LEGISLATIVE COUNCIL

Wednesday 16 November 2005

_____

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

The Clerk of the Parliaments offered the Prayers.

PHOTOGRAPHS OF LEGISLATIVE COUNCIL

The PRESIDENT: I inform honourable members that a photographer will be present in the Legislative Council Chamber this morning to take photographs for use in official publications of the Legislative Council. There will be flash photography during the first five to 10 minutes and also during question time.

TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT (STAFF) BILL

Bill received and read a first time.

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.

AUDITOR-GENERAL'S REPORT

The President tabled, pursuant to the Public Finance and Audit Act 1983, the Auditor-General's Financial Audits Report, Volume Four 2005, dated November 2005.

Ordered to be printed.

PRIVILEGES COMMITTEE

Report: Person Referred to in the Legislative Council (Mr Glossop)

Motion by the Hon. Peter Primrose agreed to:

That the House adopt report No. 31 of the Privileges Committee, entitled "Report on person referred to in the Legislative Council (Mr G. Glossop)", dated November 2005.

Pursuant to standing orders the response of Mr Glossop was incorporated.

_____

Reply to comments by Revd the Hon Fred Nile MLC in the Legislative Council on 2 March 2005

In the New South Wales Legislative Council on Thursday 2 March 2005, the Reverend the Honourable Fred Nile, gave a speech in defence of the Redeemer Baptist School in North Parramatta in respect to recent media reports. Revd Nile used as evidence his long-standing association with the Headmaster Dr Maxwell Shaw to rebuke any suggestion of impropriety by the school as alleged in media reports.

In the course of his speech Revd Nile praised the school for its academic record and claimed that I, together with a group of disgruntled former teachers, was attempting to seek financial benefit, and using a naïve media to extort money from the school.

The question of money has arisen over the loss of property and wages forgone over a considerable number of years. The teachers and staff had been working for reduced wages, in most circumstances, 20% of the award.

The teachers and staff at the school only entered into this arrangement with the elders as they were told "the school had a huge mortgage to pay off" and could not afford to pay the appropriate award wages under the Teacher (Independent Schools) (State) Award. However, after receiving the financial reports of the Redeemer Baptist School, lodged with the Australian Securities and Investment Commission, the teachers and staff soon learnt that the school was in a very healthy financial position posting $4.2m, $0.725m, net profit in 2002, 2003, financial years, respectively. The only loans associated with any debt were unsecured loans representative of teachers and staff loan accounts. There were no bank debts or mortgages to pay off. The public companies

containing the assets and properties of the Redeemer Baptist Church had no secure mortgages registered over any of the titles, either with the Land Titles Office, or Australian Securities and Investment Commission.

The other part of the money claim arises out of the lack of transparency in the purchase of the properties accumulated by the Redeemer Baptist Church over a long period of time from members of the religious order. The structure of the organisation made it impossible for the return of capital to members of the religious order, or for them to be compensated on their departure.

The arrangement between the teachers and staff members that gave up their houses to purchase the school was such that the school, or church for that matter, never paid interest on any of the money lent to it by the teachers. Instead, the teachers and ancillary staff income was so low that they could not afford to live on it and they had to draw down on the loan accounts, supplementing their income. Each year, the school 's accountant would sign off the audited records, with special attention paid to the loan accounts of the teachers and staff. Each staff member would sign a document specifying the amount of capital drawn down per year.

The issues raised by the teachers and ancillary staff on their departure from the religious order, and school, in respect to breaches of the industrial relations act, required the assistance of a legal expert to determine whether or not their claims had merit. Our accounting firm has no expertise in any particular area of industrial relations law, as we are accountants, not lawyers. Our recommendation was that these teachers contact an industrial relations solicitor to validate their claim of the loss of wages over the period of time they had worked for the school. The solicitors employed by the ex-teachers and staff of Redeemer Baptist School decided to pursue their claim for the loss of income and wages. I played no role whatsoever in determining whether or not these claims had legal merit or were worth pursuing. The credit that I have been given in this matter is that I have led this group of people to pursue justice and provided them with the resources to achieve this outcome.

The payments paid to teachers and staff that departed the religious order in November 2004 was their normal monthly stipend in respect to the proceeding month. There were no other amounts of funds or money coming forward to pay termination, long service leave, or any other entitlements that would normally apply to an employee with a service record of 28, 15, and 10 years.

According to Dr Shaw there was plenty of money available. The money referred to by Dr Shaw was the loan accounts, the last remaining remembrance of their capital from the house they once owned. This money was to be made available on the teachers and staff members signing a legal release to release the school and church from all, and any litigation, now and into the future.

The industrial relations dispute arose mainly as a result of the manner in which Dr Shaw handled the matter. If the payments of the loan accounts had been paid straight away with an ex gratia payment to take into account the years of service and loss of their family home, a settlement could have been quickly reached.

There has been no attempt, via a legal claim, nor letter of demand, on my behalf to solicit money from the religious order or school. The first and foremost course of action has been to ascertain whether the teachers and staff that left the community in November 2004 gave rise to a legal claim in respect to the loss of wages and assets. This was the path pursued by the teachers and staff member in the initial stages. However, they were told to either take the money being offered to them now (return of their own capital), or receive nothing. This is a very powerful weapon in terms of the financial survival of this group. The media became an option of last resort. The first option was to help these people by getting the religious order to release money to them without any strings attached. The school refused categorically to hand over any funds without a legal release being signed. This meant that the teachers and staff members could not take any further legal action. The media campaign the Hon. Revd Nile refers to was part of the inaction of the religious order to make any concessions.

The campaign to have moneys released to the ex-teachers and staff members was initiated in the form of protests outside the school in December 2004. These protests were in the form of handing out photocopied newspaper articles to the parents of students attending the school. The protests brought out in the open the plight of ex-teachers and staff members.

On 23rd December 2004, after "letters of demand" from the ex-teachers and staff member, and a protest outside the end of year chapel service at Western Sydney University campus in Rydalmere, the religious order relinquished money held in loan accounts to the ex-teachers and staff member without the signing of a legal release.

Revd Nile also made reference to my changing position on Redeemer. Prior to November 2004, I was classified as "a friend of Redeemer" by Dr Shaw, and thereafter an enemy. Revd Nile is quite correct in his statement that I spoke "'in glowing terms" about Redeemer. It is true that when my daughter was attending the school I could not speak more highly of Dr Shaw and the teachers who went to extraordinary lengths to help each child reach their full potential. It took me two years before I would even entertain the idea of a derogatory word being said about the school, or Dr Shaw.

My perceptions changed when a retired barrister visited our office and talked to us about the school in respect to a young man who had committed suicide. Our reaction to this person's information was to ring the school and inform Dr Shaw of his visit to our office and the information he provided. It was the school's reaction to this incident which changed my perceptions of the school and those associated with it.

The Revd Nile makes mention of a web site set up long before the defections in November 2004:

They have established a web site called Redeemer Parents Association which, by the way, has no official connection with the school or the church; it is designed to destroy the school. The material on that site is just plain offensive.

The web site mentioned by Revd Nile has over 2,265 messages as of 25th June 2005. This web site has become a communication channel in relation to ex-members of the fellowship, students, and parents of the school to communicate with each other. These issues raised through this forum have been locked away within each ex-member that has left the community or school.

YANGA STATION, BALRANALD

Production of Documents: Order

Motion by the Hon. Rick Colless agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents created since January 2003 and not previously provided with the return to the order of the House dated 12 October 2005, in the possession, custody or control of the Minister for the Environment, and the Department of Environment and Conservation, including the National Parks and Wildlife Service, relating to any proposal for the sale or acquisition of Yanga Station or part of Yanga Station, including:

(a) all documents relating to any proposal for the sale or acquisition of Yanga Station or part of Yanga Station between Mr G. Black, the Minister or any officer of the Crown, including any records of telephone calls, file notes, diary entries and other documents created prior to 24 August 2004 in relation to any such proposal,

(b) all documents relating to any proposal for the sale or acquisition of Yanga Station or part of Yanga Station between Mr A. Gaston, the Minister or any officer of the Crown, including any records of telephone calls, file notes, diary entries and other documents created prior to 24 August 2004 in relation to any such proposal,

(c) all documents relating to any other proposal for the sale or acquisition of Yanga Station or part of Yanga Station, and

(d) any document which records or refers to the production of documents as a result of this order of the House.

LUNA PARK LEASE

Production of Documents: Order

Motion by the Hon. Greg Pearce agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of any Minister, past or present, the Sydney Harbour Foreshore Authority or any other authority or agency which has an involvement with Luna Park:

(a) the Original Agreement for Lease between Luna Park Reserve Trust (LPRT) and Metro Edgley Pty Limited (Metro) and/or such other version as may be annexed to a Minister's consent granted on 4 August 1999, as referred to in paragraph 1 of an annexure to a Department of Lands memorandum lodged with the Lease ('the Annexure'), and all of the annexures to the Original Agreement for Lease to be consented to by the Minister, as set out in paragraph 6 of the Annexure,

(b) the subsequent Agreement for Lease dated 23 December 2002 between LPRT, Metro and Luna Park Sydney Pty Limited (LPS),

(c) any asset sale agreement between LPRT, Metro and/or LPS as referred to in the definition of "Landlord's Fittings" in the Lease, and any Asset Management Plan, as updated from time to time, relating to the assets of Luna Park,

(d) any Business Plan prepared by LPS, as updated from time to time,

(e) the Bank of Scotland Subscription Agreement, the LPRT Side Deed, the Term Finance Agreement, the Management Agreement, and the Proposal prepared and submitted by Metro and/or LPS, and

(f) any document which records or refers to the production of documents as a result of this order of the House.

NSW OMBUDSMAN POLICE POWERS REVIEW

Production of Documents: Order

Motion by the Hon. Catherine Cusack agreed to:

1. That this House notes:

   (a) that the NSW Ombudsman Annual Report 2004-05 page 60 lists nine legislative reviews about police powers completed by the Ombudsman,

   (b) that the legislation requires Ministers to table copies of these reports in Parliament as soon as possible,

   (c) that only four of the nine reports have been tabled in Parliament, and

(d) that the Ombudsman, on 26 October 2005, called for the Minister for Police to immediately make the report on the Child Sex Offenders Register available to Parliament.

2. That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Police and the Attorney General:

(a) Ombudsman review on Police Powers (Vehicles) Amendment Act 2001 provided to the Honourable John Watkins MP, then Minister for Police, in September 2003,

(b) Ombudsman review on Crimes Legislation Amendment (Penalty Notice Offences) Act 2002 provided to the Honourable John Watkins MP, then Minister for Police, and the Honourable Bob Debus MP, Attorney General, in January 2005,

(c) Ombudsman review on Crimes Legislation (Penalty Notice Offences) Act 2002 provided to the Honourable Carl Scully MP, Minister for Police and the Honourable Bob Debus MP, Attorney General, in April 2005,

(d) Ombudsman review on Child Protection (Offenders Registration) Act 2000 provided to the Honourable Carl Scully MP, Minister for Police, in May 2005,

(e) Ombudsman review on Police Powers (Internally Concealed Drugs) Act 2001 provided to the Honourable Carl Scully MP, Minister for Police, and the Honourable Bob Debus MP, Attorney General, in July 2005, and

(f) any document which records or refers to the production of documents as a result of this order of the House.

ROADS AND TRAFFIC AUTHORITY AND CROSS CITY MOTORWAY CONSORTIUM CONTRACT DOCUMENTS

Production of Documents: Report of Independent Legal Arbiter

Motion by Ms Lee Rhiannon agreed to:

1. That the report of the Independent Legal Arbiter, Sir Laurence Street, dated 15 November 2005, on the disputed claim of privilege on papers relating to a further order for papers regarding the Cross City Tunnel be laid on the table by the Clerk.

2. That, on tabling, the report is authorised to be published.

PETITIONS

Banora Point High School

Petition requesting completion of Banora Point High School as a year 7 to 12 facility, received from **the Hon. Catherine Cusack**.

Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Reverend the Hon. Fred Nile**.

Gaming Machine Tax

Petition praying that the House reconsider the decision to increase poker machine tax, received from **the Hon. Rick Colless**.

Camden Maternity Ward

Petition calling on the Premier to honour election campaign commitments by reopening the Camden Maternity Ward, received from **the Hon. Charlie Lynn**.

Desalination Plant Proposal

Petition opposing construction of a desalination plant in Sydney, and requesting a sustainable water supply through harvesting and recycling of water, water efficiency, and financial incentives, received from **Ms Sylvia Hale**.

MEMBERS WEARING OF BADGES

The PRESIDENT: Yesterday a point of order was raised about the wearing of badges by members in the House. During debate on the point of order reference was made to the wearing of badges by the Leader of

the Opposition and other members of the Opposition in the House of Representatives in recent weeks. I indicated that I would ascertain the current situation in the Federal Parliament and reserved my ruling on the point of order. I am informed that, in the absence of any point of order being raised, in recent weeks the Speaker of the House of Representatives has not directed the removal of the badges with the slogan "Your rights at work". Whilst *House of Representatives Practice,* Fifth Edition, at page 158 lists a number of prescribed forms of behaviour in the Chamber—for example, "a Member may not distribute apples to other Members in the Chamber"—it is silent on the question of the wearing of badges. I am also informed that there have been no points of order raised on this matter in the Senate recently. However, the principles set out in Odgers *Australian Senate Practice,* Eleventh Edition, at page 210 would be applied if the matter arose. Odgers states:

> It is not in order for senators to hold up newspapers or placards in the chamber or display items such as badges with slogans... Senators may not have on their desks items which are objectionable to other senators... It is similarly not in order to wear in the chamber T-shirts or other clothing bearing slogans... The basis of these rulings is that, not only is the holding up of placards with slogans disruptive of orderly debate, but it would allow senators to intervene in debate other than by receiving the call from the chair and participating in debate in accordance with the rules of the Senate.

On 20 May 1997 Deputy-President Gay ruled that "the size of badges worn in this House should not exceed the size of the Legislative Council badge". I made similar rulings on 20 October 1999, 27 October 1999, 11 April 2001 and 22 September 2004. Since the Hon. Duncan Gay has taken objection to a member wearing a label on the basis that it is larger than the members badge I must ask members not to wear badges or objects of that nature into the Chamber.

The Hon. Duncan Gay: On a point of clarification on your excellent ruling: I note that on 20 October 1999 you upheld a point of order raised by the Hon. Ian Macdonald in relation to the Hon. David Oldfield, on 27 October 1999 you upheld a point of order raised by the Hon. Henry Tsang in relation to the Hon. Charlie Lynn, and on 11 April 2001 you upheld a point of order raised by the Hon. Tony Kelly in relation to the Hon. John Ryan. On 22 September you also ruled in my favour when I took a point of order on Ms Hale. Will you indicate how the ruling you have just given fits, when on each of those the occasions you ruled immediately but when I took a point of order on a member of the Labor Party—not of the Opposition or crossbench—it took 24 hours for you to rule, during which time the member was able to wear the badge?

The PRESIDENT: Order! The point was made by the Government Whip that as a result of a ruling by the Chair in the House of Representatives a change of practice had taken place in that Chamber with respect to this issue. Consequently I decided to defer my ruling until I had ascertained whether such a ruling had been made. Had such a ruling been made in the House of Representatives, my ruling today would probably have been different. However, as no such ruling has been made, I confirmed my original decision.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Catherine Cusack agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 178 outside the Order of Precedence, relating to an order for papers regarding the women's refuge movement, be called on forthwith.

Order of Business

Motion by the Hon. Catherine Cusack agreed to:

That Private Members' Business item No. 178 outside the Order of Precedence be called on forthwith.

WOMEN'S REFUGE MOVEMENT

Production of Documents: Order

The Hon. CATHERINE CUSACK [11.23 a.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Community Services, the Department of Community Services, the Minister for Women or the Office for Women:

(a) all documents created since 1 January 2002 relating to the recent business plan for the Women's Refuge Movement which was subsidised by the Department of Community Services,

(b) all documents created since 1 January 2002 relating to the auspice arrangements for all women's refuges that are not being locally managed, but are auspiced by the NSW Women's Refuge Movement, and

(c) any document which records or refers to the production of documents as a result of this order of the House.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [11.23 a.m.]: I move:

That the question be amended by inserting at the end:

(d) documents provided subject to (a) to (c) above should not contain information that reveals the location of a refuge, the identity of a client or in any way jeopardises the safety of service clients or the services provided by a refuge.

I do not think I need to speak to the amendment. I understand that the Hon. Catherine Cusack will accept the amendment.

The Hon. CATHERINE CUSACK [11.24 a.m.], in reply: I do accept the amendment.

Amendment agreed to.

Motion as amended agreed to.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 1 postponed on motion by the Hon. Tony Kelly.

CRIMES AMENDMENT (ANIMAL CRUELTY) BILL

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [11.25 a.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the *Crimes Amendment (Animal Cruelty) Bill 2005*. The Community was outraged earlier this year by a number of vicious attacks on animals earlier this year. In response the Government established the multi-agency Animal Cruelty Taskforce to consider changes to animal cruelty laws and procedures. The amendments contained in this Bill arise from the Taskforce Report to the Government.

Current animal cruelty offences are found in the *Prevention of Cruelty to Animals Act 1979*. The most serious of these offences carries a maximum penalty of 2 years imprisonment.

The Taskforce was concerned primarily with whether a new aggravated animal cruelty offence, carrying a higher penalty, should be created in the *Crimes Act 1900*. It was proposed that this new offence deal with the worst examples of animal cruelty, that is, cases where offences are committed with the intention of inflicting pain on the animal, in circumstances that amount to serious instances of animal cruelty, like torture and where the animal is killed, seriously injured or experiences prolonged suffering.

This Bill also creates a new offence designed to protect animals used for law enforcement purposes. This is in response to the killing of police dog Titan last year during a police operation. There have also been other reports of attempts to injure law enforcement animals such as throwing marbles under the hooves of police horses.

To reflect the seriousness of these two offences the maximum penalty for both of these new offences will be five years imprisonment.

The Taskforce also found that where matters were prosecuted by animal welfare organisations, like the RSPCA and the Animal Welfare League, with no involvement by police in the investigation, there was no guarantee that a guilty person's fingerprints would be taken and a subsequent notation made on their criminal record.

Accordingly, an amendment to the *Law Enforcement (Police Powers and Responsibilities) Act 2002* will provide that when offenders previously have not been fingerprinted for an offence of cruelty or aggravated cruelty to an animal under the *Prevention of Cruelty to Animals Act*, an application may be made to the court for a fingerprinting order. This will allow accurate criminal records to be maintained.

The introduction of the new offence under the *Crimes Act* will not affect the offences that currently exist in the *Prevention of Cruelty to Animals Act*. Those offences will remain unchanged and together with the new Crimes Act provisions create a scale of animal cruelty offences of increasing seriousness. Less serious matters of animal cruelty, therefore, will continue to be dealt with under the *Protection of Cruelty to Animals Act*.

I will now turn to the detail of the Bill.

Clause 1 sets out the short title of the proposed Act.

Clause 2 provides for the Act to commence on proclamation. New indictable offences are usually commenced in this way to provide certainty as to the exact commencement time and to allow the police and courts to put the necessary administrative and education measures in place.

Schedule 1 Amendment of Crimes Act 1900

The Schedule inserts proposed sections 530 and 531 into the *Crimes Act 1900*. Both offences will be indictable offences carrying maximum penalties of 5 years imprisonment.

Proposed section 530 makes it an offence, with the intention of inflicting severe pain on an animal:

(a) to torture, beat or commit any other act of serious cruelty on the animal, and

(b) to kill, seriously injure or cause prolonged suffering to the animal.

Specific defences provided for are:

- authorised animal research;
- routine agricultural and animal husbandry;
- recognised religious practices;
- pest extermination; and
- veterinary practice.

These specific defences, of course, do not limit other circumstances where there is no requisite intention to cause of severe pain or other general statutory or common law defences, like self-defence or necessity, that will naturally apply to both new offences.

Animal has been defined to mean mammals (other than humans), birds and reptiles.

Proposed section 531 makes it an offence to intentionally kill or seriously injure an animal knowing that the animal is being used in the execution of the officer's duty or to do so as a consequence of, or in retaliation for, such a use of the animal.

Schedule 2.1 amends section 268 of, and Table 2 in Schedule 1 to, the Criminal Procedure Act 1986 to provide that the new indictable animal cruelty offences are to be dealt with summarily by a Local Court unless the prosecutor elects otherwise.

This is to ensure that the criminal justice system can efficiently deal with these matters. As with other indictable matters that can be dealt with summarily, however:

- the Local Court must have regard to the maximum penalty provided for by the Parliament as an indication of the seriousness of the offence; and
- Police must identify serious matters and elect to have them dealt with by the superior courts where it is likely that the criminality of the offence outstrips the sentencing capacity of the Local Court.

Schedule 2.2 amends section 134 of the *Law Enforcement (Powers and Responsibilities) Act 2002* to enable a court which finds an offence proven against a person under section 5 (Cruelty to animals) or section 6 (Aggravated cruelty to animals) of the *Prevention of Cruelty to Animals Act 1979* to order the person to attend a police station and submit to the taking of identification particulars. This will ensure that accurate criminal records can be maintained in relation to animal cruelty offences.

The *Law Enforcement (Powers and Responsibilities) Act 2002* is to commence on 1 December 2005. The equivalent provision is currently located at section 353A(7) of the *Crimes Act 1900*; this will be repealed when the LEPAR Act comes into force.

Unwarranted and unjustified cruelty to animals is unacceptable to our society and the Government wishes to send a strong message that such unacceptable actions will be dealt with as serious criminal offences and offenders can be assured of strong enforcement of these new laws.

The Hon. DAVID CLARKE [11.25 a.m.]: The Opposition is pleased to support the Crimes Amendment (Animal Cruelty) Bill. Unfortunately, far too frequently we are confronted with media reports of

cases of extreme cruelty to animals, cruelty of such barbarity and perversity that all decent people are sickened and repulsed. The community demands that this sort of conduct be dealt with severely under the law. Perverse individuals who engage in such debased conduct need to learn that their conduct will not be tolerated. In response to this widespread community concern an animal task force was established by the Government to formulate a community response and to recommend an appropriate toughening of the laws pertaining to animal cruelty. Currently the law is governed by the provisions of the Prevention of Cruelty to Animals Act 1979, which provides a maximum penalty of two years imprisonment for acts of animal cruelty.

The bill amends the Crimes Act 1900 to create a new offence covering more serious acts of animal cruelty where there is an intention to inflict severe pain on an animal, or kill or cause serious injury or prolonged suffering to an animal. The new offence will carry a maximum penalty of five years imprisonment. The bill makes clear that this new offence is directed at cruelty, the intention of which is to inflict severe pain, and is not directed at authorised animal research, routine agricultural or animal husbandry practices, recognised religious practices or veterinary practice. The term "animal" is defined as relating to mammals other than human beings, birds and reptiles.

Another practice that the community is not prepared to tolerate is any action intended to kill or seriously injure animals used for law enforcement purposes. The type of action that this provision targets includes the injuring or killing of police dogs in order to impede law enforcement or the situation where marbles, glass, nails or other objects are thrown under the hooves of police horses—the type of action that all too often is prevalent at violent mob demonstrations. Accordingly, the bill amends the Crimes Act 1900 to create a new animal cruelty offence, with a maximum penalty of five years imprisonment, where the offender intentionally kills or seriously injures an animal knowing that it is being used for law enforcement purposes, or in retaliation for such a use. The new offences will relate to any dog, horse or other mammal, other than human beings, used by a law enforcement officer in the execution of the officer's duty. Existing offences contained in the Prevention of Cruelty to Animals Act will remain.

The Law Enforcement (Powers and Responsibilities) Act 2002 is amended to enable a court that finds certain animal cruelty offences under the Prevention of Cruelty to Animals Act 1979 to be proven to order that the offender submit to the taking of identification particulars, including fingerprints, by police. This amendment is to overcome the current situation where matters prosecuted by animal welfare groups such as the RSPCA, and not involving the police, do not guarantee that a convicted person's fingerprints or other necessary identification particulars are taken and a notation is made on their criminal record.

Finally, the bill amends the Criminal Procedure Act 1986 to enable the new offences created by the bill to be dealt with summarily by the Local Court, rather than by indictment, unless the prosecutor elects otherwise. The bill will have strong community support. In creating a more serious category of animal cruelty offences punishable with more severe penalties the bill responds to community concerns—concerns that are certainly shared by the Opposition—that cruelty to animals should not and will not be tolerated.

Reverend the Hon. Dr GORDON MOYES [11.30 a.m.]: The Crimes Amendment (Animal Cruelty) Bill amends the Crimes Act 1900 to create two new indictable animal cruelty offences. In a previous debate on proposed legislation relating to animal cruelty I made reference to the fact that there is much truth in the saying in the biblical book of Proverbs 12:10 that "a righteous man cares for the needs of his animals but the kindest acts of the wicked are cruel". The *Bible* never fails to provide insight into the human psyche, and is as relevant today as it has been to past generations. If the kindest acts of the wicked towards animals are cruel, it is also clear that the acts of those who mistreat animals are a reflection of a mental or psychological state of mind that is unsettled and perturbed, a state of mind that can act and react negatively towards humans.

Professor Paul Wilson in the *Journal of Psychiatry, Psychology and Law* explored the relationship between criminal behaviour and mental illness in young adults in the context of cruelty to animals. He expressed the view that cruelty to animals appears to be a strong indicator or "red flag" in the background of many serial killers and thus, it is suggested, in the history of perpetrators of other forms of major interpersonal violence. In fact, RSPCA New South Wales Chief Veterinarian, Dr Mark Lawrie, addressed the Australian Urban Animal Management Conference in Canberra in October this year, exploring the links between violence towards animals and violence towards people in Australia. In light of the well-publicised cases of animal cruelty at the beginning of this year, one being the violent and heart-wrenching case of the kitten named Shelley, the Minister indicated that he would establish an animal cruelty task force composed of representatives from the Attorney General's Department, NSW Police, the RSPCA, and the like, to consider issues relating to animal cruelty, including diversion schemes for juvenile offenders. These plans were welcomed by the peak organisation, the RSPCA, advocating for the rights of animals.

This bill arises as a consequence of recommendations made by the Animal Cruelty Taskforce, which was charged with the responsibility of reflecting on and considering changes to animal cruelty laws and procedures. At present, animal cruelty offences are found in the Prevention of Cruelty to Animals Act 1979. The task force recommended that an indictable aggravated animal cruelty offence be created in the Crimes Act 1900 to reflect the gravity of the circumstances surrounding the offence. The task force also made recommendations that measures should be put in place to ensure that when criminal charges are laid by animal welfare organisations, such as the RSPCA and the Animal Welfare League, with no involvement by police in the investigation, any persons convicted can be fingerprinted and the offence recorded on their criminal record.

I will now turn to the specific provisions of the bill. The bill makes an amendment to the Crimes Act 1900 to create a new serious animal cruelty offence, under proposed section 530, with a maximum penalty of five years imprisonment, where the offender intends to inflict severe pain on an animal and kills or causes serious injury or prolonged suffering to the animal. Of course, in some situations it may be viewed as acceptable to inflict severe pain on animals because of the context in which the pain is inflicted. For example, proposed section 530 will not affect such activities as authorised animal research or other lawful activities, routine agricultural or animal husbandry practices, recognised religious practices, pest extermination or veterinary practice, for which defences are provided. However, if there is some contention about whether the pain inflicted is justified in even these circumstances, the Prevention of Cruelty to Animals Act 1979 provides a basis for offences.

Proposed section 530 makes it an offence, with the intention of inflicting severe pain on an animal, to torture, beat or commit any other act of serious cruelty on the animal, and to kill, seriously injure or cause prolonged suffering to the animal. The bill also amends the same Act to create a new animal cruelty offence, under proposed section 531, also with a maximum penalty of five years imprisonment, where the offender intentionally kills or seriously injures an animal knowing that it is being used for law enforcement purposes, or in retaliation for such a use. The offence will relate to dogs, horses and other mammals, other than human beings. Importantly, the offences do not prevent the application of the defence of self-defence under the Crimes Act 1900; the defence is contained in section 418 of the Crimes Act 1900.

The Criminal Procedure Act 1986 is amended to enable the new offences to be dealt with through the local court system, unless the prosecutor otherwise elects. The maximum term of imprisonment that may be imposed for such an offence if dealt with summarily is two years. The bill makes amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 to enable a court that finds certain animal cruelty offences under the Prevention of Cruelty to Animals Act 1979 to be proven to order that the offender submit to the taking of identification particulars, such as the person's photograph, fingerprints and palm prints, by police. Those who perpetrate unjustified acts of cruelty towards animals are not mentally sound. Though this legislation will make it clear that acts of cruelty towards animals are reprehensible, it is also necessary to understand why people act in this way towards animals. After understanding why, steps need to be taken to encourage those affected by mental health issues in this area to seek help. The Christian Democratic Party commends the bill to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.36 a.m.]: The Democrats have a proud record with regard to animal rights and the protection of animals from wanton cruelty. Certainly the Democrats do not want to encourage or allow wanton cruelty—for example, people setting fire to cats, or various other forms of mindless cruelty. We are conscious that such animal cruelty may indicate some criminal tendency, a callousness that is worthy of note, and would require considerable attention if it is part of gangland behaviour or adolescent behaviour which might lead to a suggestion that there is a danger of cruelty to children or other violence. We would like the Department of Community Services to look at such issues if children are behaving like this, in a preventive fashion with regard to minors and in a watching fashion with regard to adults. Certainly we believe that if cruelty to animals occurs action should be taken.

It is one thing to simply increase the penalties. The Government likes to do that without looking at the preventive and social aspects of many crimes, or indeed at the way in which people should be apprehended and the behaviour discouraged. In many cases a broader look at the issue is needed, rather than simply jacking up the penalties, which is very simple through this House; it gets a rah-rah response from many members and from the shock jocks—who, of course, would lock up everybody if they could without any sociological consideration about what will happen when they come out and how much money we are paying for very little sociological outcome.

I note that religious practices are an exemption. Does this mean sacrifices? Does "sacrifice" mean slaughtering quickly and burning, rather than slaughtering as occurs in an abattoir, whereby at least people eat

what is slaughtered? I have not seen in the second reading speech any elucidation of what the exemption means in practice. Obviously, if religious practices involve simply slaughtering cattle while they are facing Mecca, or another variant of common practice in abattoirs, that is another aspect. During my medical career I was involved in the sacrificing—as is the euphemism—of animals for research purposes, which was done in order to teach students the fundamentals of animal research. I believe it is sometimes necessary. It has been said that animal research is never necessary to test drugs, but I do not subscribe to that view. I believe that if we do not want to put humans at risk, it is necessary to test the drugs on animal species before they are tested on humans.

Unless we all become vegetarians—which would be better for the planet—the slaughter of animals for food will continue. Many animal husbandry practices have slaughter as their end point because of the carnivorous nature of our diets and our habits. In *Julius Caesar* the plotters were discussing how he should be killed. One of the plotters said, "Let us not just butcher him, let us carve him as a sacrifice to the gods," which is somewhat gilding the lily as Julius Caesar was to be stabbed to death one way or another, whether it was described in lofty terms or put in more basic language.

The other interesting thing about this bill, which is just a tad worrying, is the special offence relating to police animals. It is one thing for a person to soak a cat in petrol and light it, or to swing it around by the tail or to engage in some other mindless cruelty; it is another thing for a criminal being apprehended to attack a police dog. The dog is trained to attack. My understanding is that if the person being apprehended has a gun, the dog is trained to try to grab the gun. Effectively, the dog is taking the risk of being shot in lieu of the policeman. If the person to be apprehended were in a corner or in a building, et cetera, and were confronted by a number of dogs trained to attack him or her, it would be extraordinary if that person did not defend himself or herself against that animal and it would be extraordinary if the dog were not at some risk of being harmed.

The idea that mindless cruelty to an animal and an attack on a dog being used for law-enforcement are parallel situations is almost absurd. Is that person then charged with robbery, swearing, resisting arrest and attacking the dog that was attacking him or her? Is this just another way of introducing another crime to put people in gaol? While I do not want to be unsympathetic to police dogs, one has to admit that they are used to attack criminals in order to apprehend them. To regard an attack on a police dog as being a higher category of offence seems a tad absurd. Horses at demonstrations are quite threatening—they are big and strong, and, of course, they were used in war in historic times. Demonstrators have had two traditional methods of stopping horses: to put marbles under their hooves and to burn them with cigarettes. I have never been involved in a situation where a crowd has been pressed back in a hostile fashion by police using horses, and I have taken part in quite a number of demonstrations.

I refer to people defending themselves against aggressive police tactics in demonstrations. From my experience, at times demonstrators get angry and hot under the collar. They are usually demonstrating because of what they perceive to be an injustice or a cause that is important to them, whereas the police are concerned with the maintenance of order. Sometimes the police are sympathetic to the cause and to the right to protest—I think more than they were in the pre-Vietnam war demonstration times. However, things sometimes get heated. If people believe they are being trampled by a horse they might reasonably take some sort of action to defend themselves.

The animals may be used in an aggressive fashion by the police. It is not a parallel case to say that anybody who resists that attack is guilty of animal cruelty in the same way that somebody takes to a defenceless animal and attacks it for no good reason. That needs to be taken into account in the application of this law. It is interesting that it has not been noted in other contributions to the debate. It is worrying that the bill seeks to demonise people who might come in contact with police dogs or police horses and puts those animals on a pedestal without acknowledging the fact that they are used in a law-enforcement situation. It suggests that this House is not looking honestly at the facts in front of it and is not discussing issues that ought to be discussed. I have concerns about that issue. However, the Australian Democrats record in relation to animal cruelty and animal rights is second to none.

Ms LEE RHIANNON [11.46 a.m.]: The Crimes Amendment (Animal Cruelty) Bill creates serious animal cruelty offences in the Crimes Act. The Greens take animal welfare issues seriously. We have a strong policy and a strong track record of work on a range of issues, such as the conditions of battery hens, sow stalls and many of the foodlots. So whenever the Government brings forward a measure to tackle animal cruelty we are inclined to support it. Recently some serious cases of animal cruelty have received media attention and have been distressing. They have brought to light the cruelty that occurs all too frequently. I believe we can do more to tackle this cruelty, and it is not just about changing the law.

The Greens believe new section 531 to be superfluous. On the face of it, it achieves nothing more than is achieved by new section 530—it simply duplicates the provision, but with the addition of the term "law-enforcement". I am obviously not in favour of cruelty to law-enforcement animals—quite the opposite—but this objective would have been achieved without section 531. I think that is worth members pondering because it explains how so much of the legislation that this Government brings forward is drawn up: it is drawn up with a mind for headlines, not just the apparent intent of the bill. It is impossible to speak to this bill without addressing the hypocrisy in new section 530 (2).

On the one hand, animal cruelty is a terrible offence to be punished by 25 years prison but, on the other hand, it is okay if the harming of animals is for scientific research, agricultural practices or religious activity. Obviously, these are complex issues: they are rarely black-and-white. I acknowledge that. But, surely, if we are so concerned about animal cruelty we should put more scrutiny on these areas. We should require the Government to make a higher standard to justify its actions, otherwise the inconsistency is so great that it undermines the intent of the bill. On a more general level, the Government must do more to reduce animal cruelty before it happens. That is where we should concentrate our efforts. Providing more severe penalties after the fact is not the way to reduce animal cruelty. As is the case with most types of crime, there is little evidence to prove that more severe penalties will prevent criminal activity.

