

# LEGISLATIVE COUNCIL

Wednesday 1 March 2006

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

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

## PRIVILEGES COMMITTEE

### Report: Citizen's Right of Reply (Hillsong Emerge)

#### Motion by the Hon. Peter Primrose agreed to:

That the House adopt report No. 32 of the Privileges Committee, entitled "Citizen's Right of Reply (Hillsong Emerge)", dated December 2005.

*Pursuant to standing orders the response of Hillsong Emerge was incorporated.*

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#### Reply to comments by the Hon Ian West MLC in the Legislative Council on 8 November 2005

The Hon Ian West MLC on 8 November 2005 addressed the Legislative Council about a grant Hillsong Emerge, the charitable arm of Hillsong Church, received earlier this year under the Federal Government's National Community Crime Prevention Program.

The speech Mr West delivered contained gross inaccuracies.

Hillsong Emerge has been providing extensive community services across Sydney and beyond for more than 20 years. Far from being the 'business unit' of Hillsong Church as Mr West claims, Hillsong Emerge is the public benevolent arm of the church, similar to the charities run by many churches.

Allegations that Hillsong Emerge has in some way 'used' the Riverstone Aboriginal Community Association (RACA) to secure Federal funding are untrue and without foundation.

Hillsong Emerge has worked in the Blacktown Local Government Area for close to 20 years, and over this time has developed strong partnerships with local community organisations and the wider community.

The partnership of local community agencies led by Hillsong Emerge invited RACA to be included in an application for funding under the Attorney General's Community Crime Prevention Partnership at the final community consultation meeting in December 2004, an invitation they accepted by providing the partnership with a letter of endorsement.

RACA provided Hillsong Emerge with program suggestions to be included in the final application and these were incorporated into the proposed budget of the application. This original application was then submitted as two applications, one targeting youth and the other being a more generic neighbourhood approach. The content was the same and budget line items identical to those outlined in the original submission. The youth specific application was successful.

In August 2005, the Prime Minister announced that Hillsong Emerge and its partners were successful in their funding application. Up to the announcement, the Attorney General's Department had not advised anyone, including Hillsong Emerge, of the successful application.

Attempts were made to alleviate RACA's concerns and confirm Hillsong Emerge's recognition of RACA as a community partner in this project.

Allegations that funds were offered to RACA to silence them are nonsense. It was at the request of RACA that the Chief Executive Officer of Hillsong Emerge, Mr Coleman, signed a letter demanding that RACA be responsible for the distribution of funds to the Riverstone component of the project. The letter was signed as an act of good faith to demonstrate Hillsong Emerge's willingness to co-operate with RACA as an equal partner. Hillsong Emerge informed RACA that this was subject to the Attorney General Department's approval and the agreement of each of the other partners. A copy of this letter was forwarded to the Attorney General's Department.

Hillsong Emerge attempted to accommodate RACA's requests in an effort to prevent the project stalling, even before contracts had been exchanged with the Attorney General's Department.

Ultimately, the Attorney General's Department will determine how this project proceeds.

Hillsong Emerge remains hopeful that RACA will continue in partnership.

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**SELECT COMMITTEE ON THE CROSS-CITY TUNNEL****Extension of Reporting Date****Motion by Reverend the Hon. Fred Nile agreed to:**

1. That the reporting date for the second report of the Joint Select Committee on the Cross-city Tunnel be extended to Wednesday 31 May 2006.
2. That this House requests the Legislative Assembly to agree to a similar resolution.

**Message forwarded to the Legislative Assembly advising it of the resolution.****GENERAL PURPOSE STANDING COMMITTEE NO. 2****Extension of Reporting Date****Motion by the Hon. Patricia Forsythe agreed to:**

That the reporting date for the reference to General Purpose Standing Committee No. 2 relating to the Budget Estimates and related papers be extended to Thursday 6 April 2006.

**GENERAL PURPOSE STANDING COMMITTEE NO. 4****Extension of Reporting Date****Motion by the Hon. Jennifer Gardiner agreed to:**

That the reporting date for the reference to General Purpose Standing Committee No. 4 relating to Budget Estimates and related papers be extended to Thursday 6 April 2006.

**AUDIT OF EXPENDITURE AND ASSETS****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 all documents, whether in written or electronic form, excluding Cabinet documents, in the possession, custody or control of the Government in relation to the New South Wales Audit of Expenditure and Assets, which reported in February 2006, including:

- (a) any submission, correspondence or communication between any Minister, government department or agency and the audit,
- (b) any models or documents that estimate the revenues to be raised as a result of the measures outlined in the audit,
- (c) any documents identifying savings to be realised by any government department or agency,
- (d) all results and services plans and total asset management plans,
- (e) the Department of Commerce proposal for a new approach to information, communications and technology, and
- (f) any document which records or refers to the production of documents as a result of this order of the House.

**PARLIAMENTARY LIBRARIAN**

**The PRESIDENT:** I desire to inform the House of the appointment of Mr Greig Tillotson as Parliamentary Librarian from Tuesday 28 February 2006.

**DISTINGUISHED VISITORS**

**The PRESIDENT:** I welcome into the President's Gallery Lord Faulkner of Worcester, a member of the House of Lords.

## UNPROCLAIMED LEGISLATION

**The Hon. Henry Tsang** tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 1 March 2006.

## PETITIONS

### Sexuality-based Discrimination

Petition requesting leadership in opposing sexuality-based discrimination, received from **Ms Lee Rhiannon**.

### Anti-Discrimination Legislation

Petition requesting support for the Anti-Discrimination Amendment (Equality in Education and Employment) Bill and the Anti-Discrimination Amendment (Sexuality and Gender Diversity) Bill, received from **Ms Lee Rhiannon**.

### CountryLink Rail Services

Petition opposing the replacement of CountryLink rail services with bus services in rural and regional New South Wales, and calling on the Government to reverse its decision to close the Casino to Murwillumbah rail line, received from **Ms Lee Rhiannon**.

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

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

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 195 outside the Order of Precedence, relating to comments by the member for Orange, be called on forthwith.

### Order of Business

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

That Private Members' Business item No. 195 outside the Order of Precedence be called on forthwith.

## HONOURABLE MEMBER FOR ORANGE

### Motion of Censure

**Ms LEE RHIANNON** [11.14 a.m.]: I move:

1. That this House notes the media statement of 16 February 2006 by Russell Turner, MP, member for Orange and member of the The Nationals, calling on the Premier Morris Iemma to "give a guarantee to the residents of Orange that he would not authorise the transfer of any further Aboriginal families into Orange" and stating that "(T)hese extra families, many of whom are already known to police, are inevitably going to compound the lawlessness that has been building up in Orange over the previous six to eight months".
2. That, in view of these comments, this House:
  - (a) censures the member for Orange for making disparaging public comments about indigenous people in western New South Wales, promoting racially prejudiced views in the community, and suggesting that additional indigenous people should be prevented from living in the Orange region, and
  - (b) calls on the member for Orange to immediately withdraw his comments and unconditionally apologise in the Legislative Assembly for his remarks, or, within seven days of the passing of this motion, resign from Parliament.

Mr Turner, member for Orange, has made serious and groundless allegations associating Aboriginal people with crime and has urged the Premier to ban an increase in the Aboriginal population of Orange. This motion calls on Mr Turner to immediately apologise and withdraw these remarks or resign from Parliament. Mr Turner's own

words are deeply troubling and should be rejected. In a media statement dated 16 February Mr Turner called on Premier Morris Iemma to:

give a guarantee to the residents of Orange that he would not authorise the transfer of any further Aboriginal families into Orange.

He went on to argue:

These extra families, many of whom are already known to police, are inevitably going to compound the lawlessness that has been building up in Orange over the previous six to eight months.

Mr Turner has no proof to support these allegations. A report this morning on *ABC Central West*, Orange, announced that local police state that there has not been an increase in crime in the areas Mr Turner has been referring to. So why did Mr Turner make these statements? All people, irrespective of where they live, in public or private housing, deserve to feel secure and be respected—and, of course, the Greens support that. But let us be clear: Mr Turner's media release of 16 February and other statements he has made are not about building safe communities; this is ugly, divisive politics. The Coalition is promoting a race-based law and order election campaign coming into the 2007 election. In country areas we see Coalition members vilify Aborigines and in the city we see them vilify people of Middle Eastern appearance.

Mr Turner's statement about Orange sounds as if he wants an apartheid system where Aboriginal people in western New South Wales would not be free to move around the State. He has no proof on which to base his allegations. He makes these comments to help consolidate the former One Nation vote. If Mr Turner does not have the decency to apologise, surely the Leader of The Nationals, Mr Andrew Stoner, or the Leader of the Opposition, Mr Peter Debnam, should step in and distance themselves and their parties from these insulting remarks. If Mr Stoner and Mr Debnam remain silent effectively, they will be endorsing Mr Turner's very serious slur on indigenous people.

As we have just seen, the Opposition has indicated that it supports this matter being debated in Parliament today as a matter of urgency. I appreciate that the Opposition has supported a member of the Greens in bringing on this debate, and I hope members of The Nationals in this House do not endorse Mr Turner's remarks; it would be tragic if they did. I am happy to consider amending the motion so we could have a unified position. I can understand that members from the Coalition would not want to support a motion that calls on one of its members to resign.

**The Hon. Duncan Gay:** I will move an amendment, and I hope you support it.

**Ms LEE RHIANNON:** I hope we have a united position and The Nationals are not seen as supporting these comments. It is critical that members of The Nationals distance themselves from Mr Turner's comments. For example, we could delete all words after "for" in the first line of the second paragraph so it reads:

(a) censures the member for Orange for these remarks.

I urge Coalition members to recognise that Mr Turner has gone too far with the comments that he has made publicly. Surely he should be criticised rather than condemned. He is a public figure and he has a very responsible role to play, for all of New South Wales, but particularly for the people of Orange. He needs to represent all the people of Orange and surely this is a time when his Nationals colleagues, and indeed colleagues in both the Coalition parties, need to distance themselves and condemn him for these remarks.

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [11.18 a.m.]: We will not support the motion and we are quite concerned that Ms Lee Rhiannon has moved it. In comments on radio as late as this morning she described The Nationals and Russell Turner as developing a new era of apartheid: emotive words from an emotional member. Ms Lee Rhiannon indicated that there was no proof for Mr Turner's allegations. First, she directly slanted the comments of the member. What he did say is self-evident to people who live in regional New South Wales: it is the movement of people into communities that is creating the tension; it is not racial tension, race against race, but the tension of people from different tribal groups interacting with people of other groups. In fact, the Aboriginal communities of the Gordon Estate will tell us that the biggest problem within that estate is that there is not a single indigenous group that lives there, and that the movement into it of other indigenous groups from Bourke, Wilcannia and other places has created friction within that area. Responsibility for the friction in these areas can be laid directly on Bob Carr for moving people out of Redfern into these communities, rather than tackling the problem in Redfern. Russell Turner said:

We already have a crisis on our hands in parts of Orange. These extra families, many of who are already known to the police are inevitably going to compound the lawlessness that has been building up in Orange over the previous six to eight months. The Iemma Government has failed the Aboriginal population of New South Wales.

It has allowed petty crime to develop into major theft and arson attacks, in many cases by young children. This Government has failed to put in place meaningful programs to stop lawlessness that has developed in Dubbo and Orange.

The Iemma Government has failed the many fine Aboriginal families in our community who are great citizens...

He called on Premier Iemma to increase police numbers in Orange to allow for more stringent patrols in the affected areas of the city. The Hon. Lee Rhiannon indicated there was no proof to support what Mr Turner was saying. I indicate that Magistrate Jan Stevenson and the solicitor for the Central Southern Aboriginal Legal Corporation, Joe McNamara, were highly critical of what appears to be a growing tendency by western district courts to grant bail to young Aboriginal people conditional on them leaving town to live with relatives in centres such as Orange. Magistrate Stevenson said the problem was that many of these young people were not receiving any proper adult supervision. In some cases they were being shuffled between relatives, in breach of bail conditions. Inevitably, in these circumstances they only get into more trouble. That is not Russell Turner speaking, it is Magistrate Jan Stevenson, who operates in that area.

Mr McNamara, the solicitor for the Central Southern Aboriginal Legal Corporation, who has extensive dealings with young Aboriginal people through his role with the Aboriginal Legal Service, described the practice of bailing Aboriginal juveniles to other less familiar communities as a recipe for disaster and a form of social engineering. He said:

They're not supervised at all, they're not properly fed, they're not going to school. This practice of bailing them, in my experience, leads to re-offending. It's a form of social engineering; you're sending a problem from the area that it originated.

Mr McNamara said that in a case before the courts, a 15-year-old Aboriginal boy with a full-blown psychotic condition was bailed to the care of his female cousin only a few years older. He added:

There was no control, no medication, there was malnourishment, and now this kid is charged with stabbing a bloke with a screwdriver.

Mr Turner received lots of letters and calls. I will read one of the letters; it is here for anyone who wishes to look at it. I will not give the name of the person, but it is a genuine letter. It states:

Dear Mr Turner

After reading the Central Western Daily last week, it is my understanding that Orange may be accepting aboriginal families from Bourke and Dubbo. I am aboriginal and my mother resides in the Gordon Estate in Dubbo.

I think this would be a catastrophic move for the city of Orange as we have seen first hand what this has done to my mother's community. My mother is considered an elder in her area and is disgusted by what she sees every single day.

A few years ago, some families from Bourke were relocated to the Gordon Estate and the area slowly began to crumble. Crime escalated and violence toward both women and children got worse. There are constant setting alight of homes and we live in fear that our mothers home will be a target. Young men broke into her home and took sentimental items and she is scared to leave her small dog home alone because a family from Bourke stole her other dog last year. We are too scared to visit her because of violence and abuse from neighbours who are drunk at 9.00am in the morning. My Mother is involved in the Red Cross where she goes to a hall and helps feed the children of the area breakfast, because their parents are not there or are drunk.

I understand this happens in the Anglo-Saxon community as well; I am not racist against aboriginals as I am one. I used to spend holidays in the Gordon Estate and now would not even let my children holiday there with their Nanna. I do not agree that Bourke and Dubbo should move troublesome families into Orange; I feel this is just moving the problem on. We recently went to Dubbo to spend three days and left after the first night. My husband and I took our children shopping and six men and one very young woman who are from Bourke and live next door to my mother were in the street. They started to fight and pelt bottles at each other and abuse anyone who happened to look their way, including my child, needless to say we spent no money there and immediately packed up and came back home to Orange to spend the day shopping here.

I understand that Mobsport is helping keep young children of all kinds off the streets as my brother participated in a similar thing associated with the Police Boys club a few years ago. Whilst this did work to a certain degree, this also taught him to come home and professionally box his mother, myself and other family members. I realise that people will move wherever they want, but relocating violent, troublesome families into areas of Orange like Glenroi and the Spring St area could well be a recipe for another Gordon Estate.

This reinforces the concern of our member for Orange, Russell Turner. It is not an outrage against Aboriginals, this is a valid concern about moving different groups in the community, people with different problems, out of their area and into another area in the misbelief that it is going to help them. We are going to make things worse. The worst thing we can do is to play the racist card on people who are genuinely trying to address a social issue

in their community. As I have indicated, it is not just Russell Turner who made these comments; the same comments are being made by Magistrate Jan Stevenson and people in the Aboriginal Legal Service, such as Joe McNamara. I have selectively quoted from them. I find it unfortunate that this motion has been moved. I know the Hon. Lee Rhiannon is seeking preselection at the moment and is looking for media coverage wherever she can. I suspect that has a lot to do with it. I move:

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

this House:

- (a) expresses concern at the lack of understanding of the real social issues in many rural and regional communities by the Greens Leader Ms Lee Rhiannon,
- (b) expresses its disappointment that Ms Lee Rhiannon is willing to further enhance her own media profile by attempting to be socially divisive by deliberately putting the member for Orange's comments out of their real context,
- (c) notes that the member for Orange is a socially responsible member well respected for his defence of minority groups.

I am sure that anyone who is aware of some of the debates in this Parliament will know that Russell Turner has never been backward in standing up for minority groups, particularly in rural communities. This amendment should be supported because we do not need to use Parliament for this sort of situation. This House is not the place for a motion such as this because, in addition to what I said about Ms Lee Rhiannon's comments on ABC radio this morning, the following extract appeared in yesterday's edition of the *Central Western Daily* under the headline "Turner could face censure":

NSW Greens Upper House MP Lee Rhiannon has accused Mr Turner of racial vilification—

She is once again playing the race card with the term "racial vilification".

—following his claims that the Housing Department was dumping dozens of troubled aboriginal families in Orange.

The censure motion will be led by the Greens, who are calling for his sacking.

"It's just like Apartheid; it is saying that Aboriginals have to live in Western NSW and can't move to any other towns," Ms Rhiannon said.

She said she was waiting for "the green light" from the Dubbo-based Western Aboriginal Legal Service before lodging a formal complaint with the Anti-Discrimination Board.

It is a damning indictment in her own words of the sort of activity that we should not have in this House. Frankly, given Ms Rhiannon's background, it is McCarthyism at its very worst. I urge honourable members to reject the motion and support the amendment.

**The Hon. JAN BURNSWOODS** [11.30 a.m.]: I do not want to enter into the debate about the remarks made by Mr Turner and the motion moved about them. I have not had a chance to read them and to think very carefully about them at this stage. I have risen because of my concern about a remark made just now by the Deputy Leader of the Opposition. He spoke a lot about the need for understanding, and reading and listening to things in context, and not being divisive. But he repeated the lie—and it certainly is a lie—that was spread around country areas of New South Wales prior to the last election, predominantly by The Nationals: he alleged that Bob Carr had been deliberately moving people out of Redfern into country areas.

It was a lie before the last election and it is still a lie, and I firmly place on record my abhorrence that—whilst saying he did not want to be divisive, that he did not want to be this or that, and that we all had to be understanding—he should repeat such a racist, divisive lie that it was government policy to move Aboriginal people out of Redfern into country areas. As I said, it was a deliberate lie by The Nationals before the last election and it ill behoves the Deputy Leader of the Opposition, as the leader of The Nationals in this House, to deliver a speech full of sanctimonious claptrap while repeating such a racist lie.

**Ms SYLVIA HALE** [11.32 a.m.]: I support the motion of my colleague Ms Lee Rhiannon. I believe that the remarks of the honourable member for Orange are racist because, in his media release, he called on the Premier to "not authorise the transfer of any further Aboriginal families into Orange". That is racist because it singles out a racial group and implies that Aboriginality equals criminality. Imagine if Russell Turner had called on the Premier not to authorise any more Jews entering the Sydney area. Just imagine the outrage. Well, his "Orange" remarks are in the same category. He equated ethnic identity with certain characteristics.

Yes, there are social problems on housing estates, and thanks to the Government's policy of narrowing eligibility and allocating housing only to those in the most desperate straits, the problems have become worse. Russell Turner's remarks that the Minister for Housing was supposedly planning to relocate tenants from the Gordon Estate in Dubbo and from Bourke to Orange not only are factually incorrect but typify the worst sort of "not in my backyard" attitude.

What does Mr Turner want? Does he want a border patrol around Orange and the vetting of people before they are allowed to enter? And why are Department of Housing tenants singled out as people who should be excluded? Instead of looking at constructive ways to address poverty, unemployment, crime and dispossession, Russell Turner says, "We don't want them here." That is an attitude that typified apartheid in South Africa or segregation in the Deep South of the United States of America. The Greens do not support the demonisation of public housing tenants or of Aboriginal people. I am aware that there are problems on estates and, as I have said, they are being compounded and amplified by Department of Housing policies.

Of course there are problems. People are left there, often with bad public transport, few services, and few employment opportunities. In some estates—not all, by any means—it is true that there is a dysfunctional culture, a high incidence of domestic violence, drug use and dealing, and petty crime. But the remarks of the member for Orange are not the way to deal with these very real and very complex problems. All it communicates to Aboriginal tenants is what they probably already feel: that they are not wanted by broader society and that they should keep out. Orange is not Mr Turner's personal fiefdom and he has no place trying to restrict who comes into Orange and who does not. There are shades of John Howard's "We decide who comes into this country and under what circumstances" in Mr Turner's remarks.

This was a theme, of course, that One Nation played upon so effectively. What this sad attack does is indicate that The Nationals are all too keen to play the race card and that Russell Turner wants to re-establish his Conservative credentials. Indigenous people from Western New South Wales, in fact from anywhere, should not be spoken about in this manner. It is wrong, it is racist and it is a truly foolish response when what we need are intelligent responses to poverty, social dislocation, unemployment and marginalisation. Mr Turner's media release itemised all the problems that are now occurring in Orange, and, no doubt, no-one denies that there are problems, but his answer was simply to call for—wait for it—more police! Law and order seems to be the only clichéd response he can come up with. The Deputy Leader of the Opposition has suggested that Russell Turner was genuinely attempting to address social problems but I will quote from the second last paragraph of his media release:

There is something terribly wrong when a family, on returning to their home, find three to four young aboriginals ransacking their home. When challenged, these people simply walk out and threatened to burn the house down if the owners go to the police.

The media release is not just suggesting that something is terribly wrong when three to four people are ransacking a home. That would be fine, perhaps, but I believe that to say they are young people and they are Aboriginal is playing the race card, pure and simple. The remarks of the member for Orange should be condemned and I call on all members of this House, including members of The Nationals, to support Ms Lee Rhiannon's motion.

**The Hon. MELINDA PAVEY** [11.38 p.m.]: It is interesting to note that the only two speakers so far in support of the motion live in Sydney. I think this is a large part of the problem. There is a complete lack of understanding and complete lack of respect for the social disorder that has permeated regional communities across New South Wales. There is complete lack of respect for the standard of living and for common law and order that every citizen has a right to live by.

I make the claim that the hand-wringing, pathetic policies of the Left of politics have resulted in a complete lack of self-respect for many sections of the community. The complete lack of vision and lack of a future for many throughout regional New South Wales has resulted in this issue of crime, lawlessness and hopelessness—hopelessness for too many people. The people we are talking about register far too frequently in our law and order statistics and in poor health outcomes. They are the recipients of very poor educational outcomes and many of them are dying too early. The attitude of city people is that we cannot put these issues on the table because the race card will be used by those who support the policies that have kept these people too far behind in social indicators from having a healthy and fulfilling life.

The honourable member for Orange is one of The Nationals' most compassionate members when putting forward the views of minority groups. He is a decent person who is absolutely connected to the electorate he represents. That is something that members of The Nationals do. We have an absolute

understanding and commitment to our communities and the problems in our communities. If Russell Turner had not raised this issue we would not have been able to talk about it because it was not politically correct to do so. We cannot put crime problems on the public record because we may offend someone. This is political correctness gone crazy. I support the amendment moved by the Deputy Leader of the Opposition. I believe that Ms Lee Rhiannon, the leader of the Greens, has moved this motion simply to raise her profile at the expense of the real social issues that permeate these communities.

I am disappointed that Ms Lee Rhiannon is prepared to play the race card for a cheap headline and as a political stunt. Instead of flying into Orange, Tamworth and Dubbo and holding five-minute media conferences, doing a little bit of this and that, she should live in and be part of these towns and communities in order to see real social dysfunction. In conclusion, I refer to the comments of a lady from Orange who wrote to Russell Turner in support of his comments. She said that she is not racist against Aboriginals as she is one of them. She used to spend her holidays at the Gordon Estate in Dubbo but she can no longer go there because of the many tribal problems referred to by the Deputy Leader of the Opposition.

People from communities in the Orange electorate have spoken out in support of their local member, Russell Turner, who is only representing the concerns of his electorate. If a member of this place wants to politicise and demonise a local member for doing a good job, for putting the problems on the carpet, that is a sad, politically motivated agenda. I will not support the motion moved by Ms Lee Rhiannon. I will support the amendment moved by the Deputy Leader of the Opposition.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [11.42 a.m.]: I do not believe that Russell Turner is a bad member of Parliament; nor do I think he is racist. My staff researched in *Hansard* the speech he made on 2 July 2003 during National Aboriginal and Islanders Day of Observance Committee [NAIDOC] Week. In that speech he gave bipartisan support for NAIDOC week and spoke about trying to help the Aboriginal people, particularly with regard to education. It behoves a member of Parliament to speak about problems in his electorate. Political correctness is important in the sense that using racist or depersonalising language depersonalises people and makes it more difficult to speak sensibly about an issue because one has effectively painted it in prejudiced terms.

In America people say things like, "I wouldn't go south of 16th Street after dark." People in Dubbo have said to me quietly, "I wouldn't go jogging in such and such an area after dark." If problems are racially based, that is a worry. We must discuss matters in order to improve them. One depressing feature of this House is that as penalties get racked up and more people get put in gaol we want to send a message to "these" people, who are an abstract concept out there. We should not send messages to "these" people; we should engage in dialogue with them. The demonising of people simply means that, rather than look at why a dog bites the postman, we should analyse the situation and the relationship between the dog and the postman to work out how we can get fewer dogs to bite postmen. If we have a crime problem we should look at ascertaining the reasons for that crime and put social programs in place.

Effectively, I was responsible for initiating the Redfern and Macquarie Fields inquiries. The object of those inquiries was not simply a call for police to have equipment from America and more capsicum spray; it was to look into the underlying causes of the problems. Unless we start to look at crime in a much more intelligent way, we will simply build more gaols, universities of crime and so on. The question then is: Who is committing the crime? Some might say this is a small issue. Some years ago in my street in Newtown there were 33 burglaries in one year, and there are only 82 houses in the street. So from the point of view of the people living in that street it was a crime wave. It was only a small crime wave, but it was a crime wave. A couple of kids were caught and the crime wave ended. Luckily, my house was not burgled, which I guess is chance.

The point is that the moving of families needs to be voluntary. The idea that one arbitrarily transfers people in public housing is bad. If people wish to move they should move, but they should not be moved away from tribal groups, which are extremely important in Aboriginal communities. It is all very well for Kooris to lump Aboriginal people together, but the tribal groups from which they come is important to them. It is not necessarily the case that Aboriginals in one place will appreciate having someone else moved in with them. The press release issued by Russell Turner stated:

Time to end the anarchy, Mr Iemma.

The member for Orange, Russell Turner, today called on Premier Morris Iemma to give a guarantee to the residents of Orange that he would not authorise the transfer of any further Aboriginal families into Orange.



That suggests that the Premier is transferring families as one might transfer goods or company headquarters. In other words, there is a personalisation about the idea that the families that are being transferred do not wish to move and the Government is helping them. The idea that there is anarchy which is not being suppressed by Mr Iemma is a most unfortunate use of the term. While it is true that members should draw attention to problems in their areas, that should be done in the context of looking for a solution to the problem. If a small crime wave in a street by a handful of people is not to be extrapolated as a racist position, it behoves members of Parliament to be extremely tactful and constructive in the way they deal with such issues. I am not sure both sides of this Parliament do that nearly as well as they should.

It is true that governments of both major political persuasions have been unwilling to consider housing as a basic necessity. The amount of housing available has reduced, and the Commonwealth-State housing agreement is characterised by the ultimate outcome that far less money is being put into housing now. That means that less housing is available for poorer people, and unemployed people are becoming concentrated in public housing because of eligibility criteria. The housing department has a good record in terms of dealing with the mentally ill—indeed, its record in terms of providing beds and facilities is much better than that of the health department—because there is a concentration of mentally ill people in housing estates.

