

LEGISLATIVE COUNCIL

Thursday 2 March 2006

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

The Clerk of the Parliaments offered the Prayers.

PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT BILL

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

Motion by the Hon. John Della Bosca 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.

TEMPORARY CHAIR OF COMMITTEES

The PRESIDENT: According to standing orders, I nominate the Hon. Penny Sharpe to act as Temporary Chairman of Committees during the remainder of the present session of Parliament, in place of the Hon. Eric Roozendaal.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business items Nos 16, 24, 33, 40, 73, 117, 118 and 126 outside the Order of Precedence withdrawn by Ms Sylvia Hale.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Michael Gallacher agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 186 outside the Order of Precedence, relating to the Hyundai A-League, be called on forthwith.

Order of Business

Motion by the Hon. Michael Gallacher agreed to:

That Private Members' Business item No. 186 outside the Order of Precedence be called on forthwith.

HYUNDAI A-LEAGUE

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.08 a.m.]: I move:

That this House:

- (a) congratulates the Central Coast Mariners together with Sydney FC on both reaching the final of the Hyundai A-League on Sunday 5 March 2006,
- (b) notes the success this newly formed domestic professional football competition has had in reigniting the passion and support for soccer, the true football, and the further consolidation of soccer as the most widely played code of football in the nation, and
- (c) recognises the success that the Central Coast Mariners have had, under the stewardship of Laurie McKenna, in further developing the national identity of the Central Coast and this missed opportunity for the National Rugby League in turning its back on our region by failing to approve the development of a National Rugby League team based on the Central Coast.

This Sunday's grand final of the Hyundai A-League will bring to a conclusion the most successful year of association football, or "soccer" as it is more commonly known, this country has ever seen. Arguably the most widely played sport in the nation, it has very competitive local associations catering for both males and females, commencing with under fives through to veterans. Much has been written about our international success, both at individual and national team level, over the past few years, culminating in our memorable win in qualifying for the World Cup this year. However, it has been the strength of our domestic competition and youth league programs nurtured over many years, principally by highly motivated volunteers, that has provided the foundation upon which our assault upon the World Cup in Germany this year was built. For years the widespread appeal and success of the local competition suffered under the weight of ethnic groupings. For many outside Australia, football is not just a sport; it is their identity, indeed their way of life.

Early immigrants, searching for a sense of community, formed teams based on their ethnic roots, and in many instances built those teams into highly successful community centres, attracting their fellow countrymen. Teams like Apia, Marconi, St George Budapest, and even my old club Hakoah, were all founded on these lines, giving critics of our game, often supporters of other football codes, the opportunity to refer to soccer as "wog ball" and in doing so ensure that the wider appeal of the sport would fail to eventuate.

Circumstances in Australia were not unique. Right throughout the world, the support base—overwhelmingly members of the working class—gravitated towards a team that represented their position in that community. I myself was brought up on a steady diet of Brother Walfrid, a Marist Brother in Glasgow, forming a team in 1888 purely to raise money from gate takings to feed the Catholic Irish poor who had moved to the city in their thousands to escape the turmoil in their homeland. As this team, Glasgow Celtic, and its support grew, a neighbouring team, Glasgow Rangers, became a focal point for anti-Catholic Irish sentiment, even though the team was formed some years before Celtic and without ethno-religious undertones. Fortunately, most of the religious hatred has gone, but the rivalry still exists.

Well before the arrival of John O'Neill and the reforms to the management of Australian Soccer, a decision was made to remove the ethnic titles from professional domestic teams, and this was the first significant step in broadening the base and appeal of the sport in Australia. With the development of the A-League, the continuation of a summer competition and a professionally managed administration, the dawn has finally broken for the world game in Australia. As someone who has watched and played more games than I care to remember, I will never forget my introduction to this new competition when I watched the Central Coast Mariners play in and eventually win the pre-season competition.

The speed and flair was something that had been missing for too long in the local game. Whilst other teams like Sydney FC attracted the attention and big names such as Dwight York and celebrities such as Anthony LaPaglia, it was our local team, the Mariners, under the steady hand of Laurie McKinna and ex Scotland international and Rangers player Ian Ferguson that captured the imagination of the entire Central Coast. And I think it is fair to say that this weekend we will have the support of the rest of the country outside of Sydney.

Others have been instrumental in the development of the team, particularly Alex Tobin, the most capped former captain of the Australian national side. Alex played 113 games for Australia and played an unbelievable 522 first-grade games in the National Soccer League. Congratulations also to the captain of the Mariners, Noel Spencer, on an outstanding season. In the squad the Mariners also enjoy the talent of six players born and bred on the Central Coast. And, as the Hon. John Ryan interjected, we should not forget the support base on the Central Coast known as the Marinaders.

The Central Coast has been the biggest winner with the creation and development of this side. Each major city has its champion: Newcastle has the Knights, Parramatta the Eels, Sydney has the Swans, and now the entire Central Coast has its own—the Mariners. As the region and our identity evolves in business and public service, as we see the ongoing development with infrastructure, new housing, et cetera, the Central Coast's sporting focus will already be there to meet the challenges for the future. The Mariners have spent many hours outside of training working with surf lifesaving clubs, schools, coaching clinics and doing promotional work throughout the community, and this has further added to expansion of football beyond the playing field.

In every competition there are winners and losers. Without doubt the biggest loser in capturing the rapidly expanding Central Coast market would have to be the National Rugby League [NRL]. Despite earlier attempts to relocate a joint venture to the region, Northern Eagles were always going to be Manly. Last year I went to the Souths/Newcastle game at Gosford early in the season. Well over 20,000 saw the Rabbitohs beat the

Knights, with the stadium—now the Mariners' home ground—bathed in a sea of red and green. The NRL chose to ignore our region—we were not good enough—preferring instead to keep propped-up teams like Melbourne and supporter-free teams such as the New Zealand Warriors.

Congratulations to the Australian Soccer Federation, who saw the opening and jumped through and, as patron of the club, I congratulate the Mariners. As I said, in every competition there have to be winners and losers. Better luck to Sydney FC for next season. The celebration at the Mariners' home, the Mingara Club at Tumby Umbi, will be truly memorable on Sunday night.

The Hon. JOHN DELLA BOSCA (Minister for Finance, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, and Vice-President of the Executive Council) [11.14 a.m.]: I commend the Leader of the Opposition for his motion and I echo and support all of his comments. We have come across one another on many a weekend over the past few months during the pre-season competition—when the Mariners so successfully ended up champions—through to the various competitions and, more recently, at the very exciting final, which was at the Newcastle Jets' home ground.

It was a very exciting game, and it dawned on me just how much work was put into the Mariners and how much support there was for the concept of one of the codes of sport in Australia adopting, promoting and admitting a Central Coast team into the National League—something for which I have been a relentless advocate ever since I entered the Parliament. In representing the Central Coast both as Minister Assisting the Premier and subsequently as Minister for the Central Coast, I have been a very strong advocate of the significance of sport as a vehicle to meld together the cultural lifestyle, business enterprise, and everything else in the region.

The Leader of the Opposition is correct to say the Mariners have rightfully taken the role of sporting champions for the Central Coast. Indeed, they have become the Central Coast's national champions. I echo his remarks about the team captain, Laurie McKinna, who, despite being only very recently a Central Coast resident, has become a key identity on the Central Coast and someone who now has a very elevated position in the eyes of many Central Coast football supporters and many people who are recent converts to soccer.

