of terrorism and the indiscriminate carnage of war and occupation. Both kinds of violence are unacceptable. We cannot support one and condemn the other. The real tragedy is that most people in the world are trapped between the horror of a putative peace and the terror of war. Those are the two sheer cliffs we're hemmed in by. The question is: How do we climb out of this crevasse?

For those who are materially well-off, but morally uncomfortable, the first question you must ask yourself is do you really want to climb out of it? How far are you prepared to go? Has the crevasse become too comfortable? If you really want to climb out, there is good news and bad news. The good news is that the advance party began the climb sometime ago. They're already halfway up. Thousands of activists across the world have been hard at work preparing footholds and securing the ropes to make it easier for the rest of us. There isn't only one path up. There are hundreds of ways of doing it. There are hundreds of battles being fought around the world that need your skills, your minds, your resources. No battle is irrelevant. No victory is too small. The bad news is that colourful demonstrations, weekend marches and annual trips to the World Social Forum are not enough. There has to be targeted acts of real civil disobedience with real consequences. Maybe we can't flip a switch and conjure up a revolution. But there are several things we could do. For example, you could make a list of those corporations who have profited from the invasion of Iraq and have offices here in Australia. You could name them, boycott them, occupy their offices and force them out of business. If it can happen in Bolivia, it can happen in India. It can happen in Australia. Why not?

That's only a small suggestion. But remember that if the struggle were to resort to violence, it will lose vision, beauty and imagination. Most dangerous of all, it will marginalize and eventually victimize women.

[Time expired.]

## RELIGIOUS FREEDOM

**The Hon. ERIC ROOZENDAAL** (Parliamentary Secretary) [5.31 p.m.]: Freedom of speech is a hard-won fundamental right central to our democratic system. But that right comes with responsibility. It can never be an absolute right. You cannot yell "fire" in a theatre. And that is why over the years successive parliaments have placed limits on free speech to preserve a greater right: the right of individuals to personal protection. We have legislated to prevent vilification on the grounds of race and sexual orientation. We have strong anti-defamation laws to prevent the vilification of individuals. Other jurisdictions such as Victoria have legislated to prevent racist and defamatory remarks being made under the guise of religious preaching. On December 17 last year the effectiveness of that law was upheld when the Victorian Civil and Administrative Council found two pastors of the Catch the Fire Ministry, Daniel Scott and Danny Nalliah, guilty of vilifying Islam under the Victorian Racial and Religious Tolerance Act of 2001. Honourable members would be aware that this case has already been raised in this Chamber, by the Hon. David Clarke in his adjournment speech—

**The Hon. Don Harwin:** Point of order: I would like to confirm that the Parliamentary Secretary is speaking in reply and not making an adjournment speech himself.

**The Hon. Duncan Gay:** On the point of order: the Parliamentary Secretary, in his new role in his first real job, indicated that he was replying to something the Hon. David Clarke said.

**The Hon. Jan Burnswoods:** No, he did not.

**The Hon. Duncan Gay:** Yes, he did. He was replying to comments from the Hon. David Clarke. The Hon. David Clarke has not made a contribution to the adjournment debate tonight.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! That is irrelevant. There is no point of order. The Parliamentary Secretary is speaking in reply.

**The Hon. ERIC ROOZENDAAL:** Honourable members would be aware that this case has already been raised in this Chamber, by the Hon. David Clarke in his adjournment speech on 23 February this year. It was a curious contribution to the debate because, while praising Australia as having "gained a well-deserved reputation as a haven for religious freedom for others to emulate", he then went on to give a very curious interpretation of that freedom. He claimed that our religious freedom is under threat—not from fear-mongers or neo-Nazis or book burners but from the Victorian Racial and Religious Tolerance Act of 2001. Mr Clarke described the passage of the legislation as "a black day for freedom of religion, freedom of thought and freedom of speech". This sounded very black indeed, and I waited patiently to hear the exact nature of the legitimate religious doctrine, thoughts and speech the two pastors were prevented from expressing.

After all, the Victorian Act allows wide latitude provided what you say is said in good faith and is reasonable. This is what the two pastors said in 2001 in a pamphlet distributed around Melbourne, "Muslims are



the enemy, and they want to take over Australia." This is what these two pastors believe passes for religious expression. But it gets worse. They claimed that the *Koran* promotes violence, killing and looting; that domestic violence is encouraged; that Muslims are liars; and that Muslims are demons. Pastors Scot and Nalliah claimed Muslims have a plan to overrun Western democracies through the use of violence and terror, and to replace those democracies with oppressive regimes. They claimed that Muslims intend to take over Australia and declare it as an Islamic nation. They went on to say, "Muslim people have to fight Christians and Jews, humiliate them and fight them until they accept true religion." They went on further to say, "Muslims have four wives and 10-12 children per family, and this is part of their plan to take over Australia." This is the sort of outrageous stuff they said. They went on to say that "Muslims have a plan to infiltrate the churches and parliament, that Muslims are satanic, and that Muslims are committed to taking over Australia through violence if necessary". It goes on and on and on.