This niggardliness, if one wants to call it that, in providing housing as a social necessity has concentrated problems in our housing estates. In a sense, it is then forcing people who do not have accommodation into expensive prison accommodation rather than providing good role models in reasonable suburbs, which I think could be provided for the same money.

To address problems of crime, constructive comments and solutions are needed. The idea that crime simply leads to punishment and people should be put into gaol is not very constructive. The idea that as soon as there is some petty crime there is anarchy and more police are needed is a very unconstructive approach. The Greens have a good track record in their positive approach to crime. I do not support the Opposition amendment, which effectively turns the censure around onto the Greens, but it is a little harsh to simply ask for a member to resign from Parliament because he has spoken about a problem in his electorate—admittedly with an almost standard lack of analysis of how to fix the problem, which can hardly be condemned when both major parties in many of their public statements show a similar lack of enlightenment. Members need to state their positions but they should do so tactfully and they should incorporate in their statements realistic solutions rather than simply score points from the other major party. So, I move:

That the question be amended by omitting paragraph 2 (b).

Hopefully we can get to a reasonable resolution of this situation.

**The Hon. DAVID OLDFIELD** [11.52 a.m.]: When I was upstairs listening to Ms Lee Rhiannon move this motion, I said to my staff, "This does not sound like Russell Turner to me. I cannot imagine him saying anything like this. It is completely out of character." When I listened to the comments made by the Deputy Leader of the Opposition and read the press release from the Greens and the press release from Russell Turner it became evident to me that I was right and the Deputy Leader of the Opposition was right. That is, what Ms Lee Rhiannon said was in no way a reflection of what Russell Turner had said or would say. Given those circumstances, I decided I would partake in the debate. I have looked particularly at some of the things said by both parties. In the case of the Greens, Ms Rhiannon—who prefers not to be referred to as honourable—said:

Mr Turner has made serious and groundless allegations associating Aboriginal people with crime and has urged the Premier to ban an increase in the Aboriginal population of Orange.

I find it amazing that anyone would make the statement "serious and groundless allegations associating Aboriginal people with crime". One would only have to look at crime statistics and gaol populations to become less ignorant of that and perhaps not make that statement. I note particularly that Mr Turner quotes a specific instance in his press release. In the context of the Iemma Government's failure to address Aboriginal issues, both positively and negatively, Mr Turner said:

It has allowed petty crime to develop into major steps and arson attacks, in many cases by young children. This Government has failed to put in place meaningful programs to stop the lawlessness that has developed in Dubbo and Orange.

He went on to say—and this is a terrible example of something that is awful to hear however factual it may be, but something that people should hear and be aware of and understand:

There is something terribly wrong when a family on returning to their home find three or four young Aboriginals ransacking their home. When challenged these young people simply walk out and threaten to burn the house down if the owners go to the police.

The Hon. Melinda Pavey began her response in a way that suggested Ms Sylvia Hale and Ms Lee Rhiannon, as city people, had very little understanding of the issues. I could not agree more. Clearly that is the case. Perhaps if they had the experience of being in a place such as that described by Russell Turner and finding their home ransacked knowing that there is virtually nothing they can do because the people involved feel they are free of any police intervention and threaten to burn the house down if the owners complain to the police, they might understand comments associating Aboriginal people with crime. That is not to say that all Aboriginal people are associated with crime. Of course, that is an equal nonsense. People of all persuasions are associated with crime at different times. Crime is not specific to any one specific group in society but, as I said before, a study of the gaol population and crime statistics would point, particularly in rural areas, to members within specific groups.

I thought the Hon. Melinda Pavey was overly kind in suggesting there was a lack of understanding. I was thinking that is not really it; it is more that they do not want to understand because it suits their purpose to use this as a vehicle for media exposure. As I was thinking that, the Hon. Melinda Pavey went on to say exactly that. After starting out very kindly she moved to the fact that the Greens are simply looking for media exposure. That is all it is: just publicity seeking.

I find the word "racism", not just in society generally but particularly in this place, used all too frequently and all too incorrectly. When people state facts or are merely critical, that is not racism. A few Oxford dictionaries could be passed around to certain individuals in this place who use "racism" as some sort of catchcry to offend those they allege to be racist. Certainly it is offensive to be called a racist if you are not. But to call a racist a racist is a waste of time because they do not feel it is anything more than a badge of honour. "Racism" is a word that is far too often bandied around in this place by people who are ignorant of the English language and need a dictionary or who knowingly use it improperly.

I note with particular interest that the Hon. Sylvia Hale managed to raise once again the spectre of the Jewish persecution. If one wishes to examine racism, one cannot find a clearer example than the awful and terrible—other words escape me because it was just so incredibly terrible—things done to the Jewish people prior to and during World War II by the Nazi regime, specifically led by Hitler. One will not find a better example of the dictionary definition of racism than what was done to the Jewish people, but to raise that as some parallel to what Russell Turner has said about Aboriginal people in this instance is an absolute disgrace. It is unwarranted and is an affront, not only to Russell Turner but also to the memory of the Jewish people who suffered so terribly through those decades of the regime of the Nazis.

**The Hon. CATHERINE CUSACK** [11.59 a.m.]: Here we have another motion all about the moral superiority of the Greens in this Chamber. Where are the Greens when Aboriginal children are dropping out of primary and high schools at an unacceptable rate? Where is their motion condemning the Labor Party for failing to implement its own Aboriginal education plan, which would actually change people's lives? Where is their motion on the hepatitis C epidemic raging through the Aboriginal community? Where is their motion condemning the circumstances in which 40 per cent of juveniles in detention centres are Aboriginal? Where is the concern from the Greens on these issues? Where is the honesty?

Today the Greens are condemning a member who is dealing with real problems in his electorate. The high and mighty Greens breeze into a country seat and start dictating from a position of complete ignorance. The political correctness of the Greens stymies public debate because law and order problems in these communities cannot be properly named and clear-cut policies to address lawlessness cannot be implemented. The Greens say they are concerned about Aboriginal people but their censorship, ignorance and arrogance lead to the problems being covered up.

**Pursuant to sessional orders business interrupted.**

## **QUESTIONS WITHOUT NOTICE**

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### **SELECT COMMITTEE ON THE CROSS-CITY TUNNEL MINISTERIAL WITNESSES**

**The Hon. MICHAEL GALLACHER:** My question without notice is addressed to the Minister for Finance. Did the Minister, as Leader of the House, commit the Premier and former Minister for Roads Joe

Tripodi to appear before the Select Committee on the Cross-city Tunnel? What did the Minister promise Reverend the Hon. Fred Nile to get him to chair the committee?

**The Hon. JOHN DELLA BOSCA:** As the Leader of the Opposition would have anticipated, I had open discussions with Reverend the Hon. Fred Nile. They were speculated about during debate on the setting up of the select committee.

**The Hon. Duncan Gay:** It was said they were private.

**The Hon. JOHN DELLA BOSCA:** As the Deputy Leader of the Opposition interjected, some conversations between members are private. I am pleased to inform the House of the position that I believe was made clear both on my behalf and by me in recent times. In response to concerns raised by Reverend the Hon. Fred Nile, the Opposition and, I think, the Greens that former Treasurer Mr Egan and former Premier Mr Carr would not appear, based on personal conversation with those individuals I gave a commitment to the House and Reverend the Hon. Fred Nile that they would be prepared to appear. That is the strength of any commitment I gave privately or publicly to Reverend the Hon. Fred Nile.

**The Hon. Michael Gallacher:** Not Joe Tripodi?

**The Hon. JOHN DELLA BOSCA:** I never made a commitment that the Hon. Joe Tripodi or any other current Minister would appear, and I was never specifically asked that question.

**The Hon. Duncan Gay:** Why didn't you?

**The Hon. JOHN DELLA BOSCA:** It would not be for me to do so; it would be for them.

### HEALTH SCHOLARSHIPS

**The Hon. JAN BURNSWOODS:** My question without notice is addressed to the Minister for Health. Will the Minister tell the House the latest information on health scholarships?

**The Hon. JOHN HATZISTERGOS:** The most valuable part of any health system is the people who work in it. Today I am pleased to announce that the Government has committed two additional health scholarships: the Rural Allied Health Scholarship and the Innovation Scholarships for Nurses and Midwives. The Rural Allied Health Scholarship will contribute to a strong allied health professional work force in the far western regions of our State. Forty of these scholarships, each valued at \$5,750, will be available to students this year. The scholarships are available for students with a rural background studying allied health subjects at university. Allied health professionals, such as dietitians, radiographers, occupational therapists, podiatrists and physiotherapists, provide important health services to the communities of rural and remote regions of New South Wales. The scholarships demonstrate the Government's commitment to developing a strong allied health professional work force across the State. Each scholarship recipient will need to show a strong interest in a rural career. The scholarships will help full-time rural students who may have to live away from home while studying and whose families live in country New South Wales to meet their study and living costs.

The second scholarship I have announced and launched is aimed at encouraging nurses and midwives to think differently and creatively about ways of caring for patients. Funding of \$100,000 has been injected into these innovation scholarships. Ten scholarships worth \$10,000 will be awarded to nurses and midwives across the State to implement new, patient-focused ideas to improve patient care. It is about our front-line clinicians collaborating with NSW Health to implement new work models that provide real improvements for patients. Examples of successful new models of care already introduced include a walking and mobility program at Port Macquarie Hospital, which has halved patient falls; a nurse-led wound management clinic at Goulburn, which has improved healing rates for patients in the community and dramatically reduced the need for home visits; and the introduction of the nurse-led John Hunter Hospital asthma management service, resulting in 100 per cent of patients now understanding their disease and being able to monitor their own symptoms.

This scholarship program supports other government nursing initiatives. We have committed more than \$5 million funding over the past three years for nursing scholarships, including the establishment of 119 mental health nursing scholarships for the development of specialist skills in the mental health work force and the provision of 66 enrolled nurses working in mental health with scholarships to train and administer medication. These scholarships are aimed at creating new opportunities. We recognise and value the good work performed

by our allied health professionals across New South Wales, particularly in the rural and remote regions of our State. Similarly, we recognise and value the important roles performed by nurses and midwives and we encourage them to think creatively about ways of caring for patients. This is about the Government supporting our front-line staff and it is aimed at providing genuine improvements in patient care.

### **FIRSTFARMER SCHEME**

**The Hon. DUNCAN GAY:** My question without notice is addressed to the Minister for Primary Industries. Does the Minister recall that an announcement was made by the State Government of a FirstFarmer scheme in July last year, yet it is still to get off the ground? Having made this announcement eight months ago, why has he now engaged the services of an external consultant to make sure the scheme is efficient and equitable? Surely that should have been done first. Is there a possibility that he will now retract this promised scheme? Is he also aware that Victoria last year handed out \$13.9 million for its Young Farmers Finance scheme, in comparison to his planned miserable \$1 million a year?

**The Hon. IAN MACDONALD:** This proposal has been worked on thoroughly. Public money is being used and we need a program that will work. We are in the final stage of preparation.

**The Hon. Duncan Gay:** Why didn't you do that before you got their hopes up? Why did you announce it in July last year?

**The Hon. IAN MACDONALD:** As usual, the Deputy Leader of the Opposition has his facts wrong. I did not make an announcement about FirstFarmer last year. The announcement was made by Mr Craig Knowles, the then Minister for Natural Resources. I did not make any such announcement. The Deputy Leader of the Opposition should at least check his facts before he makes statements about what I allegedly did or did not do. The statement was made in July by Mr Craig Knowles in conjunction with New South Wales Farmers. However, I am doing the work on this project. I have engaged people who have a great deal of expertise in this area and they are finalising a report to me. We will then talk with New South Wales Farmers and there will be a FirstFarmer scheme.

**The Hon. Duncan Gay:** When?

**The Hon. IAN MACDONALD:** When I make the announcement.

### **SCHOOL STUDENTS REPORTING SYSTEM**

**Reverend the Hon. FRED NILE:** I ask the Minister for Health, representing the Minister for Education and Training, a question without notice. Has the Federal Government promised hundreds of millions of dollars to New South Wales schools, provided that the new progressive students reporting system is used? Is it a fact that the New South Wales Teachers Federation has directed its members to disobey the New South Wales government policy and reject this reporting system, which is needed by parents? What action is the Government taking to reassert its authority over New South Wales teachers and schools to clearly demonstrate that the New South Wales Teachers Federation does not run New South Wales public schools?

**The Hon. JOHN HATZISTERGOS:** I think the answers to all of those questions have been ventilated in the media. However, in deference to the honourable member's interest in this matter I will obtain an answer from the Minister and inform the House in due course.

### **COMMUNITY PARTICIPATION PROGRAM TENDER**

**The Hon. KAYEE GRIFFIN:** I direct my question to the Minister for Disability Services. Will the Minister advise the House about the community participation tender?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for her question and I am pleased to advise that a tender for community participation services for school leavers with disabilities was released today. Providers of community participation programs around New South Wales will be examining the details and developing their proposals to provide the highest quality programs to win the work. Last year when the Government provided extra funds to offer at least 18 hours of support a week for young people in community participation I announced that all services would be tendered to gain the best value for people with a disability. The community participation program assists young people with moderate to high support needs who require an

alternative to paid employment or further education. The program in New South Wales currently supports more than 1,700 people.

The new community participation program will assist young people with a disability to maintain and develop everyday life skills and increase their independence; to continue learning and participate in meaningful leisure, recreational, social and cultural activities; to participate in the local community; to expand their friendship and support networks and to make the transition from school to adult life. The key changes that will be introduced from 1 July 2006 are recurrent, portable individual funding, which means that people can choose to move from one service provider to another and the funds will go with them.

**The Hon. John Ryan:** Point of order: The Minister is announcing new policies, and he was asked to announce new policies by the member. He obviously does not have the courage to make a ministerial statement about this matter, which has been the subject of hot debate in the community. I could easily demonstrate what a smoke-and-mirrors con job this is, but he will not provide us with the opportunity to do that. Instead, he has set up a dorothy dixer fix. The truth is that this answer does barely more than account for the new social and community services award that is to be granted on 1 July. Is this a dorothy dixer? Why was it not a ministerial statement? It is a con and he simply does not have the courage to have a proper debate.

**The PRESIDENT:** Order! The honourable member knows full well that only two things can happen when a Minister is giving an answer, and they are both happening in this answer.

**The Hon. JOHN DELLA BOSCA:** The key changes to be introduced on 1 July 2006 are recurrent, portable individual funding, which means that people can choose to move from one service provider to another and the funds will go with them; everybody will be offered a minimum of 18 hours support a week for 48 weeks a year; and the level of funding an individual receives will be matched according to need. Four funding bands are being introduced. People with moderate support needs will receive \$14,550 a year, while those with higher support needs will receive \$16,878. People with very high support needs will receive \$20,807 and people with exceptionally high support needs will receive \$29,100 a year.

The program will now offer three different service types: centre-based services with community access; individual community-based options; and self-managed packages. This is consistent with the recommendations of the Inquiry into Changes to Post School Programs for Young Adults with a Disability. For the first time, the department is also requesting tenders for Aboriginal-specific services and services for young people from culturally diverse communities.

This tender signals a move away from traditional grants to a new purchasing framework that clearly defines the required outcomes of service delivery and ties them to funding. The purchasing system aims to attract service providers that are best placed to deliver a quality service at a price that is set by the department. The new program prices were set after extensive reviews of the existing funding data as well as the results from the University of Wollongong Cost and Classification Study. The prices in this tender are set so that providers will need to compete with one another on quality. This tender will achieve the best value from taxpayers' funds to deliver better services and options for young people with a disability.

### MIDDLE EASTERN GANGS

**The Hon. DAVID OLDFIELD:** I direct my question to the Minister representing the Minister for Police. Is the Minister concerned by reports that Sydney magistrate Paul Falzon lashed out at police inaction over a group of Middle Eastern gang members who were charged last week with verbally abusing police and throwing projectiles at police? Can the Minister explain the Iemma Government's role in the softly, softly approach taken by police who arrested these gang members at Brighton-le-Sands on the night of Sunday 11 December 2005? Can the Minister explain what instructions police commanders had from this Government that caused them to arrest and detain to take details, but then immediately release these violent offenders despite the fact that it was at the height of their rampage? Is the Minister concerned by the property damage and physical brutality that continued to occur after and most likely as a result of these offenders being released? Are the police facing this criticism because they are merely following Iemma Government instructions?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for his question. I will refer it to the Minister for Police for an appropriate answer. However, this notion of a softly, softly approach being taken by the police is sheer nonsense. Any suggestion of political interference with the police by the Government is untrue and unfounded. This Government has taken some of the toughest action to ensure there is harmony in our

community, particularly post the Cronulla problems. The police and the Government should be commended for their hard work on and commitment to this issue.

**The Hon. DAVID OLDFIELD:** I have a supplementary question. Will the Minister define what difference he sees in "interfering" with police as opposed to telling the police what to do?

**The Hon. John Hatzistergos:** Point of order: That is asking for an opinion.

**The PRESIDENT:** Order! The member should know that a question cannot seek an opinion, which is certainly what is being sought in his question.

#### COMMONWEALTH GRANTS COMMISSION GOODS AND SERVICES TAX ALLOCATIONS

**The Hon. GREG PEARCE:** I direct my question to the Treasurer. Given that last year the Queensland Labor Deputy Premier and Treasurer, the Hon. Anna Bligh, said, "I can only caution Mr Iemma not to fall into a simplistic analysis of the GST distribution", and that Queensland Liberal Leader Robert Quinn said, "On a per capita basis, and on any measure, Queensland has been by far the greatest beneficiary", would New South Wales not get a better deal on the GST if the Coalition were in power in Queensland since this Government cannot get any co-operation from its Labor mates?

**The Hon. MICHAEL COSTA:** I am very pleased the honourable member has asked me this question. I came down to question time after watching the Federal Treasurer talk about the national accounts. For those who have not heard —

**The Hon. John Ryan:** It was more exciting to watch the doorstops most of the Labor Party members were doing on their way into Canberra.

**The Hon. MICHAEL COSTA:** Is that the disendorsed talking again? For those who have not been informed, despite the protestations by the Opposition about so-called recessions based on the wrong economic variables, our State final demand for the last quarter was 0.7, which, of course, is positive.

**The Hon. Greg Pearce:** Ours is the worst performing State in Australia.

**The Hon. MICHAEL COSTA:** The Hon. Greg Pearce will be disendorsed soon too. What was interesting in the Federal Treasurer's explanation of why the New South Wales economy was not experiencing the growth rates of other economies was his reference to precisely what the New South Wales Government has been talking about; that is, the housing boom and the bust in the housing bubble. It was interesting to hear that explanation put forward by the Federal Treasurer. I know that when I offer it members of the Opposition always say it is an excuse for a lagging economy. I suggest that they get a copy of today's transcript of the Federal Treasurer's national accounts address. If they did they would see that he confirms everything the New South Wales Government has been saying.

I pointed out yesterday—I will read it out again and continue to do so—the section of the relevant Act, which is the A New Tax System (Commonwealth-State Financial Arrangements) Act 1999. Section 9 states that the relativities factor for a State for the GST year is the factor determined in writing by the Treasurer. I do not know how clear it can be: the Federal Treasurer has the power to alter the GST relativities. That has been confirmed time and again. This poor Opposition strategy of suggesting that we must talk to our Labor mates, to use their expression, to resolve the GST problems is a farce, it does not stand up to scrutiny. It is clear that the Grants Commission is an advisory body that provides advice to the Federal Treasurer.

Peter Costello can resolve the GST issues very quickly, but he chooses not to do that because, as we know, the Federal Treasurer, being a Victorian, pays no attention to his Liberal Party Coalition colleagues in New South Wales. We know, in fact, that he wants to undermine the Prime Minister, who is a New South Wales member of the Liberal Party. That is what is really going on here. Peter Costello, being a Victorian, is playing the territorial game. He has no respect for his Liberal colleagues in New South Wales and he wants to undermine the Prime Minister. The obvious question that arises is: why does John Howard, as a resident of New South Wales, as the Prime Minister, not address this issue? Why does he not direct his colleague from Victoria, the Federal Treasurer, to address the GST imbalance? The facts are absolutely clear, and I will read them out again so the Opposition is under no illusion It is the Federal Treasurer—

**The Hon. Greg Pearce:** Point of order: The Treasurer obviously has not read section 8 of New South Wales Budget Paper No. 2 for 2005-06, which clearly states that pursuant to the intergovernmental agreement on reform of Commonwealth-State financial relations, the GST is spread according to the relativities, based on the Commonwealth Grants Commission recommendations. That is your own budget, you dill!

**The PRESIDENT:** Order! I have ruled on numerous occasions that members must not take points of order and then proceed to debate the issue. Points of order must relate to rules governing debate in this Chamber. The Minister's time for speaking has expired.

### CAROONA REGION COAL EXPLORATION

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Minister for Mineral Resources. Will the Minister update the House on the coal exploration project in the Caroon region and what steps are in place to help ensure community concerns are addressed?

**The Hon. IAN MACDONALD:** As members would be aware, the New South Wales Government recently announced a major new coal exploration project in the State's north-west, a project that has the potential to generate 1,000 new jobs and a \$2 billion investment in capital works and infrastructure. The granting of an exploration licence for the Caroon region is the first step in what could be a major new coal-producing region. The coal industry is already one of the largest industries in New South Wales, providing 10,000 direct jobs and nearly twice as many flow-on jobs through related industries and services.

The Caroon area has an estimated 500 million tonnes of untapped coal resources. This resource could deliver a major boost to our export revenue, given the continuing demand, particularly from Asian markets. But, most importantly, it could have major benefits for the region through new jobs and up to \$2 billion in capital works and infrastructure projects over the life of the mine. About two weeks ago the Government announced it would grant the exploration licence to BHP Billiton, following a competitive expressions-of-interest process. We are currently in the process of finalising the terms and conditions of that exploration licence. Once all conditions are finalised and the legal processes completed, we will, of course, make details of the licence publicly available. This will be in line with all processes and procedures in regard to the Government's rules of disclosure.

The New South Wales Government is absolutely committed to transparency. It is also committed to securing jobs, investment and prosperity for New South Wales. That is why the Caroon coal reserve is such an exciting prospect. If actual mining is approved in the future, BHP has indicated it will invest some \$2 billion over the life of the mine in capital works and critical infrastructure. This would include an initial estimated \$1 billion investment to establish a mining complex and related infrastructure upgrades. The company has also indicated it would seek to work with the Australian Rail Track Corporation [ARTC] to potentially upgrade rail infrastructure for the eventual transport of coal to the port of Newcastle. It will also work with the ARTC to undertake major studies that could lead to the development of a transport tunnel through the Liverpool ranges.

If such a tunnel is feasible it could mark another major infrastructure investment, which would open the region up for all sorts of purposes. Of course, community consultation will be critical as the exploration works are planned and carried out over the next five years. Today I can announce that the State Government has appointed Mr Garry West, former Minister and member for Orange, to chair a new community consultative committee for this specific purpose. As members would be aware, Mr West is a skilled professional and well respected within a range of industries. Most recently, Mr West carried out an independent technical review into the risks associated with using tick fever vaccine. His experience as a former Minister and a member for Orange means he is well positioned to successfully manage sensitive issues.

*[Interruption]*

Don't worry, all those disendorsed Liberals after the next election can come knocking on my door and we might have jobs for them; we might even look after a few of them. The Hon. Patricia Forsythe is gone. In addition to having Mr West as chair, the community consultative committee will include two representatives from BHP Billiton, four representatives from the community, representatives from the Gunnedah and Liverpool Plains councils and representatives from the New South Wales Department of Primary Industries Mineral Resources section.

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

**The Hon. CHRISTINE ROBERTSON:** I ask a supplementary question. Could the Minister elucidate his answer?

**The Hon. IAN MACDONALD:** This make-up will ensure the committee has representation from a cross-section of the local community. Mr West will shortly advertise in local newspapers for nominations for community representatives. From there he will select a representative group.

*[Interruption]*

Go on, Charlie. You are not happy that you knocked them all off there, mate, you want to interject now! He lost his spirit somewhere up in the mountains of Papua New Guinea. The fresh air has got to him! Anyway, he looks after his little mate, the Hon. David Clarke, the Minister for Hillsong.

BHP Billiton will attend all meetings of the committee and provide members with factual information about exploration works and any likely environmental impacts—and that is where the environmental issues come in, for the information of the Hon. Rick Colless, who seems to forget that this process is very detailed involving the balancing of a whole lot of factors, and he should remember that when he is dancing to the tune of a Green Nat. The committee is an important mechanism to ensure there is an open, independent and constructive process to address community concerns and questions. I have no doubt Mr West will do a stellar job in overseeing this process—and obviously keeping the Hon. Rick Colless in line.

#### **FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION**

**Ms LEE RHIANNON:** I direct my question to the Minister for Industrial Relations. What is the New South Wales Government doing to protect local government employees from the Federal Government's WorkChoices legislation? Will the Government introduce legislation that will protect local government workers from the Federal Government's WorkChoices legislation? Has the New South Wales Government received legal advice that it can alter the structure of New South Wales Government-owned corporations so that they can avoid the Federal Government's WorkChoices laws, and will the Government table this advice?

**The Hon. JOHN DELLA BOSCA:** I thank the member for her interest in industrial affairs. I think the starting point in answering her question is to indicate to her—and I think she is already aware of this, as are other members of this House—that the Iemma Government is committed to doing anything within the public interest to prevent the worst aspects of the WorkChoices legislation affecting the rights and entitlements of working people, the majority of people right across New South Wales. We have already committed to that and we have also committed to playing a leading role in the overall challenge to the legislation in the High Court. We believe that is an important initiative in the national interest.

As Ms Lee Rhiannon would be aware, and as many other members in this House would be aware, people involved in industrial relations are very good at inventing new terms. My one regret about this issue is that in handling it we have needed to invent another term—although I think it is very legitimate within the context of the Howard Government's consistent attacks on the rights and entitlements of working people and their families—and that is "insulation". We are going to try to insulate as many people, as many families, as we can, from the dreadful consequences of this obnoxious legislation.

This involves showing leadership by protecting our employees in the State system and securing their positions in respect of employment entitlements and rights and their capacity to go to a fair umpire if there are any disputes. We have discussed all those things at great length, both in this Chamber and other forums. The other initiatives that the Government is seriously considering relate to the rights and entitlements of those currently employed directly by the Government through State-owned corporations and other forms of employment. Those matters are much more complicated, as the honourable member will be aware, and much more legally complex. They are the subject of ongoing discussions between those employees and the boards of the various State-owned corporations. Eventually there will be the potential for opinions and views from the Government's shareholding Ministers. Those matters are concluded in principle: we have resolved to provide the best protection we can for everybody.

As I said in answer to Reverend the Hon. Dr Gordon Moyes yesterday, we have taken initiatives to look at the broader statutory protections we are going to put in place in respect of the general community, including local government employees. I had some discussions recently, either on Monday this week or Friday last week, with some senior officials of the Australian Services Union, which covers the vast majority of local



government employees. I have undertaken to continue to have discussions with the Minister for Local Government, the Hon. Kerry Hickey, and attempt to find ways, without taking any liability for the State Government or overly complicating the employment arrangements for local government and the employees themselves, to underline some protection for them from the Howard Government's WorkChoices legislation.