Despite my love for the South Sydney Rabbitohs and my support generally for the National Rugby League [NRL] code—and the fact that I was a strong supporter of the joint venture with the Northern Eagles—I have to say it is Rugby League's loss that it did not see the importance of the Central Coast as a region and that it was unable to make any of the proposals there work. In spite of the fact that many of us were very committed to making whatever solutions the NRL came up with work, they did not.

I was at the same match as the one the Leader of The Opposition referred to where there was a massive demonstration of the strength of Rugby League. The match was not even to determine who became the wooden spooners and yet the stadium was a sell-out, which shows the strength of Central Coast support for Rugby League. But, regrettably, Rugby League's loss has been soccer's gain, and certainly the success of the Mariners has been a boost for the Central Coast. It is something I am very proud of.

I would like to voice my own support of the people the Leader of The Opposition has paid credit to. I also note the vision and support of Lyle O'Gorman. I think the Leader of the Opposition would support this view: Lyle is one of the original visionaries. When he first had this vision, many of us were excited by it but thought it would probably go the way of every other vision for sport on the Central Coast. Despite really tough challenges and some health problems that Lyle has had to overcome, he and the team have done a fantastic job.

I was educated by the De La Salle Brothers, not the Marist Brothers—although a small part of my education was at Marist Brothers—and one of the most important sayings that I was taught about the code of football, and in that case it was Rugby league, was: a star team will beat a team of stars any day, which is my by-line for the grand final coming up on Sunday. The Central Coast Mariners is a star team; it has not fallen for the trap in modern sport of promoting individual celebrities in its team. Although I am a relative newcomer to the finer points of soccer, I can see that the team works like a well-oiled machine and it could even be described in the wrong context as a ballet, but it is a hell of a lot more rugged than that.

As Minister for the Motor Accidents Authority, I am pleased to note that the authority has been able to play a small role in sponsoring and promoting the Central Coast Mariners and that role has been effected by the co-operation of the team. In the promotion of a local safety issue or in the promotion of one of the Motor Accidents Authority's campaigns, there has never been an occasion when members of the team have not been

prepared to give up their own time and do the right thing, not only from a sponsorship point of view but also from a road safety point of view. The Central Coast Mariners are a very fine bunch of men to be associated with. I have been to a number of functions where their conduct has been on display and so far—and I expect it to continue in the future—I have found that their behaviour has been absolutely exemplary.

They are excellent role models for the young people of the Central Coast. There are 6,500 people of all ages who play junior soccer and local soccer on the Central Coast, and that augurs well for a long-term base for the Mariners. I hope over the next few years to see more and more young Central Coast people getting the opportunity to play professional soccer for the Mariners. My sons and wife play for our local club, the Umina Eagles and I have coached and managed Umina Eagles teams, so it is only right in a speech about soccer on the Central Coast that I commend the club and acknowledge that its officials put in a hell of a lot of hard work for nothing except the satisfaction of knowing they are helping young people enjoy their sport and do well at it. With those acknowledgments, I am very pleased to join the Leader of the Opposition in wishing the Central Coast Mariners every success in the grand final.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. John Tingle agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 6 in the Order of Precedence, relating to the Firearms Amendment (Good Behaviour Bonds) Bill, be called on forthwith.

Order of Business

Motion by the Hon. John Tingle agreed to:

That Private Members' Business item No. 6 in the Order of Precedence be called on forthwith.

FIREARMS AMENDMENT (GOOD BEHAVIOUR BONDS) BILL

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

Second Reading

The Hon. JOHN TINGLE [11.23 a.m.]: This is not a large bill—only three pages in fact—and this will not be a long speech. But although the bill is small, it has great potential to rectify a large basic injustice visited on a particular group of citizens who are burdened with a double jeopardy of punishment under illogical and bizarre circumstances. The bill amends the Firearms Act 1996 to reduce the conditions under which the issuing of a good behaviour bond automatically means that a licensed firearm owner is deprived of his licence and his legally-owned firearms, even though the offence which led to the bond may have absolutely no relationship, connection or relevance to his ownership of firearms. It is an oddity of the Act that it provides this reference to good behaviour bonds, which would normally be dealt with under the Crimes Act.

This effect of the Firearms Act in the case of good behaviour bonds is not widely known. I have heard of a number of cases where firearm owners, before a court on quite minor matters, have been happy to accept a good behaviour bond, only to discover very quickly that they will lose their firearm licence. The first case that came to my attention, some years ago, was that of an elderly farmer on the South Coast. This man was a quiet living, almost reclusive, fellow who had never had as much as a parking ticket in his life, and was a very temperate drinker. One afternoon he went into his nearby town to shop, met an old friend and had a few beers at the club.

On the way home he was breathalysed, had a medium range prescribed concentration of alcohol, and, because he had never been in trouble before, went to court and was given a 12-month bond to be of good behaviour. The next day local police came to his farm and told him his firearm licence was revoked, and that he had to dispose of his firearms immediately. What seems to me to be unbalanced about this provision is that a court issues a good behaviour bond in lieu of a tougher penalty, stating in effect: "Well, you've done the wrong thing, and committed an offence, but the court feels it was probably an isolated incident, and so we're going to

give you a chance to demonstrate that you are normally a law-abiding citizen. So the court is giving you a bond to be of good behaviour for a certain number of years. The bond should be a reminder to you that you did commit an offence, but it's also an opportunity for you to show you can behave and observe the law at all times."

Yes, the bond is a punishment, but it is also an opportunity to demonstrate rehabilitation. So, when this farmer settled for his bond he accepted that as his punishment for being silly enough to drive when he had had more to drink than he should have. Lo and behold, a day later he discovered that he also had a second punishment—the revocation of his firearm licence. In his case it deprived him of the firearm he had used to control rabbits, foxes and other vermin on his farm—a firearm which was not, and never has been, a threat to anybody else. If this is not a case of double jeopardy, what is it? Given that his offence did not relate in any way to a firearm, or improper use of a firearm, or any act that gave cause to believe he might do something wrong with a firearm, the imposition of a second punishment is utterly illogical. It is selective and discriminatory.

I take the view that it is even worse, because it applies to only one category of citizen, the law-abiding, inoffensive legal firearm owner. We firearm owners are bound by restrictions, covenants, expensive licences, tight storage requirements, suspicion that we are all potential homicidal maniacs, and a media-generated public suspicion and disapproval which applies to no other legitimate sport. Imagine a motorist given a bond for medium range PCA being told the next day that his golf clubs were being confiscated as punishment, and his fishing licence was being revoked just for good measure. What a public outcry there would be!

But firearm owners are regarded with instant and abiding suspicion by legislators, the media and the public, so it seems that whatever is done to us must be for the public good. What an appalling injustice this is. I know there are members of the crossbench at least who would say that this double jeopardy is not only necessary but a good thing, and that golf clubs and fishing licences are not a potential danger to the community, and so the allegory does not hold up. Well, they are welcome to their opinion, biased and ill-founded though it be.

Of course there are cases where the revocation of a firearm licence in these circumstances is not only justified but inevitable. Where someone has used a firearm to threaten, wound or kill someone, other than in self-defence, or to rob or assault someone, their licence should be taken away, their firearms removed and, in severe and deliberate cases, perhaps they should never be allowed to own a firearm again. But, of course, someone that is given to firearm violence is hardly likely to be bothered or deterred by the law from obtaining a firearm illegally. By definition, firearm laws bind only the law-abiding.

There are other instances where this sort of bond is justified. In a case of physical assault without a firearm, or even without a weapon of any kind other than the human fist—which is one of the most used weapons, incidentally—the perpetrator should not have access to firearms. Somebody convicted of an offence related to the vicious drug trade, which is so closely linked to the criminal use of illegal firearms, who for some reason is given a good behaviour bond should certainly not have legal access to firearms. Again, it is doubtful that anything would deter such a person from obtaining and using a firearm illegally.