I acknowledge that this is a difficult challenge but it is one that the Government should take up. It requires a broad change to societal attitude, encouraging greater respect towards animals and awareness of cruelty issues. It means tackling difficult issues and having a vested interest in areas such as battery hens, sow stalls, feedlots and research on animals in general. When people see the conditions that some animals are forced to endure quite legally it makes a complete mockery of animal cruelty laws. When people are exposed to animal cruelty that is legal, they realise the inconsistency of the way in which our laws work. The Greens also have serious concerns about the measure in the bill covering police animals. Protesters can be charged under the Act if police horses and police dogs attend a protest. This country does not have a long history of police dogs being used against demonstrators, but there have been many incidents where police horses have been irresponsibly used against protesters and striking workers.

The Hon. Charlie Lynn: They were trying to break the law.

Ms LEE RHIANNON: I was hoping Mr Lynn might interject at this point. He might be interested to know that a former Coalition Government police Minister, Mr Ted Pickering, prohibited the use of horses as weapons for crowd control.

The Hon. Charlie Lynn: I would change that.

Ms LEE RHIANNON: It was your Government that had the foresight to put that in place. It was back in 1990, before the major parties became addicted to the simplistic, populist law and order approach to justice issues. These days one could not imagine any member of the major parties being willing to say that police horses should not be used against protesters. Current NSW Police standard operating procedures for public order management advises commanders responsible for policing demonstrations to consider using mounted police. Mounted police are currently used with greater frequency to move on groups of people at protests than we have seen for many years.

The Hon. Amanda Fazio: And drunks at Circular Quay.

Ms LEE RHIANNON: I acknowledge the interjection, but I am concerned here at the way that police horses are used as police weapons against protesters. Reports on this matter have noted that deploying horses as unregulated police weapons is a tactic similar to firing tear gas, rubber bullets or water cannons into a crowd or using a line of police.

The Hon. Charlie Lynn: What is wrong with that?

Ms LEE RHIANNON: I acknowledge that interjection. We can see Mr Lynn's attitude to people who have a right to protest.

The Hon. Rick Colless: What about marbles at a police horse?

Ms LEE RHIANNON: Yes, I will get to that. Perhaps Mr Colless will speak in the debate and he can give us cases when that has happened because we hear those charges made time and again.

The Hon. Rick Colless: You know about them.

Ms LEE RHIANNON: No, I do not know about them. You give me an example when these allegations have resulted in charges in court.

The Hon. Rick Colless: Don't blame me for them. It is not my fault. That is what you are saying.

Ms LEE RHIANNON: No, because you cannot do it, Mr Colless. These weapons and techniques are designed to deploy force against groups of people to move them en masse rather than subdue or restrain an individual who may have committed an offence. This is when we have the worrying situation where police horses are used against protesters and striking workers. As with other crowd dispersal weapons and techniques, police horses are very dangerous and potentially lethal when used indiscriminately to disperse crowds. When using horses as weapons in this way the risk of people being kicked or knocked down and sustaining serious injury is heightened. To give an example, at the recent Forbes protest, which was a peaceful protest—

The Hon. John Della Bosca: Which one was that?

Ms LEE RHIANNON: The protest against Forbes.

The Hon. John Della Bosca: They didn't use horses to disperse there.

Ms LEE RHIANNON: Yes, they did.

The Hon. John Della Bosca: Which day?

Ms LEE RHIANNON: They were used on that evening. I am about to give the example where police charged into a group. Mr Cohen and I were there. We witnessed the charge, which was very serious. A number of people were injured and one was a young colleague of ours, who sustained a broken collarbone when he was squashed between two horses. At the time of the charge people were standing there and the horse charged them from behind, which is why the young man sustained such a serious injury. He did not even see the horses coming. Police horses are routinely being used as weapons in protests or crowd control situations. They are strategically directed to ride straight into crowds of protestors to make them disperse. That is what happened at the Forbes protest. Police were directed to ride into the crowd.

At the May Day protests in 2002 journalists and a legal observer team recorded a charge by eight to ten horses on to the footpath without warning, which resulted in numerous injuries. A month earlier mounted police broke up a demonstration outside the Israeli Consulate in Sydney in a similar manner. In June 2001 a union blockade outside New South Wales Parliament House was charged by about 12 mounted police. In 2000 virtually all protests in Sydney were met by mounted police. These have been documented by legal teams and it is certainly a worrying trend under this Labor Government and the practice appears to be increasing since the Government was elected in 1995.

To comment on the allegations that Mr Colless has made, they are similar to marbles being thrown at horses. Mr Costa made similar allegations when he was Minister for Police when a protest was held against a World Trade Organisation meeting being held in Sydney. Charges were not laid, but these serious allegations are damaging to protesters and blemish the good character of many people involved in protests. They are scare tactics to deter other people from joining such protests. The Greens are concerned about certain aspects of the bill. Although we welcome any measure to improve animal welfare, we are concerned that the bill could be misused by police to charge people at a protest, resulting in cruelty to police horses. It is only natural that someone who is being charge by a police horse will try to protect himself or herself from being trampled, and that is a serious problem with the bill.

The Hon. JOHN RYAN [11.57 a.m.]: I respond on behalf of the Opposition to two comments made by the Hon. Dr Arthur Chesterfield-Evans and the Hon. Lee Rhiannon and to put in context the making of a special offence of injuring animals used in law enforcement. First, the public recognises that many of the animals used in law enforcement are loyal creatures being used, in most instances, for the protection of human beings. Indeed, in some instances, they even put their own lives on the line in order to protect human beings. For example, I refer to the lives of sniffer dogs used in circumstances where bombs are present. Although they may not be cognisant of the fact that they may be about to make the supreme sacrifice, they are put on the line. The purpose of the Crimes Amendment (Animal Cruelty) Bill is to balance the odds and to make people think twice before they subject those animals, which are sometimes legitimately used in law enforcement, to acts of cruelty.

I am sure all members of Parliament condemn demonstrators who use cigarettes to burn horses as a means of countering them being used to control crowds or preparing themselves with marbles in order to counter demonstrations. All of us support the right to peaceful protest and the opportunity for people to gather in the streets and send a message to a government or whatever. The right to peacefully demonstrate is respected across the board. However, the right to protest does not include the right to riot. In many instances the presence of horses is a means of ensuring that the protest does not go from being peaceful to being disorderly to becoming a riot, which not only threatens the people being protested against, but others who intend to be peaceful but who end up in a dangerous situation. The police who use animals to control crowds in this way are acting in the public interest. There is no excuse for deliberately injuring animals being used to control demonstrations with the aim of ensuring they do not progress from a demonstration of public opinion to a riot. The Opposition supports those provisions.

I must comment on the remark that somehow or other actions against law enforcement animals represent a legitimate part of the right to protest or a legitimate defence against animals being used for the purposes of law enforcement. If a person took a spontaneous action in reacting to a law enforcement dog and caused the dog to be injured, I am sure the court is capable of taking the circumstances into consideration. Other than that, I believe that these laws are legitimate and should be supported by the House.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

_____

ENFIELD INTERMODAL TERMINAL

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Minister for Infrastructure. What value can the community place on the Government's commitment to the proposed Enfield intermodal terminal, given the Minister for Infrastructure thinks that the Freight Infrastructure Advisory Board report, which includes this project, does not fit within his grand plans and is therefore essentially worthless? Will the Minister now detail his plans and also indicate the rationale behind the Government's proposal to rename the Enfield terminal development to Chullora? Is the name change the clincher that secured the support of the honourable member for Strathfield?

The Hon. MICHAEL COSTA: I do not want to debate whether it is good or not. We have made a number of observations about where the Government will go in terms of planning issues, and they will be released as part of the metropolitan strategy. So I will not comment on the matter until the metropolitan strategy is out for public discussion.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY

The Hon. PETER PRIMROSE: My question is addressed to the Minister for Industrial Relations. Will the Minister inform the House why legal employment agreements entered into this month by New South Wales employers and employees could be illegal next year?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his ongoing interest in industrial affairs.

The Hon. Patricia Forsythe: Point of order: I believe that the question is seeking a legal opinion and is therefore out of order in terms of the standing orders.

The Hon. JOHN DELLA BOSCA: To the point of order: I understand that the question—I have not seen it before—which is clearly framed, is asking about political circumstances in relation to the law. It is not asking me for a legal opinion.

The PRESIDENT: Order! The question is clearly asking for a legal opinion. Therefore, I rule it out of order.

LOCUST CONTROL

The Hon. DUNCAN GAY: My question is directed to the Minister for Primary Industries. Is the Minister aware that the Victorian Government is spraying for locust plagues in national parks and on Crown land with a biological control agent? Is the Minister further aware that for the first time locust bands running

into private land from Crown land will also be sprayed at no cost to the land-holder and that Victoria's Department of Primary Industries will be working with private land-holders to spray their properties? Given that last year's New South Wales locust plague cost more than $17.5 million, 70 per cent of which was contributed by our farmers, will the New South Wales Government match and/or beat Victoria's great initiatives?

The Hon. IAN MACDONALD: One thing I can say about the Deputy Leader of the Opposition is that he is always behind the times. In terms of the situation in New South Wales, reported hatchings are in the order of 230, compared to last year when there were 9,900 reported hatchings and we treated more than 1.3 million hectares. Fortunately the level of infestation this year is very low. The honourable member has forgotten that when I announced the package with the rural lands protection boards the Government's contribution was in effect one-third of the entire cost of the locust control program. That is historic because in the past the farmers themselves have always dealt with it, with some contributions—though not in that order—from the State. So instead of coming in here and trying to find—

The Hon. Duncan Gay: Answer the question!

The Hon. IAN MACDONALD: It is by and large irrelevant. The small number of hatchings in the State is being treated, and being treated by us.

[*Interruption*]

We have already contributed $5.25 million.

CROWN LAND PERPETUAL LEASES

Mr IAN COHEN: My question is directed to the Minister for Lands. Given that the Crown Lands Act 1989 land management principles include that environmental protection principles be observed in relation to the management and administration of Crown land, that the national resources of Crown land be conserved wherever possible, and that where appropriate Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, how will the Department of Lands abide by these principles in light of the Minister's announcement of a plan to sell off 11,000 Crown leases in eastern and central New South Wales? If the proposed covenanting system goes ahead following conversion, what measures will be taken to ensure that State Forests cannot log the protected blocks under the profit a prendre scheme?

The Hon. TONY KELLY: I have answered this question previously in the House. It is still part of the barrage coming from the National Parks Association, which is complaining about the sell off of those 11,000 perpetual leases. I reiterate the answer I gave previously: There are 11,000 perpetual leases, and they are exactly that—they are perpetual; they are forever.

The Hon. Duncan Gay: It is 99 years forever.

The Hon. TONY KELLY: It is 99 years forever and again and again and again, as the Deputy Leader of the Opposition interjects. These leases are not the same as those for the land in Canberra, which are for only 99 years. Those who have bought the land over the years paid practically freehold prices. Some of the lands are suburban holdings, household blocks, and some are farms. Although people have paid practically full freehold prices for the land over the years, the Government was still charging them rent. That rent was a small administrative fee, which was costing us more to administer than we were collecting in rent. All previous governments allowed people to purchase the land.

As I have said before, the Coalition Government placed a moratorium on about 3,000 parcels of land and would not let them be sold because of possible environmental factors. Since then this Government has introduced legislation that protects native vegetation and threatened species, and provides a whole host of other protections, whether the land is freehold or Crown land. The Government is now of the view that, in the main, the moratorium is no longer appropriate. However, before the perpetual leases are sold the Government has provided that, generally speaking, there will be no subdivisions on the land. We are consulting with the Department of Environment and Conservation on the sale of all these blocks. If the department believes that the current legislation does not adequately protect environmental factors on these blocks we will not sell the leases. However, I expect that to be a very small number. I am happy to report that people have already applied to purchase just over half of the leases. People have two years in which to make an application, and there is about a year to go.

AVIAN INFLUENZA

The Hon. IAN WEST: My question is addressed to the Minister for Health. Will the Minister advise the House of the latest information on the New South Wales preparations for the possibility of an avian influenza pandemic?

The Hon. JOHN HATZISTERGOS: This morning I joined the Premier and the Minister for Primary Industries at the Royal Prince Alfred Hospital in releasing the State's Influenza Pandemic Action Plan. The plan is underpinned by the announcement of $5.6 million over three years and will catalyse our existing pandemic preparations. With the threat of avian influenza looming ominously, NSW Health estimates that if 30 per cent of the New South Wales population became infected with the influenza and displayed symptoms as many as 30,000 hospitalisations and 12,500 deaths can be expected within two months. For some time now NSW Health, through the Centre for Health Protection and the Counter Disaster Unit, has been actively preparing for the eventuality of a pandemic.

A NSW Health plan has been in draft form since 2003. When the national plan was released in June 2005 NSW Health's plan was thoroughly revised to ensure it meshes with the national plan. NSW Health contributed extensively to the development of the national plan through participation in the National Influenza Pandemic Action Committee. Once the national plan was finalised NSW Health consolidated ongoing consultations with area health services to ensure statewide plans were in keeping with the national directive and localised for implementation. It is important to note that many of these activities are equally applicable to preparing for infectious diseases and emergencies other than pandemic influenza, such as severe acute respiratory syndrome and bioterrorism.

The action plan will encompass a number of areas to ensure a collective preparation and readiness in response is realised. These areas include: surveillance and monitoring; infection control; vaccinations and stockpiles; work force; the role of general practitioners; measures to limit public gatherings; patient transportation; mental health; appropriate management of bodies; border control and quarantine. The additional funding announced today will be used for appointing a pandemic biopreparedness officer in each area health service and the Ambulance Service; establishing a biopreparedness unit in NSW Health; rolling out a geospatial information system and public health emergency database to map when and where hospital beds across the state are available in a pandemic; extending the public health real time emergency department surveillance system which feeds information about disease presentations at emergency departments; training NSW Health experts in specialist emergency exercises; appointing a logistics specialist to manage the State's medical stockpile; purchasing added personal protective equipment for pandemic mass vaccination teams; and running costs for 130 mechanical ventilators purchased by the Federal Government for use in New South Wales hospitals.

In the event of an outbreak, the following facilities will be established: fever clinics, which are buildings or rooms kept separate from hospital emergency departments and are used to assess people showing symptoms of pandemic influenza; staging facilities, which are separate buildings that will provide for intermediate accommodation and patient care where it is impractical to manage them at home or in hospital; and influenza hospitals, which are medium-size hospitals close to where an outbreak occurs.

Exercise Eleusis will test Australia's response to an incursion of avian influenza and is planned for later this month. Although a national exercise, it is important to test New South Wales's response mechanisms to an imported infection. NSW Health will have involvement in this exercise and provide advice and support to the Department of Primary Industries. The New South Wales Government's action plan is a living document that gravitates around prevention, preparedness, response and recovery. It will be updated, as circumstances require.

GRAYTHWAITE ESTATE, NORTH SYDNEY

Ms SYLVIA HALE: I direct my question to the Minister for Health. Given that Graythwaite Estate in North Sydney was bequeathed to the State in 1915 for the use of the community, why has the Department of Health drawn up concept plans to develop townhouses on the site? Has the Minister replied to North Sydney Council's written request to the department to purchase the site from the department in order to keep it in public ownership and to keep operating on the site the two respite centres, the Coachhouse and the Tom O'Neill Centre? If the Minister has not replied, why not? Is the department planning to sell the site to any entity other than the council?

The Hon. JOHN HATZISTERGOS: I am not aware of the matter to which Ms Sylvia Hale refers. I will get advice and come back to the House in due course.

GOVERNMENT BROADBAND NETWORK

The Hon. JOHN RYAN: My question is directed to the Minister for Commerce. Why was module A of the New South Wales broadband network delayed until this month when the contract with the service provider stipulates that it should have been completed by 31 July 2005? Does the contract allow the Government to penalise the service provider for late delivery? Have all 26 network access points been connected to module B services, and why have only two companies signed up as module B providers? When will the system become operational and why have the Department of Health, the Department of Education and Training and NSW Police decided not to use the network? Has the Minister decided to make the entire contract publicly available?

The Hon. JOHN DELLA BOSCA: The honourable member is referring to the roll-out of the New South Wales Government broadband service. Broadband technology has the potential to transform and, more importantly, to vastly improve the delivery of government services. With the size of our State, our Government's spending on telecommunications gives us significant buying power. One of the missions of the Department of Commerce is to make sure that the Government is a responsible buyer in the public interest in the market.

Given these two important factors, the New South Wales Government has adopted an across government, multi-agency approach to its purchase of broadband telecommunications. As part of this approach we have asked industry to bid for the supply of broadband solutions for the New South Wales Government. On February 2005, after an extensive tendering process, Soul Pattinson Telecommunications Pty Ltd [SPT] was announced as the successful supplier of the core services, otherwise known as module A—which is what the honourable member is asking about—of the government broadband service. The government broadband service will be available later this year, and the Government is developing a plan for launching the service as a whole.

I am pleased to announce that SPT has recently signed contracts for the local area service and Internet access service panels, and negotiations are currently underway with five other suppliers. The Government expects to sign contracts with them in the coming weeks. As other suppliers are signed to the local access service and Internet access service panels of suppliers, these will also be included in the launch of the service. In some circumstances contract negotiations are being finalised with other suppliers, which are expected to be finalised within weeks.

The government broadband service will enable the Government to accelerate activities, such as online learning, and advanced health services, such as electronic patient records and telemedicine initiatives. The new broadband service will also help the Government improve services to people living in regional and rural New South Wales such as regional specialist teaching services to small and remote schools, access to expert medical advice from regional hospitals—

The Hon. John Ryan: But they are not using it.

The Hon. JOHN DELLA BOSCA: Well, you're wrong. The new service will also help the distribution of complex real-time information for emergencies, videoconferencing of courts and other proceedings and sharing of geospatial data for integrated planning and conservation work.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY

The Hon. HENRY TSANG: My question is addressed to the Minister for Industrial Relations. Will the Minister inform the House about employment agreements entered into by New South Wales employers and employees?

The Hon. JOHN DELLA BOSCA: Honourable members will be aware that the Commonwealth's "WrongChoices" bill and explanatory notes, more than 1,200 pages, were not provided to the States and Territories until after the bill had been tabled in Federal Parliament. The Commonwealth had good reason for not wanting an informed public debate. The more we learn about the detail of the "WrongChoices" bill the worse it gets for workers, their families and businesses, particularly small businesses.

Included in the bill is a so-called Henry VIII clause, conferring upon the workplace relations Minister the power to strip from Federal awards or agreements any condition he chooses. He can do this without consulting Parliament. The clause is tucked away on page 180 and empowers the Minister to prohibit conditions by regulation rather than by legislation. The Government can simply fill in the gaps in relation to employment conditions, as it feels appropriate from time to time.

Among the provisions that are yet to be determined or clarified by the Minister's regulation are matters that constitute so-called prohibited content. And this is the Commonwealth Government that wanted to stop third parties being involved in the employment bargaining relationship! The only problem here is that it is imposing a giant third party, which seeks to prevent employees and employers freely entering into good faith contracts. This is a crucial point. A clause in the bill gives a retrospective power to declare matters prohibited. The Minister will receive the power to strike out anything from any previously legal employment agreement that he does not like. This is not about parties being able to make consensual choices; the Commonwealth Government is stepping into the employment relationship to determine what can and cannot be agreed to by employers and employees.

Any form of agreement or award to make a workplace function better, happily agreed to by an employer and employees, by everyone in a workplace, by a union or by individuals—even if approved by a court such as the New South Wales Industrial Relations Commission—can be retrospectively torn out of the agreement by the Commonwealth Minister for Workplace Relations without his even accounting to Parliament. The glossy WorkChoices—or "WrongChoices"—advertising makes some suggestions about what those matters might be. They just happen to be provisions that prevent unions from representing their members. Yet those matters are not specifically listed in the 700 pages of the bill; they are left to regulations. These matters could be anything at the Minister's whim: union picnic days, training days, bargaining service fees, the deduction of fees—anything can be deemed illegal.

The significantly increased regulation-making power will serve to increase uncertainty for employees, employers and State and Territory governments. Members of this Chamber know that regulations are used to give effect to laws, to help us understand matters of detail and facilitate the law. They are not designed to set matters of principle that should be given proper parliamentary scrutiny. The Commonwealth's claim that wages and conditions are "protected by law" has been dreamt up by an advertising agency and its focus groups. Anyone who is familiar with the bill knows that the claim "protected by law" is absolutely and simply dishonest.

GREY NURSE SHARK PROTECTION

The Hon. JON JENKINS: Is the Minister for Primary Industries aware of a recent story and video footage on a commercial network about the status of grey nurse sharks? Is the Minister aware of the footage of Mr Steve Irwin, the Crocodile Hunter, picking up a shark from the ocean floor? Has the Minister investigated this story and the footage? If so, what has the Minister done in response to the footage? In view of the sharks' mating and aggressive behaviour in some scenes, what are the ramifications for how divers should behave in grey nurse shark aggregation zones?

The Hon. IAN MACDONALD: On Thursday last week a story about sharks appeared on a commercial network in which Steve Irwin, the Crocodile Hunter, criticised the New South Wales Government regarding grey nurse shark protection. Irwin suggested that fishing was still allowed in grey nurse shark critical habitat areas. Video footage showed Irwin picking up a small dead shark from the ocean floor while he was diving. This was in the context of the decline of grey nurse sharks. Indeed, grey nurse sharks are a protected species in New South Wales. The New South Wales Government has banned high-risk fishing activities in grey nurse shark critical habitat areas. The Government is committed to the protection of grey nurse sharks and significant fines apply—up to $220,000.

However, the shark shown in this story—dead and with fins removed—was not a grey nurse shark. I have been advised that the footage shown on the commercial network last week was not even taken in New South Wales. Our experts are very good at identifying all types of fish and marine animals and they are of the opinion that the shark shown was a whale shark and not a grey nurse shark. It appears that fish substitution is taking on a new meaning around this State, especially when it comes to blatantly seeking media attention.

STATE PARKS

The Hon. AMANDA FAZIO: Will the Minister for Lands advise the House about the recent State Parks Conference and the Government's role as caretaker of New South Wales State parks?

The Hon. TONY KELLY: The State parks that are located throughout country and coastal New South Wales are a wonderful natural resource for the general public to enjoy. They represent the wide range of activities offered through the Crown land estate in meeting the various needs of the broader public. State parks, which are located along the coast or major inland dams in country New South Wales, provide a range of

affordable recreational activities and holiday accommodation ideal for families visiting country New South Wales—from bushwalking and camping to fishing and sailing. Families can pitch a tent and camp, bring a caravan or hire an on-site van for a very modest cost. Bungalows, cabins and cottages accommodating six to eight people are also available. All bar one of these parks are under the care and control of volunteer community-based trusts, which offer their time and skills to manage these valuable public assets.

It is important to ensure that the parks and their trusts have the support to continue to offer a wide range of opportunities in a unique and truly Australian setting. Accordingly, the Iemma Government has made available almost $1.4 million in funding for the parks this year. Of this, just over $1 million has been allocated for the ongoing day-to-day management of the State parks. An additional $315,000 will be provided for the State park trusts to assist with the cost of plant and equipment purchases. These funds will help pay for a variety of essential items such as communication and office equipment, the replacement of mowers, four-wheel-drive vehicles and utes, as well as pontoon pumps, chainsaws and whipper snippers. Last week the annual State Park Conference took place in Gunnedah near the Lake Keepit State Park in northwest New South Wales.

This year the conference focused on new legislation affecting Crown reserves as well as strategies to improve service to the many visitors who come each year to enjoy nature and the open space of the parks. The Iemma Government is committed to the maintenance and improvement of our State parks. Through the Department of Lands the Government will continue to work closely with State park trusts, councils and their local communities to ensure that these important public facilities continue to provide a wide range of tourist and recreational pursuits for country community and visitors alike.

MINISTER FOR INFRASTRUCTURE PORTFOLIO PERFORMANCE

The Hon. GREG PEARCE: My question is directed to the Minister for Infrastructure. When asked by the Hon. Robyn Parker at budget estimates hearings held on 21 September 2005 for his view on infrastructure and whether infrastructure included roads the Minister said, "I don't know".

The Hon. Michael Costa: Read the rest of it.

The Hon. GREG PEARCE: I can; I have it here. As the Minister has been Minister for Infrastructure for more than three months now, is he any closer to determining whether roads constitute infrastructure? When does he envisage being able to articulate his view on infrastructure and exactly what it constitutes?

The Hon. MICHAEL COSTA: I refer to my answer at the estimates hearings.

LAKE BURRENDONG RECREATIONAL BOATING

The Hon. KAYEE GRIFFIN: Will the Minister for Ports and Waterways update the House on the role of NSW Maritime in supporting recreational boating at the Burrendong Dam in the State's Central West?

The Hon. ERIC ROOZENDAAL: More than 1.5 million New South Wales residents are recreational boaters, and they do not just live in coastal areas. Boating is extremely popular throughout rural and regional New South Wales. Our inland navigable waterways are important assets for country communities and NSW Maritime provides a valuable community service in managing these waterways and conducting regular on-water patrols to promote boating safety. A major challenge to safe navigation on inland waterways is the fluctuation of water levels and the capacities of dams. When water is released from a dam for irrigation, water levels can fall rapidly and unmarked navigational hazards present a serious threat to vessel safety.

One such dam is located at Lake Burrendong—approximately five hours travel from Sydney, half an hour from Wellington and an hour's drive from Orange and Dubbo—which I recently visited. Lake Burrendong is the largest body of water in the district and three times the size of Sydney Harbour. It is a fantastic site for boating, waterskiing and fishing. Lake Burrendong is fed by both the Cudgegong River and the Macquarie River, and can fill quickly because of its vast catchment area. In the days following my visit, heavy rainfall and flooding in the region saw the water level rise by 10 per cent—I do not claim credit for that, although I would like to—however, the lake is still well below capacity.

I am advised that the present capacity of the dam is approximately 36 per cent. The lake is managed by a Maritime Boating Service officer and a customer service officer based at the Dubbo service centre. The NSW Maritime Hunter-inland region also manages other navigable waterways in the Central West, including: Lake

Windamere, Wyangala Dam, Ben Chifley Dam, Carcoar Dam and Lake Lyell. The staff of NSW Maritime do a fantastic job in maintaining a presence on waterways spread over such a large geographic area.

The Hon. Melinda Pavey: Fantastic!

The Hon. ERIC ROOZENDAAL: The honourable member might choose to make fun of these guys who work hard in NSW Maritime, but they do a very important job. I heard the interjections from members opposite. The Opposition makes fun of the same front-line public employees that it wants to make redundant. Yes, that is right. They are the front-line people the Opposition wants to make redundant. The Opposition wants to slash front-line public service positions and short-change regional communities. NSW Maritime staff are responsible for a range of services to communities, such as managing aquatic events like waterskiing, commercial boating operations, providing navigational aids, and they work closely with NSW Police. It is about keeping boating safe. These front-line employees are valued by their community.

To prevent boating accidents, NSW Maritime conducts safe boating seminars throughout the Central West. It would not hurt for a few of those opposite to attend some of the seminars conducted by the hard-working Maritime staff. These seminars are held regularly because demand for licences is high and many residents live some distance from the Dubbo service centre. Residents of the Central West are increasingly taking up boating as a recreational activity, a fact demonstrated by the presence of a speedboat retailer in nearby Parkes. As boating on our inland waterways continues to grow in popularity the New South Wales Government will continue to provide dedicated staff to manage waterways and keep them safe for boaters and their families. I particularly want to thank Charlie Dunkley, the regional manager for the Hunter region, and Peter Miller, Boating Service officer, for their assistance during my visit to the dam.

MANLY COUNCIL INFRASTRUCTURE LEVY

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Justice, representing the Minister for Local Government, a question without notice. Is the Minister aware that Manly Council is now levying home renovators, under section 94 contributions designed to pay for new council infrastructure, of the order of $12,500 per bedroom for do-it-yourself renovations? Is the Minister further aware that one resident of Seaforth was levied contributions totalling more than $50,000 to renovate her own house? Why are home renovators being charged this levy, which is designed to be levied only on developers to cover the extra expenses of associated amenities and services required as a consequence of their developments? Will the Government consider changing the legislation to assure residents that local councils will not inappropriately profit from section 94 contributions?

The Hon. TONY KELLY: Although I am tempted to try to answer the honourable member's question, I will refer it to the Minister and obtain an answer as soon as possible.

PORT MACQUARIE RURAL MEDICAL SCHOOL

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Health. What are the reasons behind the delay in completion of the rural medical school at Port Macquarie, given that Coffs Harbour's medical school opened earlier this year? Will the Minister update the House on the status of the land issue at Port Macquarie Hospital that is delaying the construction of the rural medical school by the University of New South Wales?

The Hon. JOHN HATZISTERGOS: The funding of rural medical schools is a matter for the Commonwealth.

The Hon. Melinda Pavey: Exactly.

The Hon. JOHN HATZISTERGOS: What was that?

The Hon. Melinda Pavey: I agree with you.

The Hon. JOHN HATZISTERGOS: That is an issue for the Commonwealth.

The Hon. Melinda Pavey: The Federal Government is doing that, yes.

The Hon. JOHN HATZISTERGOS: That is right.

The Hon. Melinda Pavey: What about the land?

The Hon. JOHN HATZISTERGOS: What about the land? I do not understand the question.

The Hon. Melinda Pavey: You don't know?

The Hon. JOHN HATZISTERGOS: I know about the land, but the land is the subject of a commercial decision that I understand has been made. The issue of construction, which is what you are talking about—that is what your question was about—is a matter for the Commonwealth and the University of New South Wales.

NATURAL DISASTER MITIGATION PROGRAM

The Hon. GREG DONNELLY: My question is for the Minister for Emergency Services. Will the Minister inform the House whether any further projects have been approved under the Natural Disaster Mitigation Program?

The Hon. TONY KELLY: I thank the honourable member for his question and for his continuing interest in the State's planning for natural disasters and other emergencies. I am pleased to report that 54 projects throughout New South Wales have been approved for funding under the third year of the Natural Disaster Mitigation Program [NDMP]. These projects—for which $8 million in funding has been provided—will help to reduce the risk and extent of damage natural disasters cause in local communities across the State. The NDMP is a national program that aims to identify and address natural disaster risk priorities across Australia. In recognition of their shared responsibilities in protecting the community, the program is funded by the Commonwealth, State and local governments.

The program is proving of great benefit to local governments and government agencies throughout this State. Local councils and other agencies have increasingly seen the benefits that this program can deliver to their communities and are now seeking to secure funding for essential local projects. This year's funding has built on the first two years of the program, during which a total of $18.9 million was provided for 112 New South Wales projects. In three years, a total of $26.9 million has been spent on 166 community protection projects that might not otherwise have been funded. This year's approved works include a $120,000 Blue Mountains City Council project to reduce local flooding in the Jamison Creek sub-catchment at Wentworth Falls.

A number of homes and businesses have been built on the natural flow path of Jamison Creek and have suffered damage to their property and lost revenue after being flooded during storms. Under this project a spillway will be built to increase the flood storage in the Wentworth Falls Lake, reducing flooding downstream by about a metre. Three projects by Wollongong City Council to reduce local flooding also have been funded at a total cost of $1.67 million. Two of these projects will involve major works to help to reduce flooding of homes and over roads in the Towradgi Creek catchment, and the third will improve the Lachlan Street culvert to help to reduce flooding around Hewitts Creek. These works will complement other flood mitigation projects in the area, which is subject to flash flooding.

This is welcome news for residents, who have endured numerous floods in recent decades. Tweed Shire Council will comprehensively assess the area's risk of natural disasters at a cost of $75,000. The severe storms and floods in the Tweed and surrounding areas in early July again reminded us of the extensive damage natural disasters can cause, along with the high community and financial cost. Under this NDMP project, council will identify, analyse and treat the risks posed by natural disasters in the shire. This will then point to measures that can be taken to help prevent damage from natural disasters, while also ensuring that the community is well prepared for such emergencies. Emergency management in the State's far west also will be improved as a result of two projects, worth $38,000, by Bogan and Wentworth shire councils.

Bogan shire council will conduct an emergency and natural risk mitigation study that will identify the risks that the district faces and the measures that can be taken to help to reduce the risk of property damage and loss. Wentworth Shire Council will establish an electronic database of the risks and hazards it faces. This will help set priorities for mitigation works to reduce the risk of damage, loss of property and disruption to services. The projects funded under this program will do much to improve the safety of New South Wales residents and reduce the threat to life and property. Another $7.3 million in funding is available under the program for the

coming year. Applications for funding of suitable projects are now open and will close on 24 February 2006. I encourage all councils to apply for this funding for their communities.

ABORTIFACIENT RU 486

Reverend the Hon. FRED NILE: I ask the Minister for Health a question without notice. Is it a fact that the so-called abortion pill RU 486 causes a woman to suffer a greater degree of stress over a longer period than current abortion procedures? Is it also a fact that women using RU 486 need to attend three separate procedures for the administration of this drug? Do figures from the United States of America [USA] show that 35 per cent of women fail to attend their final visit, leading to dire medical consequences? Does prolonged heavy bleeding occur in 8 per cent of applications? Is it also a fact that in the USA RU 486 has caused 72 women to experience severe blood loss requiring transfusions, 17 having ectopic pregnancies, 7 having life-threatening bacterial infections, and 3 dying? Will the Government continue to support the policies of the Hon. Tony Abbott, the Federal Minister for Health and Ageing, concerning prohibition of the abortion pill RU 486?

The Hon. JOHN HATZISTERGOS: Medications and pharmaceuticals are essentially matters for the Commonwealth Government rather than the New South Wales Government. The circumstances in which abortions can be conducted in New South Wales are clearly delineated in sections 82, 83 and 84 of the Crimes Act, and in the large amount of case law that is interpreted. I am not familiar with all the research on the details of the medication and the reports to which Reverend the Hon. Fred Nile refers.

However, given that the question raises the issue of pharmaceuticals, and particularly matters relating to the Commonwealth, I take this opportunity to reiterate the need to ensure that pharmaceuticals that are prescribed, certainly for Pharmaceutical Benefits Scheme purposes, are prescribed on the basis of clinical needs. I am concerned, for example, that the Commonwealth is still sitting on a report in relation to the breast cancer treatment drug Herseptin, which it has not released. I note that the *Illawarra Mercury* reported earlier this week that a woman had to sell her house in order to get that medication so she could deal with her condition, and that is a disgraceful situation. It is regrettable that the Hon. Patricia Forsythe, who is so passionate about breast cancer, has not asked me a question about that matter. In any event, I reiterate the importance of ensuring that these matters are dealt with on a clinical basis.

WATER SHARING PLANS

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Natural Resources. As part of the water sharing plan negotiations for ground water, why is the Minister forcing catchment management authorities to reduce all ground water licences to 100 per cent of sustainable yield instead of 125 per cent of sustainable yield? Is that not a clear breach of the Government's water sharing plans for ground water and a breach of its State Water Management Outcomes Plan? Can the Minister inform the House why he treats irrigators and the Government's guidelines with such contempt?