The short answer to the member's question is that the Government is very advanced in respect of a number of these matters. Many of the issues are complicated and will not be easy to resolve, but we are determined to provide the maximum protection we can from this obnoxious legislation for as many people as possible.

### RURAL MINIMUM WAGE

**The Hon. JOHN RYAN:** My question is directed to the Treasurer. What plans does he have to introduce the suggestions he made in a booklet he co-wrote with his colleague Mr Michael Duffy, from the Labor Council, for a rural minimum wage? Is there any chance that this economic stinker will be introduced by the New South Wales Government as a means of countering its own economic mismanagement?

**The Hon. MICHAEL COSTA:** I have never written a book with a Michael Duffy.

### MORPETH BRIDGE

**The Hon. PETER PRIMROSE:** My question is addressed to the Minister for Roads. Can the Minister provide the House with the latest information concerning infrastructure upgrades in the Hunter?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for his question on this very interesting matter. Last week the New South Wales Government convened a Cabinet meeting in Maitland. While there, with the member for Maitland, John Price, I inspected works being done by the New South Wales Government on the historic Morpeth Bridge, in Morpeth. John Price is a very committed member who works hard for his electorate. A cutting-edge structural technique will give the bridge a new lease on life. Morpeth Bridge is critical to the town of Morpeth because of its historical significance. Morpeth Bridge spans the Hunter River near Maitland. A timber bridge constructed in 1898, it is of significant heritage importance. When Morpeth Bridge was originally built—

[*Interruption*]

Members opposite should listen; this is interesting. When Morpeth Bridge was originally built the town was the busiest port in the Hunter.

[*Interruption*]

Simple Simon squawks from the Opposition front bench. As the first Hunter River crossing, the Morpeth Bridge became a major transport route. The bridge was designed for horses and carts. Today hundreds of trucks rely on the bridge. An inspection of the bridge in July 2004 revealed deterioration in the bottom chords and a lane restriction was introduced as a precautionary measure. I am advised maintenance works commenced in September 2005 and they are expected to be completed in August this year. The work involves driving massive steel plates—

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

**The Hon. ERIC ROOZENDAAL:** The work involves driving massive steel plates into the base of the bridge to strengthen and reinforce the 108-year-old timber beams. Morpeth Bridge is the oldest remaining example of an overhead-braced Allan truss road bridge in service. Scaffolding has been erected to access the work areas and a bailey bridge has been put in place to support the bridge deck while the truss components are removed and replaced. Work has commenced on replacing the bottom chord timbers, which are located under the bridge deck. Whenever possible the works are being undertaken from a barge in the Hunter River to minimise the disruption to traffic flow. Using an innovative technique, strengthening work will be done underneath the bridge to bring it up to today's standard, without sacrificing the original elegant timberwork.

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

**The Hon. ERIC ROOZENDAAL:** I am advised that bridge-design pioneer Percy Allan combined the latest technology from America and England with unique natural materials available in Australia to build a state-of-the-art bridge for the Hunter region. When it was built in 1898, the Morpeth Bridge was a major engineering feat. With the benefit of this new technology and the support of the New South Wales Government, the historical Morpeth Bridge can be appreciated by generations to come.

I acknowledge a number of the workers I met while in Maitland, including Paul Greenwood, Steve Bendich, Dave Hanson, Andrew Ford, Rood Rooke, Joe Krusl, and Steve Hoolihan, who have real dedication to preserving this bridge. They showed me some of the amazing work that went into the original bridge over 100 years ago and demonstrated the skills involved in building such bridges. They have a real commitment to restoring this bridge so that it will last another 100 years. I commend their dedication and commitment to doing this work in a way that minimises inconvenience to the community and gives the community an asset that will survive another 100 years.

### FIREARMS REGISTRATION FIGURES

**The Hon. JOHN TINGLE:** My question is addressed to the Minister for Roads, representing the Minister for Police. Did the Minister see a two-page story in the *Daily Telegraph* last Monday week headed "Fears for Future as State Embraces Gun"? Did the story claim that firearms registrations in New South Wales had increased by 25 per cent in three years and suggest that this was a cause for fear? Can the Minister confirm to the House that the actual increase in firearms registrations over the past four years was 1.359 per cent? Did the number of registrations quoted in the story include the extensive stocks held by licensed firearms dealers? Is the Minister concerned that this story could create unnecessary anxiety and alarm in the community?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for his question. I will refer it to the Minister for Police for action.

### PACIFIC HIGHWAY TOLLS

**The Hon. CATHERINE CUSACK:** My question is directed to the Minister for Roads. Does the Minister support his predecessor's policy to fund future upgrades of the Pacific Highway by way of tolls, including tolls on local traffic?

**The Hon. ERIC ROOZENDAAL:** The New South Wales Government remains committed to completing the upgrading of the Pacific Highway as quickly as possible. I want to work with the Federal Government to achieve this objective. Since 1995 the New South Wales Government has invested—

**The Hon. Catherine Cusack:** This was the answer yesterday.

**The Hon. ERIC ROOZENDAAL:** The member asked the question, and she and her colleagues should have the decency to listen to the answer. They just want to play politics. Sit down and listen!

**The PRESIDENT:** Order! I call the Hon. Rick Colless to order for the first time. I call the Hon. Jennifer Gardiner to order for the first time.

**The Hon. ERIC ROOZENDAAL:** Since 1995 the New South Wales Government has invested \$1,660 million on the highway. The Federal Government's contribution during that time has been \$660 million. As an AusLink National Network road, the Pacific Highway should be receiving \$640 million a year from the Federal Government. All other AusLink National Network roads receive either 100 per cent Federal funding or 80 per cent Federal funding.

[Interruption]

A member of the Opposition asked the question. She and her colleagues sit there and squawk because they do not like the answer. When will they stand up to their Federal colleagues and ask for funding that the Federal Government should put towards the Pacific Highway? On 23 December 2005 the New South Wales and Federal governments signed a memorandum of understanding [MOU] to explore funding options to accelerate the completion of the Pacific Highway to dual carriageway. Under the MOU a working party of technical and financial experts from New South Wales and Commonwealth government agencies will explore future options. One of the options to be explored will be private sector involvement in the construction of the underdeveloped sections of the Pacific Highway.

**The Hon. John Ryan:** With tolls! Who pays the tolls?

**The Hon. ERIC ROOZENDAAL:** The Federal colleagues of the honourable member are right up to their necks in this one. At this stage no decision has been made on approaching the private sector to assist in financing the upgrading of the Pacific Highway. Unfortunately, at the moment the Pacific Highway receives only 50 per cent Federal funding and the Federal Government proposes to spend only \$160 million in the next financial year. It is time for a more realistic and co-operative approach to funding for the highway.

I wish to relate the many improvements that have actually been carried out on the highway, because it is clear that members opposite are unaware of them. Since 1996 a total of 44 projects have been opened to traffic, with motorists now benefiting from 229 kilometres of four-lane dual carriageway. Honourable members will be aware that a four-lane dual carriageway is the best way to reduce fatalities on roads. A further eight projects are under construction, or have been approved and are awaiting construction to start, and a further 17 upgrade projects are in the planning phase. By the end of this financial year approximately 44 per cent or 677 kilometres of highway linked from Hexham to the Queensland border will be either completed as dual carriageway or under construction.

### BLACK ALLAN LINE PROCLAMATION

**The Hon. GREG DONNELLY:** My question is directed to the Minister for Lands. Will the Minister tell the House how that part of the New South Wales-Victoria border known as the Black Allan Line came to be proclaimed after 135 years?

**The Hon. TONY KELLY:** It is a curious fact of history that the Black Allan Line—that straight, easternmost part of the New South Wales-Victoria border—remained unproclaimed for 135 years. Fortunately, surveyors Alexander Black of New South Wales and Alexander Allan of Victoria did such an excellent job in 1870 and 1871 that the border named in their honour was never disputed. The Black Allan Line runs for 180 kilometres from Cape Howe on the Pacific Ocean, up to the springs at the headwaters of the Murray River. Investigations in recent years over the naming of the western point of this line unearthed the fact that this entire section of the State border had never been officially proclaimed.

On 16 February this year I had the pleasure of joining Her Excellency the Governor and the New South Wales Surveyor General, Warwick Watkins, at a ceremony marking the event on the New South Wales-Victoria border near the lovely old town of Delegate. Joined by her Victorian counterpart, John Landy, the New South Wales Governor, Her Excellency Marie Bashir, unveiled a plaque to mark this historic event. Both Governors paid tribute to the remarkable nineteenth century surveyors who successfully surveyed the 180-kilometre straight line through uncharted and rugged terrain. They also paid tribute to today's surveying profession and the thousands of surveyors who have contributed, and continue to contribute, to the development of our nation. One of this State's most distinguished surveyors was Sir Thomas Mitchell, the fourth Surveyor General of the colony, whose expeditions helped open up the nation's vast interiors.

**The Hon. Duncan Gay:** Wasn't that George Evans?

**The Hon. TONY KELLY:** He was very good, too.

**The Hon. Duncan Gay:** He was my great, great grandfather, the first man to cross the Blue Mountains.

**The Hon. TONY KELLY:** I accept the honourable member's assertion that he is related to George Evans. However, it was Mitchell who, in 1850, was instructed by the Secretary of State for the Colonies to furnish maps for use by the New South Wales Executive Council in determining electoral boundaries. This required the precise definition of the State's boundaries. However, it required an agreement between the governments of New South Wales and Victoria, and soon State rivalries came into play—just as today Federal Treasurer Peter Costello continues to deprive New South Wales of \$3 billion in GST revenue. And so the formal proclamation did not come to pass and the border remained unofficial for the next 135 years. I have been told that from time to time the cairn at the cape, right on the coast, was moved because fishermen believed that the licence fee for fishing was less in one State than it was in the other.

The ceremony two weeks ago on the border was attended by locals, and many from the surveying profession in New South Wales and Victoria. As Minister for Lands, I had the pleasure of formally naming the western point of the Black Allan line "Townsend Corner", named in honour of Thomas Scott Townsend, who

initially surveyed the border and many of its features in 1846. In an apparent longstanding surveyor's tradition—at least that was what I was told—a swig of rum was consumed in celebration of the event.

**The Hon. Rick Colless:** By whom?

**The Hon. TONY KELLY:** By all the surveyors who were there, and others. Border proclamations do not happen every day, and the historic event on the New South Wales-Victoria border will be something long remembered, particularly by the schoolchildren who attended the ceremony. I thank all who attended the ceremony, including the schoolchildren of Delegate, for making the Governor and me most welcome on that significant day.

#### **SYDNEY HARBOUR FISH CONSUMPTION HEALTH RISKS**

**The Hon. Dr PETER WONG:** My question without notice is directed to the Minister for Health. Given that NSW Health's web site contains advice to the effect that occasional consumption of Sydney Harbour fish poses little threat to personal health, why is there no advice to those who have consumed large quantities of Sydney Harbour seafood? Despite earlier undertakings, why has NSW Health refused to test Port Jackson commercial fishermen for dioxin poisoning?

**The Hon. JOHN HATZISTERGOS:** Issues relating to food, and particularly fisheries, are the responsibility of the Minister for Primary Industries.

#### **DUBBO DIABETES AND DIALYSIS SERVICES**

**The Hon. JENNIFER GARDINER:** My question without notice is directed to the Minister for Health. Is the Minister aware that Dubbo's diabetes dialysis resources are stretched to breaking point and that urgent funding is required to expand services to meet the needs of people with diabetes and renal disease? Given that the Dubbo Dialysis Diabetes Working Group has been raising funds and fighting for a new diabetes dialysis unit for six years, will the Minister now make a funding commitment so that work can get under way urgently? Is the Minister ignoring the needs of the city of Dubbo's 3,000 diabetics?

**The Hon. JOHN HATZISTERGOS:** I do not think the honourable member has any idea what that \$300,000 is designed to achieve. She has not identified the particular cause to which she thinks that money should be allocated. She did indicate in her question that she thought that what was needed was an expansion of services, but it is my understanding that the people who went to great efforts to raise that money believe that the money should not be put towards the expansion of services but should be used for some form of capital improvement. I have scheduled a meeting with the organiser of the group and also with Dawn Fardell, the member for Dubbo.

**The Hon. Rick Colless:** That will be a waste of time.

**The Hon. JOHN HATZISTERGOS:** Well, they did not think that; they were quite grateful for the fact that I agreed to meet both Dawn Fardell and Brian Simmler. To avoid the distractions, by way of answer to the first part of the honourable member's question, in March 20003 an allocation of \$373,000 was provided by the former Macquarie Area Health Service to relocate and upgrade the service. Funding then increased in 2003-04 to \$451,020 recurrent. In recognition of continuing pressures on renal dialysis service in rural areas further enhancement to Dubbo and surrounds was provided in 2004-05. This enhancement was for \$143,000 in 2004-05, increasing to \$390,002 in 2005-06 and thereafter. Through these enhancements the number of chairs has increased from six to ten, enabling an additional eight to ten patients to be treated per week.

During 2005 the additional capacity was provided at Dubbo for 2,800 treatments per year, an additional 909 treatments since 2004. Enhancement treatment received in 2004-05 also provided for three additional shifts to treat a further six patients. Additional positions of medical registrar, clinical nurse educator, renal outreach nurse, specialist enrolled nurse and administrative assistant have also been added to the clinical team at Dubbo. One position is based at Wellington to assist three dialysis patients there. As I indicated, the renal group did not intend the money it raised to be used for the purpose of expanding services but, rather, for some capital improvements. I have scheduled a meeting with Dawn Fardell—

**The Hon. Duncan Gay:** Is that what it will be used for?

**The Hon. JOHN HATZISTERGOS:** The group has asked for its funding to be used for that. I have scheduled a meeting with Dawn Fardell and the organiser of the group to find exactly what project they have in mind and to see what we can do to assist them.

### NEW SOUTH WALES AMBULANCE SERVICE RADIO NETWORK

**The Hon. PENNY SHARPE:** My question without notice is addressed to the Minister for Health. Will the Minister inform the House about recent enhancements to the ambulance radio network?

**The Hon. JOHN HATZISTERGOS:** That is a good question because, like other health services throughout New South Wales, the New South Wales Ambulance Service is facing a period of reform driven by rapid developments in communications technology and clinical advances. Ambulance services are transforming from emergency transport providers taking the patient to care to emergency health services taking care to the patient. In rural New South Wales reforms can be frustrated by small population centres and remoteness between urban centres. However, technology can assist in overcoming these geographical challenges. I am pleased to inform the House that on 14 February I had the pleasure of launching a new \$14 million rural radio network for the Ambulance Service. The Rural Data Radio System will see Newcastle, Wollongong and rural regions come on line with the Sydney metropolitan area under a uniform communications system.

**The Hon. Duncan Gay:** Why do you need another new one? Isn't it working?

**The Hon. JOHN HATZISTERGOS:** The Deputy Leader of the Opposition should listen. The anticipated benefits of the service include more effective ambulance dispatch, more effective deployment of officers, improved acute care, improved officer and public safety, reduced hospital turnaround time and better service to all sectors of the community, regardless of geographical location. The new system uses the existing network and combines it with satellite technology, thus allowing ambulance officers to send and receive transmissions from operation centres across New South Wales.

Just as the overseas roaming function of mobile phones enables the best mobile networks across the world to be picked up, similarly this new system runs from one technology to the other, seeking the strongest signal. Another benefit of the global positioning satellite technology is that ambulance officers will be able to pinpoint exact co-ordinates so that rescue helicopters in rural areas can be allocated to those areas in emergency operations. The roll-out of the system, fully managed by Telstra under contract over five years, will bring faster response times for ambulances in outlying regions of the State, and is part of the Government's ongoing commitment to improve ambulance services to rural New South Wales. This initiative is a joint effort between NSW Health, the Ambulance Service and the Department of Commerce. I commend to the House the foresight and support of the Hon. John Della Bosca in this regard. I commend the ministerial Mobile Data Radio Task Force, headed by John Whelan, for its hard work, and also the ambulance union for its valuable assistance and advice.

### FARMERS TRANSPORT SUBSIDY

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question is directed to the Minister for Primary Industries. Will the Minister confirm that he has stopped the transport subsidy for farmers needing to buy water for stock despite the fact that the percentage of the State that is drought declared rose from 24 per cent in January to 32 per cent in February? Is the Minister aware that extremely high temperatures during January and February led to rapid evaporation from dams and water storages, meaning that even prudent farmers who made provision for secure water storage must now cart water, which is a serious problem in the Wagga Wagga land protection board area? Does the Minister agree that such essential subsidies should be tailored to fluctuations in climatic conditions, which vary from catchment to catchment and cannot be decided arbitrarily?

**The Hon. IAN MACDONALD:** It is wonderful to see the Hon. Dr Arthur Chesterfield-Evans doing the job of The Nationals in this House. He asked a question about the drought. During two hours of questions this session The Nationals have not asked one question about drought issues. What happened with the National party in Victoria and what is happening in this State is an indication that The Nationals are shell shocked. We will have to put them on the heritage list to try to save them. To answer the question of the Hon. Dr Arthur Chesterfield-Evans, two-thirds of New South Wales remained in a satisfactory or marginal condition for February. This is encouraging, given that we are in the peak of summer.

**The Hon. John Ryan:** It is actually autumn.

**The Hon. IAN MACDONALD:** Yes, this is the first day of autumn. Only 32 per cent of New South Wales is currently experiencing drought conditions, down from 66 per cent this time last year. The area considered marginal is now 27.5 per cent, while 50.5 per cent of the State is experiencing satisfactory conditions. Most areas of the State had average or above average rainfall over the past three months, and over the past 12 months 90 per cent of the State had satisfactory rainfall, which is average rainfall or better. We are into the hottest summer months at the moment, and clearly follow-up rain is needed to finish off summer crops. The State Government is providing \$13.8 million in additional funding to support drought support measures. The extra funding means that programs such as drought support workers, emergency relief household payments and rural financial counsellors will have funds for the rest of the financial year.

The extra funding will also ensure that New South Wales can continue to honour its commitment towards the Commonwealth's exceptional circumstances business support program. The State Government has already spent more than \$200 million to help farmers during this drought. The additional funding is another sign of the Government's ongoing support. Fortunately, conditions have improved across much of the State, with two-thirds of the State now being satisfactory. As I said, most areas have had better than average rainfall. Given these more regular rainfall patterns and improved conditions, we have adjusted the transport subsidy scheme.

The scheme was designed to ensure that during the drought animal welfare issues are dealt with by assisting livestock owners to meet the cost of moving stock, fodder and water. With improving conditions, the scheme has been adjusted so that areas in greatest need continue to benefit from the scheme. Parts of the Western Division and some other isolated pockets, such as the Hunter Valley, are still experiencing drought conditions. In recognition of this, the State Government will continue to provide transport subsidies for the Western Division and other areas still in drought as of February 2006. This includes parts of the Nyngan, Coonamble, Narrabri, Mudgee, Merriwa and Hunter rural land protection board areas. For all other areas not in drought, the transport subsidy ceased on 28 February, with the exception of the subsidy for livestock returning from agistment, which will be in place until 31 March.

That will give producers a chance to get their livestock back or to make alternative arrangements. Farmers have three months in which to submit their claims. This means that they have until 30 June to submit claims for stock returning from agistment and until 31 May to submit all other subsidy claims. Since the start of the drought the New South Wales Government has spent \$77 million on transport subsidies—a vital contribution to help farmers survive during this difficult time. The State Government will continue to monitor and review its drought assistance measures to ensure that they meet the needs of our farming sector and keep it both profitable and sustainable.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** I ask a supplementary question. Will subsidies continue to be available to farmers in the Wagga Wagga area? Will the drought support workers be able to continue beyond 30 June?

**The Hon. IAN MACDONALD:** Funding for the drought support workers will continue to 30 June, and I will be making a submission to continue their excellent work throughout this drought, as I have done on five or six occasions over the course of the drought. Wagga Wagga is in either a satisfactory or a marginal situation. It is not in drought and consequently the general policies applying to areas not in drought will apply to the Wagga Wagga area.

### CITY TO SURF RACE

**The Hon. PATRICIA FORSYTHE:** My question without notice is addressed to the Minister for Roads. Has the Government reviewed the impact of the narrowing of William Street on the City to Surf race? If so, will the Minister give an assurance that the safety of runners will not be impacted by the new road/footpath configuration?

**Mr Ian Cohen:** Are you running in the City to Surf?

**The Hon. ERIC ROOZENDAAL:** I actually ran in the City to Surf last year so I am well aware of this matter. I did a pretty reasonable time as well—just on 90 minutes. Clearly the Government is aware of community concerns relating to the cross-city tunnel and motorists. I imagine that as the City to Surf draws closer there will be discussions to deal appropriately with issues relating to the work on William Street and the safety of runners. Appropriate precautions will be taken, as happens when any large race is conducted.

**CASUAL WORKERS PERMANENT EMPLOYMENT**

**The Hon. IAN WEST:** My question is directed to the Minister for Industrial Relations. Will the Minister inform the House of the impact of the New South Wales Industrial Relations Commission's decision to give long-term casual workers the right to convert to permanent employment?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for his ongoing interest in industrial affairs. The Government welcomes the commission's ruling that gives long-term casuals a right to convert to permanent employment. The Iemma Government will do all it can to preserve the entitlement. This ruling once again demonstrates the capacity of our State industrial system to achieve fair and effective results and underlines the value both socially and industrially of the independent umpire. The commission's decision takes account of the submissions of all parties, including the State Government, and achieves a balanced and workable outcome that will serve both employers and the many thousands of casual workers in New South Wales.

**The Hon. Melinda Pavey:** More AWAs.

**The Hon. JOHN DELLA BOSCA:** The commission has accepted arguments put by Unions NSW that casual and labour hire workers should have the right to convert to full-time work after extended periods of employment, based on a model used in the Federal Metals Award. I say again, for the benefit of the Hon. Melinda Pavey, the Federal Metals Award. The provision will be provided on an award-by-award basis, broadly consistent with arguments put by the State Government. Our submission did not support a general order, but proposed the development of principles to guide the commission on applications made on an award-by-award basis. The commission has indicated that it should be possible to readily add the provision to a significant number of State awards, and has asked parties to make application to that effect by 7 March 2006. The commission also made provision to clarify the occupational health and safety arrangements for contractors. We believe that the test case outcome reflects a balanced consideration of the views of all parties and reinforces the vital role the commission plays in providing an open and transparent forum to resolve industrial issues.

I think it is a very good result, not least because the independent umpire in New South Wales has arrived at a balanced decision, after hearing in detail from the parties, including the New South Wales Government. The New South Wales Industrial Relations Commission has done that by deploying the broad discretion it has in the New South Wales system, free from the endless prescriptions one finds in the new Federal Workplace Relations Act, and now, even worse, the Work Choices Bill. Unlike the Federal Government—which tampers with the powers of independent bodies when it dislikes their decisions—the New South Wales Government believes in independent bodies, free from political influence.

Contrast that, if you will, with the new world of Work Choices. The Federal commission will be prevented from hearing test case applications. Where parties agree to include provisions regulating casual employment in Federal agreements, the Federal Government has prohibited them. The reality is that Work Choices will gut the Federal independent umpire. We have no intention of doing that in New South Wales, because we believe that the independence of our commission is a fundamental part of a fair and successful industrial relations system. That independence enables the New South Wales commission to resolve disputes based on the evidence before it, with the power to make decisions which balance the practical realities of modern workplaces with the needs of Australian workers. The Iemma Government will do all in its power to preserve this new entitlement, along with other rights and entitlements that are much older, from being undermined by the Howard Government's Work Choices legislation.

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

**Questions without notice concluded.**

**TRANSPORT ADMINISTRATION AMENDMENT (PUBLIC TRANSPORT TICKETING CORPORATION) BILL**

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

**Motion by the Hon. Eric Roozendaal 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.**

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

**BUSINESS OF THE HOUSE****Postponement of Business**

**Committee reports—Orders of the Day postponed on motion by the Hon. Tony Kelly.**

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders**

**Motion by the Hon. Don Harwin agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 195 outside the Order of Precedence, relating to comments by the member for Orange, be called on forthwith.

**Order of Business**

**Motion by the Hon. Don Harwin agreed to:**

That Private Members' Business item No. 195 outside the Order of Precedence be called on forthwith.

**HONOURABLE MEMBER FOR ORANGE****Motion of Censure**

**Debate resumed from an earlier hour.**

**The Hon. CATHERINE CUSACK** [2.32 p.m.]: Aboriginal people in country New South Wales are dying because of piousness and dishonesty, as epitomised by this motion. The political correctness of the Greens and members such as the Hon. Jan Burnswoods, whose pitiful contribution to this debate matches the Labor Party's pitiful record in Aboriginal Affairs, is a major cause of this situation. They stymie public debate with this type of motion. They ensure that law and order problems in the communities cannot be properly named and because of their dishonest discussion and the blocking of honest discussion, effective policies to address lawlessness cannot be implemented. People are suffering and dying because of the stupid game played by the Greens. They play their game at the expense of the communities they so piously and self-righteously claim they care about.

This motion reveals the true racism in the ideology that says we must excuse and tolerate a disgusting level of abuse and sickness in some Aboriginal communities. The same level of abuse and sickness would not be acceptable for one minute in the white community. Crimes committed against Aboriginal people are being excused and covered up for one reason, that is, because they are committed by other Aboriginal people. Where is the justice for the black victims of crime? Where is the justice for the children whose life chances are ruined by a dysfunctional and violent home life? No-one will intervene because no-one is allowed to talk about it. The problems cannot be named. Where are the Greens on those issues?

Russell Turner, the honourable member for Orange, has had the courage to name a law and order crisis being perpetrated not by Aboriginal people in Orange but by the Iemma Government, which is shuffling families into housing estates where the community lacks the strength and resources to cope with the problems. Russell Turner is sensibly calling for these estates to be stabilised. He says that the Iemma Government is letting down the fine Aboriginal families who live in Orange. Russell Turner is right. Hooray for Russell Turner, because he has the guts to speak up, to tell the truth and to try to prevent the social disaster that is brewing and will inevitably divide his community and, in turn, lead to entrenched resentment and racism. Russell Turner's actions are seeking to stop racism. That is explicit in the media statement, which has been twisted in this motion. He is a plain-speaking man whose leadership will help Aboriginal and white families in Orange.

Instead of engaging in an honest discussion, the Greens are twisting the issue in order to punish and silence a good man who, unlike the Greens, is trying to actually do something. Unlike the Greens, he lives in the affected community. Unlike the Greens, he knows exactly what he is talking about. Unlike the Greens, he will not turn his back on the problems. Unlike the Greens, Russell Turner has integrity and courage and nothing but good intentions for his Aboriginal constituents. In stark contrast, the Greens are exploiting the dilemmas of the Aboriginal community to suit their own base political purposes. They are the ones who should be called upon to resign from Parliament. Make no mistake: Aboriginal people are dying because of their political dishonesty.