So the bill seeks to limit the disqualification of persons subject to good behaviour bonds from holding licences or permits or from dealing in firearms. The effect of the bill would be that a person will be disqualified only if the person has been convicted of an offence involving the possession or use of firearms or other weapons, an offence involving a serious assault, or a drug-trafficking offence.

I turn to the bill in detail. Schedule 1 limits the disqualification of persons subject to good behaviour bonds from holding firearms licences or permits, or from dealing in firearms. Schedule 1 [1] amends section 4 (1) of the Firearms Act by inserting the definition of "drug trafficking offence" for the purposes of this Act. Honourable members will notice that it specifies offences as outlined in the Drug Misuse and Trafficking Act 1985, relating to a prohibited plant or a drug. The section is quite specific.

Schedule 1 [2], inserts into section 11 of the Firearms Act, relating to general restrictions on issue of licences, the definition of the offence of possession or use of a firearm, or any other weapon; an offence involving the infliction, or attempted infliction, of actual bodily harm on another person; or a drug trafficking offence. Schedule 1 [3] makes a similar amendment to section 29 of the Firearms Act in relation to general restriction on issuing permits. Schedule 1 [4] amends section 44A of the Firearms Act by inserting similar provisions to those just mentioned.

I am well aware that some honourable members of this Parliament will see this as a softening of the uniform national firearms laws brought in after the Port Arthur massacre. It is not that at all. Rather, it is an attempt to remove the injustice of a double jeopardy from the Firearms Act—a double jeopardy which applies, selectively, to a specific group of citizens who are trying their best to deal with the difficult and restrictive laws which bind their sport. The intention of this bill is to remove that double jeopardy where it occurs because of a minor offence, or an offence quite unrelated to the ownership and use of firearms. An obvious injustice of this type brings all law into question. It is not an unreasonable thing to try to correct such an injustice. On that ground, I commend the bill to the House.

Debate adjourned on motion by the Hon. Ian West.

CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL

Second Reading

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

NATIONAL WATER INITIATIVE

Debate resumed from 10 November 2005.

The Hon. GREG PEARCE [11.32 a.m.]: I propose to speak only briefly to this excellent motion by my colleague the Hon. Rick Colless and I do not intend to repeat the very detailed and compelling arguments that have already been put forward by my Nationals colleagues. I commend their speeches and the detailed work they have done in relation to this matter to honourable members of this House. I congratulate the Federal Government on its National Water Initiative. As we all know, water is an incredibly important issue in Australia, and the ongoing attention of the Federal Government, including the appointment of my good friend Malcolm Turnbull as Parliamentary Secretary to the Prime Minister with responsibility for water reform, is a welcome step.

The issue I want to raise briefly relates to a particular concern that my colleagues have raised previously in debate. It relates to the water cap placed on the section of the river between Mungindi and Menindee. A number of speakers indicated that the relevant licence entitlement for that section of the river concerned stood at 523 gegalitres per annum, and that a cap has been applied by the Carr-Iemma Government to this section of the river at 173 gegalitres per annum—some 33 per cent of the licence entitlement. A number of my colleagues have also pointed out that this cap appears to have been arrived at by averaging the extraction over the previous seven years. They have made the point that this was not the scientific approach that should have been used to determine the entitlements for water out of this river, particularly given that in five of the seven years during which the cap was developed, annual extractions exceeded the 173 gegalitres per annum, and that was during periods of drought.

The reason for focusing on this issue is that a number of other speakers predicted that the approach of the Government was likely to have extremely adverse consequences on industry and residents in western New South Wales. I note with concern that that appears to have been exactly the case in respect to one very important business that has come to my attention. I understand that a firm known as Back O'Bourke Fruits has gone into voluntarily receivership as a direct result of the Labor Government's refusal to heed warnings about the effect of this type of cap. I have been advised that Back O'Bourke Fruits is a very efficient user of water and is a very viable business. If the business does collapse, 25 full-time jobs and up to 300 part-time jobs will be lost, leaving families and towns, the very fabric of that community, in dire straits. This is a disgrace and the Government should be ashamed of itself for having politicised water. No other government is politicising water in the way in which this Government did and it needs to be called to account immediately.

The Hon. RICK COLLESS [11.37 a.m.], in reply: I firstly thank all honourable members for their contributions to this important debate, in particular my Nationals colleagues the Deputy Leader of the Opposition, the Hon. Jennifer Gardiner and the Hon. Melinda Pavey, for their solid support of this motion. The fact that all members of The Nationals in this House spoke to the motion clearly indicates the importance of water issues in regional areas of New South Wales. That is in stark contrast to the contribution of the Australian Labor Party in this debate. We did not hear from one ALP member, much less hear from the Minister. Those within the ALP who pretend to be members of Country Labor—and they are the true pretenders—have not bothered to utter one single sound in support of this motion on water management issues in the Barwon-Darling river system.

A far more serious issue for the Government, though, is that the Minister for Natural Resources, the Minister who is supposed to have his hands on the levers of this issue, has not even bothered to be in this Chamber while the matter has been debated. That is a disgrace! He has not participated in the substantive part of this debate and he was not in the Chamber when it was introduced. Neither the Minister nor any member of the Government was ready to speak when the matter was called on two weeks later and, once again, he has not bothered to turn up. The people of the west are very critical of the Minister for that snub. It is obvious that the complexities of water issues are beyond him, and that he cannot control the departments within his portfolio.

Since I gave notice of this item of business almost 12 months ago, and indeed since it was debated in this Chamber late last year, the results of the previous announcement by the Government that the cap on extractions from the Darling River between Mungindi and Menindee would be set at 173 giganalitres per annum, my prediction in paragraph (h) of the motion—that this will cause massive economic and social disruption to irrigation dependent communities along the Barwon Darling River system—has in fact come to pass.

These problems are already precipitating into an unfortunate reality. As the Hon. Greg Pearce pointed out, it was announced last week that Back O' Bourke Fruits has gone into voluntary receivership. Some 25 full-time jobs and up to 300 part-time jobs are at risk in a population of 4,000 in Bourke. That is equivalent to 325,000 jobs in Sydney on a pro rata basis, assuming that the population in Sydney is four million.

The Minister's spin is that it was the drought that caused this problem for Back O' Bourke Fruits, and no doubt the drought contributed to the problem through a lack of production over the past few years. However, the issue is that these businesses will not have all that much more water ever again if the cap of 173 giganalitres of water is implemented. That is why this company has gone into voluntary receivership. The company's assets dramatically reduced in value as a result of the 67 per cent reduction in water allocations, which saw its debt to equity ratio go through the roof. It now means that the company is technically insolvent. As the Minister should know, if a company knowingly is technically insolvent and continues to trade without advising the Australian Securities and Investments Commission it is in breach of the regulations. The honourable member for Murray-Darling has admitted that the Government's water policies are causing difficulties for irrigators, and by so doing he has admitted his impotence in attempting to change the Minister's mind. An article in Bourke's *Western Herald* stated:

The Member for Murray Darling, Peter Black, acknowledges that his Government's water policies are causing a difficult time for irrigators.

"I know there are a lot of contributing factors, you can argue the hot weather in January was the straw that broke the camel's back—but the underlying issue is the water regulations," he said.

Mr Black has fought his own party over the cuts in water allocations but said his warnings of the outcome for towns like Bourke have been to no avail.

"There are people in this world who don't care if Bourke is pushed off the map," Mr Black said.

Irrigator spokesman Ian Cole puts it a little more strongly.