The Hon. IAN MACDONALD: On Thursday 9 June 2005 a joint $110 million New South Wales and Australian government project to implement the amended approach to ground water entitlement reduction and financial assistance was announced. This approach aims to assist in minimising the impacts on regional communities. The issue dates back to October 2003, when Craig Knowles, the former Minister for Natural Resources, John Anderson, the former Deputy Prime Minister, and a group of farmers were brought together around the kitchen table of the Mayor of Gunnedah, Gai Swain, at Gunnedah. It was agreed at the meeting that there was much work to be done on the issue of groundwater and that any action in that regard should be done in partnership. It was agreed that I should defer the implementation of the ground water sharing plans, to give us all time to do the necessary work.

As a consequence, the New South Wales Government has deferred the commencement of ground water sharing plans for the upper and lower Namoi, the lower Gwydir, the lower Macquarie, the lower Lachlan, and the lower Murrumbidgee systems until 1 July 2006. The deferred commencement of these plans will allow time for the catchment management authorities, in collaboration with local government, to consult with local communities. The project will reduce ground water entitlements in these five systems, and also the lower Murray system, to the sustainable yield over the 10-year period of the water sharing plans. Financial assistance will be provided to affected ground water entitlements holders to help them adjust to the new levels of entitlement.

In total, the project will deliver a capped contribution up to $100 million to affected licence holders, up to $9 million for community development projects, and up to $1 million for ground water research and

consultation with affected communities. I acknowledge that many of the issues involved are difficult, and we will be listening very closely to farmers and catchment management authorities to ensure that these changes are implemented as efficiently and effectively as possible. I reiterate that the project is a collaboration between both the Federal and State governments and is testimony to what positive actions will achieve.

INTERNATIONAL DAY OF PEOPLE WITH A DISABILITY

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Disability Services. How is the Government demonstrating its support for the contribution that people with a disability make to communities across New South Wales?

The Hon. JOHN DELLA BOSCA: I advise that the United Nations International Day of People with a Disability will be celebrated across the world on 3 December. Accordingly, the New South Wales Government is doing its bit to ensure that the event is a success. Today I am proud to announce that 17 ambassadors, including high-profile sportspeople and community leaders, have been chosen to promote the International Day of People with a Disability. The ambassadors will encourage people across New South Wales to celebrate the contribution that people with a disability make to the community. All are high achievers with a disability or personally connected to someone with a disability.

Their role as ambassadors is to address and challenge community perceptions and attitudes towards people with a disability. Over the next few weeks they will promote International Day of People with a Disability on local television and radio stations, and through other media outlets. More than 110 events will be held across the State to help celebrate the day, including arts, sport, community and education events. In New South Wales, about 1.2 million people have a disability and more than 800,000 people care for people with a disability. More than 30 per cent of people in New South Wales are directly involved with disability across the State. The Government will officially launch the International Day of People with a Disability at the Museum of Contemporary Art, in Sydney, on Wednesday 30 November.

The International Day of People with a Disability will be supported by the public awareness campaign "Don't DIS my ABILITY". This is the second year the campaign has been held. The campaign invites all people to challenge some of society's stereotypes and attitudes toward people with a disability. Campaign posters will appear on the sides of government buses and on Street Vision billboards at train stations. The Government has more than doubled funding to the disability sector since coming to office. This financial year, the Department of Ageing, Disability and Home Care has a record budget of almost $1.55 billion to help people with a disability and their carers. For more information on the International Day of People with a Disability I invite members to visit *www.dadhc.nsw.gov.au*.

ANTI-TERRORISM LAWS

The Hon. PETER BREEN: My question without notice is directed to the Special Minister of State, representing the Attorney General. Has the Minister defended proposed anti-terrorism laws on the basis that the Police Integrity Commission oversees the activities of New South Wales police? Is the Minister aware that the Police Integrity Commission has no authority over the operations of the Crime Commission? What steps will the Minister take to ensure that the Crime Commission is accountable to the people of New South Wales for any actions it may take in respect of anti-terrorism laws?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Peter Breen for his question; it is indeed a good one. All these matters are exercising the minds of responsible people in the community at the moment. I will obtain an answer from the Minister responsible, who I believe is the Minister for Police, and advise the honourable member as soon as possible.

MRS MARIE HODGSON KNEE REPLACEMENT SURGERY

The Hon. DON HARWIN: My question without notice is directed to the Minister for Health. Why has Mrs Marie Hodgson of Moss Vale had to wait 15 months for knee replacement surgery? Given the substantial pain Mrs Hodgson is experiencing, and the fact that her operation has been rescheduled three times already, why has she been informed recently that she could wait up to another six months for her operation?

The Hon. JOHN HATZISTERGOS: Every day hundreds of thousands of patients go into hospital emergency departments for elective surgery. It is ridiculous to suggest that I should know every individual

patient's history and circumstances and be able to comment on those details. It is an absurd question, and it is a matter that the Coalition itself deprecated when it was in government. I do not think it is appropriate that personal circumstances should be ventilated in the House by way of questions without notice. We provide Opposition members with stamps, envelopes and, I think, people to type up letters so they can write questions on behalf of constituents

The Hon. John Ryan: But you do not answer them!

The Hon. JOHN HATZISTERGOS: I do. From time to time I get these questions and I do respond. Stop distracting me.

The Hon. John Ryan: Such arrogance!

The Hon. JOHN HATZISTERGOS: The honourable member talks about arrogance. I will read what was said sometime ago about this practice:

> I refuse to get down into the gutter and start dragging people's names and cases through Parliament. Every member of this Parliament knows that if they have a particular concern about health matters they only have to contact me in my office and the matter will be investigated. The sleazebag method in which people's names are dragged through this Parliament must stop.

They are not my words—they are the words of Ron Phillips. Let me get back to the point I was making. The Government will spend more than $10.9 billion on health services this year, an increase of 9 per cent on last year, and double the amount the Coalition spent in its last budget. In 2004 the Government devoted an additional $35 million to improving access to surgery for people who have been waiting long periods to undergo their procedure. In 2005-06 the Government increased elective surgery funding by another $15 million over and above the additional funding announced in last year's budget.

The Government's predictable surgery plans are currently targeting patients who have waited more than 12 months for low-complexity procedures such as cataracts and ear, nose and throat surgery. The plans make provision for around 2,000 additional procedures to be performed in public hospitals and a partnership with private hospitals to perform a further 2,500 low-complexity procedures. There has been a cumulative increase of $115 million for booked surgery since July 2004 and underwritten by the Government funding for an additional 1,300 new permanent beds. By the way, when in government the Coalition closed 7,000 beds. The Government's investment in more beds, extra funding and successfully recruiting nurses at home and from overseas is having a real impact. In fact, the recruitment team has just been overseas again searching on three continents for more nurses. The current statistics clearly show more booked surgery activity and steadily declining waiting lists with increased surgical access for patients in all urgency categories.

I can advise, for example, that during September the booked surgical waiting list stood at 59,495, a decrease of 5,850, or 9 per cent, since September last year. The booked medical waiting list stood at 13,201, a decrease of 7.4 per cent since July 2004. The long waiting list for those patients waiting longer than 12 months has almost halved from 9,701 in September 2004 to 4,904 in September this year, a 49 per cent decrease. So the long waiting list has significantly decreased. I think I outlined the next phase in answer to a previous question, and I refer honourable members to that answer.

AVIAN INFLUENZA

The Hon. CHRISTINE ROBERTSON: My question is directed to the Minister for Primary Industries. Could the Minister please update the House on plans the State Government has in place to deal with a case of avian influenza in poultry, should a case ever occur?

The Hon. IAN MACDONALD: On a previous occasion the honourable member asked a question about the human side of this issue. Earlier this morning I joined the Premier and the Minister for Health to announce a range of measures on this very topic. As members would be aware, avian influenza outbreaks in Asia and some parts of Europe have fuelled worldwide media coverage, not to mention fear and misinformation. It is important for people to remember that avian influenza is a virus affecting birds. To date, there is no evidence that it is spread from human to human.

It is also important to note that Australia has successfully eradicated five separate outbreaks of avian influenza in chickens in recent years. This includes three cases in Victoria, one in Queensland and the most recent case in the Tamworth area back in 1997. That particular case involved a depopulation of 160,000 birds on

three properties. The depopulation was completed within one week, followed by extensive cleaning and surveillance. Each of Australia's five previous cases involved the H7 strain, not the H5 type that is currently affecting Asia and Europe. To date, Australia continues to be free of the virulent H5N1 strain.

Experience from past personal outbreaks, as well as other emergency disease operations, means our agriculture sector is ready, willing and able to fight avian influenza should it ever occur again. While experts indicate the risk of H5N1 entering Australia remains low, we cannot take any chances. We must have plans in place to help tackle an outbreak quickly and effectively, and we do have such plans. These include a first response team of nearly 200 staff from the New South Wales Department of Primary Industries and the rural lands protection boards, with another 200 backup staff; animal disease surveillance units comprising more than 45 field veterinarians across the State; a network of world-class diagnostic laboratories to provide vital testing services in the case of a suspected presence of avian influenza in Australian birds; protective equipment for first response teams, including protective overalls, goggles, face masks and gloves; an emergency animal disease hotline where any suspected cases of avian influenza can and should be reported; and co-ordination with a range of State and national agencies through the AusVet plan and the Consultative Committee on Emergency Animal Diseases.

I should also point out that the New South Wales Government recently spent nearly $250,000 on upgrading facilities at the Elizabeth Macarthur Agricultural Institute [EMAI] near Camden. This centre of excellence is one of three laboratories in New South Wales that would carry out diagnostic testing for any suspected cases of bird flu. As a result of new diagnostic and testing facilities, the EMAI laboratory will now be able to test up to 3,000 samples a day—a 20-fold increase from the laboratory's previous capacity. Department of Primary Industries virologists and technicians will also be able to complete testing of individual bird samples within 30 minutes. This quick turnaround will be absolutely critical in delivering certainty to industry and consumers alike.

Of course, the New South Wales Department of Primary Industries is constantly updating its emergency animal disease plans to ensure we are ready to tackle any type of outbreak, no matter what it is and no matter where it strikes. In fact, later this month, New South Wales will participate in a national simulation exercise called Exercise Eleusis, designed to test co-ordination and response plans in the unlikely event of an avian influenza outbreak. The outcomes of this exercise will help all parties finetune their respective plans so that every possible measure is taken to protect our commercial industries, human health and our citizens.

Finally, I must also point out that if avian influenza is ever detected in Australia, the chance of affected poultry products entering the food chain would be highly unlikely. That is because of robust bio-security arrangements, which would kick into place immediately to help protect the overall quality and safety of our food supply. Advice from both the World Health Organisation and the New South Wales Food Authority also indicate poultry products are safe to eat.

PRISONER CLASSIFICATION SYSTEM

Ms LEE RHIANNON: I direct my question to the Minister for Justice. Are any male prisoners with an AA classification be detained in New South Wales prisons? If so, how many prisoners have this classification? In which gaol are these prisoners serving a sentence? Are any female prisoners with a 5 classification detained in New South Wales prisons? If so, how many prisoners have this classification? In which gaol are these prisoners serving their sentence?

The Hon. TONY KELLY: We do not disclose where we detain individual prisoners. For other information I suggest that the member look at the annual report of the Serious Offenders Review Council when it comes out.

DRUG OFFENDER SENTENCE REDUCTION

The Hon. CHARLIE LYNN: My question without notice is directed to the Special Minister of State, representing the Attorney General. Is the Minister aware that a convicted drug baron was given a one-year sentence for cultivating and supplying prohibited drugs worth an estimated street value of $5 million? Is it the case that he received such a light sentence because he entered into an agreement to turn over illegally gained profits to the Crown worth approximately $5 million? Is it acceptable that major drug offenders can avoid gaol by giving the Crown large amounts of assets in return for no or little gaol time? What is the Minister doing to assure the community that criminals are locked up and cannot buy their way out of gaol?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his question.

The Hon. Eric Roozendaal: Civil libertarian Charlie!

The Hon. JOHN DELLA BOSCA: I note the interjection from behind me. Put simply, I do not intend to answer on behalf of the Attorney General a question involving detailed matters in relation to particular prosecutions and particular outcomes of court cases. But I will refer the honourable member's question to the Attorney General and I am very confident that we will have a sensible and accurate reply in the very near future.

SALTY LAGOON, BROADWATER NATIONAL PARK, CONTAMINATION

Mr IAN COHEN: My question is addressed to the Special Minister of State, representing the Minister for the Environment. Will the Minister investigate accusations that Salty Lagoon in Broadwater National Park is contaminated by Evans Head sewage treatment plant, which is controlled by Richmond Valley Council? Will the Minister investigate accusations that significant stands of coastal melaleuca have died and algal blooms are present due to pollution from the plant? Will the Minister act to place a moratorium on future development until this environmental and human health threat is rectified?

The Hon. JOHN DELLA BOSCA: I thank the member for his detailed question to the Minister for the Environment. I am not able to give him information that would address the issues raised, so I will refer them to the Minister for the Environment, who I am sure will be able to provide the member with an answer in the immediate future.

I suggest that if honourable members have further questions, they place them on notice.

GOVERNMENT BROADBAND NETWORK

The Hon. JOHN DELLA BOSCA: Earlier in question time the Hon. John Ryan asked me about the State Government's very successful broadband network. I neglected to tell to him that the Government had previously stated publicly that the network would commence at the end of October. He may be aware—I assume he is—that the Premier launched the network exactly five days later. The claims by the Hon. John Ryan about agencies refusing to use the network, as I suggested to him by way of interjection after my answer had ceased, is in fact misinformed. During the course of interjections and during the question he named the Police, Education and Health departments, but he was wrong on all counts. All three agencies are using the network.

However, the government broadband network is primarily a rural and regional service going into 24 regional centres. In other areas agencies will purchase broadband data services and make other contractual arrangements. He is also misinformed about the number of providers signed up for the various modules. I inform the member that the three providers are signed up for modules B and C, with negotiations continuing, as I said in my primary answer, on the other three. On the matter of network access points, 25 of the 26 have been constructed and all primary connections are complete.

GRAYTHWAITE ESTATE, NORTH SYDNEY

The Hon. JOHN HATZISTERGOS: During question time the Hon. Sylvia Hale asked me a question about Graythwaite Estate. Graythwaite is held under a trust, which prescribes its use as being for the care and convalescence of aged people. I am advised that the building is no longer suitable for that purpose and soon will not meet Commonwealth accreditation standards. The North Sydney Central Coast Area Health Service is looking at options for continuing to achieve the aim of the trust, which is caring for the aged. The area health service is preparing a Cy-Pres Scheme application to take before the Equity Division of the Supreme Court to sever the trust in operation over the land. Should this application be granted, it is likely that the land will be considered for alternative uses through normal government processes. The area health service has been approached by North Sydney Council and other parties about its purchase of the property. These proposals will be considered and a response will be given in due course.

Questions without notice concluded.

RICE MARKETING AMENDMENT (PREVENTION OF NATIONAL COMPETITION POLICY PENALTIES) 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.

BUSINESS OF THE HOUSE

Postponement of Business

Committee Reports Orders of the Day Nos 1 to 19 postponed on motion by the Hon. Tony Kelly.

[*The President left the chair at 1.04 p.m. The House resumed at 2.30 p.m.*]

ROADS AND TRAFFIC AUTHORITY AND CROSS CITY MOTORWAY CONSORTIUM CONTRACT DOCUMENTS

Production of Documents: Tabling of Report of Independent Legal Arbiter

The Clerk tabled, pursuant to the resolution of 16 November 2005, a report of Independent Legal Arbiter Sir Laurence Street dated 15 November 2005 on the disputed claim of privilege on papers on the cross-city tunnel further order.

Production of Documents: Tabling of Documents Reported to be Not Privileged

Motion by Ms Lee Rhiannon agreed to:

(1) That this House orders that the documents considered by the Independent Legal Arbiter not to be privileged be laid on the table by the Clerk, and

(2) That, on tabling, the documents are authorised to be published.

The Clerk tabled, pursuant to the resolution of 16 November 2005, documents identified as not privileged in the report of the Independent Legal Arbiter dated 15 November 2005 on the disputed claim of privilege on papers relating to the cross-city tunnel further order.

CRIMES AMENDMENT (ANIMAL CRUELTY) BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. FRED NILE [2.32 p.m.]: The Christian Democratic Party supports the Crimes Amendment (Animal Cruelty) Bill. I am pleased the bill contains provisions relating to law enforcement powers and responsibilities. In particular, the bill provides for the protection of animals used in law enforcement, such as police horses and dogs. I was surprised by the remarks of Ms Lee Rhiannon that—given that there is evidence of protesters seeking to injure police horses and police dogs—that no-one had been charged and therefore it did not happen. Evidence is not based on whether police have laid a charge. I know it is a fact that marbles and other things have been thrown under the hooves of police horses; I have seen it happen and I have no doubt it is a fact.

The Hon. Charlie Lynn: She was denying it.

Reverend the Hon. FRED NILE: Ms Lee Rhiannon was denying it, but only on the basis that no-one has been charged, as if that means it has not happened. It is obvious to honourable members that if people in a crowd take that action it may be difficult for the police to identify them, and no-one is charged. It does not mean

that it did not happen. Anyone who has eyes knows it happens. Indeed, I believe that protesters have been trained in how to do these things and to achieve certain advantages by using such tactics. I simply put on the record our support for the bill. I hope that in future demonstrations—this has happened in the past—protesters will not use weapons against police horses or police dogs, or take action that could injure the animals, which are simply carrying out their role and obeying the officers who are in charge of them.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [2.35 p.m.], in reply: I thank honourable members for their contributions to the debate, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 3 to 6 postponed on motion by the Hon. Tony Kelly.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT BILL

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [2.37 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill proposes a number of miscellaneous amendments to the Children and Young Persons (Care and Protection) Act 1998.

The amendments are generally of a procedural nature and do not represent any significant policy change.

Nevertheless they will benefit children and young people and those practitioners, individuals and agencies operating under the Act.

I now turn to the individual amendments for the benefit of Members.

Attendance of witnesses and others and production of documents

Section 109

First, the Bill seeks to amend Section 109 of the Act, in order to facilitate the conduct of Children's Court matters where often important witnesses may abscond.

The amendment will provide the Children's Court with a clear power to issue subpoenas to secure the attendance of witnesses and the production of documents to the Children's Court,...

... and the clear power to issue warrants.

These powers match those used by the Local Courts and the amendment is intended to clear up any judicial uncertainty as to their application.

As a result of these amendments,...

... where a parent has absconded with a child or young person and the child or young person is the subject of care proceedings,...

... it will be clear that a warrant can be issued to require the parent's appearance at Court.

The warrant of apprehension will be able to be placed on the warrant index and executed anywhere in Australia under the Commonwealth's Service & Execution of Process Act 1992.

Of course, these powers will be balanced by procedural fairness, and the Bill will ensure that the Court will also be able to grant bail to a person who is the subject of a warrant of apprehension.

The Bill also proposes some consequential amendments to ensure the scheme is workable.

The Bill will ensure that not just parents, but also other persons who are reasonably believed to have knowledge of the whereabouts of a child, can be brought before the Court,...

... and that the power to order removal of a child applies to the relevant premises that the child is ascertained to be in.

Orders for sole parental responsibility

Section 149

The Bill will also amend section 149 of the Act in order to facilitate permanency planning.

Section 149 currently provides that, where an authorised carer has had care of a child or young person for a continuous period of not less than 2 years—

and where the Minister has parental responsibility—

the carer may apply to the Children's Court for an order for sole parental responsibility.

Under the legislation as it is currently framed, the carer is not required to present to the Court a care plan or a permanency plan for the child or young person.

The amendment seeks to require the carer to present such a plan.

This will assist the Court with the necessary information it needs before deciding to grant a carer the sole parental responsibility for a child.

The amendment will not place any further responsibility on the carer, as each authorised carer is supported by a designated agency which will assist the carer in preparing the plan.

In any case, all authorised carers who have care of a child pursuant to final orders will already have a care plan in place under section 80 of the Act.

This existing plan could form the basis of the plan presented to the Court.

Special medical treatments and examinations

Section 175

The next amendment, to Section 175, will allow the list of specific medical treatments to be specified and updated in light of changing scientific practices and understanding.

Section 175 will continue to provide for the control of the use of such treatments and they will continue to be classified as "special medical treatments".

Section 176

The Bill also proposes that Section 176 of the Act, concerning special medical examinations, be repealed.

The intent of this provision was to facilitate fairly invasive tests, such as tests of a child suspected of having an infectious disease requiring isolation.

However, with the advent of better testing procedures and antibiotics, the need for a special medical examination upon entry into out-of-home care has diminished.

There are no known current examples of such invasive medical examinations by out-of-home care providers.

It is now the case that retaining and proclaiming this section of the Act may be problematic for the forensic investigation of sexual abuse matters.

If a child in need of care and protection does need to undergo a medical examination this continues to be provided for under Section 173 of the Act.

Children's Services

New section 218A

In response to community concerns, the Bill proposes a new section, section 218A,...

... to clarify that children's services such as community-based and private children's services, are exempt from the State Records Act 1998.

This follows from the expressed concern that such services may fall under the definition of a "public office" due to the way in which services are licensed.

The Government is about reducing red tape and this amendment will clarify that such services are exempt from the requirements of the State Records Act 1998.

Children's services are already subject to stringent record keeping requirements.

The additional requirements associated with being deemed a "public office",

... and the need to lodge documents with the State Records Authority,...

... would place unnecessary extra burdens on children's services leading to an increase in costs for no real benefit.

Section 220

The next amendment will allow the regulation making power to rectify a slight anomaly in the wording of the definition under section 200(2)(d) of the Act.

Under the definition, services like child-minding services in shopping centres are exempt from licensing requirements, unless they are provided by a lessee of the shop rather than the owner.

This was not the intention.

However, it is not as simple as changing the definition in the Act—there is still a need for some monitoring of minimum quality standards,...

... and this is best done by amendment to the regulation-making power.

Search and removal of children and young people

Section 233

The Bill also proposes to standardise the test that is used by the Director General and the Children's Court...

... when seeking or issuing a warrant to search for and remove children and young people who are in need of care and protection.

Section 233 section currently provides that the Director-General may seek a warrant where there are reasonable grounds to believe that the child or young person is "in need of care and protection".

However, the Court issues the warrant based on whether the child or young person is at "immediate risk of serious harm".

The amendment makes the test consistent.

The proposed test is that a child or young person must be "at risk of serious harm" for the Director-General to seek a warrant and for the Court to issue one.

Regulations

Section 264

The final amendment will enable Regulations made under this Act to apply subsequent or updated editions of standards or codes mentioned in those Regulations where necessary.

This will ensure that where a revised guideline is issued,...

... for example Cancer Council shade guidelines,...

... the revision may be incorporated into the relevant Regulation without the need to amend the Regulation.

These amendments have been sought by community and other stakeholders and consulted on widely.

They will enhance the operation of the Act for those practitioners, individuals and agencies who use the Act.

More importantly, the amendments will further enable the Act to meet its primary objectives:

the care and protection of, and provision of services to, children.

I commend the Bill to the House.

The Hon. CHARLIE LYNN [2.37 p.m.]: This bill makes a number of miscellaneous amendments to the Children and Young Persons (Care and Protection) Act 1998. The amendments are generally of a procedural nature and do not represent any significant policy change. The Opposition will not oppose the bill, which seeks to clarify that warrants for the removal of a child will apply to whatever premises a child is in. The bill requires that care plans be presented to the Children's Court before the court makes an order to grant an authorised carer sole parental responsibility. It allows for a list of special medical treatments to be detailed and more easily

updated in the regulations, it repeals a section of the Act dealing with medical examinations, and it clarifies that children's services are not treated as public offices for the purposes of the State Records Act.

The bill maintains the licensing exemption for child-minding services in shopping centres. It ensures that both the director general and the court will use the same test for seeking or issuing a warrant to search for and remove a child in need of care and protection, and it avoids the need for regulations to be amended each time a standard, such as the Australian Standards, is updated. As I said, the amendments are of a procedural nature and do not represent any significant policy change. Therefore, the Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [2.40 p.m.]: The Christian Democratic Party is pleased to support the Children and Young Persons (Care and Protection) Amendment Bill, which makes a number of procedural amendments to clarify the Act and improve its operation. We understand there has been wide consultation on the amendments in this legislation, and they have been sought by those who work in the area. In the main, the community and stakeholders have proposed these amendments. The legislation will further assist the implementation of the Children and Young Persons Act. For those involved in the care and protection of children, particularly practitioners, individuals and agencies who use the Act, the amendments will further enable the principal Act to meet its objectives: the care and protection of, and the provision of services to, children in New South Wales.

The amendments will clarify that warrants for the removal of a child, to ensure that child's safety, apply to whatever premises the child is in. This will prevent orders from being obstructed by parents moving a child from one premise to another. The amendments also confirm the power to compel witnesses to attend the Children's Court. The legislation will also require plans to be presented to the Children's Court before the court makes a decision to grant an authorised carer sole parental responsibility for a child. This will facilitate permanency planning and is in the best interests of a child. At the same time, it is not an onerous requirement for carers, as they are already required to prepare care plans, and they would receive support from their agencies in doing that.

Obviously, dealing with the rights of parents when caring for their children is a sensitive area. Parliament has no desire to overly interfere in the normal role of parents in caring for their children, but there are some situations in which that intrusion is warranted. It must always be exercised with great care and compassion by officers of the department who deal with parents, who may not be guilty of any offence, as distinct from someone who has abused a child, as in some recent cases that have been brought to our attention in the media.

The legislation will also allow for a list of special medical treatments to be detailed and updated more easily in the regulations, and it will repeal the section of the Act that deals with special medical examinations, which has not been used. The legislation will clarify that children's services are not treated as public offices for the purposes of the State Records Act. It will maintain the licensing exemption of childminding services in shopping centres, while ensuring they still have to fulfil minimum standards. This is needed because the current exemption in the Act is time limited. In recent years shopping centres have become almost the centre of communities, with many facilities and a wide range of retail outlets. It is natural that childminding services are being made available in many of those shopping centres, but they should still meet the necessary standards to ensure the proper care and protection of children.

Finally, the legislation will ensure that the director-general and the court use the same test for seeking or issuing a warrant to search for and remove a child in need of care and protection. The test must be that the child must be at risk of serious harm. I was making that point earlier. Departmental officers must be discerning in separating those two positions—where there may be no risk of serious harm but where a neighbour or schoolteacher has reported that they believe a child may be being abused, as distinct from a case where serious harm is occurring.

Sadly, in some recent cases, even involving murder, it is not always the natural mother or father but quite often a de facto partner or stepfather who for some reason seems to take an attitude of hatred towards a child, maybe because it is not his own. In those cases there needs to be more supervision to ensure there is no abuse of the child or—contrary to what happened recently—to ensure the child's life is not taken. There must be care and protection for every child in this State.

Ms SYLVIA HALE [2.45 p.m.]: The Greens support this bill, which makes a number of changes to the regime of child welfare and safety. That said, there is one provision we do not support and I will speak about that in more detail shortly. The bill makes a number of miscellaneous changes to legal and court aspects of

children's welfare. These include changes to clarify the power to subpoena witnesses in Children's Court cases and the issuing of related warrants when children are removed from unsafe situations. Other changes include care plans presented to the Children's Court. This will give greater certainty to all parties.

The bill also introduces standard terminology so the director-general and the court use the same test to determine matters related to the removal of a child and to determine the need for care. All these provisions are designed to further protect children in cases before the courts, and the Greens are happy to support these elements of the bill.

However, we are concerned about the inclusion of provisions that are quite unrelated to the court and instead relate to commercial child care regulations. These provisions should be in a separate bill. Item [13] inserts a new subsection in section 220 that imposes a new level of child care licensing. The Government argues that this is necessary to regulate shopping centre child care centres such as those that currently operate playrooms. Many different types of child care facilities operate in shopping centres, gyms, and some workplaces.

Some gyms and large stores, for example, have dedicated play areas, sometimes filled with toys or balls. In these cases the parent is deemed to have parental responsibility even if they leave a child while they browse nearby or use the gym. They are deemed to have parental supervision at all times and must remain in the building. The potential problem that this bill presents is that when large centres such as Westfield, which are spread over a large area, open a child care centre. Because of the shortage of child care, parents are sometimes placed in desperate circumstances in which they may have no option but to leave children for longer periods or while they go outside the shopping centre. Parents may end up using short-term childminding as fully-fledged child care.

This bill could potentially open the floodgates to enable a new form of child care centre to operate at a lower level of certification than existing centres. The community child care sector is concerned about this provision. The New South Wales Community Child care Co-operative and the Council of Social Service of New South Wales [NCOSS] have asked the Government to remove the provision but the Government has steadfastly refused to do so. There are about 1.5 million children under the age of five. Sixty-eight per cent of mothers are back in the workforce by the time their children turn three years of age. Most of them rely on some form of informal or formal child care, with many relying on a combination of the two. Most working mothers struggle to find sufficient child care at an adequate standard and an affordable cost. It is these people who will be at affected by this provision.

The community child care sector is concerned because on a number of occasions the Government has caved in to the demands of the commercially run, profit-driven child care sector and has watered down regulations governing child care in New South Wales. The Government has made decisions that are not necessarily in the best interests of either children or parents. A recent example was its increasing the number of babies under the age of two able to be cared for by a single certified carer.

The commercial sector lobbied the Government for a 25 per cent increase in the number of babies, from four to five. Despite the opposition of parent groups and the community child care sector, the Government caved in to the profit-driven sector and increased the number to five. The Government's track record in this area has not been good. The concerns are that this provision will allow large shopping centre operators to open child care centres that do not need to comply with the strict level of licensing currently regulating other child care centres. This would clearly be a very undesirable outcome. Irrespective of where children are cared for, they require the highest possible level of care. That is why we regulate the sector. There is no justification for reducing the level of care because shopping centre operators have lobbied the Government to allow them to offer cheap child care in-house to lure more customers to their stores and thereby increase their profits.

The Greens are not opposed to child care being provided in shopping centres, but any operator of such a centre should be required to conform to existing standards and licensing requirements. The standards should be determined by the needs of children and not by the needs of supermarkets. I note that in the other place the Opposition said that the bill was supported by NCOSS. I inform the House that NCOSS only supports those provisions relating to legal matters and the courts. It is vehemently opposed to section 220, which relates to the licensing of child care centres in shopping centres, and it has been lobbying the Government to remove it. The Greens will move an amendment in Committee to remove this provision from the bill. I trust that Opposition and crossbench members will support it.

The Hon. PATRICIA FORSYTHE [2.52 p.m.]: I will comment only in relation to new section 149AA. It seems that the Children and Young Persons (Care and Protection) Amendment Bill is still part of the Government's attempt to get right the legislation introduced in 1998. I take a particular and close interest in the legislation. In 1998 the Government was lauded for introducing the groundbreaking legislation, which at the time and subsequently was supported by the Opposition. The review of the original child welfare legislation was commenced by the Coalition Government under Minister Jim Longley. Professor Patrick Parkinson of Sydney university law school was asked to undertake the review and was later joined by Dr Judy Cashmore. Although the 1998 legislation was supported by the Opposition, I expressed concerns that the level of resources needed to implement the legislation was not stated and the Government did not give a commitment on resourcing.

History proved my concerns to be well founded. I also referred to resourcing of the Children's Court to deal with applications for the care of young people. Amending legislation was introduced in 2000 and 2001, and there was an issue about how much of the original 1998 legislation the Government had proclaimed at any point in time. The legislation was significant and required significant resources. The Government did not understand the extent of additional resources required to properly implement the legislation. Notwithstanding that, in 2003 under Minister Faye Lo Po' the concept of permanency and permanency planning was embodied in the second care and protection legislation amendment bill, I think it was, which itself had been subject to a long period of review. The Minister at the time described the introduction of concepts such as permanency planning as her greatest achievement.

Remember that until that time we had talked about young people who were in out-of-home care as wards of the State. Some may have gone on to the adoption process. As Patrick Parkinson had already identified in the original review, wardship belonged to another era. In a true focus on the care of young people a better concept was permanency planning. Moving children from one foster home to another without a proper care plan being in place was not in the best interests of young people. Restoring them to their parents and then months later taking them away again was also not in their best interests. Parents may have overcome some difficulties and the children may have been restored to them—increasingly in these times the difficulties may have related to drug addiction—in the belief that the parent could provide care. Subsequently that would be proved not to be so. Even since the 2003 legislation questions have been asked about the adequacy of care plans.

I recall that the Hon. Dr Arthur Chesterfield-Evans asked a question of the Hon. Carmel Tebbutt in this Chamber. She was responsible for the care of children and young people. The Minister said that through the role of the Children's Guardian the care plans of all 5,000 children in out-of-home care at that time would be able to be achieved without resourcing problems and that a ministerial advisory committee had been set up. The Government is now closer to achieving what was intended in the 1998 legislation, as clarified by later legislation with the emphasis on permanency planning and having in place a care plan. I note that the Association of the Children's Welfare Agencies, in its submission on the second bill, urged a better clarification of care plans and permanency planning as there were not clear definitions. Even now I am not convinced that the Government has all that firmly in place.

Having said all that, this bill is clearly a step in the right direction. In any application by an authorised carer—which may be one of the designated agencies—a long-term care plan must be in place where there is the seeking of an order for sole parental responsibility. The bill sets out a number of requirements for the care plan. This is only something on which the court can be guided because the only enforceable aspect of the legislation is under section 149AA (4), which states, "The care plan is only enforceable to the extent to which its provisions are embodied in or approved by orders of the Children's Court." It might relate to where the child can live or go to school, health care and other issues. It is not enforceable of itself. To that extent we still have some way to go before we have in place a truly guiding document for the long-term care of a young person.

Honourable members will recall that at the time of the introduction of this legislation, and on the occasion of the various amendments to the legislation since then, the focus has been on the rights and concerns of young people. Where a young person is able to be informed about his or her position and able be a party to some of the decisions around their care, they are meant to be part of that. So far as sole parental responsibility is concerned, the natural parent is, of course, meant to be part of the decision-making process. The decision should be mindful of the long-term needs of the individual so that a child is not moved from one foster parent to another, or from a foster parent back home to a parent who may be seen to be able to provide care, only to have the situation break down some months later.

Instability gives rise to a number of the problems associated with so many young people who experience out-of-home care. We need to be mindful when dealing with young people who have experienced

out-of-home care that, very often, they are the same young people that we will see when we look at statistics in relation to juvenile justice. They are part of the statistics we will see when we deal with young people with a mental illness, or older people who may be resident in correctional facilities. The breakdown of family life impacts on their health and self-esteem, and is likely to be associated with other risk factors, such as their socioeconomic status within the community. We also know that all these factors are exaggerated statistically for indigenous young people. So many more of them experience out-of-home care.

I think there has been goodwill between the Government and the Opposition, and indeed the crossbench, since this process of review of the legislation commenced in 1998. There has been a genuine attempt—whether it be through kinship support or through the sole parenting responsibility or other factors—to try to focus on the reality of the breakdown of many families in our community and how best to provide for the needs of young people. I say that because I think we still have not entirely got it together, so far as the best system is concerned. I would have to say that we have come a long way since Patrick Parkinson embarked on his review in 1994, but we still have a long way to go if we are genuine about addressing the issues that give rise to young people developing low self-esteem that in turn gives rise to all of those other factors—leaving school early, and issues to do with mental illness and drug addiction.