The constant reviews and inquiries by the Labor Government over the past ten years have done more to bury the problems of these communities than to solve them. Last night I was reading a Department of Education review that began by arguing why the word "Aboriginal" should be used rather than "indigenous". The report comments that the Commonwealth uses the word "indigenous", which is not helpful. So they chose to use the word "Aboriginal". How useless is that discussion? How many children did that esoteric, circular discussion bring back to the classroom? How much money has been wasted on these types of debates? At this very moment in these communities preventable crimes are being committed, preventable abuse is being perpetrated, truants are not attending school, young Aboriginals are dying of preventable illnesses and very young Aboriginal children are unable to learn because of treatable ear infections that are not being treated. There is a law and order problem in Dubbo and Orange and it will not be solved by shuffling human beings to different housing estates, as though they are animals. The situation is disgraceful.

Russell Turner is right to be alarmed and he is right to speak out. I thank him for his honesty. The three monkeys who are deaf, dumb and blind to the problems only spring into action when they have an opportunity to inhibit a solution. Members will be aware that I have met with Aboriginal people in many communities, including Broken Hill, Wilcannia, Brewarrina, the Namoi River, Bourke, Dubbo, Walgett, Macksville, and Karuah. I have also met with service providers in Moree, Bowraville and in the south-west of the State near Narrandera. I want to tell the House how passionately I feel about improving the circumstances of these communities, particularly for their children. I am so sick of seeing the wreckage that is wrought by lies and political correctness.

I am certain there can be no progress—not a millimetre—as long as the destructive silence imposed on us by the Greens and Labor is allowed to prevail. I detest racism in all its forms. The Greens motion today, a cheap exercise in point scoring, debases the concept and seriousness of racism. It is dangerous to water down serious and offensive behaviour for a cheap political purpose. I thought Sylvia Hale's contribution, which likened Mr Turner's actions to the campaigns that led to genocide of the Jews during the Second World War, was a particularly stupid and vicious contribution. It certainly does nothing to help Aboriginal people and serves only to reduce Ms Hale's standing further in our eyes.

I will give an example of the destructive silence. We know there is a law and order problem in some Aboriginal communities. I suppose in saying that I expose myself to the same advice from the Greens that I should resign from Parliament. I say it again: There is a law and order problem in some Aboriginal communities. We cover it up. We therefore cover up the causes of crime and deny ourselves and these communities the opportunity to prevent it. An example of the difficulty Aboriginal youth are having—I suppose we cannot talk about this either—is obtaining drivers licences. The Roads Minister says that he wants our roads to be safe, but this Government has done nothing but make it harder for Aboriginal people to obtain and keep their drivers licences.

In Karuah I encountered a strong Aboriginal community of about 120 citizens with commendable local leadership. As always happens, one of the key issues raised with me related to transport—school transport, transport to TAFE, transport to give children and adults access to all the facilities and opportunities that we take for granted. Of 120 residents, the people I met could name only six of their number who held a drivers licence. I find this a mind-boggling problem, with serious implications for any program attempted in that community. The impossible barriers faced by many Aboriginal children in learning to drive safely and legally is a profound factor underpinning crime and the ability of these communities to break the cycle of crime that has become entrenched in too many families. Apart from accessibility issues, Aboriginal boys, like many other young men, are fascinated by motor cars and have the potential to be excellent drivers and gifted mechanics. It is a pity we do not work with this. The reason we cannot is that we are not allowed to talk about it. If we cannot talk about it, we will never find solutions. They are the people who suffer—the people that members opposite claim to be trying to help and protect—and they are the victims of this dishonesty.

The Greens say we cannot refer to law and order problems afflicting Aboriginal communities. If there is social apartheid in this State, it is in these flawed and misguided Greens' policies. Frankly, the Labor Party is no better. We also cannot talk about the law and order crisis amongst bombedout hippies in Nimbin, whose drug abuse over decades has been tolerated and who we must now all pity. We must spend a fortune cleaning up the social wreckage wrought by failing to address the core of the problem.

Let us be honest: The issues confronting communities in Dubbo and Orange are the direct result of a failure of political will to treat all our citizens as individuals and to make all of us accountable for our behaviour. We must stop making so many excuses and we must break through this destructive silence. I condemn the

Greens for moving this motion. They are doing enormous damage and this epitomises the way in which that damage is done. I wish Russell Turner good luck and thank him for his courage and honesty in raising one of the important political debates in New South Wales today.

**The Hon. RICK COLLESS** [2.45 p.m.]: The Hon. Lee Rhiannon has blown this issue out of all proportion. It is another clear example of the tactics she uses and the way she grandstands on issues about which she knows very little. I understand that the Hon. Ian Cohen is the Greens' spokesman on Aboriginal affairs. Why is the Hon. Lee Rhiannon taking up this issue? Why is the Hon. Ian Cohen not here to participate in the debate? Does he concur with what the Hon. Lee Rhiannon is doing? That is a very good question. Clearly, the honourable member is not doing this with the concurrence of the Greens, particularly of those like the Hon. Ian Cohen, who has some experience in regional New South Wales. The two Greens members who spoke on this motion earlier certainly do not have that experience. The Hon. Lee Rhiannon knows little about the real issues impacting on local communities outside of Sydney. She knows and understands little about environmental and social issues facing small communities. She also understands little about the needs of the people of Orange, Dubbo, Bourke, Wilcannia, Walgett, or any other small community in New South Wales that has a large Aboriginal population. She certainly understands little about the honourable member for Orange, Russell Turner.

The Hon. Lee Rhiannon presented a petition to Parliament this morning referring to the problems of homophobia. Russell Turner has done more in a practical way to break down the problems of homophobia in this State than probably any other figure; certainly more than any other public figure and certainly a lot more than the Hon. Lee Rhiannon has ever done. To suggest that Russell Turner is opposed to any minority group in this State is absolute nonsense. To suggest that the Nationals are developing a new era of apartheid is personally offensive.

**The Hon. Catherine Cusack:** Grossly offensive.

**The Hon. RICK COLLESS:** Yes, grossly offensive.

**The Hon. Duncan Gay:** It is also a lie.

**The Hon. RICK COLLESS:** That is very true. I have worked with Aboriginal groups in places such as Menindee, Wilcannia, Coomealla, Walgett and so on, in helping them with the many and varied problems and issues that they face on a day-to-day basis. Just last week I participated in the opening of the Aboriginal Health Service at Inverell conducted by Nationals Senator Fiona Nash.

The Hon. Lee Rhiannon's motion is raising this as a discrimination issue. It is divisive and offensive and it has been moved with very little understanding of the issues involved. I fully support the amendment moved by the Hon. Duncan Gay expressing concern at the honourable member's lack of understanding of the real social issues in many rural and regional areas. The House should express its disappointment that the Hon. Lee Rhiannon is using this motion to enhance her media profile by attempting to be socially divisive in deliberately taking the comments made by the honourable member for Orange out of context. We should also acknowledge that the honourable member for Orange is a socially responsible member and is well respected for the work that he has been doing with minority groups in his electorate and by setting an example for all members of the Nationals. The honourable member's comments about apartheid are particularly offensive. They are offensive personally and to The Nationals members of this Parliament. We all find it offensive. The honourable member should withdraw those comments.

**The Hon. PETER BREEN** [2.57 p.m.]: I have some reservations about describing the honourable member for Orange as a racist or as displaying discrimination given that he has done so much over the years for minority groups. Anyone who knows him would know about the work he does. Tagging him as a racist is paradoxical. Although the motion refers to a press release—and it has been variously described in the debate—it is not the subject of the motion. The words referred to cannot be interpreted as racist; they refer to the "Aboriginal community". How else does one describe a group of people of Aboriginal origin except as the "Aboriginal community"? The motion takes political correctness to absurd levels and echoes the motion we debated just a couple of months ago moved by Dr Wong about people in the Asian community being labelled bad drivers.

The motion uses the same broad-bush treatment to interpret comments as racist. In fact, labelling those comments as racist diminishes the impact of true racist language and terminology. The dictionary definition of

"racism" includes both an act and an intent as well as a particular activity that denigrates a particular race by suggesting that it is less than other races and implying domination of one race over another. To suggest that that denigration applies in this particular circumstance of the Aboriginal community in Orange is pathetic.

Anyone who knows anything about Aboriginal communities in the bush and the problems that they have with policing knows that the police do move Aboriginal people around. I know of many cases over the years where people have been literally dumped in other communities by the police in order to reduce the crime statistics in their area. Those police do not want to know about more crime and more problems to solve, so they put troublesome people in the back of a paddy wagon and take them off to another area, which creates cultural conflict that often results in fights and disagreements, and the person that has been taken away and dumped creates more problems in committing more crimes. The idea that people do not get moved around is ridiculous: the police do it and so does the housing department.

To suggest that there is nothing in what Russell Turner has said is also a furphy. He has isolated and identified a problem. David Oldfield made some constructive comments about the matter. He said that it is wrong to stereotype groups of people as being predisposed towards criminality. He also made some very constructive comments about racism, which I found—unusually in his case—to be very helpful. By and large, I believe it is not appropriate to support this motion. Changing the motion the way the Deputy Leader of the Opposition suggested, to turn it back on the Greens, is a bit tough. I do not think the amendment is fair on the basis that the Deputy Leader of the Opposition's explanation for it was that Ms Rhiannon is trying to get a higher media profile. She could not get a higher media profile! She gets more publicity than the rest of us put together.

**The Hon. Melinda Pavey:** But that is the point of the amendment.

**The Hon. PETER BREEN:** I understand that that is the point of the amendment, but I do not support it. I also do not support the amendment suggested by the Hon. Dr Arthur Chesterfield-Evans of removing paragraph 2 (b). I think the whole motion ought to be defeated and I urge members not to support the motion.

**The Hon. PATRICIA FORSYTHE** [2.52 p.m.]: Let us call a spade a spade in this debate. It is interesting that the Hon. Rick Colless made the point about the Greens' publicity seeking, and the Hon. Peter Breen has rightly noted the media profile of Ms Rhiannon. The reality is that during the parliamentary break Ms Rhiannon, in contradiction to a commitment she made when she was first elected to this place that she believed that members ought only serve one term, has in fact won her preselection, and we are going to see 12 months of grandstanding leading up to the next election.

**The Hon. Rick Colless:** She is a hypocrite.

**The Hon. PATRICIA FORSYTHE:** She is an absolute hypocrite. We are going to see example after example where this particular member is going to be looking for these sorts of issues to try and paint the Greens in a particular way and, presumably, denigrate everybody else.

**The Hon. Melinda Pavey:** Including the Aboriginal community.

**The Hon. PATRICIA FORSYTHE:** Indeed, in relation to the Aboriginal community. She is using the Aboriginal community in this particular case to her own ends. I do not say that lightly because I regard that as a very significant slur on the member, but I mean it. As other members have said, you would not get a person more concerned for the humanity of people in this State, for people as individuals and for the rights of people, and you would not get a person more willing to stand up and be less likely to be called a racist than almost anybody else I can think of, than Russell Turner. He is a person genuinely concerned for people and their needs and feelings and he has done much to expand debate on issues relating to people's rights.

Russell Turner is entitled to stand up for his community and he is entitled to express concerns that others would be expressing. No doubt he would have said the same about any bunch of little brats, even if they were little kids of Anglo-Saxon origin, who might have been causing problems somewhere else and there was a concern that they might be about to be inflicted on the people of Orange. I note that expressions of concern about the importing, so to speak, of young troublemakers was also made by the Orange magistrate Jan Stevenson. As it happens, when I was shadow Minister for Community Services I had much to do with Jan Stevenson. She is also a person who is very concerned for young people and for humanity, and I spent some time with her in her previous role, before she was appointed a magistrate, as she had a real concern about how

we deal with juveniles and how we would do better to steer those juveniles involved in crime onto a better pathway. No-one would ever accuse Jan Stevenson of being other than caring and thoughtful in her approach to all young people and in her willingness to try and find solutions, but there are significant issues with Aboriginal juveniles and crime in some of these areas.

When we look at statistics, there is no doubt that there is real concern about non-Aboriginal juveniles also, but in this particular case—following, as it does, on problems that emerged in Dubbo just weeks before—it is right not to try and hide this problem. We can sweep these issues under the carpet, but where does that get us at the end of the day? As the Hon. Catherine Cusack said, we have got to face up to these problems. We need to address the problems as they are, and if we go around forever saying we cannot refer to Aboriginal young people because of some misguided view about political correctness, then we will not solve the problems at all.

I listened to the debate about the problems in Dubbo, in particular, and I recall some of the issues that were talked about by people involved in Aboriginal housing there. It is quite clear that one of the problems in Dubbo is that there are some families that are totally unable to get on with other families, and this problem will go back many generations. I am reminded of the fact that in my first year out as a teacher in 1974, my best friend from university was sent to a brand-new, second high school that was opened in Moree. A second high school was opened because the existing high school could not deal with the different Aboriginal families whose children attended the school, so they separated the children to solve the problem.

In Dubbo, many different families who have had a long history of an inability to get on have been co-located. We really need to address some of these fundamental issues. We really need to work with Aboriginal elders to find some solutions, and a solution may well have to be the separation of these groups into different housing estates. One could well imagine with the proximity of Orange to Dubbo, that people might be concerned that the simple solution will be to move these people from one town to another without addressing some of the underlying problems such as why many of these young people are not in school; why they have a history of truanting from, effectively, the day they start school; why these young people are forever appearing before the courts but rarely ever getting the appropriate sentences and the appropriate opportunities to move forward; and perhaps why we are not listening more closely to some of the Aboriginal elders.

Russell Turner is a person of his community, a leader in his community, who knows and reflects the views of his community. He has a capacity to work with indigenous leaders across the area. When he made those comments, he would have done so mindful of the concern of many of the indigenous communities in the Orange area that simply moving people from one community to another is not going to solve the problem. Magistrate Jan Stevenson expressed a similar view as well. Far from condemning Russell Turner, we should acknowledge that he has hit on a significant issue in many communities across New South Wales. He is a humane person, who thinks about people in his community, their feelings and their place in society, as is appropriate. That must be supported. Should Labor Party members feel minded to give any support to Ms Rhiannon's motion, before they do so they might need to reflect on her motives in moving it.

**The Hon. Dr PETER WONG** [3.01 p.m.]: In the first instance I am in sympathy with Ms Lee Rhiannon's motion. However, I have known Russell Turner for two years. We are both on the Committee on the Health Care Complaints Commission. I have always found Russell to be a friendly, polite and very gentle person. I find it quite discomfiting to read the statement made by him, particularly when he said there is something terribly wrong when a family returns to their home to find three or four young Aboriginals ransacking their home. He said that when challenged, these people simply walk out and threaten to burn the house down if the owners go to the police. I have no problem agreeing that some of the incidents occurred; it happens to other ethnic groups, including the Chinese. However, I find a general comment like that not helpful to community harmony.

**The Hon. Catherine Cusack:** It's the truth.

**The Hon. Dr PETER WONG:** I agree with you that it occurs in some instances. It happens to Asians as well.

**The Hon. Catherine Cusack:** We should be allowed to say it.

**The Hon. Dr PETER WONG:** I fully agree with you that we should be allowed to say that. However, I also have to say, looking at it as a media release, I feel perhaps that Russell should have realised what would happen and qualified his statement.

**The Hon. Peter Breen:** The media release is not the subject of the motion.

**The Hon. Dr PETER WONG:** I agree. However, Russell is not here to defend himself and therefore, whether we like it or not, we are looking predominantly at the media release and subsequent comment by police, the Labor Party and The Nationals. We have to make a judgment about whether to support Ms Rhiannon's motion. I am glad that an amendment has been moved to delete clause 2 (b). I feel that if the wording can be changed in 2 (a) to say that this House expresses its concern at the member for Orange making comments about indigenous people in western New South Wales, promoting racially prejudiced views in the community and suggesting that indigenous people should be prevented from leaving the Orange region—

**The Hon. Duncan Gay:** He didn't do that.

**The Hon. Dr PETER WONG:** I am saying that I find that as a public comment—

**The Hon. Duncan Gay:** You're saying you are going to support an amendment to say he did that. He didn't do it.

**The Hon. Dr PETER WONG:** I am reading from the media release. I am not comfortable with it on the surface, to be honest with you. I share your concern but I am not sure this House should censure him either. I know Russell pretty well. I know he is not that type of person.

**The Hon. Duncan Gay:** That is what clause 2 (a) says.

**The Hon. Dr PETER WONG:** I am reading it. I agree. I am saying to you I am not comfortable with it.

**The Hon. Catherine Cusack:** Amend it or vote against it.

**The Hon. Dr PETER WONG:** If this House agrees I will amend it to express concern about his making public comments about indigenous people in western New South Wales, possibly promoting racially prejudiced views in the community and suggesting that additional indigenous people should be prevented from leaving the Orange region. I think that would be more appropriate. It does not mean we are making a judgment on Russell.

**The Hon. Catherine Cusack:** The Government has said we cannot say "indigenous", that we have to say "Aboriginal". That is the new position.

**The Hon. Dr PETER WONG:** If someone would like to amend it so that this House expresses concern at the member for Orange making public comments about indigenous people in western New South Wales, possibly promoting racially prejudiced views in the community and suggesting that additional indigenous people should be prevented from living in the Orange region, that is fine. I have a problem with censuring Russell.

**The Hon. HENRY TSANG** (Parliamentary Secretary) [3.07 p.m.]: Russell Turner's comments are simply not true and he should admit to the Parliament that he just made them up. It is clearly an attempt to try to make himself and The Nationals relevant and score some cheap political points; and he should withdraw his comments immediately. This is typical of The Nationals, spreading rumours from the sideline and scaremongering. They are content to carp and whinge from the sidelines instead of doing what they are elected to do—represent their community by finding solutions.

**The Hon. Rick Colless:** That is not true.

**The Hon. HENRY TSANG:** Instead of being part of the solution, The Nationals are becoming part of the problem by stirring up trouble, as you are doing now. You are stirring up trouble for me. On the other side of the coin, the Government is taking action to find long-term solutions to the housing issues in the central west. The member for Orange should either put up or shut up on this issue. We are not saying there are easy answers. These issues are complex and have emerged over a long period of time. But to simply say that no Aboriginal family should move to Orange is ridiculous and plainly offensive.

The majority of public housing tenants are good people. Residents in public housing deserve to live safely and comfortably in their homes. In order to achieve this, the Department of Housing has had to separate feuding families living on the Gordon Estate in Dubbo. None of them have moved to Orange and there are no immediate plans to move any tenants from the West Dubbo estate to Orange.

The Minister has said before that antisocial behaviour on the Gordon Estate will not be tolerated and she has made it clear that if tenants continue to engage in antisocial behaviour, the department will move to evict them. The Government's aim is to find a lasting solution that will fix the problems on the Gordon Estate for all time. The suggestion that we should simply pick up the problem and move it to another estate is nothing short of ridiculous. As a result of ongoing community consultation, the Government has also implemented a raft of new initiatives targeting the social, employment and infrastructure issues underlying this community's ongoing problems. The Government will continue to work closely with the community and NSW Police to find a long-term, workable solution to the issues on the Gordon Estate.

**Ms LEE RHIANNON** [3.10 p.m.], in reply: I thank honourable members for having participated in what has been a quite extraordinary debate. A number of speakers attempted to make out that, as a person who has raised this issue for debate, I am in fact trying to stifle debate. That is a ridiculous argument and it proves that Coalition members are bankrupt in their efforts to defend Mr Turner's position—which is only natural, because there is no defence.

The fact that I have criticised Mr Turner does not mean that I am saying we should not discuss how to make communities safe, that we should not discuss how to lower crime rates, and that we should not consider how to improve the living and health conditions of Aborigines. Obviously these issues need to be addressed. But Mr Turner is not doing that; nowhere in his comments is he addressing these issues. I have criticised Mr Turner because he is critical of all Aborigines. Those taking part in this debate who reject that—

**The Hon. Robyn Parker:** He is not! That is untrue.

**Ms LEE RHIANNON:** I acknowledge the interjection. It is clear that the honourable member has not read his columns and his media releases. He has talked about all Aboriginal people. The fact that I have moved this motion does not mean I am therefore critical of everything Mr Turner has done. Yes, Mr Turner has a fine record of standing up for the gay and lesbian community, but we have seen some members in this House attempting to stifle debate. That is what those opposite are doing. It is not enough that someone does one good thing. Life is complex and there are many aspects to it.

**The Hon. Duncan Gay:** You are the one that is stifling debate.

**Ms LEE RHIANNON:** Not at all. I brought on the debate. It is a game in which you are having a real problem and you do not have reason to defend Mr Turner. He has a good track record in one area but he has clearly overstepped the mark here, and obviously that issue should be raised. This has been an informative debate about The Nationals and where that party is at with its own policies. I commend the motion to the House.

**Question—That the amendment of the Hon. Duncan Gay be agreed to—put.**

**The House divided.**

#### **Ayes, 14**

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

#### **Noes, 18**

Mr Breen	Mr Hatzistergos	Mr Tsang
Mr Catanzariti	Mr Macdonald	Mr West
Dr Chesterfield-Evans	Mr Obeid	
Mr Cohen	Ms Rhiannon	
Mr Della Bosca	Ms Robertson	<i>Tellers,</i>
Mr Donnelly	Mr Roozendaal	Mr Kelly
Ms Hale	Ms Sharpe	Mr Primrose

**Pairs**

Mr Gallacher  
Mr Pearce  
Mr Ryan

Dr Burgmann  
Ms Fazio  
Mr West

**Question resolved in the negative.**

**Amendment negatived.**

**Question—That the amendment of the Hon. Dr Arthur Chesterfield-Evans be agreed to—put.**

**The House divided.**

**Ayes, 18**

Mr Catanzariti  
Dr Chesterfield-Evans  
Mr Cohen  
Mr Costa  
Mr Della Bosca  
Mr Donnelly  
Ms Hale

Mr Hatzistergos  
Mr Kelly  
Mr Macdonald  
Mr Obeid  
Ms Rhiannon  
Ms Robertson  
Mr Roozendaal

Ms Sharpe  
Mr Tsang  
  
*Tellers,*  
Mr Primrose  
Mr West

**Noes, 16**

Mr Breen  
Mr Clarke  
Ms Cusack  
Mrs Forsythe  
Miss Gardiner  
Mr Gay

Mr Lynn  
Reverend Dr Moyes  
Reverend Nile  
Mr Oldfield  
Ms Parker  
Mrs Pavey

Mr Pearce  
Mr Tingle  
  
*Tellers,*  
Mr Colless  
Mr Harwin

**Pairs**

Dr Burgmann  
Ms Fazio

Mr Gallacher  
Mr Ryan

**Question resolved in the affirmative.**

**Amendment agreed to.**

**Question—That the motion as amended be agreed to—put.**

**The House divided.**

**Ayes, 17**

Mr Catanzariti  
Mr Cohen  
Mr Costa  
Mr Della Bosca  
Mr Donnelly  
Ms Hale

Mr Hatzistergos  
Mr Kelly  
Mr Macdonald  
Mr Obeid  
Ms Rhiannon  
Ms Robertson

Mr Roozendaal  
Ms Sharpe  
Mr Tsang  
*Tellers,*  
Mr Primrose  
Mr West

**Noes, 17**

Mr Breen  
Dr Chesterfield-Evans  
Mr Clarke  
Ms Cusack  
Mrs Forsythe  
Miss Gardiner

Mr Gay  
Mr Lynn  
Reverend Dr Moyes  
Reverend Nile  
Mr Oldfield  
Ms Parker

Mrs Pavey  
Mr Pearce  
Mr Tingle  
*Tellers,*  
Mr Colless  
Mr Harwin

**Pairs**

Ms Burgmann  
Ms Fazio

Mr Gallacher  
Mr Ryan

**The DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! The votes being equal, I cast my vote with the ayes and declare the motion resolved in the affirmative.

**Motion as amended agreed to.**

**FAMILY IMPACT COMMISSION BILL****Second Reading**

**Debate called on, and adjourned on motion by the Hon. Peter Breen.**

**CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL****Second Reading**

**Debate called on, and adjourned on motion by the Hon. Don Harwin.**

**ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS TOLERANCE) BILL****Second Reading**

**The Hon. PETER BREEN** [3.38 p.m.], in reply: I thank honourable members for their contributions to the debate on the Anti-Discrimination Amendment (Religious Tolerance) Bill, the object of which is to make religious vilification and hate speech unlawful and to impose the same penalties for religious vilification and hate speech under the Anti-Discrimination Act as apply to racial vilification and certain forms of sexual vilification. The bill was never intended to reintroduce religion as a ground for prohibiting discrimination under the 1977 anti-discrimination legislation.

Honourable members will be aware that religion as a ground for prohibiting discrimination was included in the original draft of the Anti-Discrimination Act 1977 but was removed in this House following lobbying of the Premier at the time, Neville Wran, by Cardinal Freeman and Archbishop Gough. For reasons that elude me, leaders of the majority Christian religions in New South Wales have always opposed any attempts to curb religious freedom, which they interpret as the right to say as they please about other religious beliefs.

I suppose intolerance to other religions is an inevitable consequence of absolute certainty about one's own beliefs. Ironically, Christian religious imperialism, as it has been called, grew out of a minority group of revisionist Jews. Most contributions to this debate have included reference to the Catch the Fire Ministries case in the Victorian Civil and Administrative Tribunal. Members have referred to this case as an example of the failure of religious tolerance laws. But the case is a bad precedent and demonstrates what happens when legalism overshadows commonsense and ordinary fair-mindedness. Pastors Nalliah and Scott had their day in court. In my opinion, despite not agreeing with their position on the Victorian legislation, I do not believe that they deserved to be saddled with million dollar legal bills for saying what they think, no matter how misguided they might have been. The outcome of that case is most unfortunate and has probably done irreparable damage to the cause of religious tolerance laws. I believe Judge Higgins's decision will be overturned on appeal, even though he took the sensible view on the issues in the case as they were presented. The terms of the relevant legislation in Victoria need to be revised to protect public comments that are made in a private context.

Two weeks ago the British Parliament enacted the Racial and Religious Hatred Act 2006, which specifically addresses some of the problems raised in the Catch the Fire Ministries case. The United Kingdom Racial and Religious Hatred Act provides that no offence of vilification or hate speech is committed where the threatening words or behaviour are used in a dwelling and are not heard or seen except by other persons in that or another dwelling. In other words, British subjects can indulge in vilification and hate speech to their soul's content provided they do it at home and not in a public place. I contrast the penalties under the British legislation with the penalties under the proposed bill. In the United Kingdom a person can incur a sentence of up



to seven years imprisonment, while the maximum penalties under the proposed bill for serious religious vilification is a fine of \$1,000 and up to six months imprisonment. The penalties in the proposed bill are in line with existing provisions in the Anti-Discrimination Act and, compared with the United Kingdom provisions, are quite mild.

Apart from the Victorian Catch the Fire Ministries case, I did not hear any compelling arguments in the debate from those who oppose the bill. The Hon. Jon Jenkins said the bill would inhibit free speech, but the bill allows vigorous debate that stops short of vilification and hate speech. The Legislation Review Committee, in its assessment of the bill, noted certain safeguards to avoid undue restrictions on free speech while protecting people from vilification. The committee concluded:

Having regard to these safeguards and the compelling public interest in preventing and punishing religious vilification, the Committee is of the view that the Bill does not unduly trespass on the right to free speech.

Reverend the Hon. Fred Nile expressed similar concerns about free speech when he said:

The protection of truth telling is an important justification for the right of freedom of speech.