"This Government will be known as the government that ruins Bourke," he said.

For a government to do that to any town in New South Wales is disgraceful. The Minister and his Premier simply do not realise the importance of this issue to the people of Bourke, the people of western New South Wales, and the economy of New South Wales. A couple of days ago I received an email from Mr Jack Buster, one of the original irrigators who was instrumental in the economic revival of Bourke when he moved to Bourke and purchased Fort Bourke Station in 1966. He included a copy of an email to the Premier that he sent on Friday 24 February. The subject heading demonstrates the frustration that these people are experiencing: "The beginning—shock out west—fully expected and warned of". The email stated:

Dear Premier Iemma

When I heard from my neighbours of their strife it came like a blow. Even anyone can see the rapid deterioration of equity in these irrigation properties along the lower Darling Barwon River with the implementation of the threatened 67% cut in access for existing water users; anyone except the "partial" planners and the men who are willing to pass this monstrosity of legislation ...

It would be so nice if Bourke could be put on a priority list for your travels.

Kind regards
Jack Buster

I bet the Premier has not even bothered to reply to that email. I turn briefly to some of the contributions to this debate. The contribution of Mr Ian Cohen was predictable and disappointing. By his own admission, he does not have detailed knowledge of the specifics of the Darling River catchment. He drew some very long bows out of his quiver, the first one being that the average flow is a meaningless concept. I made that very point—that it was better to look at median flows when estimating optimal irrigation extractions. He also said that the long-term average extraction is 173 gigalitres per year. That is incorrect. The long-term average is much higher, and it is difficult to estimate average extractions on a volumetric basis as extractions approvals were administered on a spatial basis prior to 1994.

The best estimates available suggest that the average figure is in the vicinity of 270 gigalitres to 280 gigalitres per year, rather than 173 gigalitres. The Government used flawed data in arriving at the figure of 173 gigalitres per year. The flows were calibrated and extractions were modelled in a wet year, when extractions were not required because of the wet season. That is the reason the cap figure must be recalibrated on a proper scientific basis, rather than on the back-of-a-bus-ticket methodology that the Government used previously. Another issue on which I must take the honourable member to task relates to the social disruption to irrigation dependent communities. He suggested that we are dealing with businesses rather than communities, and that irrigation does not benefit the whole community.

What a nonsensical position to take! Every person in every irrigation community in Australia should read those comments. Towns like Bourke, Moree, Narrabri, Wee Waa, Griffith and Leeton, to name just a few, and the communities in those towns would not exist as we know them today if it were not for the irrigation industry. The problems being faced by Back O' Bourke Fruits could potentially result in the loss of hundreds of jobs in Bourke, as I pointed out earlier, and to suggest that this will not impact on the community is total nonsense. With respect to the proposed works on Menindee Lakes, Mr Ian Cohen also questioned the water savings of 9,000 megalitres to which I referred. That is the amount of water estimated to be saved each year as the Government proceeds with the works recommended in the environmental impact statement [EIS], at a cost of \$34 million. I agree with the member that this is very expensive water.

We are suggesting that the Government should adopt the options of a new 9,000 megalitres per day regulator from Lake Menindee into Menindee Creek and the Darling River; construction of a high level one-way regulator between Lake Menindee and Lake Cawndilla; construction of a major discharge channel from Lake Cawndilla to the Darling River; and construction of drainage works in Lake Menindee from the residual pool back to the main regulator. It is estimated that those works could cost in the vicinity of \$45 million to \$50 million, but they will save 200 gigalitres of water annually, rather than the nine gigalitres estimated in the EIS. It would be a much more economical expenditure of funds than has been suggested.

The Deputy Leader of the Opposition made two very good points, which I shall address briefly. The first is the tri-State agreement between South Australia, Victoria and New South Wales. Under that agreement, New South Wales is committed to providing water to South Australia. The extraction activities occurring in Queensland since the tri-State agreement was ratified have made it difficult for New South Wales to meet its water delivery commitments to South Australia. The agreement needs to be renegotiated, and Queensland must be included in those negotiations. The Minister should take the lead in implementing negotiations, but he is not doing so. The other issue raised by the Deputy Leader of the Opposition was the management of the Lake Alexandrina system, the terminal lakes immediately above the mouth of the Murray River.

These lakes are responsible for the evaporation of 1,000 gigalitres of water every year. Again, I would like the Minister for Natural Resources to address that issue and, hopefully, do something about it. In conclusion, I thank honourable members who contributed to this debate. I suggest that perhaps the Minister should more competently lead the way in the water debate in New South Wales, rather than be hell-bent on crucifying small towns like Bourke by cutting 100 gigalitres of water from their allocation each year.

Motion agreed to.

SCHOOL STUDENTS LITERACY LEVELS

Debate resumed from 10 November 2005.

The Hon. ROBYN PARKER [11.48 a.m.]: Of the year 10 students in New South Wales who sat the OECD literacy tests this year, 29 per cent could read only at a basic level, and 11 per cent were illiterate. The students are 15 years old. These results come from the Program for International Student Assessment Study

from 2003, a three-yearly assessment of student skills. The study also found that 14 per cent of 15-year-old students in New South Wales are able to perform only the most basic mathematical tasks. It also showed that on the next level up on the mathematics scale, 90 per cent of students can employ only basic procedures. This translates to 33 per cent of students who can do only basic maths. Upon reading this study, the former Premier Mr Carr—the education premier—said in a press release:

This is an outstanding result for students and teachers and a ringing endorsement of our plan to improve literacy and numeracy.

The former Premier had great difficulty reading results, amongst other things. He did read what the result will be in the 2007 election. He bailed out because he knows what is going to happen. According to Professor Geoff Masters, the Chief Executive Officer of the Australian Council for Education Research, which supervised this test:

Students have levels of reading, mathematics and science that are inadequate for everyday life.

All this happened under the watchful eye of the education Premier and the Labor Government. Another international study released in late 2004, the Trends in International Maths and Science study, found that the year 4 and year 8 students are falling so far behind in maths that students in many other countries are overtaking them, compared to results from 10 years ago. I say that again—results from 10 years ago. That means that student performance has dropped since 1995. It is no coincidence that that is the period during which Labor has been in office in this State. In the 10 years of the Labor Government students in New South Wales have been let down.

Students in many countries, for example Slovakia, Russia, Malaysia and Hungary, are outperforming students in New South Wales. This goes against the spin and the great media opportunities promoted by this Government, such as the Premier and the Minister for Education and Training sitting in a school classroom with open books, surrounded by students. That is what we have become used to seeing from this Government, spin over substance, focusing on the results of high achievers, so the Government can live up to its title.

The Government's recent threat to end the priority action school [PAS] program shows just how little this Government values literacy. This program has enabled schools to develop special initiatives to help academic results, and this is the second year in a row when funding was threatened. That is an absolute disgrace. This program offers flexibility and a reduction in funding would only hurt those who struggle in our classrooms and would affect those already disadvantaged. I have seen some fantastic PAS programs operating in a number of schools.

However, last year the Minister tried to end the funding to the 74 schools that ran the PAS program. It was because of outrage from parents, teachers, students and the Opposition that that decision was reversed. How committed is this Government to literacy when this program is under threat? According to the Government's assessment last year nearly 90 per cent of year 7 students could not use punctuation and almost one-third failed to use basic sentence punctuation, including capital letters, commas and full stops. One in five had not mastered subject-verb agreement and only one in 20 year 5 students could spell less common words like "absolutely", "building" and "concentrate".