So often young people who experience breakdown in their family situation and become part of the out-of-home care system are the ones that governments have to deal with in so many other facets for the rest of their lives. The dollars that we spend up front providing for their care and support will be the dollars we save the community effectively for the rest of those young people's lives. We certainly owe it to them to get it right. I am somewhat surprised that the Government has found yet another gap, if you like, in the legislation, given the number of times all this has been subject to review. With those remarks I endorse the legislation.

I make no other comment, except to say that I think the Greens have probably got it right. I am not certain what the section dealing with children's services is doing in this bill. It would have been more appropriately the subject of other legislation. Having said that, I think we can sometimes overregulate and I believe that if we lose the opportunity for some of that occasional and casual support for young children in shopping centres or whatever, we add to the cost of that care and make it more difficult for many parents to be able to go about their duties and provide some measure of care for young people—even if that means leaving their child in care of a shopping centre for a short period of time.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.04 p.m.]: The Children and Young Persons (Care and Protection) Amendment Bill amends the Children and Young Persons (Care and Protection) Act 1998. The background to the introduction of this legislation was provided in the Minister's second reading speech. The amendments are generally of a procedural nature and do not represent any significant policy change. According to the Government, they have been sought by community and other stakeholders, and consulted on widely. The amendments will enhance the operation of the Act for those practitioners, individuals and agencies that use the Act. More importantly, the amendments will further enable the Act to meet its primary objectives, which are the care and protection of, and provision of services to, children.

Proposed section 96 explicitly provides for the Children's Court to issue notices requiring the attendance of children and young persons and their parents before the Children's Court, and to issue subpoenas for the attendance of witnesses to give evidence and produce documents to the court. Secondly, it enables the Children's Court to issue proposed section 109A notices requiring the attendance before the Children's Court of persons who have, or have had, care responsibility for a child or young person, and requiring other persons to attend to give information concerning the whereabouts of children and young persons. It further enables the Children's Court to issue warrants for the arrest of children, young persons, parents and other persons who do not appear as required by such notices, and witnesses who do not comply with such subpoenas under new section 109B. Effectively, this bill empowers the Children's Court to issue care and protection orders against those who would abduct or take children in contravention of such orders.

The bill enables the Children's Court, a Children's Registrar or other registrar of the Children's Court, and certain authorised justices to grant bail to such persons; to issue warrants of commitment to correctional centres, detention centres and other places of security where bail is not dispensed with or granted; requires a care plan to be presented to the Children's Court and for that court to be satisfied as to its terms before it makes an order giving an authorised carer sole parental responsibility for a child or young person. Proposed section 149AA provides for the prescription by regulation of medical treatments as special medical treatments for the purposes of section 175 of the Act.

New paragraph (b) of section 175 alters the definition of "special medical treatment". Item [11] of schedule 1 repeals section 176 of the Act, which deals with special medical examinations. Proposed section 218A makes it clear that community-based and private children's services are exempt from the requirements of the State Records Act 1998. This gives me some concern. I am not certain of, and I have not had time to research adequately, the requirements of the State Records Act and how they impinge on community-based and private children's services. I do not know how onerous they are. Certainly they were dismissed in the Minister's second reading speech as cutting red tape. The cutting of red tape often worries me. I think there is a lack of respect for the idea of cohort studies, which is following the progress of children developing over a period of years so that one can see what consequences there are in time.

There is no point in setting up recording systems in part, or keeping records that are never going to be used in any framework. There is certainly a lack of interest in cohort studies, which would involve following populations over time, ensuring the privacy of the records for that time, ensuring the continuity of study and setting of protocols so that you have a reasonable research question as to what childhood problems, characteristics or influences lead to what outcomes—indeed, what policies lead to what outcomes. In my view such a research base is needed for informed social policy.

Too often in this House we hear anecdotes, diatribes and doctrinal nonsense spieled out in response to the shock jocks or other stimuli regarding a case that may have occurred, and we extrapolate a general statement from that. Everyone goes "Rah rah" and outdoes each other in praise for this new initiative, without there being any serious base for what is being done. I suggest that cohort studies of child development should be conducted, and that those studies should have a significant influence on social policy. I believe it is a question of having evidence-based legislation—which, sadly, in this House gets not much more than a snigger.

I wonder whether simply saying, "We won't keep records anymore because, after all, the children's privacy is very important" is an anti-intellectual and convenient way of taking away records. It is interesting that the Department of Community Services does not want to keep any records in relation to a person after the age of 16. Given the difficulties that have been identified by groups such as the Care Leaders of Australia Network and some of the other groups who were State wards and who had a very bad time of it, and the high level of imprisonment of people who went through the traumas of that years ago, the absence of records now seems frightfully convenient for the Government. It is interesting to note that very little has been said about this by other members, apart from the fact that it amounts to cutting red tape, which was the tone of the Hon. Reba Meagher's speech. I wonder whether the issue needs a little more consideration. I do not pretend to have an answer at this time, nor do I have an amendment.

The bill provides as a ground on which a search warrant in respect of the presence of a child or young person may be applied for, and issued, under section 233 (1) (a) of the Act, that a child or young person is at risk of serious harm. The bill enables the regulations to exempt certain centre-based children's services from the requirement that they be licensed, and to regulate the services so exempted. It enables the regulations to apply, adopt or incorporate, wholly or in part and with or without modifications, any standard, rule, code, specification or other document prescribed or published by any person or body, whether from New South Wales or elsewhere, and as in force at a particular time or from time to time. The bill clarifies certain provisions concerning the removal of children and young person's from, and search for children and young persons in, premises and places. Under section 175 of the Children and Young Persons (Care and Protection) Act 1998, "special medical treatment" means:

(a) any medical treatment that is intended, or is reasonably likely, to have the effect of rendering permanently infertile the person on whom it is carried out, not being medical treatment:

  (i) that is intended to remediate a life-threatening condition, and

  (ii) from which permanent infertility, or the likelihood of permanent infertility, is an unwanted consequence;

(b) any medical treatment that involves the administration of a long-acting injectable hormonal substance (such as medroxyprogesterone acetate in aqueous suspension) for the purpose of contraception or menstrual regulation;

(c) any medical treatment in the nature of a vasectomy or tubal occlusion; or

(d) any other medical treatment that is declared by the regulations to be special medical treatment for the purposes of this section.

In the past special medical treatments were highly controversial, in the sense that people with disabilities, particularly intellectual disabilities but also physical disabilities, were sterilised—if not against their will,

certainly in a situation where they were unaware of what was happening to them or the consequences thereof. For example, young girls in particular were sterilised, generally because of physical disabilities. Of course, those young girls could reasonably have had children, and certainly would have liked the challenge of bringing them up, but they were not given that choice. That amounted to considerable trespass upon their rights. When one talks about the rights to a sex life of young disabled people, one does not find a corresponding willingness to talk about and enforce their rights, and to do so in an intelligent fashion. It is one thing to give people a right not to be sterilised, but obviously the consequences of that need to be considered; instead, however, they tend to be pushed into the background. It is necessary to balance individuals' rights without too much paternalism, and to face the consequences of decisions that are made or not made.

The other important aspect is the regulation of child care centres, which has been referred to by the Council of Social Service of New South Wales [NCOSS] and addressed in the Greens amendment. As we are all aware, regrettably, the Federal and State governments have not wanted to set up comprehensive child care centres. The issue is being addressed by the private sector in the provision of fairly expensive child care. Any person who has a young child and wants to work breathes a sigh of relief when their child goes off to school, because people can pay $60 a day, or $300 a week, for child care. Indeed, only a small portion of the fee is tax deductible and only a small portion of it is subsidised by government grants. Given that not too many people have $300 a week at their disposal, child care is a major burden for people who want to bring up families. So, while on the one hand we have people who are refusing RU 468 and making what should be a therapeutic goods decision on the floor of the Parliament and discouraging abortion by making RU 468 expensive, on the other hand we have extremely expensive child care and a government that is not willing to face that.

Faced with this situation, people are taking their children with them to supermarkets when they do their shopping. Supermarkets are now trying to have a competitive edge by providing some sort of child care. Clearly, such child care, if it is to be offered, needs to be of a reasonable standard, to ensure that children are not traumatised while their parents are doing the shopping. There is always the potential for a poor standard of child care to be offered in order to encourage people to go shopping. A parent who cannot afford child care may think, "Thank goodness. I will leave the child there a bit longer so I can have a little break." Of course, in this situation the wellbeing of the child is dependent upon the quality of the child care provided. The amendment proposed by NCOSS, which is supported by the Community Child Co-operative, insists on a reasonable standard of child care in these situations. I also support that amendment. With those comments I support the bill in general but, as I have said, it is not everything it could be.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.18 p.m.], in reply: I thank honourable members for the contributions to this debate.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Ms SYLVIA HALE [3.20 p.m.]: I move:

Page 17, schedule 1 [13], lines 17-24. Omit all words on those lines.

Proposed section 220 applies to centre-based children's services, and it is causing great anguish for the child care community and the Council of Social Service of NSW [NCOSS]. As I said earlier, I believe that in the lower House the Opposition was under the misguided belief that NCOSS supported this bill. NCOSS supports the bill, but it has grave reservations about this provision, which would exempt specified centre-based children's services from the requirement that they be licensed. NCOSS sees this as a potential backdoor way of introducing a lesser regulation of services of which many parents feel obliged to avail themselves. No doubt the Government's attitude is, "Trust us. We will do the right thing." Once again, all the critical detail is to be included in the regulation, because the proposed section then provides:

> … exempting specified centre based children's services and … regulating the services so exempted (including, without limitation, establishing standards to be met by those services).

Once again, the absolutely critical detail is not before this Committee. NCOSS, the child care community, the Greens, the Democrats, and I hope the Opposition, believe that this is not good enough, that it is necessary to be

very stringently careful about the type of care that is provided for children and the qualifications and record of people who are responsible for managing child care services.

Last night in the House I was interested to hear the Hon. Ian West provide great detail about the unscrupulous nature of a child care provider in the Sutherland shire. The Hon. Ian West went on to talk in some detail about how that provider was prepared to dismiss a member of staff who would not conform with his desire that the child care regulations be adhered to. I am sure that further investigation would indicate that that is not an isolated case. We do not need less regulation but more enforcement of the regulations that exist. I believe a move such as provided for in proposed section 220 is a move in the wrong direction.

There is no reason for us to take the Government at its word when it says, "Trust us." I think its record on so many issues, including children's welfare, is so dubious that we should not include this provision. If the Government wishes to pursue the matter, it should do so under a separate bill when we have full details of just how it proposes to regulate such services. As I have said, the child care community and NCOSS are convinced that this could well be used as a means to authorise a substandard level of child care. It is certainly a very retrograde move.

Reverend the Hon. FRED NILE [3.24 p.m.]: The Christian Democratic Party does not support the amendment. We understand that on some occasions when mothers or fathers are shopping on their own with children, their children would be far better off—they would certainly be less distressed—left in the centre-based children's minding area than carried around the shopping centre. I note that the bill says that the Government will establish, without limitation, standards to be met by these services. We will wait to see what those standards are and whether they need to be improved. The amendment would put things in limbo and—the Greens may not be worried if this did happen—these childminding facilities could be closed down, despite the fact that they are providing a valuable service. I do not want to see child care facilities closed down; they should be allowed to operate so long as they comply with certain standards that the Government will establish.

The Hon. CHARLIE LYNN [3.26 p.m.]: The Opposition does not support the proposed amendment. I listened with interest to the drivel from the member proposing the amendment. It is almost as if the Greens—and the Democrats, it seems—have a conspiracy theory about any organisation seeking to make a profit. They speak in almost a spitting fashion about organisations that run commercial child care centres, and make statements about parents being deemed to have parental responsibilities. Of course we have. I accept that responsibility as a parent. In raising my three daughters I never expected anything less than to have full responsibility for them 24 hours a day, seven days a week. I think that attitude is shared by the great majority of parents.

The regulation comes about because after 31 December childminding services offered by lessees will be subject to regulation they would be physically unable to cope with. The regulation covers such matters as capacity to provide education, space, playground requirements and so on. That makes sense in traditional child care centres, but it does not make sense for small-scale childminding services at which children are present for short periods of time, for example, in gymnasiums and shopping centres. The Greens and the Democrats believe that commercially run shopping centres—and Westfield was mentioned—do not have people's interests at heart.

For about 10 years, between the time I left the army and started a career in politics, I did considerable work for Westfield organising some quite remarkable events. If ever there was a great Australian success story it is Westfield. From nothing John Saunders and Frank Lowy built a great empire that competes in the international market. Back in the eighties, as my memory serves me, I was asked to organise the first Australian youth disabled games. That was not a commercial operation. I shall tell the Committee what John Saunders thought about this event. John had a disabled child.

John did this community work from the heart, not for a commercial reason. Westfield flew in intellectually handicapped and physically disabled kids from all over Australia. Its representatives worked with Ansett and the unions to reconfigure aircraft to accommodate wheelchairs, and together with Greyhound buses and the State Transit Authority a huge concert was arranged so that these kids could become champions at their very own Olympic games. But we could not sell tickets to the event. We spoke to John and told him that even though he had spent considerable money on the project we could not sell tickets to it. He told us to invite people from the senior citizens centres and to offer them a free bus service to the event. Thousands of people from around the Sydney metropolitan area were brought in. The kids came out in their wheelchairs to be greeted by a clapping and cheering crowd. These older people, who would not have attended otherwise, were able to experience this wonderful, international-class concert, which extended over a week in the same fashion.

This event was not conducted for any commercial reason and it was not sponsored by Westfield. John Saunders has a deep and passionate concern for the disabled. This event led to Australia's first disabled games, which were held the following year, and those games cost John Saunders millions and millions of dollars. The events have given disabled kids hope and they were the beginning of our great international success with the Special Olympics. Any suggestion that these blokes are commercially heartless and that everything they do is for profit and exploitation is ideological claptrap and rubbish. They have built great shopping centres that provide wonderful services to people in the western suburbs and around the country. They have generated significant employment and business opportunities. And people now have the opportunity to put their children in child care in those centres.

If I wanted to put my children into child care while I did my shopping, I would first check the place out and if I liked the style of the place, I would entrust my children to those managing it. If I did not like the place, I would not leave my children there and I would not shop in the centre. So to that extent there is a commercial incentive for the centre to get it right. It is not ideologically based; it is about give and take. We should be very careful about the extent to which we demonise success in Australia. Fringe groups whip up the great exploitation conspiracy theory among their followers.

People in their millions go to shopping centres. While young mums and dads go to gymnasiums, their kids can play while they work out. There is no need for all the educational and playground stuff because people will make their own assessments of what is available when they walk into a gym or shopping centre. Parents will only use such a facility if they like it. If they do not, the commercial benefit will be lost. The Hon. Dr Arthur Chesterfield-Evans often talks about intellectualisation, and I realise he is a self-proclaimed intellectual, but he should acknowledge that commonsense dictates that people will make their own judgments and assessments. For that reason the Opposition will not support the amendment.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.34 p.m.]: I did not intend to speak to the amendment, but I cannot let such a diatribe go unanswered. My own experience of shopping centres is that, generally speaking, their owners do not think very much about kids, apart of course from the little compartment in the shopping trolley where a shopper can put either her handbag or her child. On the infrequent occasion that I visited my local shopping centre I discovered that my little boy seemed to have a special corner of the supermarket where he liked to remain. I found that I could leave him there to do some shopping and when I came back he would still be in his little corner. I could not work out why he liked this little spot so much. After several visits I realised that he was shovelling opened lollies into his mouth while I was wandering around the shop. I wondered a little about the morality of that. I regarded it as a childminding service; the supermarket had provided this wonderful facility for the benefit of my child, and we did not have to pass the checkout!

On passing through the checkout I saw that the chocolate bars were at my son's level, and so he grabbed one of the chocolates and hung on to it for dear life. When the checkout lady asked to scan the sweet I said, "You don't get it, do you? You put that there for him to find. I don't wish him to have another chocolate bar. If you want to take the chocolate bar from him, you take it." She called the centre manager and I had a similar conversation with him. I said, "I don't want him to have the chocolate bar. You have made him take the chocolate bar in order to suit your interests. If you want the chocolate bar back, you take it from him, otherwise you pay for it. I am not buying the chocolate bar because you put it at a low level." My son walked out with the chocolate bar and we did not pay for it. I have not noticed whether they have put the chocolate bars in any different location. Sweets are put at that level so that children can get to them and eat as many lollies as possible so that supermarkets can make a profit. If that is child care, it is unsatisfactory.

I am also aware that children are sometimes left in cars outside casinos. In one such incident at the Crown Casino in Melbourne a child died as a result of overheating while the child's mother, who was addicted to gambling, was in the casino. In our society little attention is paid to kids. Diners are often horrified to see children in restaurants, which are regarded by some as romantic places. We have a real problem with our children. Society is economically structured so that generally both parents have to work to meet huge mortgages that are a consequence of preferential treatment of real estate in the taxation system.

The needs of kids are generally ignored because they have very little power. The private sector has filled the gap with child care because the Government does not seem to think that people need help in that regard. Academic sociologists believe that it takes a village to raise a child. It is true in a sense that in the nuclear family the mood of one person immensely impacts on the children of that family. The general principle is that the environment should be conducive to society playing a part in the bringing up of its children. Profit has its place, but we should also look at the concept of universal services, which are under threat in the current economic rationalist approach that looks at the price of everything and the value of very little.

The Hon. Charlie Lynn set up straw people and claimed that we criticised profits in general and Westfield in particular. I did not hear anyone criticise Westfield. I accept that it has done some good things for disabled people, and I commend it for its large supermarkets that offer child care services. But surely it is not too much to ask that its child care services comply with a reasonable standard, as has been suggested by the Council of Social Service of New South Wales and the Community Child Co-operative. That is what this amendment would do. I think it is perfectly reasonable. I am amazed by this diatribe. To suggest that child minding is a great charity and one must not ask it to meet a standard is simply nonsense.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.39 p.m.]: The Government does not support the Greens amendment. I thank Reverend the Hon. Fred Nile and the Hon. Charlie Lynn for their comments, support and commonsense. If this bill is passed with the Greens amendment, when the Children's Services Regulation comes into force on 1 January 2006 it will apply to child minding services offered by lessees but they will be physically unable to comply with it. The regulation covers issues such as the capacity to provide education, space and playground requirements, and so on. That makes sense for traditional child care centres, but it does not make sense for small-scale child minding services where children are present for short periods—no more than three hours—for example, in businesses such as gyms and shopping centres. This bill will ensure that a regulation can be developed with appropriate and workable standards to govern these services. The standards have been developed in consultation with the sector, and include safety and health requirements. The Government does not support the amendment.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 6

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

Noes, 24

Dr Burgmann	Mr Gay	Ms Robertson
Ms Burnswoods	Ms Griffin	Ms Sharpe
Mr Catanzariti	Mr Lynn	Mr Tsang
Mr Clarke	Reverend Dr Moyes	Mr West
Mr Colless	Reverend Nile	
Ms Cusack	Mr Obeid	
Mr Donnelly	Ms Parker	*Tellers,*
Mrs Forsythe	Mrs Pavey	Mr Harwin
Miss Gardiner	Mr Pearce	Mr Primrose

Question resolved in the negative.

Amendment negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

MENTAL HEALTH (CRIMINAL PROCEDURE) AMENDMENT BILL

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

Motion by the Hon. Henry Tsang 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.

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT BILL

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

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

VOCATIONAL EDUCATION AND TRAINING BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [3.53 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

This bill will ensure that New South Wales' world-class system for skills training is strengthened and enhanced. The bill implements the November 2002 decision of the Ministerial Council for Vocational Education and Training to introduce legislative reform to more effectively regulate providers of vocational education and training throughout Australia. Members would be aware of the critical importance of having an effective vocational education and training system- a system that is capable of giving our current and future employees the necessary skills to adapt in Australia's complex and ever-changing workforce.

Our VET system provides training for all types of work-from the traditional industries such as building and construction, manufacturing, automotive and utilities to those newer industries that now represent a growing proportion of the New South Wales workforce—Retail; Finance, Insurance and Business Services; Tourism, Hospitality and Community Services & Health. Currently in New South Wales more than half a million students participate in some form of vocational education and training each year. And that training is provided by both public and private sector Registered Training Organisations. Most of these students are in TAFE. Yet over 1,565 New South Wales and interstate registered training organisations are operating in the State. And it is obviously an attractive business as new providers continue to enter the market each year. 344 new training organisations registered in 2002/03 and 98 in 2003/04.

And at the heart of our system are the structured courses of vocational study, training and employment known as apprenticeships and traineeships. There were 139,000 apprentices and trainees in training in New South Wales at the end of the June quarter 2005. Currently there are 884 New South Wales training organisations that are registered under this Act. In addition 681 interstate registered training organisations are operating in New South Wales. The current Act supports the regulation of New South Wales registered training organisations by the Board for Vocational Education & Training. However it does not provide for decisions made by the Board to apply to training organisations registered in other states that operate in New South Wales. This means the Board has been virtually powerless to act when problems have arisen with interstate registered training organisations operating in New South Wales.

At present the regulator's hands are also tied in situations where a New South Wales Registered Training Organisation is found to be non-compliant in New South Wales and rather than address those non-compliances, the organisation decides to apply for registration in another State that is seen to have a less rigorous registration procedure. From 1 January 2006 the New South Wales regulatory body will be able to monitor quality, audit or sanction the 681 training organisations currently registered interstate and operating in New South Wales. At the same time New South Wales registered training organisations will be recognised interstate. Madam President, the Australian Quality Training Framework was introduced in 2001 as a set of standards to guide quality in the training market and to ensure that students and employers receive the high quality training they require.

The New South Wales training quality regulator, the Vocational Education and Training Accreditation Board (VETAB), has adopted these national quality standards as a guideline under its Act. However, new legislation is needed to enable the regulation of interstate registered providers delivering training in New South Wales. By agreeing to implement model clauses in their legislation all States are now ensuring that national quality standards can be appropriately and effectively enacted across borders. Vocational education and training in Australia now operates as a national system. States and Territories operate within a

framework of national policies and strategies, underpinned by their own legislation relating to the provision of vocational education and training. In June 2001 State, Territory and the Commonwealth Ministers for Vocational Education and Training agreed to adopt new standards to strengthen the quality of training across the country.

The Australian Quality Training Framework Standards have been adopted in New South Wales by the Vocational Education and Training Accreditation Board under the current Vocational Education and Training Accreditation Act 1990. It is a sensible bill that recognises the increasing national nature of vocational and training provision in New South Wales and indeed Australia. Fifteen years have passed since the original Act was introduced. The world and the vocational education and training system have all changed significantly in this intervening period. Most significantly, the systems in each state and territory have become more alike, and the number of training providers that operate at a national level has increased. This new bill incorporates much needed improvements to modernise the language of the Act; to make it more relevant and easier to interpret.

Offences under the Act will also be strengthened and fines increased for breaches of the Act. The final significant change to the Act is to recognise the national register of training providers and courses—the National Training Information Service. This register is the repository for all publicly available information on the organisations operating in the national vocational education and training system. Having the national register included in this legislation protects its role as the key public tool for accessing information on training organisations. There is still a need for more consumer information to be available on training organisations and the standard of training they offer. The New South Wales Government will continue working with other jurisdictions to improve the amount of publicly available information on training organisations.

The New South Wales Government would like to see the reports of registered training organisations' audits by the Vocational Education and Training Accreditation Board published, as is the current practice in the university sector. This bill establishes stronger and more consistent regulation for the skills development that Australia and New South Wales need. The bill will increase industry confidence that the New South Wales training system will provide high quality, industry relevant skills. The approach taken by Australian Governments on this issue is a demonstration that state, territory and Commonwealth Governments can work cooperatively on issues of national importance. New South Wales makes up around one third of our economy, our population and our national vocational education and training system.

This bill will improve the regulatory arrangements in this State to ensure that the training system continues to be nationally focussed and a key driver in our State's and Australia's continued economic and social development. I commend the bill to the House.

The Hon. ROBYN PARKER [3.53 p.m.]: On behalf of the Liberal-National Coalition I support the Vocational Education and Training Bill, which gives national effect to the Australian quality training framework for the registration of training providers and the accreditation of courses. National recognition is described as the cornerstone of the Australian quality training framework and the principle of national recognition is critical to the operation of a nationally consistent vocational education and training system. As such, the Coalition supports the bill. Vocational and technical education provides opportunities for the 70 per cent of young people who do not enter university straight from school. In the past year or so we have learnt about the numbers of young people we need to attract into courses other than university courses. We need to strengthen vocational education and training as much as possible.

Twelve years ago Australia had eight separate training systems operating quite independently of each other, with the content and delivery of training largely determined by training providers. Employers operating across more than one State could not be confident that the quality of their employees' qualifications was consistent, or that they would have the competencies industry felt they needed to undertake their work. Therefore the bill goes further to co-ordinate this system by implementing the November 2002 decision of the Ministerial Council for Vocational Education and Training, by putting in place provisions for consistent standards for vocational education and training across Australia—enabling training organisations registered in other States to be subject to the same standards that operate within New South Wales.

The national recognition of qualifications and statements of attainment from registered training organisations also benefits those seeking accreditations as it enables national portability of the qualifications and statements of attainment that individuals gain. Therefore, a worker could gain a qualification and move to another State, and the qualification would be recognised. Similarly, a worker could be trained in another State and come to New South Wales and the qualification would be recognised as a national standard. A further benefit to students is that other regional training organisations must recognise and accept Australian quality framework qualifications and statements of attainment.

In June 2001 State and Federal Ministers agreed to adopt the Australian quality training framework as the national standard for the registration of training organisations and the accreditation of courses. The aim was to strengthen the quality of training across the country. The Australian quality training framework standards have been adopted in New South Wales by the Vocational Education and Training Accreditation Board under the current Vocational Education and Training Act. The bill outlines the board's functions, composition and operation. It stipulates wide-ranging powers of the Vocational Education and Training Accreditation Board, including conditions and terms of registration, and the cancellation, suspension or amendment of registration.

I note several concerns with reference to the role of the board, concerns that have also been noted by the Legislation Review Committee. The bill delegates to the Vocational Education and Training Accreditation Board the power to determine the level of fees to be imposed upon a training organisation for a range of matters and that such fees are not reviewable or disallowable by Parliament. The committee has written to the Minister seeking a response as to why regulatory fees are not reviewable and disallowable by Parliament.

The power of the board within the bill raises further considerations. Clauses 30 and 36 provide that, before the board refuses an application to accredit a vocational course, imposes conditions or cancels accreditation, it must notify the person concerned of that decision and provide an opportunity for that person to make representations to the board. However, clause 30 (2) provides that decisions by the board regarding accreditation can take immediate effect—with no provision for the person concerned receiving an opportunity to make representations.

Here, the board's immediate actions are justified if the public interest is served. However, the bill does not define the term "public interest." Perhaps, in his reply, the Minister could go into some detail about that. These are common law concerns and, again, the committee has sought clarification from the Minister seeking a list of public interest circumstances that might warrant a decision of the board to immediately cancel or refuse accreditation.

The bill provides a framework for a national register, which is defined to mean the National Training Information Service, to be managed by the Commonwealth Department of Education, Science and Training. Training providers are registered and vocational courses are accredited when the board records the details of the training provider or the course on the national register. This framework provides for the recognition in New South Wales of training providers who have been registered by interstate registering bodies and, likewise, the recognition of vocational courses that have been accredited by interstate course accrediting bodies.

All governments make a significant investment in the national training system and it is important to ensure that the system is used efficiently and effectively and results in high-quality training outcomes for business, industry, training providers and students. The bill provides for consistent standards for vocational education and training across Australia, which is of benefit to those administering and those seeking vocational qualifications.

The vocational and technical education system has grown by 35 per cent since 1995, from 1.3 million students in 1995 to more than 1.7 million in 2003, which represents more than one-ninth of Australia's working age population. In this year's budget the Australian Government is spending a record $2.5 billion on vocational and technical education, including an additional injection of more than $280.6 million for a suite of initiatives designed to address skills needs, particularly in the traditional trades. That is an enormous commitment from the Howard Government and I applaud the Minister, Brendan Nelson, for his dedication in coming up with innovations to meet our skills shortages.

Maintaining and further strengthening the vocational and technical education sector is vital to building a system that delivers what Australian businesses, communities and individuals need to provide for their own, and our collective, economic and social prosperity. It is vital therefore that high-quality training is available and that it is consistent throughout Australia. There is a national debate about the consistency of qualifications, consistency of educational attainment and standards. We want to achieve a national system of qualifications and attainment, bringing some of the other States and Territories up to the standard of New South Wales.

The Coalition supports the bill because it goes a long way to recognising that workers, those who have recently trained or even those in training are quite mobile. Employers will be able to choose from a broad cross-section of possible employees across Australia with a uniform standard of qualifications. Employers may be confident that qualifications gained in one jurisdiction or through one provider are consistent with qualifications gained anywhere else in Australia.

For example, qualifications gained in Queensland will be uniform with those gained in New South Wales. This will provide portability, something that we should consider in a number of other jurisdictions. It will assist in overcoming the skills shortage. Students need to know that their training and qualifications will be recognised by any employer in any jurisdiction in Australia. On behalf of the Liberal-Nationals Coalition I strongly urge support for the bill.

Reverend the Hon. Dr GORDON MOYES [4.04 p.m.]: The Vocational Education and Training Amendment Bill gives national effect to the Australian quality training framework for the registration of training

organisations and accreditation of courses in vocational education and training, known as VET. Under section 51 of the Australian Constitution the Commonwealth has been given exclusive power to legislate with respect to certain issues. Education is not one of these issues; it is primarily a State issue. Thus, the grounding for the States' legislative responsibility for education lies in the States' residual power over education. A very important part of what we know as education in this State is vocational education and training. I commend Federal education Minister Brendan Nelson for seeking to introduce standard qualities and administration across the variety of programs presented at State level.

Vocational education and training is a mainstay of our work force. It is through our VET programs that people gain skills and the ability to enter a vast array of industries such as finance, tourism, hospitality, community services, most of the normal service industries, land care, landscaping and environmental issues, the building and construction industries, and so on. In New South Wales more than half a million students participate in some form of vocational education and training each and every year. Most of these students are in the TAFE system but many students also undertake vocational education and training within the private sector. I established such a vocational education institute back in the mid-nineties and today about 3,000 students are working in that institute. Many of the 70,000 that Wesley Mission last year helped towards employment graduated from courses undertaken through the Wesley Institute.

With the current apparent demand for VET it is little wonder that private entities are entering this area of education. New providers enter the market each year: 344 new training organisations were registered in 2002-03, and 98 in 2003-04. Currently 884 New South Wales training organisations are registered under the Vocational Training and Education Accreditation Act 1990. In addition to these, 681 interstate registered training organisations are operating in New South Wales. During the same time quite a number of organisations have failed to satisfy accreditation and quality management programs and as a result have been deregistered.

The aim of the bill is to provide consistent management and quality standards. Presently the Vocational Education and Training Accreditation Act 1990 provides for the regulation of New South Wales registered training organisations by the Vocational Education and Training Accreditation Board, or VETAB as it is commonly known. I have had a lot to do with VETAB over the years and have found those responsible for the accreditation process to be most understanding and helpful to organisations that want to become involved in vocational and educational training. But some interstate organisations fall outside the reach of the board because they are not registered in New South Wales. This means that the board does not have the power to address problems that have arisen with the operation of these interstate registered training organisations, because of their interstate location and/or registration.

The other issue that has been highlighted is that the board is hamstrung from acting in situations in which a New South Wales registered training organisation, such as the one I established, is found to be non-compliant in New South Wales. This is because the organisation can evade its responsibility to comply with certain registration standards by registering in another State with a less rigorous registration procedure. In these circumstances a number of organisations basically have had to be forced out of the system. Under the Australian National Training Authority [ANTA] a national partnership was established in June 2001. Ministers working alongside ANTA agreed to adopt the Australian quality training framework as the national standard for the registration of training organisations and the accreditation of courses.

I applauded this move at the time and believe it is the means by which the whole VETAB program can be supported and sustained. With ministerial agreement, model clauses were drafted for incorporation in State legislation to give national effect to the Australian quality training framework. The model clauses were developed through national consultation. In November 2002 Ministers agreed to amend their VET legislation by 1 July 2004, subject to their Cabinet's approval, using the model clauses. The purpose of the bill is to implement the November 2002 decision of the Ministerial Council for Vocational Education and Training to introduce legislative reform to more effectively regulate providers of vocational education and training throughout Australia.

Since January 2002 New South Wales VETAB has adopted the Australian quality training framework standards as a guideline, using the standards to register training providers. But the Vocational Education and Training Accreditation Act 1990 does not provide for decisions made by VETAB to have national effect, nor does it allow VETAB to recognise the decisions of other State and Territory registering bodies. The new legislation will achieve this national effect. Thus, from the commencement of the bill, VETAB will be able to monitor quality and audit or sanction the 681 training organisations currently registered interstate and operating in New South Wales. VETAB will be in a better position to conduct cross-jurisdictional audits. I might just

mention that the Wesley Institute, which offers the vocational and community education program, has 3,000 students doing accredited courses.

There will be interstate recognition of the operation of New South Wales registered training organisations and more effective regulation by VETAB of interstate registered training organisations that operate in New South Wales. This will strengthen the quality of the vocational education and training system and simplify regulatory arrangements nationally. That is why I wholeheartedly support the bill. The bill will also incorporate improvements to modernise the language of the Act. Offences under the Act will be strengthened and fines increased for breaches of the Act. Lastly, the bill will give statutory recognition to the national register of training providers and courses—the National Training Information Service.

In conclusion, I draw the attention of honourable members to the commentary provided on the bill by the Legislation Review Committee. The committee indicated that it has a couple of concerns about procedural fairness issues stemming from proposed clauses 30 (2) and 36 (2). There is also some concern that the bill delegates to the board the power to determine the level of fees in relation to a range of matters, such as fees for applications for registration as a training organisation and in relation to an application for accreditation of a vocational course, and that such fees are not reviewable or disallowable by the Parliament. The effect of this national legislation is that all States will have national standards that can be effectively enacted throughout the States. The bill will ensure that the New South Wales system for skills training is made stronger and is enhanced. The Christian Democratic Party commends the bill to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.13 p.m.]: The Democrats support the Vocational Education and Training Bill. There is, of course, a need for standards. We have all seen curriculum vitaes that do not reflect the level of skill that people have attained. The most spectacular example of that relates to the so-called Dr Death in Bundaberg. A Google search would have revealed—and did, when a journalist undertook it—the history of that person, who claimed to be a great surgeon. On the other hand, the lack of recognition of qualifications is something that Australia has dearly paid for. Australia has always found it difficult to recognise or evaluate the qualifications of migrants who often take the most mundane jobs despite their being extremely well qualified in many instances.