It should be said that nothing in the bill prevents the adherents of any religion or belief system proselytising or urging the adherents of another religion or belief system to change the perceived error of its ways. Reverend the Hon. Fred Nile and others are not restricted in their truth telling so long as they do not incite hatred and vilification of non-believers. Equally, the adherents of non-Christian religions, such as Islam, are free to teach their version of the truth and attract converts to the teachings of the prophet Mohammed, for example, provided they do not incite hatred and vilification of Christians and others with a different faith or belief system. It works both ways. Religious vilification does not just apply to minority religious groups. It applies to all people of all faiths or no faith who have a conviction that they wish to defend against verbal abuse, incitement and hate speech.

I regret that Reverend the Hon. Fred Nile does not support the bill. If the decline in church attendances of the past few years continues in Australia and Christianity becomes a minority religion, or a secondary belief system to secularism, Reverend the Hon. Fred Nile's descendants may well have reason to regret his failure to protect them from religious vilification and hate speech. In my second reading speech I made the point that these days there are many cases in the workplace of people being discriminated against on the basis of their religion, whether Islam or Christianity, and there are no remedies in New South Wales, as the law presently stands, against that kind of discrimination. Reverend the Hon. Fred Nile would take a very different view of this bill if he were, for example, part of a Christian minority in a Muslim country. I ask him to consider the provisions of the bill from the perspective of minority religions.

I also refer to a matter that arose during debate on the bill when I wrote to a number of religious leaders in the Muslim community seeking their comments on a statement by Reverend the Hon. Fred Nile to the effect that the Koran may vilify Christians. The honourable member was referring to a translation of the Koran by Arthur J. Arberry in which Christians are described as "corrupt or perverted unbelievers". This is an old translation and one that modern Muslims reject. I could not find a copy of the Arberry translation in any mainstream secular bookshop in Sydney or Islamic bookshop. Reverend the Hon. Fred Nile was kind enough to copy the relevant pages of the book, but because of the way it was set out I was unable to determine the context in which the alleged vilification of Christians is made. I emphasise that the Arberry work is not regarded as a modern translation of Islam and should not be used as authority for the proposition that the Koran vilifies Christianity.

Reverend the Hon. Fred Nile is not the only Christian leader to misconstrue the teachings of Islam for base political purposes. The Federal Treasurer, the Hon. Peter Costello, did a splendid job last week playing wedge politics. He said that anyone who believes Sharia law can coexist with Australian law should leave the country. Just like the Arberry translation of the Koran, Mr Costello has a primitive view of Sharia law. In an article in today's *Sydney Morning Herald* Irfan Yusef says, quite rightly, that Mr Costello's comments are an attack on liturgy and should concern followers of all faiths. Sharia law for modern Muslims is not the medieval punishment system of an eye for an eye, but a body of law that safeguards ethics and core values.

The article in today's *Sydney Morning Herald* refers to a series of lectures in 2002 delivered by a visiting Indonesian academic, Professor Mohammed Fajrul Falaakh, at the invitation of the Centre for Independent Studies. I had the privilege to attend one of those lectures and I was surprised to learn from Professor Falaakh that only one political party in Indonesia supports the idea of including Sharia law in the

Indonesian Constitution and that that political party has the support of just 11 per cent of the voting population. By way of contrast, when Indonesia secured independence from the Dutch in 1945 almost 50 per cent of the population supported Sharia law in a constitutional referendum. As secularism has taken over, the number of people who support Sharia law in Indonesia has dropped dramatically from almost 50 per cent to 11 per cent.

Unfortunately, I expect the bill will be defeated and another opportunity will be lost for the Labor Government to stand up and be counted on a matter of principle. Protecting people from vilification and hate speech is Labor Party policy. During the 2004 Federal election campaign the Australian Labor Party promised to prohibit vilification on the grounds of race, religion and sexuality. New South Wales is out of step with other Labor governments in the eastern States on the issue of religious tolerance. Queensland, Victoria and Tasmania have laws in place to protect citizens from vilification and hate speech based on their religion while the people of New South Wales are denied any legal remedy for attacks on their religious convictions.

The Hon. David Clarke insisted that the law in New South Wales already protects people from religious vilification and hate speech. I heard him repeat that yesterday during another member's speech. Other members hold a similar view, including the former Special Minister of State, who said that the relevant protection is to be found in the law on assault. My experience indicates there are no protections in New South Wales for people subjected to vilification and hate speech on religious grounds. One example which I read in the *Australian Jewish News* is a household at Mosman bearing a sign on its front lawn that reads: "Jews make good lamp shades". Another example was the Hon. David Oldfield's Muslim hate web site.

The Anti-Discrimination Board said although the web site was offensive, there was no law in New South Wales whereby he could be made to shut it down. In the end, the Victorian Anti-Discrimination Board acted, as the web site was on the Internet, and it was shut down. Those two examples indicate there is no law in New South Wales to support the idea that people can have a remedy for breaches of religious tolerance. In both these cases, the Anti-Discrimination Board said that the relevant legislation is not in force in New South Wales, and it has written to me to that effect. In respect of assault laws and vilification, I received the following advice from the Parliamentary Library Service:

In New South Wales, hate speech, religious vilification or inciting hatred against a person based on religion, are not covered by the law relating to assault. The common law requires there to be the apprehension of immediate and unlawful violence. In the absence of such an apprehension, "mere" words - regardless of whether the words stem from religious hatred or otherwise - will be insufficient to attract the protection of the courts.

Late last year I had the privilege to attend the Great Synagogue as a representative of the St Thomas More Society. I recall that the Hon. David Clarke also attended that celebration. The occasion was the fortieth anniversary of *Nostra Aetate*, the seminal document of Vatican Council II celebrating relations between the Catholic Church and the Jewish people. Cardinal Kasper, the President of the Pontifical Commission for Relations with the Jewish People, spoke in the Great Synagogue via video satellite from the Vatican City. Kasper said that the church does not "teach that everybody needs to become a Catholic in order to be saved by God". Taking up this theme, David Knoll, the President of the Jewish Board of Deputies, said that "the challenge remains for other branches of Christianity to move from their engagement in mission to the Jews and accept instead engagement with the Jews".

Many Christians today ignore or forget their own religious origins when they describe Islam as a heresy of Christianity. If Islam is a heresy of Christianity, then logic demands that Christianity is a heresy of Judaism. The reality is that no-one speaks with absolute authority or certainty on religious issues. In his recent book *The Sins of Scripture*, Bishop John Shelby Spong said the following about religious certainty:

We live in a religiously pluralistic world, but there is only one God. This God is not a Christian, nor is this God an adherent of any religious system. All religious systems are human creations by which people in different times and different places seek to journey into that which is ultimately holy and wholly other. Until that simple lesson is heard, human beings will continue to destroy each other in the name of the 'one true God'.

Spong's book is published by Harper Collins and the jacket cover includes the following:

Anyone who has ever felt threatened or overrun by Bible-quoting religious mentality operating in the political arena will find this book a must-read.

Similar views to those expressed by Spong are to be found in Karen Armstrong's book entitled *A History of God*, which is published by Random House. I support a particular religious tradition; I belong to the Catholic Church and I follow the teachings of that church. I differ with the church on a couple of issues. The jury is still out about the question of conscience. I read recently that a group went to check a few things with the Vatican in that regard. So I do not know where I stand on those issues. The point I make in concluding this debate is that there is nothing to be gained by the adherents of any religion asserting to the exclusion of other religions that

they are right and others are wrong. There is simply no certainty in our religious positions because no-one can prove conclusively whether God exists. It is such a basic principle that I am often surprised how people get into wars and fights about it. This does not represent any lack of faith, which is sometimes a criticism levelled at people who are tolerant. On the contrary, the more faith one has and the deeper one goes into the issue of God the more one must come to the conclusion that it is full of uncertainty and change. It is largely a projection of the human mind. Without some kind of objective religious experience, people who dismiss the idea of God as delusional thinking have some basis for their view.

In view of all those points, I find it difficult to understand why this Parliament would not want to support a bill that promotes an idea that we should create bridges to other communities, be they Muslim, Sikh or any number of other religious beliefs, without wishing to protect those people from discrimination and vilification based on hate speech and inciting violence. Be that as it may, that is all the bill seeks to do: protect people from hate speech.

Many people have corresponded with me about this issue. Many of them have supported the idea of religious tolerance laws and many have opposed it. I respect their views and they have expressed them openly and fairly and without any of the hatred and contempt that I have experienced in other debates we have had, such as those relating to sentencing, particularly in relation to prisoners whose records have been marked "never to be released". Such threat and intimidation has not been present in this debate, and I am very grateful for that.

I thank those who have contacted me supporting the idea of religious tolerance laws. I have received letters, emails, and telephone calls, and a number of meetings have been held to sort out the issues and to see where people stand. I particularly thank the Federation of Ethnic Communities' Councils of Australia, the Buddhist Council of New South Wales, the Macedonian Orthodox Church of Australia, the Association of Macedonian Communities of Australia, the Macedonian Orthodox Community of Sydney, the Macedonian Australian Council of Sydney, Canterbury City Councillor Michael Hawatt, Dr Zacharia Matthews, President of the Australian Islamic Mission, Dr Nabeel Ibrahim, of the Australian Muslim Doctors and their Friends—previously known as the Coalition of Australian Muslim Doctors Against Violence—Rowan Gould of the Islamic Council of Victoria, Dr Ibrahim Abu Mohamed, PhD in comparative religious studies and respected Sydney-based Islamic scholar, Hassan Bazzi, President of the Alzahra Muslim Association, Ahmed Chowdhury, of the Islamic Society of Manly-Warringah, Muttalip Kartalci, Scripture Teacher in Sule College Prestons, M. Naimi, of South Hurstville Musallah, Mr Elsayed Kandil, a Sydney-based Australian Muslim, David Bottrill, Mr Suhinder Singh Kalsy and Mrs Gurkiran Kaur Kalsy of the Australian Sikh community. I thank them all for their submissions and thoughtful comments and for taking the trouble to contribute to this most interesting debate, which has had its ups and downs. At one stage I thought the Government might support the bill. Hope springs eternal! Maybe the bill will come back to us in another form.

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

**The House divided.**

**Ayes, 5**

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

**Noes, 23**

Mr Catanzariti	Reverend Dr Moyes	Ms Sharpe
Mr Clarke	Reverend Nile	Mr Tingle
Mr Colless	Mr Oldfield	Mr Tsang
Mr Donnelly	Ms Parker	Mr West
Mrs Forsythe	Mrs Pavey	Dr Wong
Mr Gay	Mr Pearce	<i>Tellers,</i>
Mr Kelly	Ms Robertson	Mr Harwin
Mr Lynn	Mr Ryan	Mr Primrose

**Question resolved in the negative.**

**Motion negatived.**

**ANTI-DISCRIMINATION AMENDMENT (EQUALITY IN EDUCATION AND EMPLOYMENT)  
BILL**

**Second Reading**

**Debate resumed from 28 February 2006.**

**Ms SYLVIA HALE** [4.05 p.m.]: Before the debate was adjourned I was saying that things change as time passes: attitudes change. We now see things in a new light, a light that is different to the way in which we assessed and thought about what were supposedly self-evident truths in the past: things that were acceptable once and are no longer so. When we started to pass anti-discrimination laws in the 1970s it was a reflection that we were aware that the world had moved on and that the attitudes and assumptions that underlaid the legislation before 1977 were no longer appropriate for the world of 1977.

Today we are another generation 30 years on from that time. It is time, once again, to amend the legislation to reflect today's values and attitudes. My colleague Lee Rhiannon has already outlined the various provisions of the Act that need to be changed, and I urge members of the House to support Ms Rhiannon's bill. The Anti-Discrimination Amendment (Equality in Education and Employment) Bill is about inclusion, equality and fairness. The original Anti-discrimination Act is one of the finest achievements of this Parliament, but it is not perfect. It reflects what we saw as important and necessary in 1977. But that Act contains some loopholes that allow legal discrimination to continue. This bill seeks to close those loopholes and to reflect what we see as necessary and important now.

The Greens stand strongly and proudly for freedom of religion, freedom of association and freedom of speech. But that does not mean that schools, charities or businesses operated by religious organisations should not have to conform to social standards that are accepted by society in general. It is the proper role of Parliament to set those social standards and to set rules for fairness to promote equality and to protect the disadvantaged. That is what Parliament did in 1977 when it passed the Anti-Discrimination Act and that is what we ought to do today.

Part of the bill deals with the very important issue of discrimination on the grounds of one's sexuality. There can be no justification for allowing such discrimination to continue into the twenty-first century. As my colleague Ms Lee Rhiannon noted, at present a student at a private school in New South Wales can be expelled legally for coming out as gay or lesbian. Imagine having a child who, on trying to come to terms with his or her sexuality, faces a legally permitted response that he or she could be expelled from school. The Greens believe that that is a disgrace. Indeed, once the standard response to a child finding himself or herself in that situation would have been to send the child off to either aversion therapy or even psychosurgery. One hopes that these are attitudes of the past. The bill would also close the loophole that allows small businesses and private educational authorities to discriminate in employment on the grounds of homosexuality, and the loophole that allows educational authorities to discriminate in education on those same grounds.

The notion that someone could be judged as being suitable or unsuitable for a job based on his or her sexuality is plainly offensive. Objections have been raised about employing gay men to work as teachers. Such sentiments are ignorant, backward and just plain wrong. Of course, gays and lesbians are free to teach in public schools and their sexuality generally remains their own business. I challenge any member to point to evidence of any detrimental impact whatsoever in that regard. There is no such evidence, because sexuality is irrelevant to one's teaching abilities.

It is worth mentioning that in 2002 in Queensland, long regarded as the 'deep south' of Australia, the Government amended its anti-discrimination legislation and now, in this respect at least, that State is ahead of New South Wales. Private schools in Queensland are not allowed to discriminate against gay or lesbian teachers unless their conduct is contrary to the religious values of the school. In other words, there is a kind of 'don't ask, don't tell' policy. That is certainly imperfect, but it is better than the current state of affairs in New South Wales. The fact that Queensland, which is generally regarded as a socially conservative State, can adopt such a law shows just how out of step with mainstream views the current New South Wales Act is.

Another aspect of the bill addresses the marital status of teachers. I refer here to amendments to sections 40 and 46A, which relate to discrimination on the grounds of marital status. At present a private school can legally fire a teacher because his or her marriage ends in divorce. This is 2006, and there are members here today who, if they were a teacher in a private school, would therefore be denied employment. You would hardly

believe it could be the case, but it is. In 1977 this Parliament decided that it was generally unacceptable to discriminate on the grounds of marital status. However, in 2006, private schools can still do so. The Greens believe that this is a disgrace.

The amendment to section 40 would remove the loophole that allows small businesses and private educational authorities to discriminate in employment based on marital status. That loophole is a relic of a different time and it is offensive to say the least. It harks back to the period in the nineteenth century and early twentieth century when women teachers were required to resign when they married.

I can certainly remember that the school I attended was staffed almost entirely by women, and with very few exceptions they were single women because the married women had been forced by the education department to resign. Thankfully, today the idea that one's marital status is irrelevant to one's professional abilities is a broadly accepted notion. It is an accepted social standard with which all in society ought to comply.

Another aspect of the bill addresses the situation of those with a disability. At present public schools in New South Wales accept every student who enrolls. That is their great strength, and something to be proud of.

**The Hon. Robyn Parker:** They do not have the facilities for them.

**Ms SYLVIA HALE:** I concede only too readily that public schools often do not have the appropriate facilities. That is because they are being starved by the Government of the necessary funds to provide those facilities, not because of any inbuilt opposition to taking children with a disability. New South Wales legislated in the nineteenth century to ensure that public education should be free, compulsory and secular, yet private schools are legally entitled to turn away a prospective student if that young person has a disability. Public schools are not allowed to discriminate against those with a disability, and rightly so, but private schools remain free to do so.

The bill also seeks to remove the arbitrary distinction between businesses that employ five or fewer staff and those that employ six or more. There is no logical or credible basis for this distinction. The Greens believe all these legal discrimination loopholes are morally repugnant. The principle upon which the Anti-Discrimination Act is founded—embodying the values of inclusion, equality and fairness—cannot be qualified or limited. Discrimination is either right or wrong. We say that it is wrong. It is a nonsense to have one rule for some and another rule for others.

Australia was once regarded as a social laboratory, a nation that gave the world a foretaste of the future. It was our great strength, attracting politicians and commentators from around the world to see this new manifestation. We can and should continue this magnificent and proud tradition. Indeed, if we are unwilling to pass these amendments today, we have to ask ourselves why we wish to continue these antiquated attitudes, which will blight the lives of our present and future citizens. In closing, I wish to quote some familiar words, which I am sure most of you will recognise:

We hold these truths to be self-evident,  
that all People are created equal,  
that they are endowed ... with certain unalienable Rights,  
that among these are Life, Liberty, and the Pursuit of Happiness.

Let us do our bit today to ensure that all the people of this State are equally endowed.

**The Hon. ROBYN PARKER** [4.16 p.m.]: I speak on behalf of the Liberal-Nationals Coalition. As I listened to Ms Sylvia Hale speak on behalf of the Greens, I heard once again a presentation from the high moral ground that the Greens love to grasp, the holier-than-thou attitude about issues that comes from talking about broad concepts such as inclusion and those sorts of ethics—except for one thing: they look at issues in terms of wedges and division and forget about choice and opportunity. The Liberal Party, the party to which I belong, is the party of choice. In this country and this State we have choice about education. There is an opportunity for us to have choice.

I heard the Ms Sylvia Hale talk about evidence and loopholes and rationales for all these things and I wondered where it was all coming from. There is not an avalanche of stories of discrimination in the community. There is not a groundswell of outrage about what is going on in schools. In fact we find people are embracing choice. They embrace the opportunity to have choice in education; they embrace the opportunity as employers to select people that they wish to have as employees.

The Coalition opposes this bill put forward by the Greens to amend the Anti-Discrimination Act 1977 to remove exemptions that allow private education authorities to employ as they choose and that currently allow employers who employ five or fewer persons to discriminate in employment. The Greens' bill seeks to overturn a long-established practice of allowing private and religious educational institutions to discriminate on the basis of sex, transgender status, marital status, disability, homosexuality and age. Similarly, it removes the capacity for business with five or fewer employees to discriminate on the same basis. The bill seeks to remove the definition of private education authority, which is defined in the Anti-Discrimination Act 1977 as being a person or body administering a school, college, university or other institution at which education and training is provided, not being a school, college, university or other institution established under the Education Reform Act. To remove this definition would place all educational institutions under the one definition, being that an educational authority means a person or body administering a school, college, university or other institution at which education and training is provided.

This would ignore the fundamental point that private educational facilities founded in religious principles and beliefs should be able to determine that the people who work for them deliver a complete lifestyle message.

Choosing where to send your children to school is one of the biggest decisions a parent makes. When parents send their child to an independent school they are well informed of the philosophy and ethics of that school. Parents tell us more and more often that they want to have an involvement in the values that are presented at their school, and more involvement with the teachers, the people who have an influence over their children. Honourable members will recall that last year the parents of students at Maroubra Junction school wanted to have a say in the selection of the school's deputy principal. Parents want to know that they are sending their child to a school they consider appropriate to their own beliefs and the way in which their children have been raised and taught.

When they send their children to an independent school, parents know what that school's beliefs and teaching methods are. Parents know how important the influence of a teacher can be in imparting those values. The role of a teacher is that of a mentor, a person who passes on values to students. It is not merely an issue of the prerogative of parents; it is about the vital role of teachers—and, when we talk about values in education, it is a role that teachers take very seriously during their training and throughout their working lives. Parents know that that is important, and by putting all schools into one basket you are taking away those opportunities. These amendments are not desirable because, while we do not want to promote discrimination against homosexuals or people with a disability, private and public education authorities should not have the same definitional terms when clearly they are not the same. They are different. There is a choice and we are strongly committed to the rights of parents to choose the school to which they send their children.

Since the Act came into force in 1977, the New South Wales Parliament has responded to the need for widening the scope of the Act, prompted by decisions of the Supreme Court and the Equal Opportunity Tribunal and recommendations of the Anti-Discrimination Board. The Act has been amended on numerous occasions, including the introduction of new grounds dealing with physical impairment, homosexuality, pregnancy, compulsory retirement and racial vilification. Those were all important changes, as Ms Sylvia Hale mentioned, very much a zeitgeist of the times. However, the bill we are debating today needs more ambit consideration and I believe that the amendments proposed would be better served individually rather than under the blanket of one bill.

It is our role as legislators to help stamp out discrimination and close loopholes in legislation, but it is also our role to respect unincorporated associations and allow those authorities to uphold their independence, particularly when they are organisations that have a religious affiliation and belief. In her speech Ms Lee Rhiannon referred to section 31A, which allows private schools to discriminate against pregnant schoolgirls. I agree that schoolgirls who fall pregnant need support, as does any woman, but quite often it is private, independent and religious schools that offer greater support for pregnant schoolgirls. An excellent program is run by the Dale Christian School in Waratah, in my area. When one thinks about it, the ethics of Christianity are all about supporting and assisting those people in need.

The Dale Christian School in Waratah, Newcastle, has been widely publicised. It runs under the administration of St Philip's Christian Education Foundation and meets the needs of teenage women in the Newcastle area. The young mothers program is excellent and offers an opportunity for pregnant teenagers and young mothers to continue their education. It provides a flexible learning program that is supportive of their needs and conducive to learning. It is one of the best programs I have seen and I know that observing those

young people at the Dale Christian School is just inspirational. These schools have a very benevolent attitude. Similar excellent programs have been offered in public schools. I preface my comments by saying that it is our view that values are offered in all schools, but it is a parent's choice to choose the particular values that they may hold.

I have not been in a primary or secondary school that does not hold the same strong values that we believe in, and it should never be a consideration that one set of values is thought to be greater than another. But parents should have a choice, and certainly employers should be able to choose those employees who have a lifestyle that reflects the values of that organisation, as they will impart those values to the students they care for. We do not consider that there is a groundswell of independent schools and schools run by church groups that discriminate so as to require this amendment to remove the definition of a private educational authority.

Independent schools are currently not allowed to discriminate against people because of their age or race, and they must not allow or tolerate sexual harassment. Where is Ms Lee Rhiannon's evidence that this is occurring, making it so urgent that we do something about it? Merely because someone can do something does not mean that it is necessarily happening in practice. The Anti-Discrimination Act lists some exemptions where it is deemed acceptable to target jobs or services. The Act specifically states that it is acceptable to advertise a job for one sex only, if being of that sex is clearly an essential requirement of the job—such as recruiting a woman to clean the female toilets or a man to clean the male toilets, if the cleaning is to be done when the toilets are in use by people of one sex.

The Anti-Discrimination Act also specifically states that a service provider can provide services or facilities to meet the special needs of a particular race or age group. English language classes for people who are from non-English speaking backgrounds only is one example of the provision of a specific service for a specific group. It is legal to discriminate in favour of one group as opposed to an excluded group, and there are many more instances where exemptions can be granted. The Lawlink web site includes a welfare agency that provides counselling for women who have been victims of domestic violence. That group has applied for an exemption. There are similar cases related to rape and other issues that deal with the provision of a sensitive, appropriate service. Advertising positions for indigenous people is subject to the same requirements, and many other exemptions are available under the Act.

Certain organisations want to hire people they know, whose values they understand. I have had personal experience of that, because I was employed as the only non-Catholic by the Catholic Family Welfare Bureau, as it was then known. I had the qualifications for the job and the bureau knew of my views and values, and my Christian background. Personally I may have had some differences, but working in that environment I understood the values of my employer. That is what this is about. It is to understand and live out the values of your employer. Why is this such a big issue for the Greens? Surely that is the sort of employee who is going to be attracted to this particular employment situation. Working with values means that people are able to offer themselves as good employees, if they believe in what the institution stands for.

Would the Greens approve of a member of the group People for the Ethical Treatment of Animals working in a responsible position in an abattoir, for example? All of the schools that I have visited and know about have a value system and members of the staff live out the faith and the lifestyle of the schools, and they pass that on as mentors to the students that they care for. This is a way of protecting the rights and choices of parents in terms of their children's education. They are not mandated in non-government schools, but schools can take up the responsibility to maintain their philosophies. One of the most valuable choices we can offer parents is the right to choose the way they want to educate their children. We can strengthen all of our educational institutions and still offer that choice.

The Liberal-Nationals Coalition stands for allowing people to make that choice and allowing people to set up an educational institution that reflects their values. Rather than establishing an institution that is flawed in some way, we support that choice so that there is a common theme of belief or value system in that educational institution. We must remember that teachers are influential people who will affect a child and his or her educational outcomes. I have spoken to parents about why they chose to send their children to an independent school, for example. Often it is the values and ethics of a school that influence their decision, as well as other factors.

Christian schools choose teachers who have a Christian background and who live that faith because they feel it is important to demonstrate consistency and for teachers to demonstrate those values and beliefs throughout their lives. As teachers are role models they need to reflect appropriate values in their lives. It is a

clearly established principle in law that religious institutions should be allowed to choose whom they employ. It is consistent to employ teachers with values and an understanding of the faith with which they are involved. Certainly, the Coalition supports that choice. In terms of employers, particularly in small organisations, it is important to understand that the whole nature of an organisation can change if an employee does not demonstrate the values and ethics of that organisation or business. There are many examples of when that is necessary.

In conclusion, I challenge the Greens to cite evidence of the huge community outrage on this issue. I think they will find it is the opposite; they will find that there is a drift to independent religious institutions because of the value structure. The values and disciplines of these institutions seem to be important to parents. That choice in education is valued. The values system in our public schools is being strengthened, and we see great examples of public institutions doing great work in terms of values education. So we are about choice. We are about a broad spectrum of choice in education and employment. A small business employer should have the right to choose to employ a person who reflects the values of that business, schools should have the right to choose the teachers they want, and people should have the right to choose where they send their children to school. That is a great strength, and I am proud that the Liberal-Nationals Coalition has that strength as part of its ethos. We certainly do not support the bill.

**The Hon. PATRICIA FORSYTHE** [4.34 p.m.]: First I shall pose some questions to the Greens and Ms Lee Rhiannon in particular, and I should like her to answer them when she replies to the debate. Would she employ somebody who advocated the logging of old-growth forests? Would she employ somebody who advocated Australia's participation in Iraq? Would she employ someone who was known to be homophobic? Indeed, would she employ somebody who advocated support for the Howard Government? I suspect that all members of this Chamber know the answers to those questions, and I am absolutely certain that Ms Lee Rhiannon knows the answers as well. The reality is that it would be in contradiction of the philosophical basis upon which Ms Lee Rhiannon is a member of the Greens and a member of this House. She would not knowingly employ people who held a different philosophical position to her own.

So how is that different to what is proposed in this legislation? I have thought long and hard about this bill because as a Liberal I believe and value the philosophy of liberalism. It is a great tradition that goes back many centuries; it has been embodied in great thinkers throughout the ages. When I think of people such as John Stuart Mill through to great Australian Liberals like Alfred Deakin, Robert Menzies, Nick Greiner and Ian McPhee they had a common theme that underpins what it means to be a Liberal. In part, it is a strong belief in not so much freedom before the law but equality before the law; therefore, discrimination is anathema to Liberals. It always has been and always will be. So how do I reconcile my liberalism with my opposition to this legislation? I have had to weigh up my philosophical position, as I am asking Ms Lee Rhiannon to do.