The Government's record on Aboriginal education is also not worthy of any congratulations. After 10 years of doing nothing for Aboriginal education the Government has taken a tokenistic approach, where schools with a high number of Aboriginal students still get nothing. New South Wales has 30,000 Aboriginal school students, and the Government's announcement in September last year that it would inject money into Aboriginal education will only benefit 1,300. This is despite the August 2004 review of Aboriginal education that highlighted literacy, numeracy and attendance as critical problems for Aboriginal students. The review noted that only 36.3 per cent of year 10 Aboriginal students go on to complete year 12, compared to 68.1 per cent for all students. That is hardly worth congratulations.

How are literacy and numeracy skills supposed to increase when the schools themselves are falling down around the ears of students and teachers? The Vinson report into New South Wales education, which was released in May last year, highlighted the failures of the education system. It revealed the state of the school buildings as below standard. We know that the \$120 million that was wasted—blown completely—on the desalination plant could have fixed the infrastructure problems at all schools in New South Wales.

Last year an upper House inquiry into teacher training, teacher recruitment and teacher retention noted time and again how poor classroom standards, poor infrastructure, lack of basic facilities, stinking toilets,

flaking paint, classrooms falling down around teachers, and so on, were factors in students wanting to go to other schools, parents wanting to take their children out of the schools, and teachers moving to the independent sector or moving out of teaching altogether. People who have gone through teacher training, only to land in a classroom that does not have basic resources, know that that makes the job too hard, particularly in a school that is hard to staff or is in a bad area. We have all those problems—damp walls, mouldy carpets, wiring that does not run computers, a lack of airconditioning, and services that are so dangerous—yet the Government is patting itself on the back and congratulating itself. The congratulations should go to the students, teachers and parents who have to cope with those difficulties. Congratulations should go to the State Government. Congratulations should go to the Federal Government on its initiatives in trying to raise literacy levels, trying to support schools, and trying to run programs that do something for our students.

I note that the Government is not putting forward any motions congratulating itself on the \$11.5 million maintenance backlog. It is not congratulating itself on classroom computer tests being hindered because computer deliveries and replacements have been delayed. It is not congratulating itself on the decline in public school enrolments, which have dropped from 72 per cent to 67 per cent of total enrolments during the past decade. If the Government is not spending its money on maintenance and wants to cut money from literacy programs, what is it spending money on in education? Funding is not getting into the classrooms, where it needs to be.

In May last year we saw tens of thousands of dollars on reproduction of a six-page full colour feature. The advertising promotion could have paid for long-awaited and urgently needed funds for so many skills. Spending money on brochures to create the illusion that the Government is providing the educational needs of the State seems to be enough for this Government. The real congratulations go to students and teachers for the hardworking commitment they put in every day in less than adequate facilities. For example, we saw year 10 students who could not sit an online information and communication exam because their schools did not have enough computers. How are our students supposed to keep up with literacy and numeracy standards when they do not have the equipment they need? How are they going to keep up with students in countries such as Russia and Slovenia when we do not provide them with the resources they need. Students in years 7 to 10 are required to show competency in information and communication technology. Last year the Minister said that computer skills were the fourth education basic, along with reading, writing and maths. Every student will now be tested on central computer skills for skills for the modern age. How can they prepare for that test if they do not have a computer to use?

Mandatory syllabus requirements are not being met. How does the Government solve that problem? It moves the goalposts. It changes the syllabus. In May last year the Government announced it was shelving the six-year ICT tests for technical reasons. With this shortfall in computers, how long will it be before they shelve the ICT courses for older students as well? What will happen to the syllabus then? Recently the Commonwealth Government provided tuition funds to help illiterate students in New South Wales. With this gap having been filled by the Commonwealth Government, that is where our congratulations should be. Our Commonwealth Government is filling the gaps the State Government should be picking up. I save my congratulations for the Federal Government and the teachers and students in New South Wales, and I call on this Government to take some of the spin off its Education portfolio.

The Education portfolio should provide real substance to the students of New South Wales so that they do not fall behind in vital skills. This Government needs propping up by the Federal Government in education and in many other ways. Time and again we read in the newspapers about the new programs and initiatives being implemented by the Federal Government in education in this State to make up for the shortfall, the shortsightedness and the spin of the Iemma Labor Government. Programs to lift the basic skills of students are initiatives of the Federal Government. The headlines in January and February in the *Sydney Morning Herald* and the *Australian* state: "New South Wales falters where it counts on report cards", "New bid to lift basic skills of all students", and "Student learning bar needs raising fast". Graphs show that New South Wales is slipping behind other States in education, crime and health. Academics are saying that we must do better.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

CROSS-CITY TUNNEL AND ROAD CLOSURES

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Minister for Roads. Did the Minister indicate to Reverend the Hon. Fred Nile during private conversations that the

Government was finally looking at providing relief to long-suffering motorists stuck in traffic jams because of road closures surrounding the cross-city tunnel? Will he confirm to the House now if he will reopen the roads or reduce the toll, and whether he told the Reverend the Hon. Fred Nile that was the case?

The Hon. ERIC ROOZENDAAL: I see that Reverend the Hon. Fred Nile has issued a media release dealing with this matter.

The Hon. Michael Gallacher: Tell us what you know.

The Hon. ERIC ROOZENDAAL: I am more than happy to tell you. It would be a lot more than you know, that is easy to say. The Government's position on the cross-city tunnel is very clear: we are looking at a co-operative approach with the cross-city tunnel operators to resolve the issues around congestion in the city and, at the same time, review the toll. That has been the Government's position from day one, and continues to be the Government's position. In the short conversation that I had with Reverend the Hon. Fred Nile while he was in the Chamber, I thanked him for his work on the inquiry into the cross-city tunnel. I remarked that I thought the committee made a genuine effort to try to resolve the issue.

I thought that the recommendations would assist me and the Roads and Traffic Authority in our ongoing discussions with the cross-city tunnel operators to resolve the issue. I stand by my comments to Reverend the Hon. Fred Nile. The important point is that the way Reverend the Hon. Fred Nile conducts himself both in the House and as chair of a committee is in stark contrast to the way other members conduct themselves when they chair committees. Reverend the Hon. Fred Nile has clarified the position in his own media release. I will not dignify the silly heckling from the 3D team on the other side of the Chamber.

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

The Hon. ERIC ROOZENDAAL: Do they want to know why they are the 3D team? There is the dopey, the devious and the disendorsed.

The Hon. Greg Pearce: Point of order: While the Minister for Roads is talking about Ds, perhaps he could start with category D road closures connected with the cross-city tunnel which, according to his own advice, can be opened with no compensation and are Roads and Traffic Authority requirements. Then he can go to categories C, B and A. Get onto it, dubbo!

The PRESIDENT: Order! I call the Minister for Roads to order. An answer must be relevant to the question asked. The Minister was straying from the matters sought in the question.

The Hon. ERIC ROOZENDAAL: In response to the Hon. Greg Pearce, I can say that he is not the devious and he is not the disendorsed. He can work it out. This issue has been clearly clarified by a media release issued by Reverend the Hon. Fred Nile. There is no magical solution to be announced in the future. We are involved in a very difficult set of negotiations with the cross-city tunnel operators. We are committed to getting a better deal for motorists in this State and resolving this issue for the benefit of the State.

The Hon. Michael Gallacher: Point of order: Is the Minister suggesting that Reverend the Hon. Fred Nile misled the public when he said a short time earlier, "Substantial moves in coming days will come as a result of discussions"? Was Reverend the Hon. Fred Nile telling lies to the public or is the Minister telling lies now?

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

The Hon. ERIC ROOZENDAAL: We are well aware of community concerns.