I know of two engineers from China with excellent engineering qualifications who are working, one as a taxi driver and the other in a menial job. A professor of law is working as a security guard in this building. Indeed, I recall the apocryphal story of a Turkish man whom no-one spoke to very much, who was burning the sleepers underneath the rails when the tram tracks in Sydney were being foolishly removed in the 1950s. He was hit by a car and killed. When the authorities went back to the little flat where he lived they discovered numerous law books in Turkish. He had been a professor of law in Turkey before coming to Australia to work on the roads here.

The squandering of knowledge has been a large problem in this country. In earlier times, when there was lifetime employment, it was extremely important that models of skills were acquired through apprenticeships and passed on. Indeed, people gained many extremely valuable non-formal qualifications. That has been somewhat destroyed by shorter periods of employment and the lack of lifetime employment in industry. I believe that the apprentice model of training is severely under threat and exists now in only a few areas. TAFE is extremely important in that it was a model that allowed far more flexibility and enabled people who had knowledge to go back into a teaching role.

In 1983 I was awarded a public service scholarship to study absenteeism—which I would prefer to call workplace absence. I travelled to Japan, Sweden, Canada and the United States of America, studying why people were absent from work. I found it had surprisingly little correlation with their state of health, but correlated very well with their feeling of control over their lives.

Some of the statistics I compiled at Sydney Water indicated that the cost of absenteeism peaked at a salary level of $45, 000, which at that time was quite high. At Sydney Water in 1992 very few males were earning more than $45,000 and even fewer females were earning more than $30,000. That meant that while absenteeism as such was considered to be a working person's problem as opposed to a middle management problem, because middle management was paid at a higher rate the cost of each day taken off work by that group cost the employer more than a day taken by lower paid workers. The better educated people were, the less time they took off work, because they tended to have more control over their lives. So the increased number of days lost by the workers was offset by the extra cost of the days taken off by middle management.

I was interested to find that a view of the more academic qualifications in Australia was very much an ivory tower view; that people climbed up an academic hierarchy with almost no relationship to the workplace. If one wished to do a course one was told, "We do not offer it part-time. You will have to take time off work or simply not do the course." Workers could not just study for a degree; they had to do it within a certain framework. There was a complex rigidity in the Australian training system that was not found in some of the overseas systems. Certainly, at university level it was extremely marked. It was as if universities were the playthings of the relatively well off or the relatively bright, and the lack of flexibility and lack of integration with the work force was a very large feature of that.

That was changed somewhat when the Government, in a move against TAFE, permitted tenders for courses, and the education and training fund allowed tax deductibility for any courses that people attended. A host of private providers grew up in competition with TAFE. They received tax concessions and they skimmed off a lot of the more intelligent students. A number of courses were almost lurks. A number of organisations used the education and training allowance to basically go on bonding weekends, attend workshops and so on. There was a misdirection of the industry training component towards the upper echelon of industries using it as a tax-deductible lurk, shall we say.

There is still a legacy of that, with TAFE being severely neglected. Indeed, recently TAFE was under threat of being incorporated in the Department of Education and Training, which would be a bad model. It is important that people who have skills that they have learned on the job are able to access TAFE, and that those who need to be trained have access to the people with those skills, regardless of whether the skills were acquired academically or simply skills they already had. There must be a balance between academic rigour and the need for workplace experience in the training system, and we need to look at that very carefully. I am not sure we have the balance right. Indeed, I am inclined to think that the balance has gone in favour of academia and teaching qualifications.

If we look at education at the lower levels of achievement, TAFE has been a major force in social equity, allowing people who would not otherwise be able to train to be trained. Of course, that was extremely important in an egalitarian Australia. The worry about some of the private providers is that they skimmed all the people who were easier to teach and left the others, which meant that the people either were not trained or they had less money to train themselves and they took more time to train per aliquot of knowledge. It is necessary that there be a system that looks after that, and recognises those qualifications and attainments.

One of my colleagues used to train people at Sydney Water. He had climbed out of the trenches, then went on to TAFE, then went on to university, and then got his Master's degree. He therefore had great credibility with the blue-collar workers whom he was training extremely effectively. His saying was, "If you think education is expensive, try ignorance." I believe that is very much the case. I always remember A. A. Milne saying something to the effect: The elephant started trumpeting and raised such a rumpus, the lion roared and the snail reached the end of his brick. In other words, in a sense each person should reach the best they are able to do, and they should have that recognised and accredited.

Certainly people who write curriculum vitaes and puff themselves up without qualifications, need to be recognised for the frauds they are. The recognition of training at a national level is extremely important. It is also extremely important that more effort is put into evaluating qualifications attained overseas, because it would enable us to utilise the skills of migrants to a much greater extent than has happened historically, and it would also improve our international competitiveness. The bill is certainly a step in the right direction.

The Hon. JOHN RYAN [4.23 p.m.]: In speaking to the Vocational Education and Training Bill I draw the attention of the House to a survey conducted by the Business Council of Australia with regard to the needs of industry. Interestingly, in addition to lower taxes—indeed, way above lower taxes—industry wanted well-trained staff. It is one of the highest priorities of industry. I think many honourable members would find that surprising. Having a proper level of infrastructure and a proper level of accreditation to support the training of people in the workplace is possibly one of the most important things a government can do to ensure that we have a healthy economy.

The bill goes some way towards meeting that requirement. But it must be said that there are other things that need to be done in New South Wales to ensure that we have an adequate number of skilled workers to operate in the building, health and allied professions, in child care, and in disability services. Within those fields of service in New South Wales—many of which are employed by New South Wales government instrumentalities or even agencies funded by the New South Wales Government—there simply are not people with the appropriate training to fill all the positions that are needed. Let me illustrate with just one example.

I am sure we have all had constituents approach us about the difficulties people have had getting services for aged people who need dentures repaired or supplied. The problem is exacerbated by the difficulty in finding sufficient numbers of trained dental technicians. Members may be interested to know that this year some 2,000 people will apply to the single training institution in New South Wales that provides dental technician courses—the Sydney institute at Randwick. This year the institute offered 48 positions for dental technicians. Thirty-five people leave the industry every year, and of the 48 who commence the course, not all of them will complete the course.

The New South Wales Government provides less training for dental technicians than the industry needs to maintain the current level of trained and skilled employees. That says nothing for the fact that we have an ageing population, which obviously has an increasing need for things such as the repair and supply of crowns and dentures. Some 2,000 young people want to access this course, yet only 48 lucky people get the opportunity to do it each year. However, the same training is offered to people from overseas by TAFE in New South Wales on a fee-for-service basis, whereby they pay up to about $30,000 to do a course that extends over 18 months to two years. There are plenty of people doing that course.

By the time the course is finished, there is such a demand for skilled labour in dental technology that many of the people from overseas who are trained end up taking the place of people in New South Wales. Essentially, what we are doing through our TAFE course is operating an immigration program. For people who wake up to it, and have the requisite skills to qualify and the money to do the course, just completing the course is almost a guaranteed entry into New South Wales as a skilled migrant. Too bad if you are one of the nearly 1,950 people who live in New South Wales and who applied to do the course and missed out. That is just one example of the level of vocational training being offered by TAFE simply not meeting the local demands for skilled tradespeople.

A similar situation occurs in the child care industry. I am unable to quote the exact figures, but I know that a significant number of child care centres are operating without appropriately trained staff and have been given exemptions by the Department of Community Services while the appropriately trained staff are securing training through TAFE. That is because there is simply a phenomenal shortage of people who are trained to work in the child care industry. One of the blockages is the capacity for people to enrol in TAFE and undertake courses such as the child care certificate.

During my time as shadow Minister for Community Services, a constituent of mine who operated a child care centre contacted me to express concern about having difficulty finding an appropriately trained person. The operator located someone to be the accredited supervisor so the operator could satisfy the licence requirements of the Department of Community Services to continue their business. It was like a Dutch auction: the operator located someone who might have been interested in taking the job but had to offer the person the right package to get them to leave the child care service in which they were employed, so the operator could satisfy the requirements of the Department of Community Services, which was threatening to remove the operator's licence.

The child care centre operator was able to put together the package of salary and other conditions, which finally resulted in the person leaving the child care service in which they were employed. The package worked out to be nearly double the normal salary the person would be entitled to, and it contained significant provisions for leave and additional workplace conditions. The child care centre operator simply had no choice: they had to find someone with the appropriate qualifications or the Department of Community Services would not continue their licence. That is occurring because there is a lack of training available in child care services.

It is also in part because there are attractive possibilities available for people who are appropriately trained in childcare to work in primary schools and other educational institutions. There is no doubt that many people choose to work 9 to 3 rather than work the 8 to 5 or 7 to 5 hours that are available in childcare centres. That is part of the problem. We should be providing training opportunities to young people in this State, particularly now that the higher school certificate examinations have finished and a lot of people will want to apply for courses at TAFE. It would appear that either because of a misallocation of resources or a lack of resources there will not be opportunities for these people to be trained in New South Wales.

Whilst it is important to look towards accreditation services, one of the critical things we need to make our TAFE services better is the supply of more places in relevant courses, particularly courses that meet the skills shortages that currently exist in New South Wales. This bill is a step towards that. However, I note that the bill does not say a lot about the paperwork that is required to meet accreditation standards. That includes having

the necessary resources to complete the course and so on. There is little in this bill relating to the setting of appropriate standards. I imagine they are the sorts of things that will be filled out by the board over time. Nevertheless, it is interesting that this bill may simply add to the paperwork and not necessarily add to the quality of teaching within our TAFE courses.

I have discovered a substantial critique of some of the courses that we offer in New South Wales. Again, to use the instance of training in dental services in TAFE, I am told that some of the things that our students are taught in the current courses offered at Randwick are technologies that are no longer in use in day-to-day work. Students are taught to manufacture crowns in a fashion that is no longer used in the industry and they are using materials that the industry is trying to phase out, such as particular metals in crowns and so forth. They are not even at risk of introducing students to expertise in computer-aided design, which is clearly the way forward in regard to making the crowns and dental appliances of the future. This area of technology will grow. In the United States of America and Australia there is growth in the area of cosmetic dentistry. There are opportunities opening for people to manufacture and install veneers for people who want to look a little bit younger and defy the ravages of time. I prefer to just age naturally, but this will be a commercial opportunity that I hope New South Wales has the capacity to meet. It will offer our young people phenomenal opportunities in the future.

It would be a tragedy if the only thing holding us back in New South Wales were our failure to provide sufficient training in these sorts of high-tech areas and in areas of skills shortages. In fact, it will be interesting to know what research is done within TAFE as to where the critical areas of skills shortages are in New South Wales and in Australia generally. I would be interested to know how TAFE is reallocating and rejigging its resources to meet those skills shortages and how often it reports progress in that area to the public. TAFE and vocational training is an important priority for the future. I admit that sometimes it gets lost in discussions about infrastructure, law and order, and other issues that become far more exciting topics for debate during State elections. However, it is an important contribution that any government should make to the health of the economy in New South Wales.

I do not need to remind members opposite of the difficulties we are having in New South Wales with regard to employment. Currently we are creating jobs in New South Wales at a much lower rate than in other States. Perhaps if we were directing our training capacities into the right places we might be in a position to create jobs in growing areas of industry such as the ones I have referred to—childcare, health and applied areas. As the shadow Minister for Disability Services I know it to be a fact that we will experience a growing need for personal care services in the future. Currently the Minister for Disability Services is conducting community consultation with regard to a scheme to provide services for people who are injured in car accidents where such injuries are not compensable through our normal third party accident scheme.

It is a way forward, which I think is to be commended. However, one of the greatest obstacles mentioned in the discussion paper that has been distributed by the Motor Accidents Authority is the fact that once a funding source has been found for all of these personal care services for people who need them there will be a need to provide people with the skills to deliver personal care services into the future. I sincerely hope that the Government is not only planning to make sure that our courses are appropriately accredited, but also planning to boost training in these areas of need, such as health and applied services, disability services and childcare in particular. We discussed building inspectors during debate on the Building Professionals Bill last night. That is the way forward; it is a task the Government needs to undertake. I commend the bill to the House. However, it is not the only thing we need to do to make the TAFE and vocational system better in New South Wales.

Ms LEE RHIANNON [4.35 p.m.]: The Greens support the Vocational Education and Training Accreditation Bill, which helps to address some of the problems experienced with dodgy private providers of vocational education and training. The Australian quality training framework, to which this bill will give effect, provides for the registration of training organisations and accreditation of courses in vocational education and training. This is important because some private providers have been offering substandard training, and unsuspecting students have been the victims.

New South Wales has a wonderful TAFE system, which has been undermined by private providers delivering an inferior service. It is good to see that the New South Wales Government is committed to tightening up the law so it will be hard for unscrupulous operators—we know that they are out there—to set up as training organisations in New South Wales. I am not sure to what degree education unions and teachers in this State have had to push the Government to bring forward this bill, but everyone involved has done a good job. Under the

current Act there are requirements that the Board for Vocational Education and Training is to oversee all training bodies that are registered in New South Wales, but if they are registered in other States and not in New South Wales the board has no say in their operations in this State.

As it stands, the Act gives no power to the board to act when problems arise with interstate registered training organisations operating in New South Wales. This loophole is huge, and unscrupulous operators have found they could drive a truck through it and do very well financially. If the New South Wales registered training organisation is found to be non-compliant in New South Wales, rather than do anything to comply, it can apply for registration in another State that is seen to have a less rigorous registration procedure and continue to operate in New South Wales.

From 1 January next year all of that will change and our regulatory body will be able to monitor the training organisations currently registered interstate and operating in New South Wales. At the same time, New South Wales registered training organisations will be recognised interstate. This is clearly an improvement. However, the fact that we have to have this bill is a sad reflection on how both the Federal Coalition Government and the State Labor Government have allowed TAFE to be dominated by private providers to a point where it is being weakened as a fine institute of public vocational training.

The Greens are committed to a well funded, publicly owned TAFE system as the dominant provider of vocational education and training. While we are happy to support this bill, it is time the Labor Government put in place legislation to reverse the damage done to TAFE in recent years. We need an immediate freeze on government funding of private providers, with a complete ban on public funding of private providers where TAFE can supply the same training. Australia's economic future depends on a strong, well-funded public TAFE system. We must reverse the deterioration in working conditions of TAFE teachers and students, and the growth in poor quality private providers. At the end of her second reading speech, the Minister said:

> The bill will increase industry confidence that the New South Wales training system will provide high-quality, industry relevant skills.

I urge the Minister to try to increase the confidence of the working people of this State in TAFE. A training system that delivers high-quality skills and meets the needs of the children of the working parents of this State can be achieved by a well-resourced public TAFE system. The State Government needs to stop playing ping-pong with the Federal Government and it needs to do the right thing by TAFE in this State.

The Hon. HENRY TSANG (Parliamentary Secretary) [4.39 p.m.], in reply: I thank the Hon. John Ryan, the Hon. Robyn Parker, Reverend the Hon. Dr Gordon Moyes, the Hon. Dr Arthur Chesterfield-Evans and Ms Lee Rhiannon for supporting the Vocational Education and Training Bill. The bill is an acknowledgment of the need to continue to promote, support and improve the training market within New South Wales. It builds on the current Vocational Education and Training Accreditation Act 1990, which has been in place for 15 years.

Vocational education and training systems have all changed significantly in the intervening period. To respond to current skills shortages New South Wales must have a network of public and private training organisations that are capable of providing high-quality training that meet industry and community needs. This bill provides for a stronger and more consistent set of arrangements to regulate those training organisations. The bill gives national effect to the Australian quality training framework for the registration of training providers and accreditation of courses. It allows for interstate recognition of the operations of New South Wales registered training organisations and more effective regulation by the Vocational Education and Training Accreditation Board of interstate registered training organisations that operate in New South Wales. This will strengthen the quality of the vocational education and training system and simplify regulatory arrangements nationally.

The bill strengthens the power of the Vocational Education and Training Accreditation Board to ensure the quality of training provision and to audit and sanction providers. In regard to concerns expressed about the ability of the board to cancel, suspend or impose conditions on accreditation or approval of a vocational course, I assure the House that the Vocational Education and Training Accreditation Board is committed to ensuring procedural fairness and natural justice. However, in revising the legislation it was conceded that instances might arise where the Vocational Education and Training Accreditation Board might need to act decisively in the interests of public safety or in the public good.

These powers are to be used only in extreme circumstances when the board considers it is in the public interest to do so, for instance, if a training organisation was found to have serious safety concerns. It is

envisaged that those powers would be used very rarely. The new bill incorporates much-needed improvements to modernise the language of the Act to make it more relevant and easier to interpret. The bill also recognises the national register of training providers and courses—the National Training Information Service. This register is the repository for all publicly available information on the organisations operating in the national vocational education and training system. Having the national register include it in the legislation protects its role as the key public tool for accessing information on training organisations. These measures will increase our effectiveness in ensuring the quality of training in New South Wales.

In response to the specific concern of the Hon. Robyn Parker, further to the board's power to determine fees as proposed in the bill is a continuation of existing powers in the Vocational Education and Training Accreditation Act 1990. It was not considered necessary to change a system of fee determination that has operated satisfactorily since 1990. The fee schedule will be reviewed annually. The board's newly proposed fee structure was set after consultations with stakeholders in 2004. In response to the concern of the Hon. John Ryan about skill shortages, skill shortages are one of the key threats to the strength of the New South Wales economy. The New South Wales Government is giving its highest priority to reducing industry skills shortages, particularly in the area of traditional trades.

The New South Wales Government is working with the Council of Australian Governments' working group to develop ways to overcome skills shortages. The Minister recently reported to the House the range of initiatives and innovative strategies that the New South Wales Government is putting in place to support this goal. These initiatives are working. In 2004 a record number of people have started apprenticeships—a 26.4 per cent increase on 2003. Recently the Government announced a detailed new plan to address skills shortages and secure a skilled work force for New South Wales. This plan includes more than $7 million in extra funds for apprenticeship training and incentive programs. These new programs provide incentives for young people to take apprenticeships. Employers looking for well-trained, job-ready workers will also benefit from our plan.

The Government is helping around 5,000 apprentices who need to travel from regional and rural areas by doubling their accommodation allowance when they have to be away from home for at least two days. First-year and second-year apprentices can now apply for a $100 rebate on the cost of car registration. TAFE NSW is piloting a new scheme called TradeStart, under which 675 apprentices will complete the equivalent of one year's TAFE training in just 16 weeks. These graduates will be placed in apprenticeships with up to one year's credit. The Government has invested additional funding in group training to place 800 new apprentices with employers in small business and in regional and rural areas.

The Government is also looking in its own backyard and is introducing a new reporting system to ensure that 20 per cent of trade work on government construction projects worth more than $2.5 million is performed by apprentices. These plans are in addition to other measures, including spending a further $3.5 million in 2005 creating 2,400 pre-apprenticeship places, putting on additional TAFE courses in areas of skills shortage, and continually improving our vocational education and training in schools. The Government is focused on preparing young people for work now and into the future. By putting this strong and detailed plan in place we are ensuring that New South Wales remains the engine room of the Australian economy. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT (STAFF) BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [4.48 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

Leave granted.

This Bill creates a framework under which the Director General of Education and Training, and Managing Director of TAFE NSW, will be able to make appointments to administrative positions within the broader Education and Training portfolio in a more flexible and efficient manner than is presently available.

It enhances the mobility of administrative and support staff between the TAFE Commission and the Department and provides an added resource to assist in meeting specific staffing arrangements.

Under current arrangements, administrative and support staff of the TAFE Commission and the Department can only apply for jobs in the other respective agency if they are externally advertised in the general community.

As not all jobs are advertised externally, then a range of potentially worthy applicants are excluded from consideration for positions for where there is an obvious community of interest.

The current arrangements diminish the field of suitable applicants for positions, and potentially extend the time taken to fill positions because TAFE and DET may still need to resort to an external selection after an internal selection process has been unsuccessful in filling positions.

Administrative and support staff working in TAFE are employed under the TAFE Commission Act while those in the Department of Education and Training are employed under the Public Sector Employment and Management Act.

The organisations are separate entities, but enjoy many similar features.

TAFE NSW's corporate services are provided by the Department. Many of the Department's policies and procedures apply to TAFE NSW. The Director General of the Department is the Managing Director of TAFE.

Both agencies were brought under the one portfolio in 1997. Maintaining barriers to promotional opportunities between the agencies is counter-productive.

Increased mobility of administrative staff between agencies facilitates cross-fertilisation of staff, ideas and organisational culture.

For two significant agencies of government providing education services: DET and TAFE this is highly desirable.

The Bill provides a deeming arrangement for recruitment purposes which will allow the relevant administrative staff to be considered eligible for appointment based on merit selection to positions in each agency as if they were already employees of that agency, and without a requirement for external advertisement.

The right to fill positions by way of promotion of public service employees rather than through external recruitment is expressly provided for in both Acts and is available to other public service agencies.

The Bill does not in any way impinge on, or restrict merit selection as being the basis of selection for promotion positions within the Department and TAFE.

Promotion positions will continue to be filled through a merit selection process.

The Bill also provides for the transfer of administrative and support staff between agencies with continuity of service and without budgetary implications.

The provisions of the Public Sector Employment and Management Act allows for the head of the public sector agency to approve the transfer of staff to another agency.

The Bill provides for the continuity of staff transferring from one agency to the other but avoids payment of accrued leave thereby eliminating the associated budgetary implications if a large number of staff transfer in a short period.

These reforms recognise that the public interest requires a framework under which the Director General is able to make appointments to administrative positions within the broader Education portfolio without having to advertise externally.

I commend this Bill to the House.

The Hon. ROBYN PARKER [4.49 p.m.]: The Coalition supports the Technical and Further Education Commission Amendment (Staff) Bill, and to do so is basic commonsense in 2005. The bill will assist administrative staff of the TAFE Commission and public servants performing similar duties in the Department of Education and Training to apply for positions in one or other agency without the positions being advertised in the press. Currently, positions are advertised internally or externally in the newspapers, and this may preclude people with adequate or the right sort of qualifications in a similar field from applying, particularly if the position is filled internally.

Currently, the agency determines whether a position is advertised. The current provisions place an unnecessary restriction on the ability of administrative and support staff to move between the two agencies, which have a community of interest. Skills gained within TAFE and within the Department of Education and Training are aligned. It is commonsense to pass this bill, which enables support staff to apply for a position in either agency, therefore creating more mobility for them. Providing for recruitment internally between the two

agencies will cut down on costs as it will allow relevant staff to be considered eligible during recruitment for appointment to positions in each agency without the need to advertise externally.

In effect, under this bill TAFE employees will be deemed to be members of the staff of the Department of Education and Training and vice versa when applying for appointment as a member of staff in the other department. Therefore, the field of suitable applicants for positions is broadened. However, the two departments will not be prevented from advertising externally if they do not fill a position internally. The bill still provides flexibility in terms of advertising and seeking outside staff, and it still maintains that selection will be based upon merit. So those considerations are taken into account. The bill is an excellent cost-saving measure. It recognises that the director general must be able to make appointments to administrative positions within the broader education portfolio without advertising externally. Therefore, on behalf of the Coalition I commend the bill to the House.

The Hon. HENRY TSANG (Parliamentary Secretary) [4.52 p.m.], in reply: I thank the Hon. Robyn Parker for her support for the bill. The proposed legislation is an acknowledgement of the need to continue to provide enhanced mobility between administrative and support staff in the New South Wales TAFE system and the Department of Education and Training. Both TAFE and the Department of Education and Training have a natural community of interest. They both promote and deliver public education and skills training for the benefit of students, workers and the New South Wales economy.

The bill will provide for stronger and more consistent staff arrangements. The right to fill positions by way of promotion of public service employees, rather than through external recruitment, is available to other public service agencies. Promotion positions will continue to be filled through a merit selection process. Staff will be able to transfer between TAFE and the Department of Education and Training with continuity of service and without budgetary implications. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[*The Deputy-President (The Hon. Kayee Griffin) left the chair at 4.55 p.m. The House resumed at 5.00 p.m.*]

RICE MARKETING AMENDMENT (PREVENTION OF NATIONAL COMPETITION POLICY PENALTIES) BILL

Second Reading

The Hon. HENRY TSANG (Parliamentary Secretary) [5.00 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a second time.

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

Leave not granted.

I refer honourable members to the second reading speech on this bill that was given in the other place.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.00 p.m.]: The Minister is not in attendance for this important bill. The House had to adjourn for five minutes until the Minister's speech arrived. The Parliamentary Secretary sought to incorporate into *Hansard* the Minister's speech. Interestingly, the title of this bill is the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill. A strange title for a bill, one might think. It is certainly a title put forward by someone who likes to play politics, someone who believes that politics and spin are adequate substitutes for doing the job properly. Had the Minister for Primary Industries done his job and established a case to the Federal Government on the agreement that was signed by all State governments, the bill would not have been introduced. The House was delayed for some time waiting for the Minister who has the carriage of this bill to show up, but he still has not shown up.

The Opposition will move two amendments to the bill. The first will amend the title to delete the "Prevention of National Competition Policy Penalties" to show it up for what it really is—a deregulation bill. It has been brought on because of the ineptitude of the Minister for Primary Industries, who swans around the

State rejoicing in the name "Biggles" as he charters aircraft to take him from one wine event to another, yet fails to do the serious grunt work when it comes to his responsibilities.

I lead for the Opposition on this extremely contentious bill. The Opposition opposes any moves by the State Government to deregulate the New South Wales domestic rice market. More than 98 per cent of Australia's rice is grown in New South Wales. The industry supports more than 8,000 jobs and contributes some $800 million to the economy. The domestic rice industry is one of the most successful of this State's industries, and it is the major employer in the Riverina region of New South Wales.

Rice was first grown in Australia in the early 1920s near the townships of Leeton and Griffith. Today the industry supports 63 regional towns. For every $1 in rice production, $60 is generated in associated activity, and four jobs are created for each person directly employed in the rice industry. Some visitors to the gallery would agree with everything I am saying. Last month when the Hon. Ian Macdonald announced what he was going to do, the President of Rice Growers Association of Australia, Laurie Arthur, issued the following press release:

> Why anyone would want to change arrangements that have made our industry one of the nation's most successful and one that benefits all Australians is beyond me.

He went on further to say:

> This decision to chip away at the foundations of our great industry will anger all rice growers.

That press release was aimed at the comments of the Minister and I will address them again later. This view is held by the majority of New South Wales rice growers, and I ask honourable members on the crossbench not to be fooled by the fluff of Country Labor members, who will try to say that rice growers believe the opposite to be the case. In their hearts they know what is true. Furthermore, SunRice, which processes and markets Australian rice food products in Australia and overseas, shares the view of the Rice Growers Association. SunRice's long-serving chairman, Gerry Lawson, was reported in the *Rural* as saying that he could not believe the State Government would want to undermine the fourth-largest Australian food company. He added:

> SunRice is one of Australia's biggest exporters of branded products and the fifth-largest food company in the world. Why would anyone risk that?

That is a good point. Who but the Minister for Primary Industries would risk that? In the *Riverine Grazier* Mr Lawson expressed concern that Australia's export market could be eroded by interstate rice finding its way into the international market if deregulation occurred. I have clearly outlined the views held by New South Wales rice growers and industry representatives, SunRice and the Rice Growers Association of Australia. I state again the Opposition will oppose the bill, which, according to the overview, proposes to amend the Marketing of Primary Products Act 1983:

(a) to provide that, with limited exceptions, any person is entitled to be appointed as an authorised buyer of rice, subject to a condition prohibiting the person from selling or supplying rice in the export market except with the Board's written approval, and

(b) to allow a person to apply to the Administrative Decisions Tribunal for a review of the Board's decision in relation to an appointment or application for appointment, other than a decision with respect to a condition referred to in paragraph (a), and

(c) to provide that the existing appointment of the Co-operative as an authorised buyer of rice is not to be construed as an exclusive appointment in relation to the sale or supply of rice within Australia, and

(d) To make other provision of a minor, consequential and ancillary nature.

Under current marketing arrangements all rice grown in New South Wales is vested in the Rice Marketing Board of New South Wales. This provides a single marketing desk for rice irrespective of whether it is sold for domestic or export consumption. In 1995 New South Wales was the first State to sign on for the national competition policy, and the State at that time was governed by the Labor Party. It might try to blame the Federal Government for this, but there was no roadblock on the way to Canberra as Bob Carr went beep, beep, beep down the highway to sign the paper. Bob Carr said, "Give us the money and we will do whatever you want." Labor now blames the Federal Government for having signed this document.

As I said in 1995, the New South Wales Carr Labor Government—we still have the same mob but just a little more inept than it was—was the first State to sign on to national competition policy, which was signed by all governments. Governments were asked to review legislation that could be considered anti-competitive. If

such a review showed that there was not a public benefit in the retention of the legislation, then governments were obliged to end the anti-competitive arrangements. The New South Wales Government recently completed the third review in 10 years, which again demonstrated the net public benefits of current marketing arrangements.

The public interest in having a single desk for exports was adequately demonstrated. However, aspects of domestic control were found to be unnecessary. Two reviews had previously concluded that the arrangements as they stand deliver economic benefits for growers and for the community as a whole. Given that there are many adverse impacts associated with domestic deregulation, it is the Opposition's view that the New South Wales Minister for Primary Industries, the Hon. Ian Macdonald, who has still not shown up in the House, has failed in his duties to adequately demonstrate the public interest of the current domestic arrangements. In fact, he did worse than that: while negotiations were continuing on 18 October he issued a press release headed "Commonwealth bullies force domestic deregulation of rice". He said that the Federal Government had forced him into a situation in which he had no choice but to deregulate the rice industry.

The Hon. Tony Catanzariti: That was what you wanted.

The Hon. DUNCAN GAY: It is interesting to note the comments made by Laurie Arthur, President of the Rice Growers Association of Australia on the same day. I can quote the whole of it but I will go to the third paragraph.

The Hon. Tony Catanzariti: Quote what Gerry Lawson said.

The Hon. DUNCAN GAY: I am happy to quote the whole of it. When it came out Macca had a bit of a whinge. His Country Labor mate who is about to sell out the industry and vote for deregulation asked me to read the whole of the press release. I will read it and he may weep:

> DISBELIEF AT DECISION TO DEREGULATE RICE INDUSTRY
>
> "The President of the Rice Growers Association of Australia (RGA), Laurie Arthur, today expressed his disbelief at the decision to deregulate the domestic market for rice.
>
> "Two inquiries have found that Australia is substantially better off under the current arrangements. In fact the most recent independent report found a $45 million public benefit in to the Australian consumer," he said.

This is the crucial bit, the bit that the inept member from down in the Riverina asked me to read:

> "I accept that the NSW Government was under enormous pressure from the Federal Government which was threatening to withhold payments as part of their competition policy. But it is disappointing that the NSW Government chose to act now as the rice industry is still in negotiations with the Federal Government, having proven our arrangements meet the NCC's net benefit requirements. We therefore believe that this action is premature.

The Rice Growers Association was disappointed that the Government took the action while negotiations were still in progress. The Minister shows his absolute contempt for the Parliament and for the bill being considered by not showing up until halfway through the debate. Instead of doing his job he has proved to be the same as all his predecessors and failed to do his job properly. He wanted to play politics by putting out a press release while the negotiations were continuing. And it worked, because as soon as he issued the press release the negotiations ceased. He has the support of Peter Black and Tony Catanzariti. They knew exactly what he was doing and they supported him every inch of the way. They will vote for the bill. People in the Riverina or in Cowra know that this is a problem that the Government has itself created. All other Ministers were unable, through goodwill, to negotiate their way out of the problem. But this bloke could not do it. Even Country Labor member Tony Catanzariti in a sober moment of reflection—which he can have but which his colleague in the lower House, Peter Black, cannot—has admitted deregulation of the domestic rice market is bad news. He told the Griffith paper, the *Area News* that the State Government's decision would result in hundreds of job losses in the region.

The Hon. Tony Catanzariti: It is your Federal Government—

The Hon. DUNCAN GAY: You have been misquoted, have you? He said, "We will lose jobs, make no mistake of that... it's just a shemozzle." But I ask the Country Labor member, a member who purports to represent the Riverina region, whether he will commit to opposing his Government's deregulation bill. The comments in the newspaper would certainly lead constituents to believe that he plans to oppose the bill. Frankly, his constituents would be gravely disappointed to know that, no matter what, the cynical so-called Country

Labor faction never votes against the Labor position in this House. They do not like me to say there are no Country Labor members in this House. When it came to putting their name on the ticket they forgot to put the word "Country" in front of it. Every one of these shonks has been elected on the Australian Labor Party ticket, not on the so-called Country Labor ticket—further chicanery, further smoke and mirrors. They peddle themselves under the name of Country Labor. I invite the Hon. Tony Catanzariti to take a point of order to correct my remarks if I am wrong, instead of sitting there spitting like some demented barfly. The quality of the State Government's latest submission to the National Competition—

The Hon. Tony Catanzariti: They did not listen to you, Duncan. You just were not good enough.

The Hon. DUNCAN GAY: Stand up and show us that you have got some ticker and vote with us. The Hon. Tony Catanzariti is a hero in the electorate when he is talking to the local paper but in the Parliament he has no ticker. The quality of the State Government's latest submission to the National Competition Council has to be questioned. An entire industry was relying on the Government's submission but the State Government has clearly let them down by not doing its job properly. The State Government should have prosecuted its case to retain the current marketing arrangements as delivering a net interest benefit but has failed to do so. Minister Macdonald failed to sell the benefits of the current arrangements. In fact, on previous occasions when the Hon. Ian Macdonald played his deregulation card we found out that the so-called strong-on-the-detail submissions that he put to the Federal Government in many cases resulted in less than a page and a half, and in one case it was even less than one page. We have asked him on numerous occasions to detail what he said in Canberra and so far he has refused to tell us what he said. I am told that a letter is on the web site for this one, but on previous occasions when he has pulled the deregulation rein, it has been pretty pathetic.

The Hon. Tony Catanzariti: Who created the problem.

The Hon. DUNCAN GAY: Sorry?

The Hon. Ian Macdonald: As The Nationals did with milk

The Hon. DUNCAN GAY: It takes two to sign an agreement. One was the Federal Government and the other was the State Government—this State Government.

The Hon. Tony Catanzariti: Where was Duncan?

The Hon. DUNCAN GAY: I had nothing to do with this agreement. This was signed by your Government, cobber. You do not like it, do you? You sit there and grin like an idiot. You cannot take the fact that your Government signed off on this thing that you are giving a hammering to. There is a strong case to support the domestic rice market and yet Minister Macdonald has failed to fight for its survival and then has the cheek to blame the Commonwealth Government. This Minister has simply used the deregulation card to once again cover his personal lack of action.

Anyone that cannot turn up on time for legislation obviously would not be doing his job properly. Contrary to the Minister's claims, the State Government has not done everything in its power to protect the industry. The benefits of our domestic rice marketing arrangements far outweigh any disadvantages. It is not in any way difficult to argue in favour of the current arrangements. The State Government is blaming someone else once again for its own sins.

The Hon. Ian Macdonald: Are you going to watch the soccer now, Duncan? Why was it brought on early, Duncan? For you to watch the soccer!

The Hon. DUNCAN GAY: The Minister for Primary Industries indicated that this matter was brought on at this time so I could watch the soccer.

The Hon. Ian Macdonald: That is what you wanted.

The Hon. DUNCAN GAY: Everyone in this House knows, except the Minister, that I do not follow soccer; I follow Rugby Union.