I come to this debate not only as a person who believes in the philosophy of liberalism but also as a former teacher—I am proud that I have been a teacher—in the public education system and in the church-based non-government system in two church-based schools. I also come to this debate as a parent who chose a church-based education for her children. I felt it was important that the education my children received should be grounded in values that are important to me, and for me those values are grounded in a Christian belief. However, having said that, I make a discriminatory choice in my approach to religion. When I go to church I choose to go to the Anglican Church—indeed, my preference is the High Anglican Church. I specifically choose the parishes that I go to or do not go to in the Sydney diocese, for example. I make discriminatory choices.

As a personal choice, when I want to participate in a service I do not go into certain churches. However, from time to time—mostly at Easter, when I am normally in a small community that has only one church which is not an Anglican Church—I naturally attend those services. I am able to make choices, but I make a discriminatory choice of a particular religion under the broad umbrella of Christian churches. Normally I do not choose to attend Jewish services or Muslim services, although I have attended Jewish services. I have also had the privilege of visiting Muslim schools, although I have not had the privilege of teaching in a Muslim school.

So, I come to this issue as somebody who has seen it from a number of different perspectives. I believe it is possible to reconcile a general view as a Liberal, being opposed to discrimination, with an acceptance that within this context it is possible and should be possible for schools—and non-government, religious-based schools in particular—to be able to make choices based on a range of heads of consideration that in other terms might be considered discriminatory. One cannot get away from the fact that church-based schools are not only about education. They are also about religion.



Most parents who have chosen a church-based education for their children and, in some cases, are prepared to expend thousands of dollars annually, will tell you it is not about the stature of the school or the snobbishness that some people like to aspire to; it is about the parents genuinely believing that, in their upbringing and development, their children need to be grounded in the values that come from a church-based education. Of all societies, Australia, from its earliest days, has been proud to have this pluralistic system of education.

On the other hand, we must accept that many parents do not want that. Public education is grounded in a secular approach and it is the right and freedom of parents to choose the nature of the education that is appropriate for their children. If the bill were to pass, the philosophical basis of the pluralistic nature of secular education on the one hand and religious education on the other hand would be put at risk. Today I am particularly addressing education because it is that area that I feel most qualified to discuss.

I listened to Ms Lee Rhiannon and Ms Sylvia Hale from the Greens. They made a number of arguments that a school could expel a student who declared his homosexuality or one who was known to be pregnant, and that it could expel a teacher whose marriage was known to have broken down, but they did not give any facts. That may be possible, but in reality that would be very rare, if it happened at all.

The schools where my children attended and where I taught were long-established, large schools. In more recent times there has been the notion of small Christian schools that are grounded in small Christian communities and provide education values strongly grounded in the Bible—often in a literal sense, which is probably not the way I have approached religion—and they may take a hard line, as I suspect some Muslim schools would in their choice of staff. When I have visited Muslim schools it has always been pointed out to me that they have some non-Muslim teachers. That information may be useful in some other debates that arise in this place from time to time.

I would have found it difficult had any school that my children attended sent a homophobic message. I want my children to be tolerant of all and to gain, through religion, a general understanding of all people and the tolerance of people. That is my understanding of the religion I have been taught through my years in the Anglican community. I would have been very concerned—indeed, I might have chosen to take my children out of their school—had there been outwardly discriminatory examples along the lines the Greens have suggested.

This debate is really about the Greens' ideological opposition to non-government schools. At every opportunity, whether it is about funding government schools or whatever, the Greens mount an ideological opposition and an absolute belief that the only type of education they are willing to support is public, secular education for all. Liberals will argue that choice and freedom to choose is fundamental in our society. It would make a mockery of that choice and freedom if religious-based schools could not in their teaching embody the very core of their ideological beliefs in everything they do.

I have some difficulty with the notion that non-government schools are still able to discriminate, whether it is against students or teachers, on the ground of disability. In both schools in which I taught I had the privilege of seeing students with a disability being incorporated. That was in the 1970s and 1980s. I know of very few examples of opposition to that, except where schools, because of the sheer cost of making schools accessible, refused. It might be difficult to cater for students in wheelchairs, for example, if a school cannot meet access requirements. In time that will be overcome as more and more schools understand the importance of meeting all access regulations and standards. I hope on other grounds that schools are willing to accept students who are otherwise quite difficult.

I believe that the Greens have provided overblown examples in this debate. It has been another opportunity for them to attack non-government schools, as they so often do. We as Liberals would say that the freedom of parents to choose and the freedom of religious-based schools to embody their religious principles in whom they employ and what they teach is acceptable within the plural education system that we have accepted as fundamental in Australia since our earliest days.

So, the bill does not deserve to be supported. I look forward to the response by Ms Lee Rhiannon to the questions I posed. Do I believe that she would be absolutely non-discriminatory in whom she employed? Do I believe that she would be prepared to retain in employment someone she found to be philosophically opposed to the Greens' position? Of course I do not believe she would, and exactly the same principles apply irrespective of whether it is a political party choosing to employ someone with a like political philosophy or a school choosing to employ someone with a like religious outlook. There is no difference, and that is why the bill deserves to be defeated.

**Reverend the Hon. Dr GORDON MOYES** [4.48 p.m.]: I speak on behalf of the Christian Democratic Party. The Anti-Discrimination Amendment (Equality in Education and Employment) Bill amends the Anti-Discrimination Act 1977 to remove the exemptions that allow private educational authorities to discriminate in education and employment and allow employers who employ no more than five persons to discriminate in employment. The bill instigates debate on a number of different levels relating to a number of different sets of rights. It compels us to reflect on whether private educational authorities or private schools should continue to be able to have the right to legally discriminate against employees and students on certain grounds, as provided for by the New South Wales Anti-Discrimination Act. It also causes us to consider whether small businesses should be able to have the protection of the law when they legally discriminate against employees on certain grounds.

Further, the bill invokes debate as to whether the right of religious bodies to provide social, charitable or welfare services to the public or in education should continue to be informed by beliefs closely held by those religious bodies. Part and parcel of this reflection involves understanding whether the freedom of employees and students not to be discriminated against should take precedence in those instances.

As a parliamentarian specifically representing what could reasonably be called the Christian voice of New South Wales, I would like to place emphasis upon the manner in which the bill will affect Christian stakeholders, particularly religious schools. The Independent Schools Council of Australia has indicated that 94 per cent of independent schools have a religious affiliation. Thus, in effect, the bill is aimed at removing exemptions available to religious schools, mainly Christian schools, across New South Wales.

Let me begin by saying that Ms Lee Rhiannon is wrong in asserting that the bill does not impinge upon religious freedom. The bill will remove the freedom of religious schools and other organisations, such as nursing homes, to be established according to religious values, to choose teachers and staff that model religious values that are important to a religious community, and to enjoy the inalienable rights of freedom of association, assembly and worship. The bill's effect is plain: it will prevent religious schools from having a say in the way they operate their affairs and make them indistinguishable from public schools, which is, of course, an underlying philosophy of the Greens.

I speak not only as a Christian minister on behalf of Christian schools. I also contacted Jewish and Muslim entities. I have letters from the Christian Parent Controlled Schools, Christian Schools Australia, the New South Wales Parents Council, Seventh Day Adventist Schools, the Sydney Anglican Schools Corporation, Rudolf Steiner Schools of Australia, the New South Wales Co-ordinating Committee of Jewish Day Schools, Lutheran Schools of Australia, the Montessori Schools Association, Meadowbank Education Ltd, the Uniting Church Board of Education, Malek Fahd Islamic School, the Coptic Orthodox Church Diocese of Sydney and Affiliated Regions, the Maronite Eparchy of Australia, the Anglican Church Diocese of Sydney, the Greek Orthodox Church in Australia, the Syrian Orthodox Patriarchal Vicariate of Australia and New Zealand, Baptist Churches of New South Wales and Australian Capital Territory, and Arkana College. The letters indicate Jewish, Muslim and Christian backgrounds. Rather than take the time of the House to read the letters onto the record, I seek leave to have them incorporated in *Hansard*,

**Leave granted.**

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The Hon Morris Iemma, MP Premier of New South Wales Level 40  
Governor Macquarie Tower 1 Farrer Place  
SYDNEY NSW 2000

31 October 2005

Dear Premier

**Proposed amendments to the *Anti-Discrimination Act 1977* (NSW)**

I am writing in reference to the *Anti-Discrimination Amendment (Equality in Education and Employment) Bill 2000* ('Bill') introduced to the Legislative Council by Ms Rhiannon of the Greens on 18 March 2004 and which is currently before the Legislative Council.

As you would be aware the Bill proposes, among other things, to remove the current general exemptions of private educational authorities from the prohibition of discrimination in certain areas as well as limiting the current general exemption of bodies established to propagate religion from the provisions of the *Anti-Discrimination Act 1977* (contained in section 56) so that the exemption no longer applies to the provision of education.

The members of the Independent Schools Consultative Committee, convened by the Association of Independent Schools of NSW and comprised of representatives of all independent school groups in NSW, are strongly opposed to the Bill and believe that the current arrangements are appropriate and do not need to be changed. The Committee members requested that I, as Executive Director of the peak body representing independent schools in NSW, write to you to express their views and concerns about the Bill.

The Committee members are seeking your assurance that the Government will oppose the passage of the Bill. I have attached a list of Committee members for your information.

If it is not the case that the Government intends to oppose the Bill, I would be grateful for an opportunity for us to meet with you to discuss the AIS position in more detail.

Yours sincerely  
 Dr Geoff Newcombe  
 Executive Director  
 The Association of Independent Schools of New South Wales Limited

**Independent Schools Consultative Committee  
 Membership List (current as at October 2005)**

<b>Name</b>	<b>Organisation</b>
Mrs Reina De Vries	Christian Parent Controlled Schools
Ms Anne Knock	Christian Schools Australia
Mr Duncan McInnes	NSW Parents Council
Mr Peter Kilgour	Seventh-day Adventist Schools (Greater Sydney)
Mr Ralph Luchow	Seventh-day Adventist Schools (North NSW)
Dr Laurie Scandrett	Sydney Anglican Schools Corporation
Mr John Lambert	Sydney Anglican Schools Corporation
Mrs Rosemary Gentle	Rudolf Steiner Schools of Australia
Mr Ivan Port	NSW Coordinating Committee of Jewish Day Schools
Dr Ken Bartel	Lutheran Schools of Australia
Ms Frances Reed	Montessori Schools Association
Ms Jacqui Van de Velde-Gilvert	Meadowbank Education Ltd
Mr John Oldmeadow	Uniting Church Board of Education
Dr Intaj Ali	Malek Fahd Islamic School

Reverend the Hon. Dr Gordon Moyes  
 Parliament House,  
 Macquarie Street,  
 Sydney NSW 2000

28 February, 2006

Dear Rev. Moyes,

Thank you for your diligence and proactive approach in opposing the proposed changes to the antidiscrimination laws. As you well know the current exemptions enable Christian schools in this state to maintain the freedom to employ Christian staff in their schools. We are encouraged to know that the Christian community is upholding our sector in prayer.

Christian schools are recognised as the fastest growing sector in school education and the increased enrolments in our schools in recent years is a testimony to this. As the peak body representing a significant proportion of faith-based schools in NSW, Christian Schools Australia considers the bill divisive, ill-considered and unnecessary. The amendments would prevent schools and other religious institutions from making deliberate and appropriate choices in staffing and issues of school ethos.

The principle clearly established in law is that the state should not second guess issues relating to religious doctrine. Ms Rhiannon's Bill goes to the heart of the issue relating to the teaching and modelling of doctrinal and moral issues within faith-based communities. It crosses the well respected line relating to religious freedom.

We reiterate our position that teaching and learning in a Christian school is not simply about passing on objectified knowledge about religious issues. This may be the case in a 'studies of religion' course - but it is not adequate to describe a school dedicated to the task of growth of the whole student academically, spiritually, physically and socially. Christian schooling is an expression of Christian community. Teachers are required to be disciples, role models and exemplars of their faith.

Christian schools deliberately choose, as teachers, people who not only live by their faith but live out their faith. This includes living and acting in a manner consistent with Christian principles and moral teachings, including in areas to do with sexuality.

Christian schools, indeed all faith—based schools, have previously relied upon the support of the NSW Parliament in upholding these principles for which we are grateful. Previous suggestions for changes to the current arrangements have been rejected on a bipartisan basis.

I trust that the information contained in this letter will be of assistance to as you work in the interests of the Christian community.

Yours in Christ  
Stephen O'Doherty CEO  
Christian Schools Australia

Anne Knock  
Executive Officer NSW and ACT

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From: "Mosbah Taha" <Mosbah.Taha@swsahs.nsw.gov.au>  
To: linda.munoz@parliament.nsw.gov.au  
Date: 28/02/2006 2:43:24 pm  
Subject: Anti-Discrimination amendment bill 2005  
CC: edandan@hotmail.com

We at LMA hold weekend and after hours Arabic classes for students between 4 & 18 years of age as part of the Community Language Program run by the Dep of Education & Training Co-ordination.

The proposed bill amendment is strongly objected by all parents & students as well as management & Executives at LMA. Any limitation of exemption given to us for providing education services to our community will be an act of discrimination by itself and contradict the spirit of multiculturalism that Australian Society is proud of.

We are strongly opposing that amendment and will liaise with our Local State MP to represent our point of view at the debate this week.

Thanks for giving us the opportunity to give our opinion.

Regards  
Dr Mosbah Taha  
Education Executive  
Lebanese Moslem Association

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**N.S.W. PARENTS COUNCIL Inc.**  
Representing Parents with Children at Non-Government Schools since 1962

**Statement on  
Anti-Discrimination Amendment (Equality in Education and Employment) Bill**

**Oppose the Bill**

(NSW Parents Council (NSWPC), the organization representing the interests of parents with children at non—government schools opposes this Bill in the matters relating to non-government schools. This Bill aims to remove the right of parents in NSW to choose the nature of education and the school for their children. NSWPC seeks your action in the Parliament to oppose the Bill.

**Current Situation**

The grounds of discrimination covered by the NSW Anti-Discrimination Act are race, sex, marital status, age, disability, HIV/AIDS, homosexuality, transgender and family carer. Non—government schools, as "private educational authorities", are provided with exemptions for these grounds, except for race. Most of these exemptions were embedded in the Act introduced in 1977 and others have been included in more recent years.

**Rationale for Exemptions**

The exemptions are a protection to the legitimate right for parents to a choice of school to fulfil their responsibilities to educate their children. These exemptions are not mandated on a non-government school. A non-government school authority may exercise these in order to maintain the philosophy professed by the school.

Parents, who have the primary responsibility to educate their children, have the right to choose the nature of education to be given to their children and an education of a particular philosophy that is in harmony with the family. Schools exist to help parents in discharging their educational responsibilities for their child.

Having chosen a non-government school that has a belief and values system in harmony with their family, parents should be able to expect that the school authority will have the ability to maintain that philosophy in the education provided to their children.

Recent published research has identified that of the inputs to effective schooling, the teacher is the most influential factor for the educational outcomes of the student. The moral or immoral views and actions of a teacher can have a profound effect on their

young students. Parents should be able to expect that their children's teachers will support and demonstrate adherence to the philosophy promoted by the school.

The NSW Education Act; the Universal Declaration of Human Rights; and the International Covenant on Economic, Social and Cultural Rights all support this view of NSWPC.

Duncan McInnes  
Executive Officer

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**MALEK FAHD  
ISLAMIC SCHOOL**

28 February, 2006

The Rev. Hon. Dr Gardon Moyes AC, MLC  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000.

Dear Rev. Hon. Dr Moyes

**Re: Anti-Discrimination Amendment Bill**

Thank you very much for opposing the Bill.

We support the comments of the Association of Independent Schools of New South Wales.

We are a very large Islamic school, and about forty per cent of our teachers are non-Muslims. All the staff members respect the ethos of the school.

Thank you once again.  
Yours sincerely,

Dr Intaj Ali  
PRINCIPAL

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Amshir. 1722 AM  
Tuesday 28th of February, 2006  
Bishop's Office

To Whom it May Concern

*'Grace to you and peace from Him who is and who was and who is to come' (Revelation 1:4)*

I wish to express my deep concern and oppose the *Anti-Discrimination Amendment Bill* that Ms. Lee Rhiannon proposes in the NSW Parliament.

We firmly believe parents should have the right to send their children to school that endorse the Biblical principles governing relationships.

This is a serious issue which impact greatly on the live of many concerned parents.

It is sincerely hoped that the Parliament of NSW opposes this proposed Amendments.

My warm wishes and prayers for all.

V. Rev. Fr. Tadros Simon  
Vicar General  
For/Bishop Daniel  
Bishop of Sydney & Affiliated Regions  
Coptic Orthodox Church—Diocese of Sydney & Affiliated Regions

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**MARONITE EPARCHY OF AUSTRALIA**

28 February 2006

**Statement by Bishop Ad Abikaram  
Maronite Bishop of Australia  
on  
The Anti-Discrimination Amendment  
(Equality in Education and Employment) Bill 2005**

The Bill proposed by Rhiannon Lee is an attack upon religious liberty in Australia. It is an attempt to outlaw the teaching and practices of the Christian Churches within their own institutions. Article 18 of the *Universal Declaration of Human Rights* 1948 says that "Everyone has the right to freedom of thought, conscience and religion;... to manifest his religion or belief in teaching". Article 26 says, "Everyone has the right to education" and "Parents have a prior right to choose the kind of education that shall be

given to their children." This Bill should be rejected as incompatible with the *Universal Declaration of Human Rights* and as a violation of the rights of parents to choose the kind of education suitable for their children. No democracy should even consider such an attempt legitimate—since it is an attack upon the rights that citizens necessarily enjoy in a democracy.

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**Anglican Church Diocese of Sydney**

Dr Peter Jensen - Archbishop

Wed, Mar 17, 2004

The Rev Hon F Nile MLC Parliament House Macquarie  
SYDNEY 2000

Dear Mr Nile

**Anti-Discrimination Amendment (Removal of Exemptions) Bill 2003**

I am writing to you about a notice of motion given by the Hon Lee Rhiannon MLC in the Legislative Council on 11 November 2003 for the introduction of the Anti-Discrimination Amendment (Removal of Exemptions) Bill 2003.

I understand that a copy of the text of the bill is not yet available. However its stated purpose is "to prohibit discrimination on the grounds of cohabiting with a person of the same sex; to prohibit private educational authorities from discriminating in education and employment; and for other purposes."

It appears that the primary purpose of the bill is to repeal (or substantially reduce in scope) the exemptions under the Anti-Discrimination Act 1977 that currently apply to private schools and other private educational institutions. It is also possible that the bill may impinge on other exemptions under the Act that apply to religious organisations.

I am concerned that the bill will adversely affect the exercise of freedom of religion in this State. This concern is shared by the Standing Committee of the Synod of this Diocese.

In view of the importance of this issue, I request that bodies which may be affected by the bill be fully consulted about the bill before it is considered by the Parliament.

I look forward to your response in this matter.

Yours sincerely  
Peter F Jensen  
Archbishop

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**GREEK ORTHODOX ARCHDIOCESE OF AUSTRALIA**

**TO WHOM IT MAY CONCERN**

Re: Anti-Discrimination (Equality In Education And Employment Bill) 2006

I endorse wholeheartedly the endeavours of Christian politicians in our State to stop the new Bill in so far as it relates to homosexuality, particularly in religious schools, where the relevant doctrine of the Bible (and in particular of St Paul) is non-negotiable.

Reverend Gordon Moyes has to be supported in such an honest endeavour to protect the freedom of religion in general, together with other related rights, which are bluntly violated when youth are influenced towards a lifestyle that is not blessed by the Word of God.

This does not mean in any way discrimination against homosexual fellow citizens, but rather the protection of the innocent and not yet mature youth, in the conviction that the sacredness of the God-pleasing family structure is properly protected.

Sydney, February 27, 2006  
Archbishop Stylianos  
Primate of the Greek Orthodox Church in Australia

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Syrian Orthodox Patriarchal Vicarate  
of Australia and New Zealand

No. 13/2004  
Date: 16/02/2004

Rev. Hon. Dr. Gordon Moyes MLC  
Christian Democratic Party Parliament House  
Macquarie Street.  
Sydney NSW 2000

Dear Rev. Hon. Dr. Moyes,

Thank you for your letter dated 19th January 2004 in regards to Anti-Discrimination Amendment (Removal of Exemptions) Bill.

I do not agree to the removal of this exemption and would like to reserve our Christian Freedom.

We support you to defend our Christian freedom and to preserve the rights of our Christian schools to continue to teach our children the values as taught by the Bible.

With best wishes,  
Archbishop Mor Malatius Malki Malki  
Syrian Orthodox Archdiocese

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Baptist Churches of NSW & ACT  
Baptist Union of NSW

27 January 2004

Rev Hon Dr G Moyes  
Parliament House  
Macquarie Street  
S Y D N E Y 2000

Dear Dr Moyes

**ANTI-DISCRIMINATION AMENDMENT (REMOVAL OF EXEMPTIONS) Bill**

Thank you for your letter dated 19 January 2004 alerting me of the amendment to the above Bill.

As a committed Christian I affirm your opposition to the proposals to abolish the exemption which currently exists for religious schools and churches allowing them the freedom to appoint people with like values.

Media reports of events such as the recent tragic incident involving the cricketer, David Hookes, underscore to me that Australians should be looking to return to their Christian values not move further away from them. The "Greens" proposal represents yet another erosion of Christian values which have served our country well.

At a time when every vocal minority group seems to shout the need for freedom of speech and action, why is it that there is a move to remove our foundational religious freedoms?

Parents who do not agree with the values of Christian schools are under no compunction to send their children to a Christian school.

Please encourage your colleagues in the Parliament not to take away the right of choice which currently exists for parents who wish their children to be established in Christian and Biblical values.

Yours sincerely  
Alan Soden  
General Secretary of the Union

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Gordon Moyes  
From: "Jennie Davie" [jdavie@arkana.nsw.edu.au](mailto:jdavie@arkana.nsw.edu.au)  
To: [gordon.moyes@parliament.nsw.gov.au](mailto:gordon.moyes@parliament.nsw.gov.au)  
Date: 28/02/2006 1:53:16 pm  
CC: "Madenia Abdurahman" [mabdurahman@arkana.nsw.edu.au](mailto:mabdurahman@arkana.nsw.edu.au)

Dear Rev.Hon.Dr Gordon Moyes,

Please be informed that the parents and community of Arkana College, vehemently oppose the NSW Legislation that has been proposed by a Member of NSW Parliament.

Every parent has the right to choose an education for their children that is conducive to their own religious and moral convictions.

I am sure you will let Parliament know how strongly we feel about this Bill.

*Maderio Abdurahman*  
Principal  
ARKANA COLLEGE

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**Reverend the Hon. Dr GORDON MOYES:** The basis of the bill, which is to eradicate all forms of discrimination to allow for an equal playing field for employees and students when confronted with private schools or small businesses, is flawed. This is because of the term "discrimination". Generally speaking, it is a word we all hate because it has loaded concepts. It is a veritable Trojan horse. It is not a black and white issue, such as Ms Rhiannon chose to paint it. It involves judging that one set of rights should take priority over another set of rights, such judgment being predicated on moral values, standards and practices. While we understand that

the aim of eradicating discrimination is to lay a foundational understanding that regardless of our differences we should always be treated the same, the effect of removing the ability to discriminate basically removes the ability for entities to make choices that support and further the environments that they intend to create, cultivate and operate within.

Eliminating all discrimination would make it illegal for every member of this House looking to employ staff to reject a person from an opposite political party. The New South Wales Law Reform Commission, in its review in 1999 of the Anti-Discrimination Act, said that it:

... accepts that a political and local government councillor should be entitled to select staff who share his or her political beliefs. That principle should also apply to other employees providing services (such as research) on a political basis, and to clubs which provide services or support on a political basis.

No member in this Chamber would contest the validity of that argument. When recruiting a prospective employee, the Greens would certainly want their prospective employee to have a commitment to the principles followed by the Greens. I find it hard to imagine what the discrimination in this context would be. It is a necessary requirement of the job for the employee to observe the principles of the party. If a person does not value the workplace values, he or she cannot promote those values and should not work there in place of another who would do a better job upholding the values the employer wants. If discrimination is either right or wrong as Ms Lee Rhiannon claims, the entire New South Wales Parliament is wrong and guilty of the dirty word "discrimination".

The same argument may be applied to private schools and religious bodies. It is hypocritical of the Greens to discriminate when employing staff and reject people who do not hold its organisational values, while at the same time trying to remove the choice of Christian, Jewish and Muslim entities to do exactly the same thing in their schools, nursing homes and hospitals. Discrimination inevitably involves discernment—distinguishing between two or more alternative options in favour of one alternative, with a set goal in mind.

The ability to make informed choices is fundamental to human nature and choice. Being subjective in nature, we are informed by our beliefs, value systems and traditions. Private schools are established to provide parents with the security that their children are being educated and taught certain values and life principles. Clearly, they seek to establish and maintain what we would see, in most cases, as being mainstream Christian values and inculcate these values in the students. Denying private schools the ability to mould an environment that accords with the wishes of parents is to deny private schools the ability to exist and stand for mainstream values.

Every parent has the right to choose an education for their children that aligns with their own moral and religious convictions. Article 2 of the 1960 United Nations Convention against Discrimination in Education says that the "establishment or maintenance for religious reasons of separate... institutions offering an education which is in keeping with the wishes of the pupil's parents" is not discrimination. Further, Article 5 (b) states:

... it is essential to respect the liberty of parents ... to choose for their children institutions other than those maintained by the public authorities ... and ... to ensure ... the religious and moral education of the children in conformity with their own convictions ...

The International Covenant on Civil and Political Rights says that State parties:

... undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The right of a parent to determine their child's education in accordance with religious or moral convictions is clearly an extension of the parent's democratic right to freely practise religion. The right to freedom of religion is an inalienable right cherished by individuals across the world. As stated in the 1983 Victorian High Court decision in *Church of the New Faith v Commissioner of Payroll Tax*:

Freedom of religion, the paradigm freedom, is of the essence of a free society.

The right to freedom of religion has been discussed at length in the context of the religious tolerance bill. Suffice to say, this right is nationally and internationally recognised and well grounded. Parents send their children to Christian schools with the expectation that Christian beliefs and values will be taught and demonstrated. Thus, the Christian school is not only an expression of freedom of association but also an expression of freedom of religion. If this bill is made law, Christian, Jewish and Islamic schools will be



prevented from choosing teachers who promote and practise their religious beliefs and the distinctiveness of the schools as religious organisations will be lost.

Ms Rhiannon also said that "any suggestion that the Greens would ever seek to limit religious freedom betrays a total lack of understanding of our core values". This is highly questionable, not only because the main aim of this bill is to strip private schools and religious organisations of their right to conduct their affairs based on religious or moral convictions in the name of anti-discrimination, but also because a core Greens principle is that the party despises religion and what it stands for. I believe that this bill is implicitly discriminatory against entities that hold Christian, Jewish and Islamic values in an attempt to secularise every segment of society.

We do not suggest that homosexual, transgender, divorced or separated individuals have less capacity to teach students than individuals who are heterosexual or heterosexual and married. It would be wrong to assert that. However, the role of a teacher is not only to provide education and to impart knowledge but also to be a role model to children with certain values informing and shaping that role. Education is not simply about passing on facts. It involves establishing a moral and ethical framework for children to evaluate the facts. Sexuality is irrelevant to one's teaching abilities, but it is not irrelevant to the moral foundations that a religious school is endeavouring to inculcate in its students.