**Reverend the Hon. Fred Nile:** Point of order: I have read the statements made by the two pastors that have been referred to. The only references they made in relation to some of those subjects were simply to quote from the *Koran* in a lecture they were giving to explain the Muslim religion.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! That is more a debating point than a point of order.

**Reverend the Hon. Fred Nile:** The honourable member is misrepresenting what happened.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! There is no point of order. The Parliamentary Secretary may resume his speech.

**Reverend the Hon. Fred Nile:** The member should check the facts before he makes a speech.

**The Hon. ERIC ROOZENDAAL:** These pastors went on to say:

If you attempt to convert Muslims to Christianity they may torture or execute you.

Muslims have control of who is granted immigration to this country.

These are some of the views that the Hon. David Clarke believes should be given free rein in this multicultural, tolerant society of ours, protected under the banner of free speech. I say in this House today that those are not acceptable views. This is just hatred, bigotry and contempt delivered from the protection of the pulpit. These words are not just bigoted and hateful; they are the opposite of Christian charity. There is no justification for such hate, misinformation and fear in any of the great religious books—not the *Bible*, the *Koran* or the *Torah*.

I am told that there is a warning in the New Testament to be aware of false prophets, of hypocrites who hide their evil intentions behind the mask of religious authority. It is no surprise, therefore, that Judge Higgins in the Victorian Civil and Administrative Council found that the pastors' comments were made for no religious purpose. They were not made in the usual course of promoting one set of religious beliefs apart from all others; they were simply hateful. Instead His Honour found:

Viewed objectively and in their totality, these statements are likely to incite a feeling of hatred towards Muslims. They seek first of all to create fear in those who read the article of being harmed by Muslims.

**Reverend the Hon. Fred Nile:** Point of order: The honourable member just referred to the decision of Judge Higgins. I understand that that decision has been appealed to the Victorian Supreme Court. As this matter is now before the courts, what the honourable member is saying is prejudicial to a court case that is being decided in Victoria.

**The Hon. Peter Primrose:** To the point of order: I respect the experience of Reverend the Hon. Fred Nile, but it has been a longstanding position in this House that a matter is not sub judice if it is simply being considered by a judge, and, obviously, on appeal the matter referred to will be considered by a judge. I strongly doubt—and a number of judges have espoused this view and it is the view that has been held by a number of Presidents in various rulings—that a judge would be influenced by debate in this place.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I am persuaded by the arguments of the Hon. Peter Primrose and find that there is no point of order. The Parliamentary Secretary may continue.

**The Hon. ERIC ROOZENDAAL:** His Honour found:

Viewed objectively and in their totality, these statements are likely to incite a feeling of hatred towards Muslims. They seek first of all to create fear in those who read the article of being harmed by Muslims.

One should not have to be a judge to recognise that. Anyone can see that these were spiteful and offensive things to say, destructive of community harmony and liable to inflame division in our community. It is beyond me why two men of God would want to say those words. It is also beyond me why the Hon. David Clarke, a member of this House—

**The Hon. Don Harwin:** Point of order. My point of order relates to Standing Order 91 (3). I have been listening carefully to the Parliamentary Secretary's remarks. Because of the way in which this so-called reply speech is being delivered at the end of an adjournment debate, quite clearly it is a badly concealed attempt to make imputations of improper motives and to personally reflect on a member of this House. It is an absolute disgrace that the first time this Parliamentary Secretary comes into the Chamber he behaves in this fashion.

**The Hon. Peter Primrose:** To the point of order—

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** I call the Hon. Peter Primrose on a point of order. The Hon. Don Harwin will resume his seat.

**The Hon. Don Harwin:** I am not finished, Madam Deputy-President.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** The member has finished and he will resume his seat.

**The Hon. Don Harwin:** If the Hon. Eric Roozendaal wants to behave in this way he should move a substantive motion of censure.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! The Hon. Don Harwin will resume his seat. He has gone well beyond putting a point of order; he was actually debating the point. For that reason he no longer has the call. I call the Hon. Peter Primrose.