The Hon. Ian Macdonald: Yes, but that does not mean you will not watch the soccer. Are you going to watch the soccer, Duncan?

The Hon. DUNCAN GAY: This legislation was brought on at this stage because this is where it is in the list.

The Hon. Ian Macdonald: It was meant to be on tonight.

The Hon. DUNCAN GAY: Once again the Minister is telling lies. The bill introduced before this one was the TAFE Commission, and the one before that was vocational education and training. On the Government's own list, provided to us by your staff, the next bill was to be rice marketing, so it has come on in the order the Government told us it would come on. The Minister is so desperate that he is once again now lying to the House, having lied to the people of New South Wales, saying that we wanted it brought on now so I could watch the soccer.

The Hon. Ian Macdonald: Are you going to watch the soccer?

The Hon. DUNCAN GAY: When the soccer is on I am going to be here, arguing this case with you. If the Minister wants to interrupt the House to go and watch the soccer, and put the soccer match ahead of the rice growers in this State, he can. He can play the soccer card if he wants to, but the rest of us will be trying to stick up for the rice industry. I have been informed that the State Government has also failed to be open to suggestions to improve the legislation and make it slightly workable for the industry. The Minister's second reading speech clearly stipulated that the State Government would be happy to make refinements, but it appears that that is absolutely not the case. Once again we have a tale of the State Minister saying one thing and then doing another—as we saw a moment ago.

The industry, although furious with the possibility of deregulation, would like a three-year moratorium on deregulation, but the State Government flatly refused. So not only is the State Government forcing deregulation on an industry that does not want it, it will not even discuss possible changes to the legislation. Frankly, this State Government will go down in the record books as the most inadequate Government ever seen in this State, so far as sticking up for rural industries is concerned. Therefore, in Committee the Opposition will move a vital amendment to ensure that the deregulation of the domestic rice market does not happen before 1 July 2009. This deregulation that we do not want should not be rushed. In the short time I have been able to consult on this matter, because the Government is intent on being hasty with the legislation, industry has indicated to me that deregulation cannot simply occur overnight, because existing contracts run until 2009.

[*Debate interrupted.*]

DISTINGUISHED VISITORS

The DEPUTY-PRESIDENT (The Hon. Christine Robertson): I acknowledge the presence in the gallery of the Hon. George Brenner and the Hon. Ken Reed, former members of this House.

RICE MARKETING AMENDMENT (PREVENTION OF NATIONAL COMPETITION POLICY PENALTIES) BILL

Second Reading

[*Debate resumed.*]

The Hon. DUNCAN GAY: Hear! Hear! May I also acknowledge former colleagues in this House, good Labor people who would not have allowed this to happen—not like the current chardonnay socialists that are in charge at the moment. As I said, there are contracts until 2009 between SunRice and the Rice Marketing Board of New South Wales, there is cross-ownership of land and buildings, boards are shared between SunRice and the Rice Marketing Board, and the schemes are co-operative—all of which creates a problem if the State Government intends that the legislation commence next year. Although the Opposition is clearly and strongly opposed to this disastrous bill that is being forced onto the rice industry, we are determined to improve it. The Opposition proposes that a three-year moratorium be placed on the starting date of this legislation.

A temporary postponement would allow industry, SunRice and the Rice Marketing Board of New South Wales to properly prepare, and ensure a smooth transition. In the second reading speech delivered on the Minister's behalf in the other place, Minister Nori went so far as to admit that there has been lack of consultation on the bill. The Government has admitted that industry has not been adequately consulted on it and yet it is determined to go ahead with the bill.

Industry has not been consulted; that is a fact. How can the Government justify rushing the bill through when it has admitted to not consulting adequately? The key concern continues to be the likelihood that domestic deregulation will open the way to interstate trade, hence to rice being resold from other States in competition with New South Wales. That would undercut the export price premiums obtained by growers and exporters in New South Wales.

This ridiculous bill also comes at a difficult time for New South Wales rice growers, who have suffered four years of the worst drought on record. That is one reason the Opposition opposes it. These people have just gone through a period of drought and many of them have not had a crop for four years. If you have not had water, you have not had a crop. It has been pretty damned tough. The Opposition will oppose the deregulation of the domestic rice market because we do not believe it is in the best interests of the industry, the rice growers, or the people of this State.

In the other place my Nationals colleague the Member for Murrumbidgee, Adrian Piccoli, raised a very good point. He pointed out that the current State Government has sent the New South Wales budget well into the red and has virtually sent New South Wales broke. The State Government is scampering around trying to forage all the money it can get its hands on to fill its budget hole, at whatever cost. In this instance, the cost of $23 million—which is a major amount of money—will be a cost to the New South Wales rice industry.

Under National Competition Policy rules, if New South Wales deregulates its domestic rice industry, the State will receive $26 million as compensation, which should go back into the industry. The chances are it will not! More than likely, the State Government will simply pocket this money, given its massive $1 billion debt to prop up Sydney's rail system—put in place by Mr Sparkles—and build Sydney's new desalination plant. It will be great solace to the rice growers of southern New South Wales to have their industry deregulated so the Government can get its hands on $23 million to cover up its ineptitude on Sydney's trains and buses and build the desalination plant that no-one wants.

When Government members vote for this, we will remember the reasons why they are doing so. They want to deregulate an industry to get $23 million to put into Sydney to fix up the mess they have made and/or to fund a desalination plant. Once again, the State Government will sacrifice an important rural industry for the sake of Sydney, and probably Sydney greens. The State Government only has eyes for Sydney. It has also been brought to my attention that deregulation of the State's domestic rice industry will benefit the giant supermarket chains and their generic brands. More power will be delivered to the supermarkets—at a time when they do not need more power—and our local rice growers will join a whole raft of other rural industries that have been flattened by the big end of town.

I wonder how the Hon. Tony Catanzariti will tell the people in Griffith that the bill, which he supports, will ultimately help the giant supermarket chains. When you knock out SunRice and domestic regulation, you are giving power to the big end of town. The generic brands would undercut others and grab control of the market. A recent report by PricewaterhouseCoopers reveals that in the next five years supermarkets will at least double the shelf space dedicated to their own brand products. We should support local brands and local producers over generic brands. The Government's deregulation legislation will do the complete opposite: it will, instead, support generic brands over local brands.

I have made it abundantly clear why deregulation is not in the best interests of the domestic rice industry. The industry does not want this, the rice growers do not want it, and even the State Government says it does not want it. The Hon. Tony Catanzariti has put on record that he is against deregulation. So I say to him, "Tony, don't do it." Even the Premier, in a letter to Prime Minister John Howard, indicated he is against the deregulation of the domestic rice industry. So to the other members of the Labor Party, I say, "Don't do it." The State Government must get the message being delivered to it: nobody wants this deregulation.

The deregulation of the State's domestic rice industry could lead to Australia's export market eroding because interstate rice could easily find its way into the international market. It will also lead to interstate trade, and hence to rice being resold from other States in competition with New South Wales. The entire success of the State's rice industry could be jeopardised by the State Government's forced deregulation. If the deregulation goes ahead, it will be a clear indication of Minister Macdonald's extreme failures. This is a Minister who has allowed the State's primary industries to crumble at their foundations. Minister Macdonald has once again failed to fight for an industry that well and truly deserves saving. We are talking about an $800 million industry.

The Opposition opposes the bill, which will deregulate New South Wales' domestic rice industry. We believe that the $23 million—which is a large amount of money—should be spent on protecting the industry.

That money will otherwise go to Sydney to fund a desalination plant and other Government promises. This is a government that can find $20 million to $30 million at the drop of a hat to buy Yanga Station, yet it has no idea about standing up and fighting for an industry.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.34 p.m.]: I remember the apocryphal story that when a sermon was being delivered with great volume and energy, someone wondering about the origin of the story looked across at the sermon notes and saw that a note in the margin said, "Argument weak. Yell like hell." I must confess that, having listened to the contribution of the Deputy Leader of the Opposition, I thought exactly that. The Deputy Leader of the Opposition said this is bad legislation and he does not support the deregulation of the domestic rice industry. I agree with him. But who, we ask, is responsible for this? None other than the Federal Government. The Federal Government is pushing this national competition policy on all of us.

Deregulation completely wrecked the milk producers of New South Wales: the price of milk fell dramatically. What did The Nationals do? Very little. If we had done as little on that issue, we would have been laughed at as being weak. The Deputy Leader of the Opposition has some pathetic letter saying that it would be reviewed in six months. If we had rolled over with the Government by saying something like that, the Opposition would have laughed at us. But now it is attacking the Government for the bill.

I do not have a lot of time for this Government, as I have said many times in this House. But the fact of the matter is that the Federal Government said to the Minister, "You are going to lose $26 million if you don't sign here." The Opposition criticises the Minister for signing the document. I criticise him for signing it as well, because I believe that sometimes you have to look people in the eye and say, "I am not going to do what you tell me to do." That is what politics is about: it is about having a bit of backbone and a bit of courage. The Deputy Leader of the Opposition complains about the timing of the bill when his colleagues in Canberra are causing the trouble. It is just humbug.

The Hon. Duncan Gay: If you had been listening, you would know we are voting against this. Wake up!

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Everyone is against this. The people involved in the rice industry are against it. What we have with the National Competition Council is the triumph of dogma over reality. If you pick up an economics textbook—I did Economics I—the first chapter talks about perfect markets and wonderful competition. Later chapters talk about how you can make money by vertically integrating, by keeping the markets limited, by going into niches, and so on—in short: anti-competitive practices. But it seems that the Federal Government never gets beyond the first chapter. The Government has this idea that deregulation will fix everything. It never seems to do the things it ought to do—like deregulate the taxi industry. We have done a lot of harm to the milk industry, to pharmacies, and so on.

There are approximately 2,500 rice growers in New South Wales, sowing around 150,000 to 160,000 hectares each year, producing 1.2 million tonnes of rice a year, generating $800 million per annum. The industry has a farm gate value of around $350 million. Rice is Australia's third-largest cereal grain export and its ninth-largest agricultural export. The rice growers-owned and operated co-operative, SunRice, exports 85 per cent of Australia's rice—and attracts a premium price for its quality and cleanliness—to more than 70 major international destinations, including Saudi Arabia, the United Arab Emirates, Japan and Hong Kong, and the domestic market receives the remaining 15 per cent.

Although Australian rice only represents around 0.2 per cent of world rice production, our exports represent more than 4 per cent of world trade. Under the Marketing of Primary Products Act 1983, most rice grown in New South Wales is vested in the Rice Marketing Board for marketing. Only authorised buyers may purchase rice that is not vested in the board. The board has appointed Rice Growers Co-operative Ltd, trading as SunRice, as the board's agent to market the rice vested in the board, and as an authorised buyer to purchase all other rice. There are no other authorised agents or buyers. However, national competition policy requires that other persons be entitled to be appointed as authorised buyers for the sale or supply of rice in Australia.

The bill amends the principal Acts so the State will avoid paying a $26 million penalty. Specifically, it enables any person to be appointed as an authorised buyer of rice, subject to the condition prohibiting the person from selling or supplying rice in the export market except with the board's written approval. Thus the bill will effectively deregulate the domestic rice industry. The bill allows the Administrative Decisions Tribunal to review decisions of the board in relation to an application for, or an appointment as, a buyer, other than a

decision with respect to a condition prohibiting the person from selling or supplying rice in the export market except with the board's written approval.

I have visited Leeton on numerous occasions since I was elected in 1999, the last visit being in August 2004, when I met with the Rice Growers Association and inspected the SunRice mill with Geoff Sorrell of the New South Wales Farmers Association. I was very impressed with the high-tech milling operation and the member-driven co-operative. The President of the Rice Growers Association of Australia, Laurie Arthur, issued a press release on 18 October this year expressing disbelief at the decision to deregulate the domestic New South Wales rice market. He said:

> Two inquiries have found that Australia is substantially better off under the current arrangements. In fact the most recent independent report found a $45 million net public benefit to the Australian consumer.

Mr Arthur accepts that:

> the NSW Government was under enormous pressure from the Federal Government which was threatening to withhold payments as part of their competition policy. But it is disappointing that the NSW Government chose to act now as the rice industry is still in negotiations with the Federal Government, having proven our arrangements meet the NCC's net benefit requirements. We therefore believe this action is premature.
>
> But this decision to chip away at the foundations of our great industry will anger all rice growers and we call on the Federal Government to ensure they act to protect our single desk for exports.

Which is exactly what I said before. The Act will commence on 1 July 2006, and this will cause many problems. Current arrangements have been in place for 20 years. As the industry in New South Wales is vertically integrated, with growers owning the production, milling processing and marketing process, it will take longer than seven months to sort through and unravel the legal complexities associated with $400 million of plant and equipment, mill storage and infrastructure through the Rice Growers Co-operative Limited, trading as SunRice, and the Rice Marketing Board of NSW [RMB].

Legal problems associated with the cross-ownership of assets still have to be finalised within six months. For example, the RMB owns sheds on land owned by SunRice, and vice versa; and rice growers have equity in sheds run by the RMB, and a regime for who can have access to those sheds will be a long and complicated venture. The Rice Growers Association has admitted to me that the bill will not destroy the industry, but that it is unnecessary. In that sense they are a little better off than the poor old dairy farmers in New South Wales. The Keating Federal Labor Government established national competition policy and the National Competition Council, and the Howard Coalition Government happily endorsed the NCC's recommendations regardless of detrimental economic and social effects that will flow on to the community's reliance on the local industry.

The rice growers have control of their product and they can take on the large retailers, such as Woolworths and Coles, and negotiate retail prices—unlike the dairy farmers who were done over when the so-called Opposition rolled over and supported deregulation of that industry. As far as the Australian Democrats are concerned, the primary producers of New South Wales need all the support and muscle they can get to take on the major retailers and get a fair price for their produce. It is all very well for the Opposition to oppose the bill here, but its Federal colleagues are not helping. The people of the Riverina have to learn that if they keep voting for the Coalition they are going to cop this sort of thing. I will oppose the bill and I will support the Coalition amendment, which I agree is mitigating.

I think the bill fundamentally has to be delayed and the New South Wales Government has to look the Federal Government in the eye. If the New South Wales Government simply rolls over every time the Federal Government says, "You will do this or you will lose money," the States may as well not exist. The Federal Government is dictating on this issue as a sole government for Australia as if the States do not exist. It is Australian Democrat policy to abolish the States, of course, but not in this fashion with the State Government capitulating to the economic dogma of the Howard Government.

The Hon. PENNY SHARPE [5.43 p.m.] (Inaugural speech): I support the Rice Marketing Authority (Prevention of National Competition Council Penalties) Amendment Bill. As this is my first speech in this place I wish to formally acknowledge that we hold our deliberations on the land of the Gadigal people of the Eora nation. I pay my respects to elders past and present and to the Aboriginal people present here today. I thank the members of the House for their courtesy and indulgence as I take this opportunity to talk about the path that has brought me to this place, the values I have gained on the way, and what I hope to achieve as a member of Parliament.

I joined the Labor Party when I was 19 for the very simple reason that I wanted to change the world—immediately. It is taking a little longer than I expected. But although I know now that commitment to change must be matched with patience and perseverance, I still believe in the principles and values I held as a young woman at her first Labor Party branch meeting. Australia is a nation of abundant wealth—in our environment, in our people, in our diversity and in our spirit. We are able to care for all of our citizens. That we do not is a burning injustice. I could not and cannot accept that in a wealthy nation like Australia we tolerate the poverty, the violence and the plain unfairness that too many Australians experience day after day. We all deserve the opportunity to live with dignity. We all deserve to be treated with respect. None of our citizens should be shut out of our nation's prosperity.

In the Australian Labor Party [ALP] I recognised a similar commitment to the dignity and security of all Australians, to prosperity built on equity rather than exploitation. The belief that all people deserve to be treated with dignity and with respect was instilled in me by my parents. My family was very typical—some might say "traditional". My parents raised me and my two sisters, Angela and Julia, in Canberra and did everything they could to give us a strong start in life. My parents worked hard to make sure we had all the advantages they could give us. My parents, John and Desley Sharpe, are here today and I want to take this opportunity to thank them. I would also like to thank my sisters, Angela and Julia, who are not able to be here today, but I forgive them anyway.

One of the advantages my parents gave me was a quality education. They sent me to public schools. I was taught by dedicated teachers who pushed me to consider options that I had not previously imagined, and challenged me to examine critically the world around me. It was my late grandmother Linda Sharpe who quietly encouraged me to pursue political activity. Influenced by her father, William Doc Howey, who was the president of the Dubbo ALP Branch in the early 1900s, Grandma taught me that only Labor would make sure that working people got a fair go. And she told me that it was better to act than to talk. So when I stopped talking and started acting, and when I joined the Labor Party, she was one of the first people I told. My grandmother passed away many years ago and I am sorry that she is not here to share this with me today.

I was a student at the University of New South Wales when I joined, first the campus ALP Club and then the Labor Party. I became involved in campaigns for better income and housing support for students, for increased childcare, and for access to welfare and legal services that students could afford. It was through the work of student representatives in student unions that these campaigns were transformed into tangible services for students. To my great anger and dismay, these services are likely to disappear as a result of John Howard's voluntary student unionism legislation.

For many on this side of the House, the legacy of Gough Whitlam was an important political influence. While Gough always looms large, it was Paul Keating who was at the forefront of my political and, indirectly, my work experience. It was Paul Keating's Working Nation that set up the Australian Student Traineeship Foundation [ASTF]. The ASTF was charged with improving the transition of students in years 11 and 12 from school to work. Working with local schools, employers and communities, the foundation supported local partnerships that trained young people in real workplaces with real employers. The ASTF gave me the opportunity to travel to over 100 communities in NSW and work with these partnerships to provide work training for their young people.

The partnerships delivered much, including a permaculture food forest in Wilcannia; pathways into sustainable timber jobs in Oberon, Kyogle, Bombala and Tumut; aquaculture in Ballina; and a focus on design and visual arts in Dulwich Hill. It was a model where each community drew on its own strengths and worked together to find solutions. It showed me that good ideas, backed by responsive government programs can make a real difference to people's lives and their communities. It also confirmed my view of the value of education in its ability to transform lives. Education is one of the most effective tools governments have to improve the life chances of individuals. Access to preschool for every child, public schools that are the best in the world, second chance education opportunities, and a public training system to provide the skills to keep our economy strong are the issues that I want to pursue during my time in this place. In another first speech made by a woman from Marrickville, in September 1944 Lillian Fowler told fellow members of Parliament:

> I have always thought that government meant action by elected representatives and the formulation of ideals for the benefit of the people. My ideal government would frown on anything not to the ultimate good of all.

She believed that "the more democratic the Government, the closer it is to the people". Lillian Fowler was the first woman elected to a local council in New South Wales in 1928. She was elected to the New South Wales Parliament in 1944. In between she became the first woman mayor in Australia in 1938. She is an example of

what women can achieve when they are given the chance. All women should be given the opportunity to fulfil their potential. I commit myself to pursuing full equality for women in our society. I will defend the rights of women to be free to control their own lives and I will support the choices that they make in their quest for freedom. Lillian Fowler was the mayor of Newtown, a suburb that is now part of the Marrickville Council area. The 15 square kilometres of Marrickville takes in the suburbs of Camperdown, Dulwich Hill, Enmore, Lewisham, Marrickville, Newtown, Petersham, St Peters, Stanmore, Sydenham and Tempe.

Like Lillian Fowler I am very fortunate to have been elected by the residents of Marrickville to be a local councillor. Marrickville is home to young and old, rich and poor, straight and gay. Some in our community have come from around the corner and some have come from across the world to make Marrickville their home. Marrickville exemplifies the working class and multicultural traditions of urban Australia. It is a living example of what a diverse, inclusive and creative community looks like. Marrickville Council demonstrates also what good Labor Government means for local communities. In 1928 Lillian Fowler established playgrounds for local children and instituted a 40-hour week for council employees. Since that time Labor representatives on Marrickville Council have continued that tradition by providing quality local services and programs and an unashamed commitment to inclusion and social justice. I would like to recognise the work of those councillors and, in particular, mention my current council colleagues Rae Owen, Sam Iskandar and Barry Cotter.

I am here today because I have filled the vacancy created by the successful election of Carmel Tebbutt to the Legislative Assembly as member for Marrickville. Like Lillian Fowler, Carmel Tebbutt is a strong Labor woman, who worked in local government and then chose the New South Wales State Parliament as another way to work for change. All members would respect Carmel Tebbutt's integrity, honesty and intelligence. Carmel's dedication, compassion and hard work have been an example and an inspiration. Like her, I want to spend my time in this place working to make sure that our citizens have the chance to share the opportunities and prosperity of our State. In filling Carmel's place, I am honoured to become a Labor representative in this place. I thank the unions and the ordinary members of the Labor Party, whose collective strength has given me this opportunity.

I also wish to thank the people of New South Wales who voted for the Labor Party to represent their interests within government and this Parliament. It has always been the Labor way to work to improve the lives of working Australians and their families through better wages and social conditions. That goal has remained unchanged for over a century. Labor recognises that industrial rights and social conditions together bring dignity and security. Unionists and community activists have found that in unity is strength. I believe in a collectivism based on compulsory voting, union solidarity and democratic decision making. Only through such collectivism can our society protect the weak from the strong. The many different voices in the Labor Party can be as broad and as diverse as they are because of our commitment to collective action. Yesterday I inadvertently caused some controversy by wearing a "Your rights at work" sticker into the House. A lesson learnt for a new member in this place.

Unions are fighting the fight of their lives—it is more than just a fight for workers and their families—this fight is about the values of unity and social justice that are the foundations of Australian society. It is a fight that, as a Labor party member, I will keep fighting long after the Howard Government has passed this unfair law. It is unfair laws such as the Howard WorkChoices bill that contribute to the community distrust of politicians and politics itself. When half a million people down tools and come to protest across the country, something is not right. When they are met with derision and closed minds from their elected government it confirms their worst belief—that politicians do not listen and do not care what their citizens think. As a result, many turn their backs on the very processes and practices that could help them change their circumstances and change their lives.

The disconnection between citizens and Parliament is made worse when members of our community look at the ranks of parliamentarians and cannot see anyone they recognise, anyone like them. We should expect our Parliament to look like our people. The men and women of our parliaments need to bring as wide as possible a range of experience to their deliberations and they need to reflect as accurately as possible the face of our community. Today, this State and this nation face many challenges. We must draw on all of our strengths, our talents and our qualities to meet these challenges. I take pride in Labor's record on improving the diversity in this House but also note that we have a way to go. I hope that in my time in this place I will be able to welcome many new members from all parties, representing many aspects of our community. The experience that I have gained along the way to be standing here today has taught me that you cannot change the world overnight and that you cannot do it on your own.

I would like to record my appreciation of the following people who have shared my ambition for a better world and have given me good advice, support and friendship whenever required: Alanna Clohesy, Antony Sachs, Alan Kirkland, Adrian Lovney, Ann Symonds, Ashley Hogan, Alison Peters, Anthony Albanese, Carmel Tebbutt, Cecilia Anthony, Cheryl Baume, Claudine Lyons, Dascia Bennett, Damian Smith, Edwina Hanlon, Emanuel Tsardoulias, Feyi Akindoyeni, Jackie Trad, Jacinta Bunfield, Jan Primrose, Julian Hill, Jeannette McHugh, Ken Fowlie, Kate Deverall, Luke Foley, Louise Pratt, Matthew Chesher, Meredith Burgmann, Nareen Young, Phillip O'Donoghue, Paul Murphy, Peter Primrose, Tim Gartrell, Trent Kear and Verity Firth, to name just a few.

I hope that my time in Parliament will give me the opportunity to build the broadest possible coalition of people committed to changing the world for the better. Technology is revolutionising the way in which people connect and communicate in our society. For parliaments to remain relevant in the digital world I believe we need to look at new ways to engage people in the political process. I am committed to exploring the opportunities of new media that moves beyond simply information provision. Through technology I hope to create space for the free exchange of ideas, the building of coalitions and go some way to demystifying the political process.

I said earlier that I grew up in a so-called typical or traditional family. By that I meant kids, a mum and a dad, all related by blood. That might have made us traditional, but it is not what made us a family. Families are formed by blood or by choice, by love and by circumstance. Family are the people who, when you go to them, have to take you in. Family are the people you can turn to, the people you will turn to when things get tough. There are two-parent, one-parent, gay-parent and foster-parent families. There are families that do not have children at all. There are families that fit stereotypes and families that break moulds. We know who our families are and we love them regardless of how they are formed. It is this love and connection that makes them the foundation of our society. To the kids who are growing up in lesbian and gay families: your parents have thought very hard and overcome many challenges to bring you into the world. You are fortunate to live in families that understand the values of love, diversity, and acceptance. I hope that one day—one day soon—you will be living in a community that shows the same commitment to those values as your families do.

That is another of the things I want to work towards in my time here. I would like to thank my family today. I thank my parents. I thank my partner, Jo Tilly. I thank you for your support and love. I also thank you for ensuring that I never take myself or the mechanics and business of politics too seriously. I also thank Jo's family—my in-law equivalents—the Cooks and the Hollingdales, who have welcomed me as part of their clan. To my children, Jemima and Red, who are here today I say: I hope that as you grow up you believe that the work I have undertaken in this place has made a difference and that in doing this work I have also managed to be there for you whenever you have needed me. Finally, I would like to thank the members and staff of the Parliament who made me feel welcome and have been prepared to assist me in every way possible as I have settled in. I know that there are many discussions and disagreements to come in my time here. I look forward to working with colleagues, with all of you. I particularly look forward to working with colleagues on all sides of the House who share a commitment to embracing the diversity of our community and who, in the words of Lillian Fowler, will "frown on anything not to the ultimate good of all".

The Hon. TONY CATANZARITI [6.01 p.m.]: As honourable members would be aware, I am a proud supporter of the rice industry, which is one of this country's great success stories. It continues to be recognised worldwide for its high quality, and is demanded by higher priced international markets. Each year the industry earns about $800 million in revenue, including close to $5 million from value-added exports. Australia produces approximately 1.3 million tonnes of rice annually, 98 per cent of which is grown in southern New South Wales and the remaining 2 per cent in northern Victoria. There are approximately 2,500 rice farms in these regions of New South Wales and Victoria, the majority of which are owned by Australian families. The rice industry is an important industry responsible for employing more than 8,000 people. In fact, the industry delivers up to 20 per cent of all job opportunities in the Riverina, supporting 63 regional towns, and has more than $2 billion invested in land, plant and equipment. The industry has still managed to bring in good returns for growers despite the long-running drought, and is committed to operating in an environmentally sustainable manner.

The Hon. Melinda Pavey: World's best practice!

The Hon. TONY CATANZARITI: I agree. Interestingly, I have never heard a consumer say that a bag of rice in our supermarkets costs too much; nor, I can safely assume, has anyone else. It makes me sad to have to talk on the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill

because I firmly believe, as does the New South Wales Government, that the existing arrangements are totally justified. I am disappointed that, while the National Competition Council [NCC] could see the value of the industry, it chose to attack the industry in any way. I am even more disappointed that, despite numerous requests from this Government, the Howard Government revealed its true colours by doing absolutely nothing to protect this Australian icon. However, I reserve my most extreme disappointment for the members of The Nationals, who have not lifted a finger to help the Government and the rice industry in this completely unnecessary fight.

It is time The Nationals did their homework about the demands being placed on the State Government to deregulate the domestic market. Their laziness is outstanding. Let me put some facts on the table to assist them with their task. First, deregulating the rice industry is the last thing the New South Wales Labor Government wants to do. Secondly, three reviews into the current marketing arrangements have been carried out in 10 years, and each time it has been proven that there is a net public benefit from the current arrangements. Thirdly, it is the Howard Coalition Government that does not support the existing rice marketing arrangements. Fourthly, members of the New South Wales Nationals, such as the Deputy Leader of the Opposition and Adrian Piccoli, have been well aware of the threat posed by the NCC to the rice industry since at least 2003—a threat that has been supported by correspondence from their Federal colleagues. Yet incredibly they claim that the New South Wales Government acted hastily.

Fifthly, not one member of The Nationals has denounced the NCC's attitude or the inaction of the Federal Coalition, or offered their support in our fight. Can their resounding silence be a sign of support? Sixthly, not one member of the New South Wales Nationals has tabled any evidence whatsoever to show that they have made representations to their Federal colleagues—John Howard, Peter Costello or their Federal leader Mark Vaile. They are unable to produce a single document urging the Federal Government to allow the current marketing arrangements for rice to continue without penalty to the farmers and families of the Riverina.

Seventhly, despite the contentious suggestions by The Nationals, the New South Wales State Government has worked closely with the rice industry throughout this process. Indeed, for most of this year both the Rice Marketing Board and SunRice were in contact with the Office of the Minister for Primary Industries almost on a weekly basis. They have also been closely consulted in the drafting of this bill to ensure that we offer them as much support as possible without breaching the demands of the NCC. Eighthly, the Prime Minister and Peter Costello have refused to meet with representatives of the rice industry to allow them to put their case. Ninthly, John Howard has written to the Premier confirming the NCC's view that the people of New South Wales will be penalised $26 million unless deregulation occurs.

Tenth, the NCC is insisting that the legislation is put through to avoid penalties being incurred. And the NCC, not the New South Wales Government, has nominated the date of 30 November. Eleventh, the New South Wales Government is keen to see a three-year transitional period be allowed for the industry to have time to adjust to the changes, but the New South Wales Nationals have done nothing to support this push. Without an assurance from the Federal Government, which is not forthcoming, we cannot afford the fine. What is the point of making these claims if The Nationals are unwilling to do something about it? By working closely with the industry, the New South Wales Government has put together the following plan, which has been deemed acceptable by the NCC.

A single desk arrangement for rice exports from New South Wales will be retained. An authorised buyer scheme will be introduced for domestic trade in rice. The Rice Marketing Board will administer the scheme, subject to appeals to the New South Wales Administrative Decisions Tribunal. The single desk will be protected through the sanction on any person or corporation found to have breached the conditions of their licence—that is, exported rice—of the loss of their authorised buyer permit for a stipulated period of time. These arrangements will commence in 2006, after the current crop has been harvested. Despite repeated requests by the New South Wales Government, the Federal Coalition Government has refused to override the NCC's recommendations. The New South Wales Government requested the Federal Government's assistance in establishing a national rice export desk. However, John Howard, in a belated response to the Premier, received on 7 November, stated:

> I understand you are concerned that as a result of the payment penalty recommendation by the NCC you are being compelled to deregulate domestic rice marketing, which you claim will adversely impact on NSW growers and exporters and may be detrimental to the export industry …
>
> You also expressed disappointment that the Australian Government has not committed to establishing a national rice export …

What a ridiculous statement when, as previously mentioned, 98 per cent of Australia's rice is grown in New South Wales. Apart from Victoria, the other States and Territories have very little interest whatsoever in the marketing of rice as, quite simply, they do not produce any. The national competition policy commitments require that legislation restricting competition is reviewed in order to prove such legislation is in the public

interest. As I mentioned before, the net public benefit of the current arrangements has been proved time and again. If anyone can produce evidence to show that a number of people are complaining about the current price of rice on the supermarket shelf, I urge them to step forward immediately.

It is little wonder that the people of the Murrumbidgee electorate are questioning Adrian Piccoli's commitment to represent them. Is he sincere when he says that he is there to represent them? I for one would like him to table representations he has made to his Federal colleagues on behalf of the region's rice growers. I challenge members of the Opposition to join with us and push for a three-year transitional period for the rice industry. The award-winning Australian rice industry is the most efficient in the world and we have not heard a peep from members opposite. That is a disgrace.

It is not too late for the New South Wales Nationals to approach their Federal colleagues. If I were a cynical person, I could be forgiven for thinking that all this has come about because The Nationals are desperate for votes and their Federal colleagues have undertaken to do this so that the New South Wales Nationals can try to lay the blame on the New South Wales Government. Unfortunately for them, this has not worked. People in the bush are not stupid and they know who has pushed for deregulation of the domestic market. They know John Howard, Peter Costello and Mark Vaile have pushed for this legislation to be introduced. They know that people who claim to represent them have sat there and done absolutely nothing about it. They know that the only time they have been moved into action was to grandstand once the fight was over. The people of the Riverina know, and they will not forget.

Reverend the Hon. FRED NILE [6.13 p.m.]: The Christian Democratic Party reluctantly supports the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill. As other honourable members have stated, this bill is a result of decisions made by the National Competition Council in implementing the national competition policy, which aims at deregulating every aspect of our society. As we know, it has made controversial decisions in other areas. The one that particularly concerned me was alcohol, and now we have this threat by the National Competition Council that if the State Government does not implement this bill and pass it—I understand it has been given the deadline to pass the legislation by 30 November—it will institute a penalty against New South Wales of $26 million.

This is the way the National Competition Council forces State governments in many areas now to give in and accept its directions to deregulate—in this case—the rice industry. Many Australian industries such as rice, wheat, cotton, wool and others in our economy need support and, in the case of the rice industry, need to have a single desk exporter, being a sole agent of the Rice Marketing Board, to provide maximum financial benefit for the rice growers of New South Wales. Perhaps at some future date it may not be required—I mean in some years time—but in the current climate those arrangements are required and have helped these industries to grow and to become prosperous.

I have said in previous debates that the National Competition Council should be abolished. I have said before that it had a limited charter and the way it was presented to State governments was to deal with government instrumentalities. Suddenly it has jumped the border and is looking at every area of Australian society. It is almost like another government. There is the Federal Government and there is the National Competition Council government, which is making major policy decisions. It seems that the Federal Coalition Government is frightened—I do not know why—to challenge the National Competition Council. It seems clear that the Federal Treasurer just rubber stamps all its decisions. Who is governing Australia?

The Hon. Duncan Gay: Why did the State Government sign off on such a bad agreement?

Reverend the Hon. FRED NILE: It depends on what the State Treasurers thought were the objectives of the National Competition Council. Those objectives seem to have changed. That is what happened. This legislation has a number of key provisions that have been forced on the Labor Government. The bill will free up trade in the domestic market by making more specific provisions relating to the appointment of authorised buyers, including the conditions of appointment and grounds for refusal or revocation of appointment. It will increase the penalties for breaches of these conditions. It will provide for a right of appeal to the Administrative Decisions Tribunal. It will also provide that the existing commercial agreement between the board and SunRice is no longer to be construed as an exclusive agreement and that, accordingly, the board is not liable for any damages as a result of appointing additional authorised buyers. There will be other regulation making powers as a result of this legislation. It seems to me to be blackmail against the State Government.

The Hon. RICK COLLESS [6.18 p.m.]: I support the position taken by the Deputy Leader of the Opposition on this issue. The Marketing of Primary Products Act 1983 was originally introduced to provide for

the marketing of primary production commodities and now only applies to the marketing of rice. Currently, most rice grown in New South Wales is vested in the Rice Marketing Board, and any rice not vested in the board may only be purchased by authorised buyers. Rice vested in the board is marketed by the Rice Growers Co-operative Ltd—known by its trading name "SunRice"—and SunRice is also authorised to purchase all other rice not vested in the board. That means that there are no other authorised buyers of rice in New South Wales. So even though all rice grown in the State is not vested in the board, effectively it has control of all rice grown in New South Wales.