[Interruption]

I know which "D" the Hon. John Ryan is: the disendorsed. We need a co-operative approach between the cross-city tunnel operators and the Government to resolve the issues and get a better deal for the motorists of this State.

COOK PARK PLAN OF MANAGEMENT

The Hon. JAN BURNSWOODS: My question without notice is addressed to the Minister for Lands. Will the Minister inform the House on the future management of Cook Park Reserve on Botany Bay?

The Hon. TONY KELLY: This morning I joined the honourable member for Rockdale, Minister Sartor, at Brighton-Le-Sands to announce the termination of Rockdale City Council as trust managers over Cook Park.

Ms Sylvia Hale: That is a disgrace. There was a plan of management adopted. Nine councillors voted.

The Hon. TONY KELLY: Keep dobbling yourself in. This follows the disgraceful decision last night by the council to continue with the eviction of the two community organisations that occupy a site at the park. The council voted nine to six to turf the Botany Bay Royal Volunteer Coastal Patrol and the Greek Sporting Hall of Fame out onto the street and to demolish the building that currently houses both groups on Grand Parade at Brighton-le-Sands. On being informed of the council's original decision in February, I immediately wrote to the council urging it to reconsider and consult more widely with the public through a review of the current Cook Park plan of management, which was originally done in 1997 before the Greek Hall of Fame and other community groups who meet there occupied the building.

I also pointed out that recent changes to the Crown Lands Act now permitted the use of additional uses of Crown reserves in keeping with the changing needs of the community. In fact, the council had contacted me only a couple of years ago suggesting the occupants should have a 10-year lease. Unfortunately, a narrow majority on council last night chose to thumb its nose at the community and proceed with the eviction and demolition orders. I will not tolerate this sort of arrogance and contempt for the community. As Minister for Emergency Services I respect and fully support the great work of the Royal Volunteer Coastal Patrol. The 35 members of the Botany Bay Royal Volunteer Coastal Patrol volunteer their services week in, week out to ensure the safety of our boating community. Yet if a few councillors on Rockdale council had their way, the coastal patrol would be shoved into a toilet block further up the park. It is unacceptable to the Royal Volunteer Coastal Patrol and it is unacceptable to me.

The treatment of the Greek Sporting Hall of Fame is equally contemptuous. Two years ago the council supported the ongoing occupation of the site and stood back and watched as the Greek community spent more than \$200,000 to renovate the building. Now they want to kick them out onto the street, no questions asked, without consulting with the community. The treatment of these two groups clearly shows that council can no longer be trusted with the management of the park. As I said, the council's decision last night smacked of arrogance and contempt for the community. Again we have seen the Greens hard at work. What interesting people they are!

I do not take these sorts of decisions lightly, but the removal of council was necessary if the Rockdale community was to have a say. I have appointed as administrator the General Manager of Crown Lands New South Wales, Graham Harding, to oversee the management of Cook Park. A priority for the new administrator will be to commence a review of the Cook Park plan of management and consult with the community to ensure that the plan reflects current and future community needs. If the Greens want to have an input they can make a submission. At least one-third of the community, who are Greeks, will also get a say. Crown land reserves are community assets that need to be managed wisely. It is unacceptable for councils managing these reserves in trust for the public to ride roughshod over the community.

NOXIOUS WEEDS CONTROL

The Hon. DUNCAN GAY: I direct my question to the Minister for Primary Industries. Is the Minister aware that the successful control of noxious weeds is dependent on the timing of control measures? With this in mind, will he inform the House why local authorities are still awaiting the release of the 2005-06 noxious weeds grants funds by the Department of Primary Industries? Given that we are three-quarters of the way through the financial year, how much longer will they be forced to wait to find out what their funding is to control weeds?

The Hon. IAN MACDONALD: I have already responded to this question. We have instituted the funding arrangements, and they are well and truly under way. Although there have been one or two problem areas, they are on the way to being resolved.

The Hon. Duncan Gay: When will it happen?

The Hon. IAN MACDONALD: Soon.

ABORIGINAL WATER TRUST

Mr IAN COHEN: I direct my question to the Minister for Natural Resources. How much of the \$5 million allocated for the Aboriginal Water Trust in 2001 has been spent? What economic benefit has accrued to Aboriginal communities from the trust? If none of this amount has been spent, why not? Given that

\$5 million of water licences in 2001 is worth a great deal more today, will the Minister increase the amount in the trust to a comparable value if it has not been spent?

The Hon. IAN MACDONALD: The funds in this trust have been allocated and we are having discussions with the local communities about it. I will provide the full details on it later.

INJURED WORKERS RETURN TO WORK PRACTICES

The Hon. HENRY TSANG: I direct my question to the Minister for Commerce. Will the Minister please advise the House of recent developments in injury management and return-to-work practices?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his question. The Iemma Government is committed to delivering better results for injured workers and lower costs for employers. Honourable members are aware that the Premier recently announced a 5 per cent increase in benefits for workers who suffer serious spinal injuries and an across-the-board 5 per cent reduction in WorkCover premiums for New South Wales businesses.

As part of the Government's strategy, I recently announced the commencement of a pilot return-to-work and general practitioner education program on the Central Coast. Jointly developed by WorkCover and the Central Coast Division of General Practice, the program is designed to foster the best injury management and return-to-work practices. This initiative follows a series of workshops on the Central Coast during which participants identified one of the major barriers to a timely return to work was a lack of collaboration and communication between key stakeholders involved in injury management and return-to-work processes. Good communication between these parties has since been identified as the single most important contributing factor to a safe and timely return to work. As such, one of the key areas to be addressed by the pilot program is to improve communication and co-operation between all parties involved in the injury management process: the general practitioner, the worker, rehabilitation providers, scheme agents and employers.

As the general practitioner is usually the first port of call for patients who have a work-related injury or illness, doctors in particular can have a great impact on improving return-to-work outcomes. By establishing open lines of communication with employers and other parties involved in the return-to-work process, doctors, particularly general practitioners, can achieve best possible outcomes for their patients. To foster this contact, a project officer has been appointed to develop systems with local doctors and employers to improve communication and assist workers to find suitable duties at work as soon as they are available. The program also complements WorkCover's ongoing education initiative for general practitioners on how injured workers with chronic low back pain can best return to work.

Fundamentally, the key message of this important initiative is that more open communication between those involved in the injury management process will ultimately result in less disability for injured workers and reduce costs for employers. Honourable members are aware that this Government has a long history of working with the industry and unions to improve benefits and return-to-work outcomes for the State's injured workers. The New South Wales workers compensation scheme gives injured workers access to the most comprehensive suite of benefits in the nation, including weekly income support, lump sums for permanent impairment and pain and suffering, payment of medical bills, provision of legal assistance to pursue a claim and intensive rehabilitation assistance.

These reforms were introduced with the aim of improving injury treatment and claims management processes, thereby allowing injured workers to concentrate on recovering from their injuries and returning to work as soon as possible and as safely as possible. The evidence demonstrates that if workers do not receive their benefits on time or their treatment is delayed then their recovery and return to work takes longer, resulting in uncertainty for injured workers, increased costs for employers and a loss of productivity. The pilot return-to-work and general practitioner education program is yet another platform in the Government's ongoing campaign to ensure that we have a fair and just workers compensation system which provides appropriate care and support for injured workers and which is efficient, cost effective and fair for employers.

CALLAN PARK

Ms SYLVIA HALE: I direct my question to the Minister for Health. Has any lease or licence for a period exceeding 10 years, or a lease plus option totalling more 10 years, been granted to any organisation for buildings, part of buildings or any land within Callan Park? If so, when were these leases or licences granted and

to which organisations? If such a lease or licence has been granted, when was it tabled in this House as required in the Callan Park (Special Provisions) Act? If not, when will it be tabled? If a lease or licence was granted, when was the advertisement placed in one Sydney or two local newspapers giving notice of the intention to grant such a lease or licence?