It could be argued that parents support the way in which private schools conduct their affairs. A *Sydney Morning Herald* series in 2003 strongly made the point that non-believers are moving their "children out of state schools to be educated alongside the children of the devout and religiously ambivalent". Brendan Nelson, the Federal Minister for Education at the time, said that religious schools offer the trifecta that parents are looking for: identity, discipline and, above all, personal values. He said that they increasingly want values that inform the personal development of their children. The independent schools sector grew by 104,605 students from 1996 to 2003, and growth occurred in all States and Territories. The data indicates that this growth may be largely attributed to growth in longer-established schools rather than simply from growth through new schools being established.

Professor Terry Lovat, Pro Vice-Chancellor for Education at the University of Newcastle, referred to the fact that the shift to religious schools dates from the 1920s, when values-based education in public schools was replaced by strong secularism. In his opinion, a large part of the reason for the heavy drift to private schooling came from the perceived role of private schools in shaping personal values. The argument proffered by the Greens is that if public schools are required to accept every student, why should private schools not be required to do the same. However, as Professor Lovat has explained, values-based education is not the primary motivator of public schools. A secular emphasis is free to run loose in public schools, while most religious schools have set themselves up on Christian foundations. The issue is not that students do not have access to educational facilities in this country: every student has access to an education—that is why the public education system exists. The private system allows choice, and the general public is increasingly opting for it.

The bill also has implications for religious bodies through the amendments made to section 56. It will remove the freedom of these religious organisations to use their discretion in deciding which individuals and groups they provide services to and make their land and resources available to, to choose on what basis individuals are suitable for membership and to manifest their beliefs in teaching, observance, practice and worship. Although this has not been mentioned by any other member, the bill may also affect a religious body's right to choose who takes part in religious rites, sacraments and ceremonies such as the conducting of Holy Communion or baptism because the conduct of such religious activities could be interpreted as the provision of religious services. It is unacceptable that Parliament should interfere with the right of churches and others to select those who are suitable to conduct Holy Communion or baptism.

In summing up, this bill has many strong arguments against it, such as the United Nations declaration dealing with freedom of religion and education and parents' rights to bring up their children in the way they desire and according to personal beliefs. And the public of Australia seems to agree. I note that in the past few months this House has had 18,417 signatures presented in 65 petitions opposing the bill, but only nine petitions bearing 3,034 signatures supporting it. It is obvious that the people who know about these debates have already decided that the bill should be rejected. I make available those letters I have sought leave to be incorporated.

**The Hon. Dr Arthur Chesterfield-Evans:** Leave to incorporate can be objected to, can it not?

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! Leave to incorporate the documents was sought earlier and leave was granted.

**The Hon. Dr Arthur Chesterfield-Evans:** I said I objected.

**Reverend the Hon. Dr GORDON MOYES:** No, the Hon. Dr Arthur Chesterfield-Evans was out of the Chamber at the time.

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! The question was put and there was no dissenting voice. Leave to have the documents incorporated in *Hansard* has been granted.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [5.07 p.m.]: Church and State seems to be the flavour of the month. The Anti-Discrimination Act was passed in this State in 1977. Originally religion as a ground for discrimination was to be included in the Act, but the church lobby at the time was able to convince the Wran Government that there would be too much of a backlash from Christian groups if it were included. Presumably they would have protested that they might have to employ non-religious people or people from other religions. So they won the day and religion was left out of the legislation.

Prior to the passing of that legislation there was the Racial Discrimination Act 1975 and later the Sex Discrimination Act 1984. In 1986 legislation was passed to establish the Human Rights and Equal Opportunity Commission [HREOC] to hear complaints under these Acts. In 1992 the Disability Discrimination Act was added to the commission's jurisdiction. At present, both Federal and State legislation allows religious institutions to exclude from employment people who do not have the "inherent requirements for the job". This has been interpreted to mean that because of sex, marital status, pregnancy, sexual orientation or disability a person can be discriminated against by a religious institution.

The Federal Disability Discrimination Act also allows public schools—and I guess that also means private schools—to discriminate against students on the grounds of disability. Sections 12 and 13 of the sex discrimination legislation allows public schools, State education agencies and other State government agencies to be exempt from the prohibitions on discrimination on the grounds of sex, marital status and pregnancy in relation to employment and sexual harassment. Neither State nor private schools are exempt from the Racial Discrimination Act. I presume that honourable members have received a letter from Stephen O'Doherty, the Chief Executive Officer of Christian Schools Australia—I certainly did. He is the erstwhile member for Hornsby. The letter refers to sexuality and states:

Christian Schools choose as teachers people who not only live by their faith but live out their faith. This includes living and acting in a manner consistent with Christian principles and moral teachings, including in areas to do with sexuality ... The assertion that Christian schools expel students who come out as lesbian or gay is rejected... Christian schools would rather seek to counsel and discuss the issue with the student in appropriate ways.

The Standing Committee on Social Issues conducted an inquiry into de facto relationships in 1999. The inquiry was conducted just before committee proceedings were displayed on the Internet. Consequently, although this was a public inquiry, the proceedings cannot be found on the parliamentary web site.

During that inquiry Michael McDonald, Executive Director of the Catholic Commission for Employment Relations, provided an insight into how the Catholic system deals with teachers in a same-sex relationship. As a member of that committee at that time I put a question to Mr McDonald in the following terms: If a teacher is gay but remains in the closet, no-one asks questions or pries, but if the teacher comes out of the closet, he or she is in strife. He more or less agreed with that proposition and agreed it was possible that the teacher would be dismissed. Mr McDonald was reported in the transcript as saying:

... the church, in acknowledging the fact that there are a range of relationships existing, should acknowledge that there should be appropriate legal rights given to various relationships and its right should be acknowledged to engage employees who are able to work with the Catholic Church and who are able to give expression to the teachings of the Catholic Church.

The transcript continues:

The Hon. Dr Arthur Chesterfield-Evans: So you do not pry into the nature of people's relationships?

Mr McDonald: That's right.

The Hon. Dr Arthur Chesterfield-Evans: An employee who keeps a same-sex relationship in the closet it's okay. But if the private life becomes known then you would want to engage employees who want to work within your rules ...

Mr McDonald: That's right.

The Hon. Dr Arthur Chesterfield-Evans: Same sex in the closet, if not they get the bullet.

Mr McDonald: Not in so many words, but yes.

**The Hon. John Ryan:** What else can you do?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** You can let them keep working in the job in which they have been employed.

**The Hon. John Ryan:** You think it is all right to have an openly gay teacher in a Catholic school flaunting Catholic beliefs, do you?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes. Someone's sexuality is his or her business. With regard to pregnancy, Stephen O'Doherty of Christian Schools Australia writes:

Many Christian schools make specific provision for pregnant teenagers: indeed they see it as a specific ministry outcome.

On the issue of disability he writes:

Christian schools have a strong commitment to students with disabilities. The funding for students with disabilities is not equal... on average, a student would receive \$300 in a non-government school. Despite this gross funding inequity many Christian schools have high ratios of students with disability.

However, a constituent of mine who sought to enrol her child in a well-known private primary school tells quite a different story. Her child was diagnosed as having high functioning autism. The school refused to enrol the child, even though a deposit had been paid to secure a place. The school has a policy of interviewing all prospective students and their parents, it says to assess "the suitability of our courses to their child's interests and aptitudes". The decision not to enrol the child was made on the basis that the child would be disruptive and the school did not have the resources—that is, not enough funds provided by the Government—to employ extra staff to manage the child. The school used this reasoning because under the discrimination Act it could plead "justifiable economic hardship". My constituent was advised to take her child to a State school as State schools receive more funding than private schools receive. The question is: If these well-off private schools get government funding, surely it is reasonable to expect them to accept a certain percentage of students with disabilities and students who are not the most academically gifted? I would think that the answer to such a question is yes.

With regard to government funding for private schools, it has come to my attention that St Joseph's School at Cambewarra, near Nowra, remains a registered school with the New South Wales Board of Studies. As such, the school is entitled to funding from both the State and Federal governments. Members may not be aware that the school is within the closed community of the Order of St Charbel. The self-proclaimed spiritual leader of this order is William Kamm, probably better known to members as "the Little Pebble". The Vatican outlawed Kamm and his community in 2002. Since that time the Bishop of Wollongong, Peter Ingham, has been calling for Kamm's followers to leave him and return to the Catholic Church. Bishop Ingham says it is quite clear that Kamm and his teachings and activities contradict the authorities of the Catholic Church. Kamm was recently sentenced to five years gaol for the sexual assault of one of his followers who was aged 15. He will face a further five counts of sexual assault and six counts of aggravated sexual assault in December. It is certainly difficult to justify State and Federal funding for a community school run by a self-professed prophet and convicted sex criminal.

A legal problem with this bill is the absence of any complementary amendments to the Commonwealth legislation. It is a moot point whether this bill will have effect in that it may be challenged on the basis that Commonwealth law takes precedence over New South Wales State law. The Hon. Robyn Parker said, "Liberals are for choice". I think that is a somewhat sad and warped view of "choice". In my view if one discovers that one is homosexual, choice does not come into it; it is a discovery. I believe that one's sexuality is an orientation that comes somewhere from one's consciousness and one becomes aware of it during puberty as one's sexual identity emerges. It is not something that can be willed away. As the German philosopher Schopenhauer said, "One may do as he will but not will as he will."

A person's sexuality can be hidden from others, but it exists for that person as a fact. The question then arises whether that person has to hide his or her nature in order to get a job. Obviously, it is not acceptable for a teacher to express his or her sexuality towards students, regardless of the teacher's sexual orientation. In many respects the matter of expression of a teacher's sexuality is taken care of by the civil law, and of course a number of people have been prosecuted for having had sexual relations with students. Indeed, cases of women teachers having had sex with young male students have become more common recently. Perhaps that is because people

are trying to prove that there is no difference between a woman having sex with young boys and a male having sex with young girls.

**Reverend the Hon. Dr Gordon Moyes:** What is the point, Arthur?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The point is that the church wants to be funded as much as possible to deliver secular education to replace secular service providers. They claim that they are offering quality education without a religious perspective or propaganda.

**The Hon. Henry Tsang:** What about the Kings School, Arthur?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yet it also wants to be above the law with regard to discrimination. It wants one law for itself and another law for everybody else.

**The Hon. Henry Tsang:** What about the Kings School?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** We should have one set of laws and the churches should obey them. The exemptions to the law are outrageous and should be removed. The fact that the major parties have so little commitment to the discrimination laws passed by them displays their lack of courage, and I think that is why politicians are held in such contempt by members of the public. The bill is long overdue and will remedy a bigoted anomaly. Reverend the Hon. Dr Gordon Moyes praised the church and claimed that because of its values it is growing in terms of the number of children attending independent schools—with which the churches seem to have a very well entrenched association, perhaps because of their tax-deductibility.

Independent schools are better funded, with subsidies of about 60 per cent of the value of the education of children within the State school system. They also receive large amounts from parents who, in this competitive world, are very keen to give their children the best possible educational opportunities. It is simply not true that independent schools need to discriminate against certain people in order for others to send their children to them.

Parents are looking for a better education for their children, and the church is an incidental factor. I think the church loves to say that ours is a majority Christian community, but whenever there is a census it says, "No, no, don't say whether you go to church or not", because only 15 per cent of the population do so, "just say how you were brought up." In other words, when the figures are good for Christianity the church says, "Ah, it's because everyone's Christian. We are a Christian society." I went to the King's School, as was mentioned by the Hon. Henry Tsang in a number of interjections earlier, and I had religion inflicted on me for 10 years. My parents did not send me to that school to receive religion; they sent me there because they thought it would give me a good education. In terms of seeing privilege and elitism on its hind legs, one could argue that that was the case.

It is interesting that because of the church the Lord's Prayer is recited in this House at the commencement of each sitting day. I must admit I find it offensive. I had the Lord's Prayer prayed over me for a decade while at school. I found the humbug and hypocrisy of a church school quite effective. That this still happens when theoretically the powers of the church and State should be separate is wrong. The lack of the separation of church and State is a problem. It is unfortunate that our Constitution does not separate the church and State, as I believe it should. That very thing was of course a huge issue during the French Revolution. The American Constitution provides for the separation of church and State but the Australian Constitution, which was largely modelled on the American Constitution, unfortunately does not. The last hope of some form of ruling with regard to church and State presented itself in the defence of government schools case in the High Court.

**The Hon. John Della Bosca:** Not the DOGS case!

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes, the DOGS case, that is correct. My understanding of the implications of that decision is that there was a blurring of the line between church and State. The church, when it has the power, insists that people submit to its ceremonies, including the recital of the Lord's Prayer. That there is no separation of church and State is emphasised in this House each sitting day. Such a separation is desirable for a secular society. The anti-discrimination law as it stands, which gives exemptions to the church, is effectively saying we pass laws that apply to some people but not to others. Ms Lee Rhiannon's

bill seeks to take away an anomaly and to make one anti-discrimination law for the whole of the State, applying to both religious and non-religious groups, and I believe it must be supported.

**Reverend the Hon. FRED NILE** [5.22 p.m.]: I speak also on behalf of the Christian Democratic Party, following the contribution of Reverend the Hon. Dr Gordon Moyes, to put on record our strong opposition to the Anti-Discrimination Amendment (Equality in Education and Employment) Bill, which was introduced by the Greens. Its original name more accurately stated its objective in that it referred to removing the exemption that currently exists for non-government schools and private education authorities.

The Hon. Dr Arthur Chesterfield-Evans has such a confused view of Australian society. He kept referring to the separation of church and State. There is no separation of church and State in Australia. In fact, our Federal Constitution commences with the words "Humbly relying upon the blessings of Almighty God". The Australian Constitution is one of the few constitutions in the world that acknowledges "Almighty God", which is the historical term applied to the Christian God. It does not say we will not have religious minorities in Australia, but it does state that as a basic principle. I believe, contrary to the Hon. Dr Arthur Chesterfield-Evans, that Australia is a Christian nation and there is no separation of church and State. The argument he puts is predicated on a misunderstanding.

When the United States Constitution talks about church and State it refers to the establishment of a religion. The Australian Constitution reflects the American Constitution but states that there will not be an established religion. That does not mean Christianity. It means that there is to be no established Church of England or established Catholic Church in Australia. It does not mean that we will not be a Christian nation. We are a Christian nation, but we do not have one denomination that has the role of the established church, as applies in the United Kingdom with the Church of England, or in European countries with the Lutheran or Reform churches. In fact, the citizens of those countries pay a percentage of their taxes to the "established church". I support the concept of not having an established church. It does not mean I do not support Australia being a Christian nation. They are two separate issues. People such as the Hon. Dr Arthur Chesterfield-Evans confuse those issues and perhaps confuse the rights and views of members.

This Greens bill is very authoritarian and dictatorial. The Greens talk about freedom of choice and conscience, and so on, but in this bill they ignore completely the rights of parents, who are in many cases the driving force behind the formation of a particular Christian or Catholic school. Parents have had to raise funds to send their children to a non-government school, and that often meant great financial sacrifice on their part. They want their children to attend a Christian school—it could be Anglican, Lutheran, Seventh Day Adventist, or Catholic. For simplicity's sake we often now talk about Christian schools and Catholic schools. Of course, Catholic schools are Christian schools, but, generally speaking, the words Christian schools are used to describe non-Catholic schools.

Such schools have been established not just as a result of a priest or a minister saying, "I think we should have a school." One cannot establish a school without the support of parents, and parents must be committed to the necessity for a school in order to establish it and to support it financially. And why are they doing that? They want a school that will teach their children Christian values and a doctrine that reflects the views of their Christian denomination. They also particularly want teachers who not only talk about such values and doctrine but who also live by them. In other words, they want teachers who are role models. That is the most important part of education. It is not just what comes out of the teacher's mouth that is important, it is the way the teacher lives his or her life.

For that reason it is important to maintain the current exemption in the Anti-Discrimination Act 1977 in order that parents can be assured that their views, their conscience and convictions will be recognised by the government of the day and, further, that next week at the Kiama Catholic School or the King's School, which is operated by the Anglican Church, a lesbian or homosexual teacher will not arrive to teach their children. Parents do not want that. They have made such a choice by the very selection of the school to which they will send their children. I believe that is one of the reasons for the significant growth in the non-government education sector, particularly in the Christian and Catholic schools in this State.

When I first came into this House 25 years ago, between 20 per cent and 25 per cent of children attended non-government schools. Now the figure is almost 35 per cent, and it is increasing. Even the *Sydney Morning Herald*, which in my opinion is not very supportive of non-government Christian schools, has acknowledged this unexplained, continuous, very high growth rate. I believe that is because parents are exercising their right of choice: "I want this school, I want these values to be taught, I want this educational standard and I also want the model teacher that exemplifies these values in his or her own life."

Honourable members know that children quickly pick up on whether a female teacher is a lesbian or a male teacher is a homosexual. People may suggest, "It does not really matter, so long as we do not know." People may not ask, but children are perceptive and they quickly identify whether the teacher is homosexual, lesbian or heterosexual. It is not merely a matter of keeping it secret and allowing it to just happen—as they are attempting to do in Queensland, where it is causing a great deal of stress. I know this issue has been referred to by the Greens as a model; that we should perhaps be looking at what has happened in Queensland. But I note that after the change was made in that State, Fiona Simpson, a member of the Queensland Parliament, said:

... the right of Church-run schools to choose teachers who live their values is severely compromised. A school principal is now gagged by law from asking if the employee is in a homosexual or other relationship which is contrary to the teachings of the church. As long as the employee doesn't "openly act" out the offending values or behaviour in or near the work environment, the principal does not have the right to remove them or reject them from employment."

Do we want that to happen in New South Wales? It is really a form of dishonesty and secrecy. In my view a sincere homosexual teacher would probably not want to be in that situation of dishonesty, either. This legislation should be opposed.

The Greens have made great play of a very emotive word in their media release under the heading "Greens' bill closes archaic loopholes in NSW anti-discrimination legislation". Ms Lee Rhiannon used the same terminology in her second reading speech on the bill. But there is no "loophole". It was as if Parliament, having passed a bill in 1977, said: "There is an error here. We have left a loophole in the bill." That exemption was the result of extensive debate and discussion in New South Wales. The Wran Government, in what it might have regarded as a very progressive move, said that it would introduce the Anti-Discrimination Bill. My information, which I believe to be genuine, is that when the content of the legislation and its likely impact became public the church leaders indicated to the Labor Government of the day that if the exemption was not included in the bill they would have sufficient support to ensure the defeat of the bill—if not the defeat of the bill then the defeat of the Government.

It was a very serious matter. It is not a loophole; it was a matter of intensive negotiation, which I understand was conducted by the then Cardinal of the Catholic Church. I reject completely any suggestion that somehow the Greens have discovered a loophole and that, as a result of their great wisdom, Parliament will now close that loophole. It is not a loophole. Many members of this House have received correspondence about this legislation. In particular, the Anglican Archbishop, Peter Jensen, is concerned about the legislation. In a letter dealing with the introduction of this bill by the Greens he stated:

It appears that the primary purpose of the bill is to repeal (or substantially reduce in scope) the exemptions under the Anti-Discrimination Act 1977 that currently apply to private schools and other private educational institutions. It is also possible that the bill may impinge on other exemptions under the Act that apply to religious organisations.

I am concerned that the bill will adversely affect the exercise of freedom of religion in State. This concern is shared by the Standing Committee of the Synod of this Diocese.

Freedom of religion and freedom of conscience is a very important issue and the New South Wales Parliament should do nothing that will put it in conflict with individuals who want to exercise their right of choice or their right of conscience. In his contribution, the Hon. Dr Arthur Chesterfield-Evans appeared to suggest that we should crush these independent views, get rid of them. He has no respect for freedom of religion or freedom of conscience. Some people are prepared to give their lives in order to follow their consciences on particular issues. That is how important it is to those people and, I am sure, also to members of this House. In a letter about this bill Alan Soden, General Secretary of the Baptist Union, which represents hundreds of churches in this State, said:

As a committed Christian I affirm your opposition to the proposals to abolish the exemption which currently exists for religious schools and churches allowing them the freedom to appoint people with like values.

...

At a time when every vocal minority group seems to shout the need for freedom of speech and action, why is it that there is a move to remove our foundational religious freedoms?

We hear a lot about freedom of choice, even from Greens, but they are not prepared to consider the same right for other people who have differing views. Alan Soden continued:

Parents who do not agree with the values of Christian schools are under no compunction to send their children to Christian schools.

Please encourage your colleagues in the Parliament not to take away the right of choice which currently exists for parents who wish their children to be established in Christian and Biblical values.

Duncan McInnes, Executive Officer of the New South Wales Parents Council, wrote to all members of this House. The council, which, since 1962 has represented parents with children at non-government schools—particularly Catholic schools but it does have affiliation with non-Catholic schools—stated:

NSW Parents Council (NSWPC), the organisation representing the interests of parents with children at non-government schools opposes this Bill in the matters relating to non-government schools. This Bill aims to remove the right of parents in NSW to choose the nature of education and the school for their children. NSWPC seeks your action in the Parliament to oppose the Bill.

He goes on to say about the rationale for exemptions:

The exemptions are a protection to the legitimate right for parents to a choice of school to fulfil their responsibilities to educate their children. These exemptions are not mandated on a non-government school. A non-government school authority may exercise these in order to maintain the philosophy professed by the school.

Parents, who have the primary responsibility to educate their children, have the right to choose the nature of education to be given to their children and an education of a particular philosophy that is in harmony with the family. Schools exist to help parents in discharging their educational responsibilities for their child.

Having chosen a non-government school that has a belief and value system in harmony with their family, parents should be able to expect that the school authority will have the ability to maintain a philosophy in the education provided to their children.

He is making the point that if the exemption were removed it would take away the ability of the school authorities to meet the needs and requests of parents. The principal or board of that school would have to say: "I am sorry. We agree with you parents but the Labor Government of New South Wales or the Parliament is forcing us to adopt these other policies. We do not agree with them and you do not agree with them, but we cannot do anything about them." We do not want to put school authorities in that very contentious situation. The letter concludes:

Recent published research has identified that of the inputs to effective schooling, the teacher is the most influential factor for the educational outcomes of the student. The moral or immoral views and actions of a teacher can have a profound effect on their young students. Parents should be able to expect that their children's teachers will support and demonstrate adherence to the philosophy promoted by the school.

Reference has been made to the statement issued by Christian Schools Australia, which represents the non-Catholic sector of non-government schools. In a letter dated 19 October 2005 the Chief Executive Officer, Stephen O'Doherty, and the Executive Officer for New South Wales and the Australian Capital Territory, Anne Knock, make a number of points similar to those made by Duncan McInnis, as well as repeating the point I made earlier. The letter states:

Christian schools are recognised as the fastest growing sector in school education and the increased enrolments in our schools in recent years is a testimony to this. As the peak body representing a significant proportion of faith-based schools in NSW, Christian Schools Australia considers the amendment—

that is, the bill introduced by the Greens—

divisive, ill-considered and unnecessary. The amendments would prevent schools and other religious institutions from making deliberate and appropriate choices in staffing and issues of school ethos.

The principle clearly established in law that the state should not second guess issues relating to religious doctrine. Ms Rhiannon's bill goes to the heart of the issue relating to the teaching and modelling of doctrinal and moral issues within faith-based communities. It crosses the well respected line relating to religious freedom.

Ms Rhiannon is in error when she assumes that teaching and learning in a Christian school is simply about passing on objectified knowledge about religious issues. This may be the case in a "studies of religion" course—but it is not adequate to describe a school dedicated to the task of growth of the whole student academically, spiritually, physically and socially. Christian schooling is an expression of Christian community. Teachers are required to be disciples, role models and exemplars of their faith.

Christian schools deliberately choose, as teachers, people who not only live by their faith but live out their faith. This includes living and acting in a manner consistent with Christian principles and moral teachings, including in areas to do with sexuality.

There are many sound reasons that the Parliament should vote against the legislation—it is unwise, ill considered and divisive—and that we should allow the status quo, which has resulted in harmony and co-operation, to continue in this State. If this bill is passed we will face a tremendous amount of opposition, disruption and division in this State, and I do not believe the Parliament wants to see that happen. The authorities, parents and teachers who disagree with removing the exemption will then be forced to decide who to obey: God or Caesar. We do not want to create that tension in our State. Let us retain the current exemption and maintain harmony and co-operation among the people of New South Wales.

**The Hon. JOHN RYAN** [5.42 p.m.]: First, I do not support discrimination of any form, and I support entirely the objectives of the Anti-Discrimination Act. In employment situations we should not discriminate against people on the grounds of homosexuality, marital status or gender. That is absolutely appropriate. Although the Coalition opposes this bill, I do not believe any Coalition members would dispute what I have said. It is inappropriate to discriminate against a person on those grounds. Second, I acknowledge the good work that is done in the community generally by Christian missions. Australia would be a sadder place without the work that is done by people who hold religious convictions. An enormous amount of charitable work, youth training and other important welfare work in the community is done by people who hold religious values. Indeed, people in the community who hold religious values are a wonderful asset to the State. I object intensely to people who crank on as if holding religious values is something that people have a right to be offended about.

Fortunately we live in Australia and not in other countries where these situations are made enormously difficult by having less than commonsense arrangements between church and State. Australia is not like the United States of America, where somehow there must be a solid division between church and State. Some level of flexibility in places that the general public see as commonsense is permissible, and it is not too hard to make the case that religious schools, which receive some level of government subsidy, are places where commonsense should and does prevail.

While there has been much discussion in this debate relating to how the Anti-Discrimination Act reflects on the Christian community, the same comment could be made in relation to Islamic schools, Jewish schools and all manner of different schools that are set up even by people who are not Christians. Indeed, the provisions also apply to the Rudolf Steiner schools and so on, so the Act affects all private schools. The exemption is not simply a special privilege enjoyed only by Christians. A wide variety of religious persuasions in this community utilise the exemptions in the Anti-Discrimination Act.

It must be said, and said strongly, that Christian churches and religious schools are not exempt from every aspect of the Anti-Discrimination Act. I think that has escaped the attention of some supporters of this bill. For example, the provisions of the Anti-Discrimination Act relating to sexual harassment apply equally to religious schools, public schools and other schools. It is not as if the Christian community has sought to be excluded from all aspects of anti-discrimination in our community; it has not. In speaking to this bill, two substantive issues need to be addressed. The first issue relates to questions of conscience, which would clearly be a problem for Christian schools in terms of allowing them to discriminate on the basis of marital status and sexuality.

It is no surprise that people of different religious persuasions with a wide variety of views, be they Jewish, Islamic, Christian or Buddhist, have strong values about family and sexual conduct. While those values are not at the core of being a Christian, a Buddhist or a Muslim, those important values are held by people who practise their religious faith. There would be a phenomenal problem if a person who was openly gay, who was going through a messy divorce, or who did not want to practise particular religious values, portrayed personal views in a hostile fashion in a Christian school. If that school could not terminate that person's employment, life would become very difficult for many other schools that do an enormous amount of good work. I do not want to see the finite and valuable resources of schools being eaten up by difficult legal questions relating to the termination of staff on the grounds of sexuality or marital status.