The purpose of the bill essentially is to allow for other potential rice buyers to be appointed as authorised buyers in relation to the sale or supply of rice within New South Wales. It also changes the name of the Marketing of Primary Products Act to the Rice Marketing Act. This is being done under the guise of national competition policy. Other authorised buyers will be able to sell or supply only within Australia except with the written approval of the board. So the board will essentially retain the export marketing of the rice crop. The Government claims that the board and SunRice are too close together to be effectively marketing the rice crop, and the National Competition Council has identified that this arrangement is anticompetitive for domestic rice. This has happened on the watch of this primary industries Minister. Yet according to the council the international arrangements for marketing remain competitive! The rice producers of New South Wales do not want their industry deregulated as it is one of the most successful industries in rural New South Wales. The Minister cannot understand that point and now wants to blame the Federal Government for forcing his hand. As has already been pointed out, the National Competition Council was signed off on by Premier Bob Carr. Not only did he sign off on it; he went down early in the morning and banged on John Howard's door while standing outside in the frost because he could not wait.

The Hon. Duncan Gay: He was the first.

The Hon. RICK COLLESS: He was the first Premier at the door with his hand out saying, "Let me be the first to sign, because I want the money." It is absolute hypocrisy for the Government now to blame the Federal Government when this Government signed off on the national competition policy. That is why rice growers have been forced into their present situation. The State Government has failed to consult the industry. That was clearly pointed out by the Minister in the other place when she said, "Consultation on this bill has also had to comply with the time constraints." Later she said, "This bill is the best we can do in the circumstances." She admitted that there was not sufficient time to consult with the industry, to get the view of the industry and to understand how the industry operates. This action is three years too soon, as the Hon. Tony Catanzariti admitted. We will move an amendment, which he should support, to put commencement of the bill back three years to give time for all this to be sorted out. As the Deputy Leader of the Opposition pointed out, Laurie Arthur stated that at least two inquiries had found that the industry was better off under the current marketing arrangements. They found that there were net public benefits in the current marketing arrangements. I do not know how Government members can criticise The Nationals when it is very clear that we have stood by the industry on this issue.

An article in the *Riverina Grazier* reported that, according to local MLC Tony Catanzariti, a decision to break SunRice's stranglehold on the New South Wales rice industry could jeopardise hundreds of jobs in the region. "We will lose jobs, make no mistake of that," Tony Catanzariti is reported to have said. He should be opposing deregulation, as should Peter Black and anyone who has anything to do with the rice industry. If the Hon. Tony Catanzariti says that The Nationals are on the nose in the bush I suggest that he step up to the plate and challenge Adrian Piccoli in Murrumbidgee at the next election and let the community decide the issue. I support the amendments that will be moved by the Deputy Leader of the Opposition in Committee to change the name of the bill by amending the long title to insert the word "Deregulation" and to delay implementation of the bill for three years. We will not support the bill in its current form; we strongly oppose deregulation. I look forward to the Committee debate.

Mr IAN COHEN [6.26 p.m.]: Given the short time available and the lack of adequate ventilation of the issues that have generated so much heated debate, I do not feel sufficiently well informed to make a decision on a number of the finer points, particularly in view of the strong political undertones in the debate so far. I feel somewhat ill equipped to be making a decision on behalf of the Greens on the bill, and that concerns me. The purpose of the bill is to deregulate the domestic rice market in response to the national competition policy, which deems that the regulation of the industry is anti-competitive. The National Competition Council proposes to fine the New South Wales Government $26 million for non-compliance. The beginning of that situation lies in the past. It was suggested that the prime mover was the past Premier knocking on the door of the Federal Government wanting to sign up to the agreement as money was a prime factor. I am more concerned to hear what has been done to ameliorate the present situation.

The bill seeks to free up trade in the domestic rice market by making more specific provisions relating to the appointment of authorised buyers, including the conditions of appointment and the grounds for refusal or revocation of appointment. It also increases the penalties for breaches of these conditions. The bill introduces a right of appeal in respect of decisions by the Rice Marketing Board in relation to the appointment of authorised buyers. It also provides that the existing commercial agreement between the Rice Marketing Board and SunRice is no longer to be construed as an exclusive agreement. As a result, the board will not be liable for any damages as a result of appointing additional authorised buyers. The bill confers regulation-making powers to cover the details of these provisions to ensure compliance with national competition policy. I understand that the Government has introduced this bill reluctantly, having had its hand forced by the Federal Coalition Government's ability to impose multimillion-dollar fines if the bill is not introduced. It is interesting to note that the Coalition Opposition here does not support the bill and does not support the deregulation of the rice industry in New South Wales.

I would not like to see deregulation result in a proliferation of rice growing in the State. I have always expressed concerns that rice growing is very water intensive. Based on figures from the Commonwealth Scientific and Industrial and Research Organisation, every kilogram of rice grown uses between 1,550 and 2,000 litres of water—more than double that used for wheat, for example. Given our climate, we cannot afford to use water inappropriately. Perhaps it is not the wisest crop for us to be growing.

The Hon. Ian Macdonald: Your figures are wrong. They are 10 times too high.

Mr IAN COHEN: I take note of the comment by the Minister. I will withdraw those figures and say that I stand by the fact that the usage of water involved in rice production certainly makes one wonder about the appropriateness of that crop. On the other hand, I respect the fact that the rice industry in New South Wales is a successful one, contributing some $800 million to the economy. By some calculations, it also employs thousands of people across the State. I am also mindful of the fact that it is a co-operative organisation and has a great deal of support in the community. This is a difficult issue. On one hand we do not want to undermine a successful industry, and on the other hand we do not want a further proliferation of the rice industry.

I believe rice is not particularly suitable for growing in New South Wales. That the New South Wales Government is paying $26 million in penalties to keep the industry regulated is not sustainable. I have concerns with this bill just as I did with the Poultry Meat Industry Amendment (Prevention of National Competition Policy Payments) Bill and other similar bills that were debated earlier this year. It is clear that the Government is having its hand forced by the Federal Government to take this action. If the New South Wales Opposition does not agree with this deregulation, perhaps it should put pressure on its Federal counterparts not to accept the advice on the National Competition Council in this case.

I understand that the New South Wales Government made representations to the Prime Minister in this regard but to little avail. I find quite unacceptable the manner in which the bill has been rushed through the various stages, leaving inadequate time for consultation. The bill was introduced and read a second time in the lower House on 9 November but was not debated until today. Therefore, *Hansard* of the debates has not been available for upper House members to consult. There may have been some enlightening points made during the course of that debate that cannot be diligently considered here because of the hasty manner in which the Government has dealt with this legislation.

I understand that, in order to avoid penalties, the bill needs to be passed by 30 November. That leaves a few sitting days in which we could have the benefit of more time to consult and delve into the issue. I acknowledge that this is a vexed issue and I will listen to further debate on it, including the Minister's reply. I apologise to an honourable member in the other place, Adrian Piccoli, for not being up to speed on the issue when he came to advise me this morning. I wish I had been in a position to engage in a more worthwhile and productive conversation with him on the matter. Too often we see important legislation passing through this Parliament without members having adequate time to properly consult and discuss the issues. As I say, at this time I will listen to the remainder of the debate on this bill.

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [6.33 p.m.], in reply: I thank honourable members for their contributions to the debate.

[*The Deputy-President (The Hon. Christine Robertson) left the chair at 6.33 p.m. The House resumed at 8.15 p.m.*]

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [8.15 p.m.]: The New South Wales Government has done everything in its power to protect the rice industry, and I remind honourable members of the process we have undertaken over the past two years. First, I point out that the New South Wales Government had no choice but to review our regulation of rice and other industries. The Coalition does not seem to understand that New South Wales had no option but to review the New South Wales rice marketing legislation. Indeed, the national competition policy [NCP] required all State governments to review all legislation that potentially impeded competition.

The New South Wales Labor Government's decision to retain the current arrangements was consistent with the findings of no less than two NCP reviews. Despite this, the Federal Treasurer threatened a $13 million payment penalty in 2004-05. In March 2004 I held emergency talks with the National Competition Council [NCC] and was able to convince it to recommend to the Federal Treasurer that he suspend the $13 million penalty in return for New South Wales carrying out yet another independent review of the marketing arrangements. We carried out this review—the third such review in 10 years—and consulted closely with industry throughout the process. Earlier in the debate the Deputy Leader of the Opposition said that the Government's reports relating to the NCP inquiries were "just about a page". That was his expression.

Here are the documents. The report on the poultry meat industry has 50 or 60 pages. The review of the Rice Marketing Board is a very thick document, and it is available on the web. Another review of the Poultry Meat Industry Act was conducted to try to protect the industry. I have also the final report of the review of the legislation establishing the New South Wales Marketing Board and the final report on the poultry industry. The effort of the Department of Primary Industries has been extensive in trying to beat off the National Competition Council, its ideologues and Mr Costello, who will enforce every decision to penalise this State and other States recommended by the NCC.

As I said, in March I held emergency talks and I got the NCC to hold off imposing the penalty, to put it into the suspension pool. We carried out this review—as I said, the third such review in 10 years—and consulted with industry throughout the process. This review confirmed the benefits of the current arrangements to the New South Wales and national economies. Industry also put its case to Kate Hull, Peter McGauren and Mark Vaile, and Nick Minchin came down to see first hand what a success story the rice industry is. The concerns of industry were explained during each of these briefings with Federal Coalition members. The Premier has even written to the Prime Minister in defence of the arrangements. The Premier's correspondence to the Prime Minister, like all pleas to the Commonwealth on this matter, has been met with a deafening silence.

Despite all our efforts, the NCC continually fails to accept the benefits of our rice marketing arrangements. Like us, the industry is flabbergasted by the NCC's continued position. We have gone to extraordinary efforts to maintain our current rice marketing arrangements and to convince the Federal Government to reverse its position. Laurie Arthur's comments were referred to in the debate. It is interesting to note that the only statement the Deputy Leader of the Opposition could come up with was a press release he issued on the day the announcement was made. Was Laurie Arthur disappointed? Absolutely! And so was I. And one would be disappointed. We had proven the value of the rice industry but it was not accepted by the NCC. How do we know this? Because that is what the NCC's report stated.

The Hon. Rick Colless: You signed off on it.

The Hon. IAN MACDONALD: The Hon. Rick Colless is being ridiculous beyond belief. This report showed that there was a $45 million net benefit to New South Wales. Far from failing to demonstrate the value, we were able to document it on three separate occasions. But the truth is that The Nationals did, as they continue to do, nothing. They have not done anything anywhere to help this industry, the poultry industry or the dairy industry. The Nationals let them all go to the wall.

The Hon. Rick Colless: No, we didn't.

The Hon. IAN MACDONALD: You absolutely let them go to the wall. Time and time again the Deputy Leader of the Opposition shows that he simply does not understand government. Fortunately for New South Wales he will never have the opportunity to experience it. The NCC does not negotiate with industries; it negotiates only with States. But we cannot ignore the key question: What did the Deputy Leader of the Opposition do? Absolutely nothing! He loves talking about laziness but he is not very good at action. He issued one press release but made no public statement; and he made not a single representation. Effectively, he did nothing.

Perhaps even more interesting is the fact that the Deputy Leader of the Opposition has been absolutely silent on whether the rice industry supports the bill. I wonder why that is the case. Members opposite know that this bill is the best result they could have hoped for. We know that they want a deferral, and we agree with them. But our stance has been entirely consistent: We will delay deregulation as long as the Federal Government waives the penalty. Over the past few weeks the Rice Marketing Board, along with Sunrice and their legal advisers, has been working closely with the Department of Primary Industries to develop this bill. While it would prefer the existing arrangements to remain, it has indicated that it appreciates the impossible position of the New South Wales Government and supports the bill.

These efforts comprehensively refute claims made by the Opposition in the other place this morning when the honourable member for Murrumbidgee tried to assert that the New South Wales Government was somehow to blame for the intransigence of the Federal Government and the NCC in this issue.
The honourable member also tried to blame the New South Wales Government for acting hastily on this matter. The National Competition Council demanded that the rice marketing legislation be amended by 30 November or New South Wales would face a $26 million penalty. Further, the new arrangements have to be operational by 1 July 2006. These are NCC deadlines, not ours. They are not the New South Wales Government's deadlines.

As we have made clear to the industry, we would much prefer to provide for a reasonable transition, but can only do so if the threat of a tranche payment penalty is lifted by the NCC and the Federal Government. That is something Mr Howard has refused to do. The Opposition then tried to suggest that the New South Wales Government should simply wear the $26 million penalty. However, it should be appreciated that this would be a substantial hit on the New South Wales budget and would impact on programs. What would honourable members opposite propose we do without—nurses, schoolteachers, police—or perhaps the Opposition has a spare $26 million stashed away somewhere?

The fundamental point remains that this is an unnecessary and unjustified imposition on New South Wales. Why should the taxpayers of New South Wales have to cop this hit? What have Opposition members done to convince their Federal colleagues to show some commonsense on this issue? Laurie Arthur of the Rice Growers Association told ABC radio last month that the industry is, "Absolutely at a loss as to why the NCC will not accept an independent inquiry as was required." I could not agree more. The New South Wales Government has done everything in its power to protect the existing marketing arrangements for the rice industry in New South Wales. These arrangements have delivered substantial benefits to rice growers and the broader community over the past 20 years.

The Hon. Duncan Gay: You put out your press release too soon.

The Hon. IAN MACDONALD: I put out the press release under the hammer from the NCC saying that if we did not put it out saying what we were going to do on that day it would impose a penalty. Knowing Mr Costello, it was clear to me that it would impose a penalty. The NCC and the Federal Government want to dismantle these arrangements and put at risk $48 million a year in export premiums to possibly save a paltry $150,000 in efficiency costs. It is with great regret that I bring forward this bill, which is designed to deregulate the domestic market for rice in New South Wales while at the same time endeavouring to shore up as best we can the single export desk currently enjoyed by SunRice.

I would also like to address the national competition policy issue raised by the Deputy Leader of the Opposition. When Mr Carr, Mr Egan and every other government in Australia signed, the national competition policy was meant to consider major industry monopolies, particularly public infrastructure such as energy, water and transport. The National Competition Council and the Federal Government have chosen to apply this policy to all sorts of arrangements that were never envisaged to come under the policy. They have twisted and distorted the policy to suit their own philosophical prejudices and used it as a weapon against the States.

The Federal Government can listen to reason when it is forced to. I remind the House that I negotiated satisfactory amendments to farm debt mediation legislation that allowed New South Wales to retain compulsory mediation—something that is in everyone's best interests. This bill does not take effect until July. In the meantime I look forward to seeing the New South Wales Nationals get off their backsides and get their Federal colleagues to change Mr Costello's position and to change Mr Howard's position to make it clear that that if we do not proceed with this on 1 July next year they will not impose a $26 million fine on New South Wales. Their obligations are absolutely clear. One only has to read the correspondence of the NCC. It does not seem to seep into the heads of members opposite. The NCC correspondence states:

> As we discussed last week, in order to meet its NCP obligations and avoid the prospect of payment deductions, NSW would need to reform regulation of rice marketing. Under such reform a single desk for export could be retained, but sale and purchase of rice for domestic use would need to be opened up to competition.
>
> I confirm these main elements accord with our discussions. However, I note that in our discussions I emphasised the need for reform to be implemented before decisions in relation to the Council's 2005 NCP Assessment are finally taken.

How clear can one be? We have to put this legislation through Parliament by 30 November. The letter goes on:

> In practice, this requires that the legislation to give effect to these changes be passed by the NSW Parliament before 30 November 2005 (although as discussed the reforms could come in to effect after the current crop has been harvested).

That is one little thing I was able to get to protect the rice growers over the next harvest. There is nothing clearer than this.

The Hon. Rick Colless: Who signed that?

The Hon. IAN MACDONALD: This is signed by David Crawford, Acting President of the NCC. It is absolutely clear-cut. If we do not put this legislation through Parliament by 30 November we will be fined $26 million. How stupid can The Nationals be? How absolutely hypocritical can they be, as they were with the dairy deregulation, when we were told if we did not support the national framework that was being imposed on us and deregulate the dairy industry, our dairy farmers in New South Wales would lose $400 million? The dairy industry told us to do it. Members opposite came into Parliament and did exactly the same thing as they are doing now: Deregulation is terrible, why are they are deregulating? What did they say about poultry? The NCC fined us $13 million. It was going to fine us more. What did members opposite do? They accused us of forcing the situation. It is the NCC, Peter Costello and John Howard who are forcing this issue, not the New South Wales Government.

The Nationals are absolutely unable to influence the Federal Government on a major farming issue. How weak, how impotent, how poor is this once-great party? Last Monday it was fantastic walking around doing great things for this State on native vegetation with Ian Sinclair, a National Party man of substance compared with The Nationals who have deserted the rice industry. They have done nothing: no press statements, no letters to Mr McGauran, Mr Vaile or Mr Howard pleading for them not to go ahead and fine New South Wales over the rice industry and asking them to be reasonable, protect the public benefits provided by the industry, and to pull back.

I look forward to seeing in the next nine months how many statements the Deputy Leader of the Opposition makes, how many press releases he issues to the people of New South Wales pointing out that his Federal colleagues have deserted the rice industry and left The Nationals high and dry. No wonder they are losing seats all over this State. Honourable members, do not be tricked by the duplicitous Nationals. Do not give them one iota of support in this Chamber. They are showing once more their inability to effect any change with their Federal colleagues. They have shown that they are a bit of a National party rump. At the next election they surely will lose even more members, and even their status as a party. Vote against The Nationals because they are useless and they have deserted the bush.

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

The House divided.

Ayes, 20

Mr Breen	Ms Griffin	Mr Roozendaal
Ms Burnswoods	Mr Hatzistergos	Ms Sharpe
Mr Catanzariti	Mr Kelly	Mr Tsang
Mr Costa	Mr Macdonald	Dr Wong
Mr Della Bosca	Reverend Nile	**Tellers**
Mr Donnelly	Mr Obeid	Mr Primrose
Ms Fazio	Ms Robertson	Mr West

Noes, 15

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

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [8.40 p.m.], by leave: I move The Nationals amendments Nos 1 and 2:

No. 1 Page 2, clause 1, lines 3 and 4. Omit "*(Prevention of National Competition Policy Penalties)*". Insert instead "*(Deregulation)*".

No. 2 Page 2, clause 2, line 6. Omit "1 July 2006". Insert instead "1 July 2009".

Although I have moved the amendments in globo I ask that the questions be put seriatim because they are very different. I will divide the Committee in respect of both amendments. The first amendment seeks to change the name of the bill from the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill 2005 to the Rice Marketing Amendment (Deregulation) Bill 2005. The State Government claims that it has been forced to undergo this deregulation but, as I have pointed out on many occasions, that is not the case. This is a voluntary mea culpa by the Minister for Primary Industries, who did not have the ticker to do the job properly. Whilst the negotiations were continuing, he stymied those negotiations and then had the hide to try to make this a political bill by inserting the words "Prevention of National Competition Policy Penalties" in its title. We seek to substitute the word "Deregulation" because, like it or lump it—and even using the Minister's words—this is a deregulation bill. The Minister would do better to honestly describe the bill, rather than make it a political document.

In regard to the second amendment, in the brief period available to me to consult the industry on this bill I have been informed that there are many reasons why a starting date of 1 July 2006 is totally unachievable. The rice industry is highly integrated and the current system has been in place for more than 20 years. There are technical, legal and logistical issues that will take time to resolve. For example, the cross-ownership of land and other assets exists between SunRice and the Rice Marketing Board of New South Wales, and schemes such as the Pure Seeds Scheme are co-operated. This amendment seeks to place a moratorium on this legislation so that it takes effect from 1 July 2009. Industry considers that this would allow a transitional period to enable the issues involved in the industry to be unravelled. Amendment No. 1 seeks to change the title of the bill so that it reflects exactly what this bill is: a deregulation. Amendment No. 2 seeks a moratorium for three years so that this legislation will commence on 1 July 2009. As many people in the industry, including the Hon. Tony Catanzariti, would tell you, people need time to adapt to the changes.

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [8.44 p.m.]: I refer to the amendment that seeks a deferral of three years before commencement of the legislation. The New South Wales Government takes no joy from deregulating the domestic rice market. As has already been said, and I repeat, the New South Wales Government faces a $26 million penalty if it fails to deregulate, and this is driven entirely by the National Competition Council [NCC], which has also imposed strict deadlines. The NCC's media release of 18 October relating to the deregulation of New South Wales rice marketing arrangements stated:

> New South Wales's delay in reforming its domestic rice marketing arrangements has been regrettable and inconsistent with its competition policy commitments.

The media release also stated:

> On the basis that the decisions taken by the New South Wales Government are now implemented quickly, the Council will be able to recommend to the Australian Government Treasurer that the suspended payments be released and New South Wales will avoid the prospect of further penalties in relation to rice marketing.

That statement is contained in the media release and is quite clear. Obviously the Deputy Leader of the Opposition has not bothered to read it. The deadline set by the NCC for deregulation to commence is 1 July 2006. The New South Wales Government would very much like to see a reasonable transition period to allow SunRice and the industry to adjust. In fact, our request for a reasonable transition period was rejected by the Federal Government. The New South Wales industry deserves to have the opportunity to adjust in an orderly and managed way to deregulation of the domestic market.

The current agreement between the Rice Marketing Board and SunRice incorporates a built-in four-year buffer period should a decision be made to terminate the arrangement. This is because the industry needs that type of transition period to adjust to significant change. The New South Wales Government wants to give the rice industry that chance. However, we are being denied this opportunity by the NCC's threatened $26 million penalty unless a bill is passed by this Parliament before 30 November and deregulation is implemented by 1 July 2006.

It is only with a commitment from the Federal Government to accept a transition period and retract its threat of a fine of $26 million that this amendment can be accepted. Rather than move this amendment, Opposition members should be lobbying their Federal colleagues to reverse their requirement to deregulate rice marketing in New South Wales. The Government does not support the amendment. In relation to the proposed change in name, in seeking to change the name of the bill the Opposition wants to waste the time of this Committee on a purely cosmetic issue. The name of the bill does not affect its content. In fact, the current title reflects the purpose of the bill, which is to implement changes demanded by the National Competition Council in its ideological pursuit of market deregulation at all costs. The Government does not support the amendment.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [8.47 p.m.]: One could be persuaded by the Minister's argument—

The Hon. Rick Colless: No, you wouldn't!

The Hon. DUNCAN GAY: One could be. I would not be, but one could be, if the Minister were able to say that the $26 million would be spent on the rice industry and on schools, police and roads in the local area. However, despite repeated requests for the Government to indicate that the $26 million it will get—not what it will lose, but what it will get from this deal it signed off on—will be spent in the area, I have had absolutely no commitment from the Government. Everyone knows that that $26 million in respect of which the Government is prepared to sacrifice the rice industry, tomorrow virtually, is going to be spent in Sydney, probably to prop-up the Government's maladministration of this State. It will almost certainly find its way into the desalination plant.

On several occasions we have asked the Government for a commitment in respect of that $26 million. The Opposition acknowledges that it is a lot of money. We have not opposed this bill lightly, but the rice industry is worth even more than $26 million. If Government members believe, as we do, that this industry is important they will support our amendment for a three-year moratorium, at the very least. The Government has said it believes there should be a delay and that the industry needs time, but when it comes to the crunch it will not accept that delay. We all know that this money is earmarked for Sydney and probably for the desalination plant.

The Hon. JENNIFER GARDINER [8.49 p.m.]: I support my colleague the Deputy Leader of the Opposition on these amendments to the bill. I note that the Minister said he does not take any joy in deregulation. I guess the word "deregulation" is so embarrassing to the Labor Party that it has had to put this piece of spin doctoring in the title of the bill and called it the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill. We all know that the number one priority of the Carr and Iemma governments in relation to anything has been spin doctoring, and this bill is a classic example of that.

The Minister himself said that the title of the bill is a cosmetic matter. Well, that is exactly right. Indeed, that is the one accurate comment the Minister has made in this debate. By calling the bill the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill, the Government has prettied up the title of the bill to indicate that it, supposedly, does not support deregulation, because, as the Minister said, deregulation does not give the Government any joy. In fact, deregulation of the rice industry will give the Government a lot of political pain in the south-western part of New South Wales, where the industry is one of the most important contributors to the economy of that part of the State. The Minister has confirmed what my colleague the Deputy Leader of the Opposition has said, that the title of the bill is a piece of spin doctoring. But the title of the bill should indicate what the bill is about, and that is the Labor Party's deregulation of the rice industry.

The Hon. RICK COLLESS [8.51 p.m.]: I support my colleague the Deputy Leader of the Opposition on Opposition amendment No. 1, which seeks to change the title of the bill from the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill—which is a mouthful in anyone's terms—to the Rice Marketing Amendment (Deregulation) Bill. We should be saying, "This is a bill about rice marketing deregulation"—nothing more and nothing less. With regard to Opposition amendment No. 2, unfortunately the Government is prepared to sell its soul for $26 million. It is certainly prepared to sell out the rice industry for $26 million. As the Deputy Leader of the Opposition said, $26 million is a lot of money, and it will have a big impact. That is also about the same amount of money the Government paid for Yanga Station. If the Government had constrained its impulse to purchase Yanga Station, it would have saved $26 million and it would not have had to deregulate the rice industry. This is simply a cash payout.

Bob Carr went to John Howard with his hand out and said, "I'll take all the money you can fork over. We'll do whatever you want. We'll sell out the rice industry, we'll sell out the dairy industry, and all the other industries that are deregulated, as long as you give me the money." That is what the Government has now done with the rice industry: it has sold out the industry. As the Deputy Leader of the Opposition said, the Government will not put that $26 million back into the rural industry in southern New South Wales. None of it will go back to Leeton, Balranald, Murrumbidgee, Murray- Darling, or any of the electorates in the southern area of the State that really need that $26 million. That money will not be spent in that area of the State; it will go into subsidising Government funding for projects like the desalination plant, the cost of which will run into billions of dollars.

The Government would be better off putting those billions of dollars into fixing the leaking pipes in the Sydney water system. As the Hon. Tony Catanzariti well knows, being a farmer, when you find a leaking water pipe on your farm, you fix it. Just as you cannot afford to have a leaking water pipe on a farm, you cannot afford to have a leaking water pipe in Sydney. Leaking pipes in Sydney account for 15 per cent of the city's annual water usage. But that is what the Government needs this $26 million for: to pay for the desalination plant and to cover the cost of repairing leaking water pipes—leaks that have sprung up because of the Government's maladministration. The Government is selling out the rice industry in a crude move to collect $26 million, when it could be saying, "No, we are not going to accept this deregulation rule. We are going to stand up to the National Competition Council and say, 'No, we are not going to deregulate. We are going to support the rice industry in New South Wales. We don't care if it costs us $26 million.'" That is what the Government should be doing. I support the amendment.

Reverend the Hon. Fred Nile: Point of order: Madam Chair, I seek your ruling on Opposition amendment No. 2, which seeks to change the date of the commencement of the bill from 1 July 2006 to 1 July 2009. I believe that would negative the purpose of the bill, which is to prevent national competition policy penalties. If the amendment were carried, the penalties would apply. Therefore I believe the amendment is out of order.

The Hon. Duncan Gay: To the point of order: Reverend the Hon. Fred Nile seems determined not to help the farmers of the State. Opposition amendment No. 1 seeks to change the title of the bill from the Rice Marketing Amendment (Prevention of National Competition Policy Penalties) Bill to the Rice Marketing Amendment (Deregulation) Bill. If amendment No. 1 is carried, amendment No. 2 can be carried as well. In fact, I do not even believe the title, because it is so farcical—

The CHAIRMAN: Order! Are you speaking to the point of order?

The Hon. Duncan Gay: Yes, I am.

The CHAIRMAN: Please confine your comments to the point of order.

The Hon. Duncan Gay: Opposition amendment No. 2 seeks to change the commencement date of the bill. I know that Reverend the Hon. Fred Nile is very keen. I have been the Whip for the Government on occasions—

[*Interruption*]

The honourable member stands here and says he is going to vote with us. I have not said a word against his chairmanship of any committee. When he does things like that and wants to stop an amendment to help the farmers of the State, I have to say something. I think it is pretty ordinary.

The CHAIRMAN: Order! The Deputy Leader of the Opposition will resume his seat. I am prepared to rule on the point of order. The Deputy Leader of the Opposition, in his last remarks, was not referring to the point of order.

The Hon. Duncan Gay: No, I was not.

The CHAIRMAN: Order! So he knows he is out of order. I will not uphold the point of order though it may appear to have some validity. Given that the long title of the bill states, "A bill for an Act to amend the *Marketing of Primary Products Act 1983* with respect to the marketing of rice; and for other purposes", I believe that the point of order is not valid.

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

The Committee divided.

Ayes, 15

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

Noes, 20

Mr Breen	Ms Griffin	Mr Roozendaal
Dr Burgmann	Mr Hatzistergos	Ms Sharpe
Ms Burnswoods	Mr Kelly	Mr Tsang
Mr Catanzariti	Mr Macdonald	Dr Wong
Mr Costa	Reverend Nile	*Tellers,*
Mr Della Bosca	Mr Obeid	Mr Primrose
Mr Donnelly	Ms Robertson	Mr West

Question resolved in the negative.

Amendment negatived.

Question—That Opposition amendment No. 2 be agreed to—put.

The Committee divided.

Ayes, 15

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

Noes, 20

Mr Breen	Ms Griffin	Mr Roozendaal
Dr Burgmann	Mr Hatzistergos	Ms Sharpe
Ms Burnswoods	Mr Kelly	Mr Tsang
Mr Catanzariti	Mr Macdonald	Dr Wong
Mr Costa	Reverend Nile	*Tellers,*
Mr Della Bosca	Mr Obeid	Mr Primrose
Mr Donnelly	Ms Robertson	Mr West

Question resolved in the negative.

Amendment negatived.

Clause 1 agreed to.

Clause 2 agreed to.

Clauses 3 and 4 agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment and report adopted.

Third Reading

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [9.08 p.m.]: I move:

That this bill be now read a third time.

The House divided.

Ayes, 20

Mr Breen	Ms Griffin	Mr Roozendaal
Ms Burnswoods	Mr Hatzistergos	Ms Sharpe
Mr Catanzariti	Mr Kelly	Mr Tsang
Mr Costa	Mr Macdonald	Dr Wong
Mr Della Bosca	Reverend Nile	*Tellers,*
Mr Donnelly	Mr Obeid	Mr Primrose
Ms Fazio	Ms Robertson	Mr West

Noes, 15

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

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time.

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following papers:

(1) Administrative Decisions Tribunal Act 1997—Report of the Administrative Decisions Tribunal for the year ended 30 June 2005.

(2) Annual Reports (Departments) Act 1985—Reports for the year ended 30 June 2005:

Attorney General's Department
Judicial Commission of New South Wales
Office of the Director of Public Prosecutions

(3) Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 30 June 2005:

Legal Aid Commission of New South Wales
Office of the Protective Commissioner
Public Trustee

(4) Anti-Discrimination Act 1977—Report of the Anti-Discrimination Board of New South Wales for the year ended 30 June 2005.

(5) Privacy and Personal Information Act 1998—Report of Privacy NSW for the year ended 30 June 2005.

Ordered to be printed.

COMPANION ANIMALS AMENDMENT BILL

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL

PARLIAMENTARY SUPERANNUATION LEGISLATION AMENDMENT BILL

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL

CRIMINAL PROCEDURE AMENDMENT (SEXUAL OFFENCE CASE MANAGEMENT) BILL

Bills received.

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

Motion by the Hon. Tony Kelly agreed to:

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

Bills read a first time and ordered to be printed.

FARM DEBT MEDIATION AMENDMENT (WATER ACCESS LICENCES) BILL

Second Reading

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [9.15 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The bill before Honourable Members will make a small but very important change to the Farm Debt Mediation Act 1994. It will extend the operation of that Act to cover water access licences. In doing so, it will restore the original intent and operation of that Act. This bill is required to take account of amendments introduced by the Water Management Act 2000, which changed the way water licences are treated. In particular, the Water Management Act now treats water licences as an asset that is separate from the land where the water is used. The Farm Debt Mediation Act serves a very important function for farmers who are having difficulty repaying farm debts. This is a very real issue for farmers, particularly during long periods of drought. The Act is administered by the Rural Assistance Authority.

The Authority provides a number of services to rural producers and small businesses on behalf of the State and Commonwealth New South Wales. These include drought assistance, natural disaster relief, and interest rate subsidies for exceptional circumstances. The Authority also runs the farm debt mediation program. The Farm Debt Mediation Act provides an avenue for farmers to negotiate with creditors where they are struggling to meet farm debt repayments. Before a creditor can take enforcement action for non-payment of a farm debt, the farmer can elect to participate in a mediation process. Mediation is a structured negotiation process in which the mediator, as a neutral and independent person, assists the farmer and the creditor to reach agreement.

The agreement can deal with the present arrangements and any future conduct of financial relations between them. Mediation is a simple, confidential process that is quick, accessible and affordable. Under the Act, a creditor must notify the farmer of its intention to take enforcement action, and also notify the farmer of the availability of mediation. If the farmer chooses to undertake mediation, the farmer and creditor then agree on a mediator. The Authority has accredited a number of experienced

mediators as part of its Panel of Mediators. The mediators are strictly neutral—they do not take sides or represent either the farmer or the creditor. The mediation is intended to find a way for farmers to continue producing on the land while ensuring their financial obligations are met.

The mediation will look at all the assets and liabilities associated with the farm business in determining a resolution. The outcomes of mediation could include refinancing of loans, extensions of payment periods, or sale of assets. Settlement by mediation is voluntary, and neither party can be forced into an agreement at mediation. In the ten years that the program has been running, there have been 987 mediations. Eighty-eight per cent of those have resulted in an agreement. The level of debt the subject of mediation has ranged from $20,000 to $34 million. Under the Act, a farm debt is defined as a debt incurred by a farmer for the purposes of conducting a farming operation, which is secured wholly or partly by farmland or farm machinery.

Traditionally, farmland included any water licences attached to the land. However, changes introduced by the Water Management Act have created separate rights for water licences. These new "access licences" can now be sold in isolation from the land. Therefore, access licences are now a separate asset of the farm. And, as a result, they are no longer within the strict definition of a "farm debt" under the Act. This means they are no longer covered by the mandatory debt mediation requirements under the Act. It also means that where water licences are used on farms, creditors may be able to take enforcement action for debts secured against the licence without going through the mediation process set up under the Act. Forced sale of an access licence to recoup a farm debt would have a significant impact on the continuing operation of a farm by removing the farmer's right to access water needed for farm production.

To overcome the situation I have just described, the bill currently before the House amends the Act to ensure that it defines "farm property" to include access licences used by farmers. This will mean that a creditor must offer mediation before commencing enforcement action against a farmer in relation to a debt secured by an access licence used in connection with the farm operation. These proposed changes are fully supported by the agricultural industry. They also have the full support of the Law Society of New South Wales. This bill is necessary to close a loophole that has arisen due to changes by another Act. Without these amendments, the farm debt mediation program will not be able to operate as intended. The proposed amendment will restore the original intent and operation of the Act. I commend the bill to the House.