The Hon. JOHN HATZISTERGOS: The details of the requirements for leases under the Callan Park (Special Provisions) Act are clear and explicit in that legislation. I refer the honourable member to it.

Ms SYLVIA HALE: I have a supplementary question. My question to the Minister was whether a lease or licence had been granted, and that is the question to which I would like a response.

The Hon. JOHN HATZISTERGOS: I have not personally investigated all the licences referred to and, frankly, I do not intend to do so at the moment. However, I would be interested if the honourable member were to get some of her mates out at Leichhardt council to expedite a development application. One of the groups out there wants to be able to use that land for purposes that will benefit the community.

COMMONWEALTH GRANTS COMMISSION GOODS AND SERVICES TAX ALLOCATIONS

The Hon. GREG PEARCE: I direct my question to the Treasurer. In answers in question time on Tuesday and Wednesday the Minister quoted section 9 of the New Tax System (Commonwealth-State Financial Arrangements) Act. However, he quoted only subsection (1). Subsection (2) provides that before making the GST relativities determination the Treasurer must consult each of the States. Is the trainee Treasurer aware of the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations signed by his predecessor in June 1999, which provides for distribution of the GST to the States based on horizontal equalisation principles and the Commonwealth Grants Commission recommendations? If not, can the Treasurer read section 8 of Budget Paper No. 2 of the New South Wales 2005-06 budget papers prior to attending the next Treasurers' Conference? How long will it take him to negotiate for the payment of the extra \$2.5 billion he says is due to New South Wales?

The Hon. MICHAEL COSTA: The honourable member has confirmed what I have been saying all along. The ultimate—

The PRESIDENT: Order! I call the Hon. Duncan Gay to order for the first time.

The Hon. MICHAEL COSTA: The honourable member has confirmed precisely what I read the other day; that is, that the Federal Treasurer has the power to alter the GST. He has confirmed precisely what I have said. In fact, if he had chosen to read intergovernmental agreement on the GST he would have seen that it says the same thing: the relativity factor for States and Territories will be determined by the Commonwealth Treasurer after he has consulted with the States and Territories.

The Hon. MICHAEL COSTA: It says very clearly that the Treasurer will make the final determination. The honourable member can twist the language all he wants but both what he quoted and what I quoted the other day makes the fundamental point that the Federal Treasurer has the final say on the GST. They are not denying the facts. The facts are that the Federal Treasurer has the final authority on the GST.

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

The Hon. MICHAEL COSTA: Yesterday we had the appalling situation where the Federal Treasurer, under the powers that the honourable member referred to, did the disgraceful thing of ripping off New South Wales once again on the GST. We know the absurdity of the GST arrangements: the Federal Government requires New South Wales to rip up roads, close down schools, close down hospitals and rip up railway lines to get a fair share of the GST. In fact, yesterday we had the absurd situation where the chairman of the GST commission actually argued that New South Wales, if it were to get a fairer share of the GST, would have to raise payroll tax. That is on the record; they were the chairman's comments.

The Hon. Duncan Gay: What about subsection (2)?

The Hon. MICHAEL COSTA: Do not hide from the fundamental proposition that the Federal Treasurer has the final authority on the GST, the GST is unfair to New South Wales, and the Opposition has done absolutely nothing to redress the balance.

The Hon. Greg Pearce: Point of order: I asked the Treasurer whether he would tell the House how long it will take him to renegotiate for the payment of the extra \$2.5 billion he says is due to New South Wales. Instead of answering that, the Treasurer is going on about what Mr Beattie said yesterday about the whingeing of his colleagues in Sydney and Melbourne. I suggest the Treasurer takes Mr Beattie's recommendation of yesterday and that he do a little bit less whingeing and come up with some more constructive, sensible and honest debate.

The PRESIDENT: Order! The Minister was addressing the question. The Minister's time for speaking has expired.

BELMONT WETLANDS STATE PARK MANAGEMENT

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Lands. Will the Minister advise the House what progress has been made on the management of the Belmont Wetlands State Park?

The Hon. TONY KELLY: When I last informed the House on this matter I said a trust board would be appointed to manage and oversee the care of this important wetland reserve at Belmont in the Newcastle area. Twenty-four people put their hands up for the trust and seven were chosen by a selection panel of Department of Land officers and a representative of Lake Macquarie City Council. Last week I had the pleasure of joining the honourable member for Swansea, Milton Orkopoulos, and the honourable member for Charlestown, Matthew Morris, to announce the membership of the trust. Also in attendance were some of the new members: Boyd Carney, Gerard Withford, Tara Ure, Peter Morris, Greg Wright and Dianna Mannigel. The seventh trustee, Graham Clarke from Newcastle City Council, was unable to be there on that occasion.

Most of the trustees have extensive experience with local conservation groups—it is a shame the Greens are not here to listen to this—and several of them were active in the grassroots campaign to reserve these wetlands. I congratulate the trustees on their appointment to a very important job that carries high community expectations. The trust's inaugural meeting is on 6 March, hosted by the Department of Lands. The trust will plan and direct the remediation and improvement of the Belmont Reserve to ensure that environmental values are sustained and public access is improved. I assume at that meeting a chairman will be appointed. The trust will carry out the care, control and day-to-day management of the new reserve under the guidance and assistance of the Department of Lands. The department will appoint a co-ordinator to help the trust create a plan of management for the reserve. The co-ordinator will be funded through the Public Reserves Management Fund administered by the department.

Belmont Wetlands State Park is a 523-hectare site on land formerly owned by BHP. It is next to the Pacific Ocean, between Belmont and Redhead, south of Newcastle. These important wetlands have been reserved due to their State and regional significance. Belmont is the tenth State park in New South Wales and this and future generations will enjoy the beauty and rarity of the flora and fauna forever. The decision to reserve this land underlines the Government's commitment to protect valuable remnant coastal lands. The creation of the park follows a long campaign by members of the community, including the Hon. Milton Orkopoulos and the Hon. Matthew Morris.

The Belmont Lagoon wetlands consist of seven coastal wetlands, some of which drain into Lake Macquarie. The new State park will comprise several of these wetlands north of the lagoon. The State park will protect a range of environments, including wetlands and rare examples of coastal woodlands, sand dunes and beachfront strips with sensitive coastal vegetation. Native flora and fauna listed under the Threatened Species Conservation Act have been recorded in the wetlands. Living in the beautiful Belmont wetlands are more than 110 species of birds. The wetlands support a number of waterbirds and migratory waders listed under international agreements. In addition, the area is home to threatened wildlife including owls, a number of bats—and, as far as I know, there are no microbats there—squirrel gliders, several frog species and more than 30 rare butterflies.

The area supports a rich mix of plant and animal species. Their survival is dependent on the continued existence and environmental protection of the Belmont wetlands and surrounding coastal land. [*Time expired.*]

QUEEN ELIZABETH II EIGHTIETH BIRTHDAY CELEBRATIONS

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Commerce, representing the Premier, a question without notice. Is the Premier aware that Friday 21 April is the 80th birthday of our head of

state? Is the Premier aware that her Majesty Queen Elizabeth II is only the third sovereign ever to reach this milestone? Given her constitutional position as Queen of New South Wales, what celebrations and festivities is the Government going to host to commemorate this important occasion? Will the public in both urban and rural areas have ample opportunity to participate in these celebrations?