It is commonsense to allow schools that clearly want to adhere to certain values to be able to support those values in the way they employ people. Schools can discriminate not only on the grounds of sexuality. Obviously, religious schools want to be able to ask prospective employees whether they uphold the values and religious beliefs observed in particular schools. Invariably, religious schools do not employ people unless the answer is yes. Frankly, it is dishonest and wrong for a person who signs up to a school's values of Catholicism, Christianity or Islam to display openly defiant behaviour in regard to either sexuality or religious teachings about divorce. I think everyone accepts that that presents a real problem for schools. No-one wants to see schools drag these issues through the courts, which would be one result of this legislation. Issues would be ventilated and dragged through the Anti-discrimination Board and eventually the courts, which I do not believe would be a productive exercise. Most people in our community see the exemption as a commonsense compromise that allows schools to do what they want to do.

The other area of discrimination for which Christian and other schools have an exemption is worthy of examination, because this bill relates to discrimination on the basis of disability. As a practising Christian, I would find it incongruous that any member of the Christian church would want to discriminate on the grounds of disability. It is incompatible with the teachings of one's Christian faith and it is fairly obvious that the conduct



and behaviour of our Lord and saviour Jesus Christ was absolutely the opposite to any attempt to discriminate against people with a disability. He mixed with people with a disability. He healed people with a disability. He prayed for people with a disability. Clearly, it is not a value of the Christian church to discriminate against someone on the grounds of their disability. Within the Christian church I have tried to convince people that the time has come for us to grasp the nettle and request the Government to remove the disability exemption that applies to Christian schools. I do not know that is a form of discrimination that we would want Christian schools to practise.

**Reverend the Hon. Fred Nile:** Christian schools do not practise discrimination, so you do not need to remove the exemption.

**The Hon. JOHN RYAN:** I will come to that. As I said, even if they do not practise such discrimination, I accept that the exemption creates a perception in the community that somehow or other we would want to. If we do not want to—just as we allow religious schools to be subject to those aspects of the Anti-Discrimination Act that relate to sexual harassment, which is obviously unchristian conduct—I see no harm in lifting the discrimination exemption that relates to Christian schools on the grounds of disability. However, I would do it with this caveat. We should only do it if the Christian schools and the religious schools ask for it. It is inappropriate to force it upon them. Within the Christian community I would argue that the time has come for that exemption to be lifted, because I have heard of schools with Christian names that have long lost their Christian ethos and have sought to discriminate, for reasons that I think are wrong, against people on the grounds of their disability.

There have been infamous examples of the Christian church being embarrassed by inappropriate conduct in that regard. But I would not seek to impose that requirement on Christian schools without them asking for it. It is worthy of examination, evaluation and discussion but the last thing I would want to see is a member of the Greens marching into this Parliament to introduce legislation without public consultation and discussion and trying to impose it on schools. Schools would need extra resources. If Christian schools and private schools are asked to accept people with disabilities, the State should appropriately fund their possible needs.

Most Christian schools are built in such a way that they are already disability compliant. They impose that compliance on themselves quite willingly. The William Carey Christian School in the Liverpool area has wonderful programs for children with disabilities. Some of that school's outstanding programs encourage the integration into the school of children with autism and children with very high support needs. That is one of the virtues that makes it a great school. As I said, discrimination against people on the grounds of disability is not something Christians want to be associated with.

The main concern of the Christian church and religious schools is that resources would be eaten up in legal battles over this issue. The schools would have difficulty resourcing a decision requiring them to bring in special teachers, and so on, and they may not necessarily have the funds to do it. If we ever consider taking that step, we should do it in consultation with those schools. We should act only at their request. I believe they would be happy to consider a request for assistance and we should be prepared to make public funds available to provide the resources required.

In those circumstances I cannot imagine that many religious schools would want the disability exemption to continue. It is in place because the State has been unprepared to make funds available to allow religious schools to operate equally with the public education system. I have no doubt that in any discussion the supporters of this bill would complain that the State, in making funds available to religious schools, would be further extending State aid. I do not think this bill has been brought in with goodwill or good intent. This legislation is all about bossing Christian schools and religious schools around. It is not about trying to win the argument and create a better community.

While there may be some grounds to discuss the need for non-discrimination in relation to disability, I would never support the introduction of an exemption by a private members bill without proper discussion and consideration of how that challenge would be funded. That is why I do not support this bill. There are loads of reasons why I reject out of hand the discussion about forcing Christian and religious schools to employ people who do not hold the values that are being upheld in religious schools. I made the decision to send my children, at various times, to both public and private schools. I sent my children to a Christian school because I wanted them to have a Christian education. I wanted them to see the values they are taught at home being upheld at school. Even though the Christian schools my children attend receive some public funding, it is insufficient to meet the whole cost of the education of a child. They get less funding per capita than children in the public system.

I would be intensely annoyed if somebody decided to make a puerile politically correct point by dragging that school through the courts and wasting its resources, just to pursue a claim that an anti-discrimination provision had been offended. Most people would accept that as commonsense that it is in everybody's interest that if someone wants to openly violate the teachings of a school—whether in relation to sexual conduct or belief in the faith of that school—the school should be allowed to resolve that issue quickly, easily and efficiently. I have no doubt that religious schools would resolve such a question with great compassion. I cannot imagine that the principal of a religious school would be desperate to judge people or to be uncompassionate. Nevertheless, it is important to allow schools that have these values to practise them freely.

Sadly, there is no goodwill in this legislation. It is a bossing around of people because for some reason or other the Greens have a peculiar opinion that everybody must hold to their view and it is either their way or no way, particularly on these matters. That is neither fair nor appropriate. I do not think any Coalition member, or Government member for that matter, suggests that the exemption of schools from certain provisions of the Anti-Discrimination Act would in any way compromise the value of anti-discrimination measures. The existing legislation provides a commonsense arrangement to ensure that valuable and scarce resources of those schools will not be exhausted in tedious litigation and point scoring. We do not support the bill.

**Debate adjourned on motion by the Hon. John Ryan.**

### **ADJOURNMENT**

**The Hon. JOHN HATZISTERGOS** (Minister for Health) [6.00 p.m.]: I move:

That this House do now adjourn.

### **MID NORTH COAST MARINE PARK**

**The Hon. ROBYN PARKER** [6.00 p.m.]: I speak on behalf of the many residents of Port Stephens, the Hunter, Lake Macquarie and surrounding areas who have written to me, rung my office and yesterday protested outside Parliament House about the establishment of marine parks in our area. The Minister for Natural Resources announced that we were going to have a marine park. There has been little consultation; it was a fait accompli. The residents are very concerned but not fooled by the marine park proposal put forward by the Minister. They know that the proposal is about attracting voting preferences away from the Greens. It has very little to do with scientific evidence that a marine park is required because of small fish stocks or because of precedents. It has very little to do with facts but a lot to do with political manoeuvring. As we have seen in other areas, this proposal can come undone.

In a 2001 scientific study, the CSIRO reported that the use of marine-protected areas as fishery enhancement projects is questionable. Lock-outs do not work. At Cape Byron, where a marine park has been imposed on the area, people have lost 60 per cent of the rocks and nearly 100 per cent of the offshore reefs. The Government's marine park proposal is more about winning preference votes from the Greens so that Labor can be re-elected. It is all about shoring up votes in Port Stephens and Myall Lakes. It is about votes for the absent and silent member for Port Stephens, John Bartlett. He is nowhere to be found to speak -on this issue, other than weakly saying he supports marine parks. What about supporting the people in Port Stephens who catch fish, the tourists, the boating enthusiasts, the people whose livelihood depends on the fishing industry? He seems to care little about them, but he seems to care greatly about Greens' preferences.

Before any consultation took place in July 2005 the Government set up offices at a cost of \$400,000, it wrote 147 pages on its web site and it spent nearly \$1 million on advancing the marine park. That is not the action of a government that has not made a decision about the marine park's future. We know this proposal is a fait accompli. The Government's glossy brochure headed "What is the planning process?" states:

The planning process from announcement to implementation ... involves consultation associated with the preparation of discussion papers ...

It goes on and on. The reality is that consultation took place over the Christmas and New Year period. The deadline for submissions was already set and people were given six weeks to lodge their submissions. It is like sending a survey to students' parents during the Christmas and New Year break. That is the time of the year when people are busy and on holidays. Allowing just six weeks for local communities and businesses to have a say on the zones proves that the New South Wales Labor Government is not interested in public opinion.

From the beginning, Labor has kept coastal communities and the recreational and commercial fishing industry in the dark about its plans and it seems determined to keep it that way. It is a joke for the Minister to say that there has been consultation. To give the many individuals and communities who rely on the fishing industry just six weeks to have their say is unreasonable.

What will happen if there is overwhelming opposition to the marine park? The people who have written submissions tell me they are opposed to it. They will show their opposition at the ballot box and no amount of Greens' preferences will help the honourable member for Port Stephens, who has put up a weak defence of his area. People are outraged and consider the Government's proposal un-Australian. They want to go fishing with their children and their grandchildren. When they go boating they do not want to have to go three kilometres offshore to drop a line. That is what this proposal is about. When a marine park has been established in other areas extensive consultation has taken place. Where it has occurred in places like Byron Bay we have seen the plan go wrong. The Port Stephens Fishing Co-operative, the commercial fishing industry and the recreational fishers are very concerned and they will show their concern at the ballot box.

### FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION

**The Hon. PETER PRIMROSE** [6.05 p.m.]: On Radio National's *Breakfast* program this morning John Howard told Fran Kelly that the words that best described his period in Government were "options" and "choice". He said that his Government offered Australians what they wanted most: options and choice. The Prime Minister is, of course, famous for his mantra that workers should have the right to negotiate with their employers to reach the best deal they can. At Advanced Metals, a metal fabrication plant in Ingleburn, more than 140 workers have been trying to negotiate a new agreement with their employer, Ian Stone. He is a very clever man who runs a highly profitable company. He is on the executive of the Australian Industry Group, an organisation representing employers in the manufacturing industry. The company employs lawyers and accountants to give the best advice possible and together they have written the new agreement that they want the employees to sign.

The agreement is a creative piece designed by Stone and his lawyers but based upon the Australian Industry Group's model, including cashing out annual leave and a wage rise tied to the consumer price index or new Fair Pay Commission. The agreement includes Stone's own unique interpretation of leave and other entitlements that most of us here would never accept from members of our own families. The employees have a problem. Most do not speak English. Some have previously worked for the now infamous Caughlan family at Metro. They know what it means to be out of work and unable to support their families. They cannot afford to employ a lawyer to advise them, even if they could find one who could speak their various languages and interpret the current mess of industrial relations legislation—thanks to the Federal Government.

Never one to take an unnecessary risk, Mr Stone has contacted most of the employees personally, in some instances visiting them in their own homes. He has told them what will happen if they do not sign the agreement—they will lose their jobs. This is "choice" in Howard-speak. Most of us would call this "no choice". Advanced Metals is just one example of the reality that confronts hundreds of thousands of Australian workers under John Howard's Orwellian WorkChoices legislation. John Howard also told Fran Kelly of his particular concern for young Australians. He said that young Australians wanted to have a family and a secure future. Of course, he is right about that. But he is very wrong if he is trying to convince us that his Government is providing young Australians with a secure future for themselves and their families.

This afternoon 600 Qantas aircraft maintenance workers stopped work and marched in the streets as a demonstration of their frustration with Qantas management. Mixing a poisonous cocktail of Federal Government WorkChoices legislation and neoconservative ideology, Qantas management is attempting to drive down the wages and conditions of its maintenance staff. Amidst crippling skills shortages currently facing the Australian economy, Qantas management is threatening to send its highly skilled maintenance work overseas—for no other reason than cost cutting. Qantas has rightly earned its highly prized reputation as the safest airline in the skies for just one reason: its maintenance workers. It is not because of its chief executive officer, Geoff Dixon, who incidentally has been presented with pay rises exceeding 300 per cent over the past five years.

Long after Geoff Dixon has gone the damage that he has caused to Qantas and to the Australian economy will go on. If he is successful in his current plan, there will be no skilled apprenticeships or jobs in the airline industry in this country. Those jobs will all have gone to China or some other country where workers are paid just 80¢ an hour for their skills. I find no comfort at all in knowing that when I am flying at 40,000 feet above the ocean, instead of flying with the world's safest airline I may be flying in planes serviced at the cheapest possible tender price.

John Howard's WorkChoices legislation aims to force Australian workers into servitude. His abject failure to invest in research and development, training and infrastructure provides no real future for families or young people. The Australian people deserve much better than this. They deserve a leader who will invest in them and their future.

### TRANSPORT FOR THE DISABLED

**Ms LEE RHIANNON** [6.10 p.m.]: When Mr Morris Iemma became Premier on 2 August 2005 he made an impassioned plea about the rights of the disabled. He said:

My point of compassion and conviction is to commit myself to... care and assistance for the disabled... these are matters of simple decency.

We have allowed these matters to slip off the broad political agenda and we need to put them back. A matter on which the Premier should act urgently before it starts to slip off his agenda is transport for the disabled. The Greens very strongly support the work of the Physical Disability Council of New South Wales, which has made a number of demands. It wants the Government to increase staffing at CityLink train stations so that people who require staff assistance when entering and exiting trains can access trains at all times of the day; to continue to implement EasyAccess improvements in the 2005-06 financial year at the Gymea, Gordon, Thirroul, Kingsgrove, Blaxland, Helensburgh, Bulli, Lakemba, Mortdale and Granville train stations; to update the network map on the CityLink web site every six months with access improvements; and to increase the number of accessible CountryLink train stations and interchanges, particularly on the southern line.

Private bus operators must comply with the requirements of the New South Wales Ministry of Transport, and Sydney Buses must comply with bus timetables. Obviously, waiting hours for a delayed bus is simply unacceptable for a person with a disability. Urgent changes are also necessary in taxi services. The Government needs to replace the existing regular fleet of 60,000 vehicles with universally accessible taxis at the rate of 6,000 a year over 10 years. The new taxis should be similar to the cabs used in the United Kingdom. The Government is urged to ensure that taxi networks in country New South Wales increase the number of taxis that provide wheelchair access, particularly in Newcastle, Blue Mountains, Orange, Queanbeyan and towns west of Wagga Wagga.

Ferry services have been very controversial lately, and they are an issue for people with disabilities. Access needs to be improved at wharves along the Balmain route, including Balmain, Birchgrove, Balmain East, McMahon's Point and Milsons Point, and along the eastern suburbs route, including Darling Point, Double Bay, Rose Bay and Watsons Bay. These changes are urgently needed because people with disabilities have a great deal of difficulty.

The cost of taxi transport is significantly more than the cost of other modes of public transport, even for people under the taxi transport subsidy scheme. Access to public transport is crucial for all people on limited incomes, including those with disabilities. A survey conducted by the Physical Disability Council of New South Wales indicates that many people on low incomes rely on taxis for transport. People using wheelchair accessible taxis often experience difficulties, including excessive waiting times, particularly after business hours, on the weekend and when taxis that provide wheelchair access are pre-booked for Department of Education schedules, and because of differences in booking procedures. A passenger requiring a taxi with wheelchair access cannot book it on the Internet, hail it from the street or locate one at a rank.

Actions identified in the "Accessible Transport Plan for NSW Transport, Roads and Maritime Agencies" aim to eliminate the barriers to public transport, including difficulty in accessing information; facilities that are inaccessible at train stations, bus interchanges and ferry wharves; public transport infrastructure that is not accessible; and response times that are greater for passengers needing taxis that provide wheelchair access. Those very clear demands have been set out in a document into which I understand the Government has had input. The Premier should be fast-tracking these suggestions.

Under the authority of the New South Wales Ministry of Transport, the Roads and Traffic Authority, RailCorp, Sydney Ferries and NSW Maritime are required to comply with the actions identified in the ministry's action plan. The ministry is responsible for providing transport across the board, so it has a responsibility to do the right thing for everyone, including those with disabilities. Until the adoption of the Commonwealth Disability Standards for Accessible Public Transport, people with disabilities had difficulty accessing different public transport. There has been a shift and Governments have made commitments, but much more should be done. The Premier has made a fine statement. We look forward to his action.

**ROYAL REHABILITATION CENTRE SYDNEY SITE REDEVELOPMENT**

**The Hon. GREG PEARCE** [6.15 p.m.]: Tonight I bring to the attention of the House two major concerns raised by many residents of the Ryde area, and in particular Putney, about the proposed redevelopment of the Royal Rehabilitation Centre Sydney, which is at Ryde. The first relates to the role of the local member, John Watkins, and the second relates to the role of the Planning Minister, the man who is now referred to as the mayor of New South Wales, the Hon. Frank Sartor. I am grateful to the very popular and thorough local Ryde newspaper, *The Weekly Times*, for reporting on the actions of the people who have been leading the campaign against the rehabilitation centre redevelopment.

On 8 February 2006, the front page of *The Weekly Times* had a large red headline "Rehab protest rally at Ryde MP's office". The article gave advance notice—not that it was needed—of the rally that was to take place on Sunday 12 February outside John Watkins' office. Of course, it was designed to give him the opportunity to be at the rally. However, he did not turn up; he did not care about the thousands of people who are concerned about this development in his electorate.

**The Hon. Jan Burnswoods:** Point of order: The honourable member is misleading the House. He may be the duty MLC for the Liberal Party in Ryde, but he well knows that the Royal Rehabilitation Centre Sydney is not in the electorate of Ryde; it is in Anthony Roberts' electorate of Lane Cove. I know exactly how many people turned up to the protest rally he is talking about, and I doubt that there are thousands of concerned people. However, if there were, almost all of them would live in Putney, which is not in the electorate of Ryde but in the electorate of Lane Cove. John Watkins has—

**The Hon. GREG PEARCE:** What is your point of order?

**The Hon. Jan Burnswoods:** My point is that the honourable member is misleading the House by trying to persuade us that he is speaking in his capacity as duty MLC for Ryde about a matter of concern in that electorate. This development is not in the electorate of Ryde and that point should be placed on the record.

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! The honourable member may proceed.

**The Hon. GREG PEARCE:** Of course, Jan Deadwood is renowned for taking up members' time. As I said, the protest rally outside the office of the honourable member for Ryde, John Watkins, was on 12 February and he could not be bothered turning up, notwithstanding that he had plenty of notice. The proposed development is in fact at Putney. The proposal is to rebuild the rehabilitation centre on a site at the corner of Morrison Road and Charles Street. It will increase the hospital's area from 15,000 square metres to 20,000 square metres and the new building will be up to five storeys tall. The residents' major concern is that the rest of the site is to be rezoned residential. That would allow up to 900 dwellings, townhouses and apartments, up to six storeys tall to be built. The fact that the local member could not turn up when people were at his electorate office —

**The Hon. Jan Burnswoods:** Point of order —

**The Hon. GREG PEARCE:** —was the subject of an article in *The Weekly Times* published on 15 February 2006.

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! The honourable member will take his seat.

**The Hon. Jan Burnswoods:** My point of order is about the honourable member's behaviour. Once again, the honourable member is deliberately misleading the House. He knows perfectly well that the development he is talking about is not in the electorate of the member to whom he is referring. Madam Deputy-President, I ask you to check the standing orders about this deliberate and conscious misrepresentation by someone who well knows that the relevant local member is Anthony Roberts, the honourable member for Lane Cove.

**The Hon. GREG PEARCE:** To the point of order: Jan Deadwood is again taking up time and misleading the House. I have held up the newspaper with the headline "Mass protest rally against John Watkins' inaction". That is what I was talking about. I was not misleading the House at all. There it is in black and white.

**The Hon. Henry Tsang:** Point of order: The member's time for speaking is up.

**The DEPUTY-PRESIDENT (The Hon. Christine Robertson):** Order! The discussion was in relation to whether the rehabilitation centre was in the electorate of Ryde or Lane Cove. But the rally was at the member's electorate office, so there is no point of order.

### **BIALOWIEZA FOREST, POLAND**

**Mr IAN COHEN** [6.20 p.m.]: Tonight I speak about the Bialowieza Forest in Poland, which is over 8,000 years old and is mainland Europe's last primeval forest. Members of this House may have seen a full-page article in the travel section of last weekend's *Sydney Morning Herald* detailing the beauty of the forest, with its bison, wolves and many species of birds. What the article did not mention, however, was the host of threats that this forest currently faces. It is timely to speak about these threats tonight as this Friday there are actions planned around the world to bring the area to the world's attention and to urge the Polish Government to protect this important environmental treasure.

Bialowieza is Europe's last natural lowland old growth forest. It is located on the border of Poland and Belarus. In recent years, real protection for the forest has deteriorated. Centuries-old oaks and other trees have been cut for timber, new roads have been opened to public traffic and each commercial management unit applies different plans for the forest, while only a small fragment is protected as a national park. This fragment is in the order of about 15 per cent. It is unacceptable that this world heritage disappears before our eyes due to the lack of a well co-ordinated protection plan for the whole forest. Many rare and wild animals, including the invaluable European bison, which moves throughout the whole forest, need a plan that makes the protection of natural processes its highest priority. The forest contains the last of the European bison, large carnivores such as wolves and lynxes, and thousands of other species, including elk, badgers, otters, bats, and woodpeckers and countless other species of birds.

Interestingly, it is not Poland but Belarus that has its side of the forest protected entirely as a national park. However, one of the most pressing threats facing the forest comes from the recently established border crossing with Belarus, where a terminal has been built through the middle of the Bialowieza Forest. This concern, when added to forestry activities, a proposed adventure train ride for tourists in a national park nature reserve and new roads through the forest, pose an imminent threat of forest fragmentation, making it difficult for species to cross between these units and for the forest to maintain its ecological integrity.

Additionally, the current plans for timber harvest could follow the plans of the last several years, which saw an enormous amount of timber, much of it centuries old, cut under the pretext of bark beetle attack. The Bialowieza Forest is not an ordinary forest, but a treasure among the world's natural areas, and should be treated with the care reserved for such places. I would like to see the Bialowieza Forest protected in a way that lets natural processes occur unimpeded by commercial interests. The forest should be first and foremost a natural area, not merely a site of human entertainment, with attractions and infrastructure to suit the leisure needs of tourists at the expense of the forest's most valuable characteristics. Nor should the forest serve as a source of commercial timber looked after by several management units and with a small national park at its core.

This tiny fraction of the European landscape should be protected equally on both sides of the Polish/Belarusian border in one transboundary national park. The European Union has been disappointing in its approach to preserving this forest. Most of Europe's old forests are long gone, so one would think there would be even greater impetus to protect this primeval forest. However, while the European Union pays around 30 million euros in tree plantation subsidies to Polish farmers, it has failed to come up with 6 million euros needed to preserve its oldest forest. For many hundreds of years royalty protected the forest against clearing and other excesses. It was used for hunting by Polish and Lithuanian royalty and thus preserved. In the 19th century it became a part of Russia and was used for the same purpose by the tsar. Poland has an obligation to care for this heritage, so rare and wild, which makes it precious, particularly in Europe.

I urge the Polish Government to take a strong position by affording the whole forest the status of national park. This is the highest form of protection and, as mentioned, already exists for the forest on Belarusian territory. This Friday, 3 March, the Bialowieza International Solidarity Network, together with the Lismore Rainforest Information Centre, is organising international visits to Polish embassies around the world as part of the campaign to save the Bialowieza Forest as a national park. This issue is of great importance. Without a doubt this is the most important forest in Europe and it contains the last wild European bison. Events on 3 March are planned in the United Kingdom, Ireland, Belarus, the Czech Republic, Slovakia, Finland,

Romania, Germany, Austria, Sri Lanka, South Africa, Uganda, Sydney, Brisbane, Melbourne, Canberra, South Korea, Canada, Japan, Ukraine and the United States of America, to name a few.

As a part of this international day of action I will meet with the Polish consul-general, who has very generously agreed to meet with me at the Sydney Consulate, and deliver a letter of support to preserve this amazing forest as a national park. I suggest that this forest is iconic for the world in a similar way to our many forests in Australia, but in Europe it is a real rarity to see something of this magnificence survive. I would ask members to give some thought to penning a letter to the Polish embassy to support what is a very positive cause for a great icon. This is an opportunity for a very successful outcome in the conservation and maintenance of this forest.

### TRIBUTE TO MS INGA CLENDINNEN, AO

**The Hon. JAN BURNSWOODS** [6.25 p.m.]: Tonight I pay tribute to one of the finest people I know in Australia, who was recognised by being given the award of Officer in the Order of Australia on Australia Day: the historian Inga Clendinnen. Inga Clendinnen has, over some decades, proved what a useful profession that of historian is and how much a historian like her can contribute to our society. Over the years that she has taught in Melbourne—firstly at the University of Melbourne—Inga has moved from being an expert in Mayan and Aztec cultures and the Spanish conquest of Mexico, with all that that involved in exploring early issues of colonialism and so on, to recently writing a book called *Reading the Holocaust*, which opened up a completely new avenue of historical exploration.

Most recently, many members will have heard of Inga's book *Dancing with Strangers*, which is currently out of print because it sold so well. That book explores the relationship between the British settlers and Aboriginal people during the first five years of the colony of New South Wales. She has also written an autobiography and memoir titled *The Eye of the Tiger*, which is a very thoughtful account of her experiences on discovering that she had a very serious liver disease, her stays in hospital and her eventual liver transplant. She meditates a lot on all sorts of things in that book, not least the fact, as she says, "The only way to get a new liver is through the public hospital system. You wait your turn. It can't be bought." Perhaps that expression says something about the philosophy of Inga Clendinnen.

Her citation credits her with addressing issues of fundamental concern to Australian society and for helping to shape public debate on contemporary issues. She has indeed done that. At the time of receiving the award she made a number of comments about what surrounds the awards and Australia Day. For instance, she is a critic of the date of Australia Day. She ended the Boyer Lectures that she gave in 1999 with these remarks:

There remains a scar on the face of the country, a birthstain of injustice and exclusion directed against people who could so easily provide the core of our sense of ourselves as a nation, but who remain on the fringes of the land they once possessed.

She argues along those lines that Australia Day is an inappropriate day for us to celebrate our nationhood. Perhaps strangely for someone who is so conscious of the evils of nationalism and war, she is a great admirer of the traditional Anzac Day because, as she views it, the Diggers, the people who originally celebrated the defeat at Gallipoli, knew it was a defeat. They were marking the fact that war was futile and they were celebrating those who had died. They were committing themselves to a vision of the future that did not involve sending young men to die so uselessly in places like Gallipoli and, later on, the Western Front in France. I think perhaps it may be true that Anzac Day and some of the ways in which these national events are marked have changed considerably over the last decade or so, and if that is so maybe Inga Clendinnen would no longer argue as she did then.

I can think of very few people who deserve an award of Officer in the Order of Australia as much as Inga Clendinnen. She has inspired generations of university students, including me many years ago. She has gone on inspiring people. For instance, she was the guest speaker at the Premier's History Awards dinner in New South Wales a few years ago, when she spoke in part about her book on the Holocaust. She deserves more recognition than she has had. As I said at the beginning, she is someone who should remind us, as the number of people studying history drops, that we can ill afford to do without our historians, who look with such thoughtful and compassionate eyes on our country's history and that of other countries.

**Motion agreed to.**

**The House adjourned at 6.30 p.m. until Thursday 2 March 2006 at 11.00 a.m.**

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