**The Hon. Peter Primrose:** Point of order: My point of order relates to the comments made by the Hon. Don Harwin about my colleague. There is a distinction between seeking to impute improper motives, for example, in relation to the personality of an individual and whatever he or she may be doing, and then responding to arguments that have been made. The Hon. Don Harwin was seeking to impute improper motives to the Hon. Eric Roozendaal. However, the Hon. Eric Roozendaal was seeking in his contribution to address arguments that had been advanced by the Hon. David Clarke. There are two distinctions to be made. Standing Order 91 (3) refers to imputing improper motives to individuals as opposed to reflecting on arguments that have been advanced. If someone advances arguments in this place, it is only proper that those arguments are able to be contested.

**The Hon. Duncan Gay:** To the point of order: I refer to the comments just made by the Government Whip. It was a good try. Earlier I agreed with his comments relating to the sub judice rule. However, it is quite clear that this carefully crafted contribution has been put together to impute improper motives on the part of a member of this House, the Hon. David Clarke. No other interpretation can be put on that whatsoever. Under Standing Order 91 (3) the Hon. Eric Roozendaal should be ruled out of order.

**The Hon. Jan Burnswoods:** To the point of order. I listened very carefully to the Hon. Eric Roozendaal. He started off by saying that he wanted to talk about freedom of speech and he referred to the philosophical aspects of that topic. He referred to an horrific case in Victoria—and I agree with him that it was horrific—in which two pastors said a whole variety of things for which they have been found guilty. The sorts of things they said were in my view racist in the extreme. The Hon. Eric Roozendaal said periodically in his speech that the Hon. David Clarke defended those people. The Hon. Eric Roozendaal did not devote his speech to impugning the character of the Hon. David Clarke. It was quite in order for the Hon. Eric Roozendaal to express regret that a member of this House should defend those people in Victoria, but I believe that he devoted his speech to issues that he identified at the beginning of his contribution. His speech was not about the performance of the Hon. David Clarke.

**The Hon. Duncan Gay:** Further to the point of order: The Opposition Whip, the Hon. Don Harwin, did not rise when the Hon. Eric Roozendaal was talking about the people in Victoria. The Hon. Don Harwin clearly got to his feet when the link was made between the contribution of the people in Victoria and a member of this House.

**The Hon. Jan Burnswoods:** I hear thunder outside. You are wrong, Duncan; you've been judged!

**The Hon. ERIC ROOZENDAAL:** The Deputy Leader of the Opposition has been judged by a higher spirit.

**The Hon. Duncan Gay:** Those opposite may be making a mistake in indicating who is being judged. No-one is denying the Hon. Eric Roozendaal's right to speak about the situation in Victoria. But when he made the link to a member of this House he was clearly in breach of Standing Order 91 (3).

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! Having regard to Standing Order 91 (3) and the adjournment speech of the Hon. David Clarke the other evening, I find that there is no breach of Standing Order 91 (3) because the Hon. Eric Roozendaal has been speaking about the topics and issues that were raised by the Hon. David Clarke in his speech, and he is perfectly entitled to do so. The Hon. Eric Roozendaal may continue.

**The Hon. ERIC ROOZENDAAL:** It is even more beyond me why a member of the nation's oldest legislature and a member of one of the nation's great political parties would want to endorse such people. Of all the causes to champion, it defies reason why anyone would want to go in to bat for two racists and to support their spiteful vendetta against an innocent minority group of Australian citizens.

**The Hon. Duncan Gay:** You can't tell me that he's not having a go at the Hon. David Clarke. Listen to him!

**The Hon. ERIC ROOZENDAAL:** The interjections from Opposition members do not surprise me. They are trying to cover up their guilt about the sorts of people that they must share offices with.

**The Hon. Duncan Gay:** We're lucky we don't have to share one with you!

**The Hon. ERIC ROOZENDAAL:** If the Deputy Leader of the Opposition keeps hanging around with those sorts of people, he will be sitting on the Opposition benches for a pretty long time.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order!

**The Hon. ERIC ROOZENDAAL:** Since 2001 it has been difficult enough for Australia's law-abiding and hard-working Islamic communities to go about their business without fear and vilification. The protracted, savage attack on the Islamic community by these two pastors only makes that task more difficult, fanning the flames of fear and hatred and diminishing all of us as Australians. When Muslim women are spat on in the street and mosques are graffitied or torched, we know who to blame. We must blame not just the bigots responsible for such actions but also the hate mongers who inspire and encourage them and the misguided politicians who make excuses for them.