The Hon. MELINDA PAVEY [9.15 p.m.]: The Farm Debt Mediation Amendment (Water Access Licences) Bill amends the Farm Debt Mediation Act 1994 and makes provision for mediation concerning farm debts to take place before a creditor under a farm mortgage may take enforcement action against a farmer who is in default under the farm mortgage. The object of the bill is to amend the principal Act so that the provisions of the Act apply in respect of farm debt secured by an interest in a water access licence. The provisions currently apply in respect of a farm debt secured by an interest in a farm or farm machinery.

The amendments reflect recent changes to the Water Management Act 2000 that provide for the creation of security interests over water access licences. I lead on behalf of the Opposition. The Coalition has consulted with the New South Wales Farmers Association, which supports the amendments. This is a small but important change to the Farm Debt Mediation Act. The changes are required to take account of amendments introduced by the Water Management Act, which changed the way in which water licences are treated. The Farm Debt Mediation Act serves an important function for farmers who are having difficulty repaying farm debts—a real difficulty for farmers during long periods of drought. The Act is administered by the Rural Assistance Authority, which provides a number of services to rural producers and small businesses on behalf of the State and Commonwealth governments. These include drought assistance, natural disaster relief and interest rate subsidies for exceptional circumstances. The authority also runs the Farm Debt Mediation Program.

The Farm Debt Mediation Act provides an avenue for farmers to negotiate with creditors where they are struggling to meet farm debts. Before a creditor can take enforcement action for non-payment of a farm debt, a farmer can only participate in a mediation process. The New South Wales Farmers Association supports the amendment and, therefore, the Opposition does not oppose the bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.18 p.m.]: As my colleague indicated, the Opposition does not oppose the Farm Debt Mediation Amendment (Water Access Licences) Bill, which amends the Farm Debt Mediation Act 1994 to extend its functions to include water access licences. The Farm Debt Mediation Act provides efficient and equitable resolution of farm debt disputes in New South Wales and has been successfully operating for more than 10 years.

The Hon. Tony Kelly: The Mick Clough bill.

The Hon. DUNCAN GAY: The Minister was not a member of Parliament then. Had he been here, he would know that several people worked on that bill, and Mick Clough was certainly one of them. I was another. But just like with *The Dismissal* and other events, the Labor Party likes to change history. The mediation program has been very successful during its operation, with almost 90 per cent of almost 1,000 mediations resulting in an agreement. The mediation program requires that mediation must take place before a creditor can take possession of property or other enforcement action under a farm mortgage. Mediation is a structured negotiation process in which the mediator, who is always a neutral and independent person, assists the farmer

and the creditor in endeavouring to reach an agreement on arrangements and the future conduct of financial relations between them. This is an important function, one that is simple, voluntary, confidential, easily accessible and affordable. Under the 1994 Act "farm property" is described as:

(a) a farm or part of a farm, or

(b) farm machinery used by a farmer in connection with a farming operation.

Due to recent changes to the Water Management Act 2000, water access licences have been separated from land titles, and access licences can now be sold separate from land. Consequently, access licences are no longer covered by the definition of "farm property" under the Farm Debt Mediation Act 2004, which is creating problems. This means they are no longer covered by the mandatory farm debt mediation requirements under the Act. The purpose of the bill is to restore the original intent and operation of the Act. The Government has informed me that this gap in the Act could see creditors take enforcement action in relation to access licences that are used on farms without going through the farm debt mediation process.

The Farm Debt Mediation Act 2004 was established to safeguard farmers against unfair enforcement action. The Opposition supports this important process and believes it is important to strengthen and maintain this legislation. The amendment will expand the definition of "farm property" to include access licences as defined under the Water Management Act 2000 where the licence is used on a farm. I have consulted on this amendment with necessary industry groups, including the New South Wales Farmers Association, and it has indicated its support.

As I indicated to the Minister's staff on the first day of consultation, the Opposition has no problem with the bill. In earlier debate it appeared that the Minister was not aware of that. We do not oppose the bill. Indeed, we strongly support it. My only reservation about splitting the land and the licences is that in the future a large entrepreneur may come in—it may be a large bank that operates in infrastructure—put together a fund, and buy and separate these licences from rural areas. I hope that is not the case, but it is a concern.

Reverend the Hon. FRED NILE [9.22 p.m.]: The Christian Democratic Party supports the Farm Debt Mediation Amendment (Water Access Licences) Bill. I am always pleased to participate in debate about the Farm Debt Mediation Act 1994, which is amended by this bill. As I have done on previous occasions, I give credit to the Hon. Brian Vaughan, who played a major role in that legislation being introduced into this House and passed. It was unique for back-bench Labor members to work with crossbench members to get a bill passed in this House, obviously with the Government's support. This amendment is minor but important. Specifically, the bill expands the definition of "farm property" to include access licences as defined under the Water Management Act 2000 where the licence is used on a farm. The amendment will restore the original intent and operation of the Act. So we are pleased to support it.

Mr IAN COHEN [9.23 p.m.]: The Farm Debt Mediation Amendment (Water Access Licences) Bill expands the definition of "farm property" to include access licences as defined under the Water Management Act 2000 where the licence is used on a farm. This is aimed at restoring the original intent and operation of the Farm Debt Mediation Act 1994. The Water Management Act 2000 altered the manner in which water licences are treated, that is, as an asset separate from the land on which the water is used. Indeed, in some instances the water asset can be more valuable than the land to which it is attached. The amendment the bill makes to the principal Act takes this change into account.

I understand that the Farm Debt Mediation Act provides services to rural producers and small businesses, including drought assistance, natural disaster relief and interest rate subsidies in exceptional circumstances. It also creates a means for farmers to negotiate with creditors if they are unable to meet farm debt repayments. This includes a process of mediation. No doubt these provisions can be important to farmers in times of need. Particularly in light of the continuing drought over the past several years, it is desirable that the Act reflect the reality of water access licences being treated as a separate asset under the Act. The bill closes a loophole that has arisen due to changes made by another Act. The Greens do not oppose the bill.

The Hon. IAN MACDONALD (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [9.25 p.m.], in reply: I thank honourable members for their contributions to the debate, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COMPANION ANIMALS AMENDMENT BILL

Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.26 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

Companion animals play a very important role in the health and well being of our communities.

On 30 June 2005 the NSW Companion Animal Register had 963,362 dogs and 233,314 cats on it. That's a lot of dogs and cats in our community that need and deserve to be responsibly owned.

It is unfortunate and unacceptable that people in the community who are going about their daily lives are attacked by dogs on the street.

The vicious attacks we have seen this year, for example on the streets of Balgowlah, Homebush and Sutherland, by pit bull terrier type dogs are unacceptable.

The Government introduced the Companion Animals Act in 1998, being recognised as some of the toughest dog control laws in Australia.

However, we are not satisfied with this and the Government is taking these laws further to deal with the owners of restricted dogs as well as those dogs declared dangerous by councils.

Owners must understand the responsibility they have to the community if they want to own a dog that could endanger public safety.

The provisions of this bill will get tougher on the ownership of those dogs that we do not need on our streets.

It has been developed in consultation with peak companion animal stakeholders including the Local Government and Shires Associations, Rangers Institute, Royal New South Wales Canine Council, Australian Veterinary Association, animal behaviourists and animal welfare organisations.

The Government maintains the view that any dog can be dangerous regardless of its breed, which is why this bill further tightens the legislative provisions for declared dangerous dogs, dog attacks, nuisance dogs and cats, and promotes the responsible management of all companion animals.

The current laws in New South Wales are tough on offences by restricted and declared dangerous dogs. But with pit bull terriers it is clear that we need to go further. The community has made it clear that pit bull terriers have no place on our streets.

The bill introduces a prohibition on the dogs that are already listed as restricted dogs under the Act, which in New South Wales are predominantly all pit bull terriers. The aim is to breed these dogs out of existence. We do not need them.

To achieve this it will be an offence to breed, advertise, sell or acquire a restricted dog. Restricted dogs will also have to be desexed, which is consistent with the current requirements for declared dangerous dogs.

To manage the existing stock of these restricted dogs, we are seeking a commitment from local government to make ongoing efforts to educate and deal with dog owners to ensure compliance with very strict control requirements.

Where owners do not comply, councils will be able to seize and destroy the dog.

The bill will strengthen the existing control requirements to ensure that the dog is contained in a prescribed enclosure to ensure that it is not able to escape, and that in particular children are not able to get into the enclosure.

When the dog is outside this enclosure it must be on a lead and be muzzled at all times. To ensure these dogs are under effective control when in a public place, a person will only be able to have two dogs under their control if one of them is a restricted or dangerous dog.

These dogs will also be required to wear a distinctive reflective collar that will enable the public and enforcement officers to be able to easily identify these dogs.

We are giving councils stronger powers to effectively manage companion animals in the community and have already increased fixed penalty notice amounts for offences by restricted and dangerous dogs.

This bill significantly increases the maximum penalties that can be imposed by a court for all offences under the Act.

For example, the maximum penalty for a dog attack by a restricted or dangerous dog will be increased to $55,000, or imprisonment for two years, or both.

For all other dogs, we have recently created by regulation a new fixed penalty amount of $550 for minor dog attacks. This gives rangers and animal management officers more options to deal quickly and decisively with irresponsible dog owners.

Fixed and maximum penalty amounts for all dog offences will also be increased.

The courts play an important role in supporting councils when they take action against offenders for breaches of the Act.

Councils have expressed concerns to the Government about perceived light penalties that have been issued by some Local Courts despite the seriousness of the offences.

The community has made it clear that dog related offences are very serious as they often lead to significant injuries.

It is essential that the courts reflect this view when they determine penalties for offences under the Act, especially offences by restricted and dangerous dogs.

This bill provides a council with the power to declare a dog a restricted dog if, in the opinion of the council, the dog is a restricted dog or the offspring of a restricted dog.

This gives councils the power to make owners of these dogs comply with the Act.

Where a council proposes to declare a dog as a restricted dog the owner will be able to seek the opinion of an approved breed assessor to confirm the breed of the dog.

If it is not confirmed to be another breed of dog the council will make the declaration.

If the dog is confirmed as a cross breed restricted dog the owner will then have to seek a temperament test by an approved temperament assessor.

If the dog is assessed as not being a likely danger to the public, the dog will not be declared a restricted dog.

Breed identification will be the challenge with this legislation.

We are trying to avoid a high rate of disputation regarding decisions on breed classification and temperament assessment by legislating a council declaration system that includes an option for an assessment of the dog by expert breed and temperament assessors.

The Director General of the Department of Local Government will approve breed and temperament assessors.

The Government has the commitment of the Royal New South Wales Canine Council, as experts in dog breeding and identification, to conduct breed identification assessments of dogs that are thought to be restricted by councils.

The director general will approve the Canine Council as an approved breed assessor.

I would like to acknowledge the role of the Canine Council during consultation and in particular its President, Mr Keith Irwin who has been supportive of the measures in the bill.

The Canine Council's aim will be to have an approved breed assessor in most, if not all, local government areas in New South Wales.

The Canine Council's involvement as a breed assessor will benefit its many members and the people who buy their dogs from registered breeders.

A Canine Council registration or identification certificate, which includes the dog's unique microchip number, will be sufficient proof that a council cannot proceed to declare that dog as a restricted dog. This will be prescribed in the regulation.

A temperament assessment system will also be developed to enable appropriately approved temperament assessors to make an informed judgment about the behaviour of a dog and whether it is likely to be a risk to public safety.

We have learnt from this type of legislation already implemented in other States in Australia and around the world.

The bill uses this experience to establish what we intend will be successful laws for the control of restricted breeds.

Queensland and South Australia have already implemented restricted dog prohibitions. Victoria commenced new laws on 2 November this year and the other States and Territories are also considering similar laws.

The Government will continue to ensure that New South Wales has very strong dog control laws and has led discussions with Ministers from all States aimed at identifying ways of managing restricted and dangerous dogs consistently nationwide.

A community education and council officer training program will be developed and funded from the Companion Animals Fund to assist local councils to implement the new laws.

The Government has been, and will continue to listen to, the companion animals industry when implementing this new legislation.

The Act has also been subjected to a detailed review, following five years of its operation, that has shown that the implementation of the Act has been very thorough and ultimately successful.

The community has embraced the requirements of the Act, in particular the compulsory microchipping and registration of all dogs and cats.

As I have said, nearly 1.2 million cats and dogs are listed on the Companion Animals Register.

The Act review report that was tabled in Parliament in June 2004 recommended a number of changes to build upon the principles underlying the Act.

Following the tabling of this report further public and stakeholder consultation was conducted.

Therefore the bill includes changes that are designed to clarify the objects of the Act and streamline its operation to further improve the management of companion animals in the community.

The period available for authorised officers to seize a dog following an attack will be extended.

This recognises the fact that there are many councils in New South Wales that cover large areas and there are occasions where council is not in a position to seize the dog within the currently required four hour period.

The bill clarifies the procedures for dealing with animals found in public places.

These animals can be delivered to an approved animal welfare organisation, approved premises such as a veterinary practice, or a council pound.

Approved animal welfare organisations and veterinarians will be provided with upgraded access to the Companion Animals Register to enable them to search for owners details where they have a microchip number of a lost animal to enable the animal to be quickly reunited with its owner.

A key objective of the Act is to reduce euthanasia rates by requiring councils to seek alternative measures to euthanising animals that are in their pounds.

An exception to this will be restricted and dangerous dogs that are seized by councils in cases where their owners are unable to comply with the control requirements.

The Department of Local Government provides councils annually with a spreadsheet for the purposes of collecting relevant data. However, return rates are less than 50per cent and give only a partial picture.

The bill will make it a requirement for councils to report this data as there is a great deal of interest in the community for this information and will promote accountability and strategic planning of councils' activities with regard to companion animal management.

This information is also essential for the measurement of the success of this legislation.

The bill will include general duties requiring councils to promote the awareness of the requirements of the Act with respect to companion animal ownership and to ensure they have systems in place to effectively manage restricted and dangerous dogs.

The bill will require that any money provided to councils from the Companion Animal Fund be used for the purposes of managing companion animals in their area.

This could include upgrades to pound facilities, education campaigns and inspections of properties for compliance with restricted and dangerous dog control requirements.

In summary, the bill responds to the desire of our community to have safer streets, and for people not to be subjected to intimidation and danger from dogs with irresponsible owners.

The bill provides strong powers to local councils and the courts to enforce strict control requirements to minimise the risk restricted and dangerous dogs pose to the safety of our streets.

I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [9.28 p.m.]: I move:

That this House do now adjourn.

COMMUNITY COLLEGES FUNDING

The Hon. PATRICIA FORSYTHE [9.28 p.m.]: As I move around groups in the New South Wales community across all portfolios I become increasingly aware that there are disaffected groups, groups that are feeling let down by the Iemma Government. Tonight I shall focus on the adult and community education sector, particularly the community colleges of New South Wales. Many members may well have seen a small piece in one Sunday paper headed "Funding cuts risk future of 10 colleges". Those 10 colleges represent the tip of the iceberg for the New South Wales community college sector. That group is feeling vulnerable because, as a result of a consistent campaign to undermine the sector, it has undergone budget cuts each year since 2002-03.

We are now in the middle of November, the end of the education year is about four weeks away, and none of the 63 community colleges in New South Wales realistically knows what its budget will be for next year. None of them realistically knows whether it will be able to open its doors. Why? We operate on a financial year in terms of the budget and on an education year in terms of these colleges. The community colleges have simply not been advised of their budget allocation for the coming year. Not only is it possible that 10 colleges will close as a result of the previous round of budget cuts; State funding has dropped from $6.2 million in 2005 to $4.3 million in the current budget, with a projected cut of a further $1 million in 2007. So, a significant group of colleges across the State are very uncertain about next year and the years after. That means planning their courses, appointing staff, printing brochures—all the things that one would do are at risk because of the incompetence of the Iemma Government.

This Government likes to talk big in platitudes and spin. It will talk about the growth in the education budget over the decade it has been in office, but when one analyses the sectors of the portfolio one realises the real picture is very different. Far from having had budget increases, this sector has had real cuts consistently since the 2002-03 budget. The Government is effectively starving it of funds. The Government went to the last election and to the election before that with wonderful platitudes about a commitment to lifelong learning for all. That is not the reality.

The adult community education sector delivers the sorts of programs many people will undertake when they are contemplating opening a small business. People who have faced a lifelong dyslexia or literacy problem will look at expanding their skill base to get into business management or to be a more effective manager in their small business, or to meet the obligations one must meet under some New South Wales legislation. It is to community education colleges that one might go to undertake a first-aid course. Someone wishing to undertake building work on their property may wish to do an owner-builder course. If the value of the building contract is more than a certain amount they must undertake a course. Those sorts of courses are delivered by the adult community education sector.

The sector is at risk, first, from the budget cuts announced in the last State budget, and now because of the failure of the Government to adequately advise the sector. Since the Premier took over the adult education sector, community colleges have written two letters to him, as well as writing to the Minister for Education and Training. They have had no meetings with the Minister and no real response from the Premier. They are being ignored. The concept of lifelong learning is very much at risk. This is not about so-called mickey mouse courses, this is about real opportunities for people right across New South Wales, both city and country, to undertake courses— [*Time expired.*]

PHUONG NGO AND THE CRIME COMMISSION

The Hon. PETER BREEN [9.33 p.m.]: I express my grave concerns about the unaccountable and frequently misused powers of the Crime Commission. The Attorney General has attempted to ameliorate public anxiety over the reach of proposed anti-terrorism laws with an assurance that police will be subject to the oversight of the Police Integrity Commission [PIC]. But of course, as the PIC Inspector, James Wood, QC, recently pointed out, the PIC has no jurisdiction in relation to the operations of the Crime Commission. Just two weeks ago the Commissioner of the Crime Commission, Phillip Bradley, gave evidence to the PIC parliamentary oversight committee, and some of his answers have added to my concerns. Mr Bradley informed the committee that the commission was involved in providing indemnities from prosecution to witnesses against those accused of the murder of John Newman. Mr Bradley said:

> One of the reasons for [the involvement of the Crime Commission] was that one of the witnesses changed his mind a few times about the facts and had to be resubmitted [to the Attorney General].

Mr Bradley was referring to Tuan Van Tran, who, together with Quang Dao and Phuong Ngo, was originally charged with the murder of John Newman. Tran went to trial with Quang Dao and Phuong Ngo and the trial aborted when prosecutor Mark Tedeschi disclosed to the jury that a person giving video link evidence was located in the same building as the trial. After 18 months in prison, and facing the prospect of the rest of his life in gaol, Tuan Van Tran started telling his lies to the Crime Commission, and became the star witness for the prosecution.

The second prosecution witness to keep changing his story was Thanh Duc Nguyen. At his first interview at the Crime Commission, Nguyen made 23 requests for a lawyer, each of which was denied. Commission officers told Nguyen they knew from their surveillance that Phuong Ngo was responsible for the death of John Newman. Nguyen was given the choice of co-operating with the Crime Commission by corroborating its version of the murder or being prosecuted for telling lies, an unjust and impossible quandary for a frightened and inexperienced witness.

Phuong Ngo and Quang Dao went to trial a second time for the murder of John Newman with a new alleged shooter, David Dinh. This trial resulted in a hung jury. At the third trial Quang Dao and David Dinh were acquitted and Phuong Ngo was convicted. The Crime Commission placed enormous pressure on Dinh and Dao to confirm the Tran and Nguyen lies about Phuong Ngo, but none of the accused was prepared to own up to, or implicate each other in, a murder they did not commit. Judge Norrich in the District Court said of the Nguyen lies:

> It's also established beyond any reasonable doubt... he [Nguyen] told untruths and he withheld information... I mean, witnesses come to courts and come along under the undertakings given to them by the Attorney General of New South Wales to tell the truth, and then don't tell the whole truth.

Many people believe that Phuong Ngo was wrongly convicted of the murder of John Newman. In view of the acquittal of his co-accused, David Dinh and Quang Dao, the conviction appears to be contradictory and irreconcilable. How can a man be guilty of a murder he is supposed to have organised when the only two people who are alleged to have carried out the murder are acquitted? With the assistance of Greg James, QC, Phuong Ngo is preparing an application for a judicial inquiry into his conviction under part 13A of the Crimes Act. One of the issues for the court will be the number of times Crime Commission witnesses are entitled to change their stories to accommodate new evidence.

I ask honourable members to contemplate for a moment the invidious position in which Phuong Ngo found himself during the inquest into the death of John Newman in March 1998. Everything presented to the inquest as evidence against him had been available to police since 1996. But charges could not be laid because the Director of Public Prosecutions had received independent advice that the evidence was insufficient to charge Phuong with the murder. During the inquest the media knew about the witnesses and the evidence before the defence lawyers, and the way the inquest was reported led to an expectation in the community that Phuong should be arrested. This in turn put enormous pressure on the Labor Government. If it did not act it would be seen to be covering up for a member of the Labor Party.

For the record, it is worth noting that nobody in the Labor Party who understood Phuong Ngo's power base believed he killed John Newman, as he already had the support he needed to be elected to Parliament. Mr Ngo was a rising star with all the friends in the world, while John Newman was a man with mortal enemies whose electoral star had waned. Phuong Ngo stands convicted of a murder for which there is no motive and no perpetrators, just the sordid accounts of two Crime Commission witnesses who told multiple and conflicting lies in order to save their own necks. The case is a tragedy beyond description and those responsible are to be condemned for their incompetence.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY

The Hon. PETER PRIMROSE [9.37 p.m.]: Yesterday I did something I am proud of, something I hope will make a difference. Like half a million other Australians I joined with my family and my union and marched to defend the rights of working Australians and our families. More than 150,000 of the people I was marching with were right here in New South Wales. Many of them have never marched in the street before. They were ordinary people: fitters, electricians, boilermakers, teachers, doctors, bankers, lawyers and child care workers. Many of them brought their families with them—elderly parents, young children, husbands and wives—and there were clergy of all faiths, including Catholics, Anglicans, Jews, Hindus, Muslims, Adventists, the Salvation Army and the Uniting Church.

We were all there for the same reason: we know that John Howard's new workplace laws will hurt our families. John Howard's new laws pierce the very heart of what it is to be Australian. They undermine that very precious time we have with our families. They pit worker against worker in competitive individual work contracts. These are vicious laws designed to control workers by undermining their sense of confidence. They are designed to make people scared to stand up against bullying in the workplace, against sexual harassment, racial and religious discrimination, and against occupational health and safety hazards.

If you thought you could escape by leaving a bad employer, the Government's new Welfare to Work program will ensure you are not entitled to any social security benefits to support yourself and your family. John Howard's Orwellian titled WorkChoices legislation is specifically designed to ensure that ordinary working people have no choice. The most vulnerable workers will be our own children, starting out in the world in their first jobs. They will have no choice and will be forced into individual contracts, with low wages, long working hours and little or no control over their working conditions. Many of them will find it impossible to pay off their student loans, to save for a home, or to start their own families. What sort of a future will they have? The reality for Australian workers is that John Howard's new laws will cut the minimum wage, rip up award conditions, slash basic rights and conditions and make it far easier to be sacked.

One in every five Australian workers relies on the minimum wage for their survival. An adult worker on the minimum wage will earn just $12.75 per hour. Yet since 1996 the Howard Government has fought every single increase in the minimum wage that unions have claimed before the Australian Industrial Relations Commission. If the Government had its way the minimum wage would currently be only $11.43 per hour! John Howard's love and admiration of the American minimum wage system is no secret. In America the minimum wage has not been adjusted for more than eight years. Currently it is just $5.15 per hour—$11,700 per annum. Try feeding the family and paying the rent on that for a year!

We all saw the tragic results of this sort of system in the recent hurricane season when minimum wage workers in America were simply too poor to pay for transport or accommodation to escape New Orleans. They were forced to stay in the city and face the hurricane. I do not believe this is the sort of Australia that anyone wants for our children or grandchildren. This is not the Australian way. If John Howard believes that Australian workers and the unions are beaten, he is wrong. Australian workers have a long tradition of fighting for what is right. I am proud to have marched with my fellow Australians in the streets with my family and my union instead of cowering behind a $55 million advertising campaign. This is not the end; it is just the beginning.

PACIFIC HIGHWAY UPGRADE

FIFTEENTH ANNIVERSARY OF THE ELECTION TO PARLIAMENT OF THE HONOURABLE MEMBER FOR COFFS HARBOUR

The Hon. CATHERINE CUSACK [9.41 p.m.]: The Pacific Highway is like a red river of blood running from Sydney to the Queensland border. Depending on the time frame chosen, the Pacific Highway has taken more lives in an equivalent period than the Vietnam war. The Vietnam war, of course, had a beginning and an end: the deaths on the Pacific Highway appear to be without end. Whereas 500 lives were tragically lost in Vietnam over 10 years, thousands have died on the Pacific Highway. I travel the full length of the highway frequently, as does my husband. Every day my children commute to school via the Pacific Highway between the notorious Ross Lane intersection near Newrybar and the even more notorious Tintenbar Hill.

My greatest fear when I come to Sydney and sit in this House is to receive a phone call about an incident involving a loved one on the Pacific Highway. I know the statistics, I know our usage, and I know logically that for our family and other families a major tragedy is near certain unless something is done about the death rate on our section of the highway. It is horrible. It is frightening. People have no idea unless they actually live with this fear, unless they meet the victims and survivors. There are many stories within the Ballina electorate about what a disaster and a disgrace this road truly is.

The Roads and Traffic Authority [RTA], of course, is without feeling, without humanity or compassion; and under the funding and policy guidance of this Government it is destroying communities in the Northern Rivers as well as lives. The Carr and Iemma governments are responsible for delaying and obstructing progress in repairing the highway. I refer particularly to the Ballina bypass. It should have been built years ago but it has been delayed year after year in successive budgets. It was announced by the Carr Government as a project to be fully funded by the State. So there are no excuses: every death on the road into Ballina and north of Ballina, including at Tintenbar Hill, is a death on the conscience of this Government.

Following the delay there are now huge problems with determining a new route. The RTA has waited too long to decide on a total redevelopment. Now there are four possible routes and the situation is turning neighbour against neighbour in the Northern Rivers area. I grew up on a great property called Walgrove, which is near Yass. It was one of the leading Santa Gertrudis studs in Australia. The entire viability of my family's property, as well as the amenity of our home, was destroyed by an RTA deviation on the Barton Highway. So I know firsthand the heartbreak that residents in the Northern Rivers are experiencing.

My parents battled the RTA for nearly 20 years. It nearly destroyed them. And, guess what? The RTA won. I know exactly what the costs are and I have nothing but sympathy for those thousands of North Coast residents who are now in the same unenviable position. I suppose there is only one thing that could be more important than our property and our home, and that is the loss of life on the highway. An upgrade of the Pacific Highway, as with the upgrade of the Barton Highway, must inevitably go ahead. The loss of life is unacceptable. This is not only the case in the Ballina electorate; it is the case the length of the Pacific Highway north of Hexham.

On Saturday evening I will attend a very special dinner in Coffs Harbour to celebrate Andrew Fraser's 15 years in Parliament. Tonight I acknowledge the contribution of Andrew, the member for Coffs Harbour, and congratulate him on his campaign to upgrade the highway. Black spots in his electorate are at least the equal of the black spots around the Ballina area. He has displayed passion and conviction in the face of cynicism and political games played by the Australian Labor Party and its disgraceful Minister for Roads, Joe Tripodi. A member of the public wrote to the *Sydney Morning Herald* asking whether strangling Joe Tripodi is a parliamentary privilege.

I acknowledge the contrition expressed by Andrew Fraser for the event that led to his temporary departure from the House. But I share and completely understand his frustrations. I place on record the pride with which I look forward to attending his testimonial dinner in Coffs Harbour this Saturday night. I call on the Government to learn from this experience to have compassion in its policies and to upgrade the Pacific Highway because, mark my words, it will be a millstone around the Government's neck if action is not taken.

MEDIA REPORTING OF TERRORISM SUSPECTS

The Hon. Dr PETER WONG [9.46 p.m.]: Tonight I address an issue of great concern to me: the treatment of the accused terrorists in New South Wales and elsewhere by the media. Recently the *Daily Telegraph* made a threat against anyone who would seek to curtail the so-called freedom of speech of the media and the right of the media to discover information. I presume it was a warning against the impending Federal anti-terrorism legislation. The *Daily Telegraph* stated that any attempt to carry out raids on terrorists and deny the media information regarding such raids was tantamount to treason against the public because the media has the right to publish analysis and investigate what is occurring.

I can only say from recent weeks of alleged media discovery and coverage that this is a great joke. Whilst I would not single out the *Daily Telegraph* as anything special, analysis and investigation surely are dead fish in this country. The very best I have seen, apart from the daily handouts from police of photographs of the accused inside secretive, highly secure facilities, is the photo of a bit of garbage that was found next to a campfire in some far-flung corner of the State. It consisted of a very shiny recently discarded soft drink can and a handful of spent rusty cartridge cases that had obviously been assembled by one of the *Daily Telegraph*'s prize-winning journalists.

I wish I could point to the Australian Broadcasting Corporation as somehow being a little more enlightened. It normally is, but not in this case. Intriguingly, it has been as pathetic in its coverage as the rest of the mainstream media. The handling of this issue by the media is a disgrace. Only today, after almost a week of running prominent photos of the accused, has the *Daily Telegraph* made even a small concession to the carriage of justice in this country by attempting to obscure the photographic likenesses of the accused. Surely after the many court cases that have been lost in this country due to the fumbling ineptitude of journalists publishing material prejudicial to court cases these "professionals" should have learnt something. Clearly not.

I would not mind so much if the articles actually contained some semblance of real information giving members of the public something real to be concerned about. But not one article out of the hundreds I have read actually contains any description of what these people are accused of. Except for some vague threat against Lucas Heights reported on in today's newspaper, not one tangible allegation has been raised or reported on by the media.

I ask the media to cease and desist from this practice. They are collectively destroying any chance of a fair trial for these people, even if they had done all of the things they have not yet been accused of. If, as a result of all this publicity, any of these people get off these charges, the media cannot claim that bad law is responsible; bad media will be responsible. In the meantime, the media has put at risk the families of the accused by publishing photographs, as well as the addresses of those accused.

If any mindless newspaper-reading vigilante attacks any of the families of the accused, or the homes of the accused, I for one would advocate that charges be laid against the media for reckless endangerment. I do not support the terrorists; I support the fact that police and the appropriate authorities are attempting to protect us. I have previously expressed alarm that serving police officers have been placed at risk by having their photographs published in the newspapers. I have seen little if any substance in recent days. However, it is the media who are clearly doing the terrorising at this time.

RIVERINA WINE INDUSTRY

The Hon. TONY CATANZARITI [9.50 p.m.]: I speak tonight about the highly successful and recognised Riverina wine industry. Known as the State's food bowl, the Riverina has long been recognised as an area that produces high quality wines, with some of the most awarded winemakers in Australia located in the region. The Riverina is the largest wine production region in New South Wales and the third largest in Australia. It stretches 350 kilometres east-west and 270 kilometres north-south. The majority of grape growing occurs in the Murrumbidgee Irrigation Area, which was established in 1912. Other Riverina grape growing areas include, but are not limited to, the Coleambally Irrigation Area, Jerilderie, Finley, Conargo and Deniliquin to the south, Hillston and Lake Cargelligo to the north, Wagga Wagga to the east, and Hay and Balranald to the west.

History tells us that the Murrumbidgee Irrigation Trust in its first and only report identified viticulture as a potentially productive activity mastermind of judges listed and in June 1912, John James McWilliam, accompanied by his eldest son, Jack, arrived in the district from their Markview winery in Junee. It was in the spring of 1913 that John McWilliam planted his first grapevines in Hanwood and the first grapes were picked in 1916. Interestingly enough, that was the same year that Griffith was proclaimed as a town. The yield was around 19 tonnes and the grapes were sent to Junee for processing. February 1917 saw the commissioning of the Hanwood winery and 170 tonnes of grapes were processed in its first year. By the 1920's, the winery's production had increased to an average of 5,000 tonnes.

A number of other wineries were soon established and these include Penfold's in 1919, De Bortoli in 1928, Rossetto in 1930, Miranda, now Dal Broi Family wines, in 1938 and West End, this year's winner of the most prestigious New South Wales wine industry award, in 1945. Today there are 18 wineries in the Griffith area. They include the award winning Casella Wines, acknowledged as the fastest-growing export brand in the history of the Australian wine industry with its Yellow Tail brand The only winery to exist outside of the Murrumbidgee Irrigation Area is the Charles Sturt Winery at Wagga Wagga, established in 1977—and they make some terrific wines, I can tell honourable members. Hay's Ruberto winery has never crushed grapes but does offer a variety of wines. Grape production in the region increased slowly until the 1960s when it expanded considerably and reached 92,715 tonnes in 1981.

Harvest in the Riverina takes place from early February to late March and is dependent upon the grape variety and localised climatic conditions. The geographical size of the region means that, as one can appreciate, average temperatures and rainfall vary somewhat from east to west. The further development and expansion of wine grape production still continues today and this year saw the Riverina's harvest bring in some 250,000 tonnes of grapes. In addition, I am advised it is estimated that up to 150,000 thousand tonnes of grapes were imported into the region this year. Add this to the region's own production and it is around a staggering 400,000 tonnes of wine grapes. Our Riverina wine grape growers are committed to environmentally sustainable practices and continue to make improvements in this area.

Sophisticated under-vine irrigation systems and drip irrigation systems are used to ensure that every drop of water counts. Riverina industries are also leaders in viticultural development in Australia. For example, in 1974 mechanical harvesting was initiated by grape grower Wally Pilosio. The subsequent development of night harvesting has been an important step as it allowed for the processing of cooler fruit. Other internationally renowned industry developments from Griffith included the development of a patented multipurpose stainless steel tank with conical base, known as the Potter Fermenter. Griffith's A & G Engineering developed the tank, which was said to revolutionise fermentation technique in the early 1970s. A & G specialise in supplying equipment to the wine industry both in Australia and overseas. [*Time expired.*]

CITY WEST HOUSING DEVELOPMENT

Ms SYLVIA HALE [9.55 p.m.]: On Monday I had the pleasure of visiting the offices of City West Housing Pty Ltd and there I was briefed on its activities. City West Housing is one of the most successful not-for-profit community housing organisations in Australia. Indeed, it is unique. It was set up in 1994 with a $50 million grant from the Federal Government under the Building Better Cities Program. It is financed by a levy on government land sales, which are decreasing in the Pyrmont-Ultimo area. Nevertheless, there is some income from there. It also receives some development contributions and rental income from the 381 units it has constructed and currently has under management. A further 111 units are currently in the process of being constructed.

To become eligible for housing there are only two requirements for people from the Pyrmont-Ultimo area, that is, that they live in the locality and that their income being one of three household income groups—that is, people whose income is less than $25,000; those whose household income ranges from $25,000 to $42,000; and those whose income is up to $68,000. Significantly for City West Housing, it is an absolute stickler for insisting that tenants for its units be drawn from these three income groups; and it insists that there be a mix of those groups. It does not allow any one group to dominate; it distributes the housing equally amongst those groups. If it finds there are fewer tenants from one income band, it will go out of its way to advertise for potential tenants from that particular income grouping.

[*Time for debate expired.*]

Motion agreed to.

The House adjourned at 9.58 p.m. until Thursday 17 November 2005 at 11.00 a.m.