I am proud to say that there were many in Victoria and across Australia who stood with the Islamic community against these vile attacks, especially the Catholic and Uniting churches, which applied to intervene in the case in support of the Islamic Council. They were joined by numerous individual Muslims, Christians, Jews, Unitarians, Quakers and everyone else who gave their energetic support. They are in stark contrast to some members in this House. One, in particular, tainted by an allegation of racist road rage, which he chose to defend at 3.25 a.m.—

**The Hon. Don Harwin:** Point of order: If this is not a personal reflection under Standing Order 91, I do not know what is. The Hon. Eric Roozendaal has again made remarks that are clearly intended to reflect personally upon a member and he should be sat down. Madam Deputy President, I ask you to call him to order.

**The Hon. Jan Burnswoods:** To the point of order: I have been listening very carefully to the debate and recently I have not heard the Hon. Eric Roozendaal even mention the Hon. David Clarke. Certainly the Hon. Eric Roozendaal was becoming quite passionate—I think rightly so—and listed the numerous churches in our community that intervened in the case in Victoria to support the Muslim community when confronted with the behaviour of the two pastors. I share the passion and the detestation that the Hon. Eric Roozendaal is expressing but he has not even mentioned the name of the Hon. David Clarke.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! The Hon. David Clarke made a speech on an adjournment motion in this House on a road rage incident that was reported, I think, in the *Daily*

*Telegraph*. In doing so, the member placed the matter on the public record, and I do not believe that reference to that matter by another member in a subsequent debate is in breach of Standing Order 91 (3). There is no point of order. The Hon. Eric Roozendaal may continue.

**The Hon. ERIC ROOZENDAAL:** One, tainted by an allegation of racist road rage—which he chose to defend at 3.25 on the final morning of the last parliamentary session—was in his very next speech a defender of convicted racists. This shadowy figure in the hard Right of the New South Wales Liberal Party, linked to attacks on Muslims at a Liberal Punchbowl meeting last year, linked to right-wing branch stacking and violence in the seat of Hawkesbury—

**The Hon. Duncan Gay:** Point of order: It is one thing to speak on a matter that one feels strongly about. It is another matter to blatantly flout the rules and conventions that govern the proper operation of this House. The Hon. Eric Roozendaal is breaching those rules, and you, Madam Deputy President, are aiding and assisting him if you do not adhere to and uphold Standing Order 91 (3).

**Reverend the Hon. Fred Nile:** To the point of order—

**The Hon. Duncan Gay:** It is so blatant.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! The Deputy Leader of the Opposition no longer has the call. Reverend the Hon. Fred Nile is speaking to the point of order.

**Reverend the Hon. Fred Nile:** My understanding of procedure is that a member who wishes to attack another member should do so by way of substantive motion. The speech by the Hon. Eric Roozendaal in its entirety is nothing but a planned attack on the Hon. David Clarke, point by point. Members have a right to attack the Hon. David Clarke if they wish, but only by using the correct procedures of the House.

**The Hon. Jan Burnswoods:** To the point of order: I have two comments. First, I do not know the standing order to which Reverend the Hon. Fred Nile claims his argument applies. Second, I repeat the point I made in relation to an earlier point of order: if the Hon. Eric Roozendaal is launching an attack, he is doing so quite properly on a pair of people in Victoria—another State. There is no possible way that the rules that govern debate in this place with regard to attacks on members or the need for substantive motions have any application to a speech expressing the kind of devastation that the Hon. Eric Roozendaal has expressed about two people in another State of the Commonwealth of Australia.

**The Hon. Duncan Gay:** To the point of order: If the Hon. Eric Roozendaal were doing as the Hon. Jan Burnswoods says, the Opposition would not have a problem and I would not be taking a point of order. We did not take points of order when he was doing as the Hon. Jan Burnswoods claims. However, when the Hon. Eric Roozendaal decided to launch an attack on the Hon. David Clarke he was in breach of standing orders for the reasons I gave earlier. He has compounded that breach not once but three times now. On each occasion, Madam Deputy President, we have asked you to uphold the traditions and the standing orders of this House and you have rejected our requests. If you refuse again, we will have no option but to move dissent from your ruling.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! I will not be threatened by such an argument. The Deputy Leader of the Opposition was supposed to have been speaking to the point of order. I will not bow to pressure from the Deputy Leader of the Opposition or to a threat of dissent from my ruling. I will rule on the point of order on the merits of the argument and not in response to the bullyboy tactics of the Deputy Leader of the Opposition. I will refer to the rulings of former Presidents before I rule on the point of order.

In referring to rulings of past Presidents I draw the attention of members to a 20 March 1991 ruling, which states:

There is no doubt, calling upon the standard reference books on offensive words, et cetera, that according to the practices normally followed in this House offensive words may not be used against any member and all imputations of improper motives and all personal reflections upon members are considered to be highly disorderly.

Standing Order 81—

which is now Standing Order 91—

accords with what these reference volumes say on the matter. The practice of the House, based on the practice of the House of Commons, is that members can direct a charge against other members upon their character or conduct only upon a substantive motion that admits the distinct vote of the House.

I have not yet heard in the contribution of the Hon. Eric Roozendaal a charge against another member or upon another member's character or conduct that should be made by way of substantive motion. However, I caution the Hon. Eric Roozendaal that he should heed the ruling I have just read and ensure that his comments do not contravene the standing orders such that he could not proceed except by way of substantive motion. I rule that there is no point of order at this time, and the Hon. Eric Roozendaal may continue.

**The Hon. ERIC ROOZENDAAL:** I appreciate that exposing the dark underbelly of the New South Wales Liberal Party is an unpleasant process for my colleagues across the Chamber. I understand the urgency on which they move points of order to hide the truth because it is never nice to have the darkest, the most sinister aspects of one's political party—

**The Hon. Don Harwin:** Point of order: The Hon. Eric Roozendaal just said that honourable members opposite taking points of order—referring specifically to the Deputy Leader of the Opposition and me—were taking points of order to hide the truth. I find that remark offensive. I will let my colleague speak for himself. I take points of order because I want to see the standing orders upheld, and the forms and practices of the House honoured.

**The Hon. ERIC ROOZENDAAL:** I withdraw that remark. But it does not surprise me that the Liberal Party of New South Wales squirms when its dark underbelly is exposed in the light of day, particularly in this place, because its members would rather keep quiet about sinister characters and things that occur within the party. I really do understand the awkwardness that I am sensing here today. I feel very strongly about this issue because I believe that there are some in our community who need, when attacks occur on them or when they are vilified, somebody to stand up in this place and defend them, not because I have an alliance or allegiance but because we are all Australians. If I do not stand here today and do this, who will? When this matter was debated previously in this House there was deadly silence from the Liberal Party about what was said, and its members hoped that nobody noticed. Well, I noticed and I was sickened.

I call upon the Leader of the Opposition, John Brogden, to do something about this sinister blackness spreading through the Liberal Party—the continuation of nastiness, of vilification, of racism, which I find objectionable in this place. It offends me and it should offend every honourable member in this House. It should offend every Australian. And I will not be silenced by points of order or smart technical moves or by people claiming to hide behind the standing orders. I will not be silenced on those issues. I will stand up here again and again at every opportunity to put people in their place—

**The Hon. Duncan Gay:** You have been pretty quiet about the corruption in the Labor Party.

**The Hon. ERIC ROOZENDAAL:** That is right, Duncan, you would love to try to twist this debate. The Deputy Leader of the Opposition thinks that racism and vilification is a joke. How dare he say that to me! This is not about making political points, this is serious stuff.

**The Hon. Duncan Gay:** Point of order: I find the honourable member's comments to me offensive and I ask him to withdraw them. At no stage did I justify vilification or indicate that I found vilification to be a joke. I find those comments offensive and ask him to withdraw them.

**The Hon. ERIC ROOZENDAAL:** I call upon the Leader of the Opposition, John Brogden, to assert his authority, to pull the ugly faction of the Liberal Party into line and to do it properly once and for all. John Brogden and the Liberals should put something on the record—

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! Is the Hon. Eric Roozendaal prepared to withdraw his comments?

**The Hon. ERIC ROOZENDAAL:** Which comments were they? I am not sure.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! The Deputy Leader of the Opposition took offence because he believed that you were calling him racist and that you were saying he thought vilification was a joke.

**The Hon. ERIC ROOZENDAAL:** I withdraw that. There are too many interjections and I am finding it hard to respond.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** If the Hon. Eric Roozendaal wishes to withdraw the remarks, he should simply say, "I wish to withdraw the remarks".

**The Hon. ERIC ROOZENDAAL:** I wish to withdraw the remarks. I apologise to the Deputy Leader of the Opposition if, in the heat of the emotion, I offended him in any way. It was certainly not my intention. I call on the Leader of the Opposition, John Brogden, to do something about this blackness spreading through the Liberal Party because it is coming to a point where action has to be taken. I will not allow this place to be misused. Nor will I allow people to stand up and defend racists and allow the Islamic community or any other community to be vilified in this place or any other place. I do not believe we should put up with this nonsense. We are not living in America's deep south: we live in a free secular society in which extreme right-wing views must be rejected. And in particular the views of members such as the Hon. David Clarke are unwanted and unwelcome.

**Motion agreed to.**

**The House adjourned at 6.00 p.m. until Tuesday 22 March 2005 at 2.30 p.m.**

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