The Hon. JOHN DELLA BOSCA: I will take this opportunity, in advance, to wish her Majesty a happy birthday. I am sure she will be happy to receive that. This is an important and serious matter and I am sure the Premier is aware that the sovereign's birthday is very soon. I will ask the Premier to provide a detailed answer to the member's question.

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

SNOWY HYDRO LIMITED SALE

The Hon. MELINDA PAVEY: My question is directed to the Minister for Commerce. Following his recent visit to the Monaro electorate, is the Minister aware of community concern that the only land available for the continued growth of Jindabyne is owned by the Snowy Hydro Corporation? Has the Government considered excluding this land from the privatisation of Snowy Hydro and giving it back to the community so the town of Jindabyne can determine its future growth strategy? Will Country Labor be able to overturn Cabinet's decision to privatise the Snowy Hydro scheme at next week's caucus meeting?

The Hon. JOHN DELLA BOSCA: The last part of the question calls for an opinion, which I could offer but I do not think I will. The first part of the question is the important part from the point of view of accountability for the Snowy Hydro's change of ownership. I have indeed, as the Hon Melinda Pavey pointed out, extensively discussed these matters with a wide range of groups, sponsored by the member for Monaro, Steve Whan. I have had a number of important discussions with environmental groups, some community groups and the Snowy River Alliance. I think I allayed many of their fears and some of the environmental concerns. I managed to deal with those matters to the satisfaction of the people at the meeting. There are some issues that simply cannot be dealt with because there is a departure of views about the future of Snowy Hydro, whether it is in public or private ownership, in terms of the river.

The Hon. Melinda Pavey: Is Steve Whan happy?

The Hon. JOHN DELLA BOSCA: He is a very cheerful person on all occasions and he has his views on these matters and we discussed them at great length. Steve Whan is very effective. He has secured an additional \$30 million for New South Wales and an extra \$30 million for Victoria, a total of \$60 million in additional environmental commitments for the electorate. This has been all due to Steve Whan's efforts, so that puts paid to that idea. He also organised these meetings to consult various groups.

I will get to the thrust of the member's question about the residual lands that Snowy Hydro owns either freehold or as part of the generation activities. I discussed that at some length with the Snowy River Council. I am not sure about one of the matters raised in the Hon. Melinda Pavey's question: that it is the only land that would allow Jindabyne to expand. I am not sure that all the residents of Jindabyne or the rest of us in New South Wales necessarily want Jindabyne to expand. That is a matter for local planning. In addition, there are issues to do with the park.

The Hon. Melinda Pavey: They can't determine their future—

The Hon. JOHN DELLA BOSCA: I am about to answer the member's question. I have agreed to a process of consultation between the Government and the council, and this will conclude in the next couple of weeks, about an audit, in effect, of all the assets other than the generation assets Snowy Hydro owns, and we will obviously be engaged in appropriate discussions to get favourable results in all those matters.

The Hon. Melinda Pavey: Before the fire sale.

The Hon. JOHN DELLA BOSCA: It is not a fire sale. The member demonstrates her depth of ignorance about these matters. As I have said on a number of occasions, the members of the Snowy River Alliance understand this point although they might not agree with it, Mr Whan understands this point, but he does not agree with it, and people with a few different points of view do not agree with it. The fact of the matter is, with regard to the future of the Snowy Hydro business and whether it remains in public ownership or private

ownership, Snowy Hydro will require very significant injections of capital. Obviously people on the other side of the Chamber have not noticed the very significant policy change with regard to electricity and the electricity network. We have a national network and in another five to ten years we will have a network that is genuinely public. Snowy Hydro, in order to grow, will need more capital and will need to expand its assets, which it is already doing in Victoria and South Australia. That means New South Wales taxpayers' dollars will be tied up in building power stations in other States. That is the primary reason for making this decision, and it is a good one.

NORTH-WESTERN NEW SOUTH WALES WATER RESOURCES

The Hon. EDDIE OBEID: My question is addressed to the Minister for Primary Industries. What is the New South Wales Government doing to ensure north-western New South Wales gets its fair share of water?

The Hon. IAN MACDONALD: This is a most timely question. I will have much to say about the absolute nonsense raised by members opposite.

The Hon. Rick Colless: Why weren't you at the meeting?

The Hon. IAN MACDONALD: I was working for the State. Just two weeks ago I spent the day in the Culgoa region meeting with local graziers and seeing first-hand the devastation caused by Queensland irrigators. The recent remarks made on this issue by the shadow minister for natural resources, after I had visited the region, are touching. It is just a pity that the shadow minister completely ignored this issue until I brought it to his attention. If it had not been for me, the farmers in the Culgoa region would still not be on the Opposition's Richter scale. I wonder how long it would have taken The Nationals to feel some compassion for the struggling farmers of Culgoa. According to Queensland's own *Courier Mail* newspaper, it was that State's Coalition, the Queensland counterparts of this Opposition, that caused this problem in the first place. I quote from the *Courier Mail*:

As irrigation on the floodplain expanded, so too did the influence of irrigators on the state's water management and policy. In 1989, just months before an election that threw the Nationals out of power after 30 years in Government, the State issued 7000 new water-harvesting licences, increasing by a third the number of licences on the floodplain. The man responsible, Water Resources Minister Don Neil, was the irrigators' local member.

The Queensland State counterparts of this Opposition delivered 7,000 new water-harvesting licences, and the shadow natural resources minister, from the comfort of Parliament House, has the hide to say that New South Wales needs to do more. The National Party in Queensland created this problem! Unlike those opposite, I spent a day listening first hand to locals such as Pop and Peter Petersen, who manage the 66,000 hectare property "Brenda", near Goodooga, just south of the Queensland border. They have had to watch their property dry up as a result of the unfair system in place just across the border. Opposition members may not be familiar with any of the affected New South Wales landholders, such as Pop and Peter. They have not spent the time out there on the ground listening. Well, I have. Pop and Peter have worked their property for 27 years. When a major flood occurred, Pop and Peter knew that 60 per cent of their property should have been under water. Instead their property remained desperately short of water and they were forced to reduce their cattle herd by 45 per cent and their sheep numbers by 30 per cent. They said they were lucky compared to farmers further south of their property. Where was the Opposition when this was happening?

The shadow minister for natural resources was actually criticising me for not addressing a conference in Wee Waa, when I was out there talking first hand to the men and women on the land who matter. He thinks I should have been somewhere else making a speech. Then yesterday he claimed I had done nothing about the Culgoa situation. He cannot have it both ways. In his latest news release on this issue the shadow minister claims that the State Government has done nothing. However, a quick search of *Hansard* reveals that the only time Mr Piccoli has spoken on this issue has been in response to a notice of motion given by that magnificent member for western New South Wales, Peter Black.

The truth of the matter is that the Opposition has never done a thing about this matter. For many years the New South Wales Government has made strong representations in this regard. We are also trying to engage the Queensland Government in an attempt to address and resolve the problem. I will be meeting my counterparts about it in two or three weeks.

The Hon. Rick Colless: What are you going to do about it?

The Hon. IAN MACDONALD: We are meeting with the Queensland Government. Last week I met with Malcolm Turnbull, the Parliamentary Secretary to the Prime Minister, who had been out there at the same

time I was there. We even exchanged notes on the matter. He is concerned about this and he might even do something about it. But not The Nationals, because this matter has been off their radar. They were not even interested in it. [*Time expired.*]

ABORTIFACIENT RU486

Reverend the Hon. FRED NILE: I ask the Minister for Health a question without notice. Is it a fact that despite the recent Federal Parliament decision to make the abortion drug RU486 widely available, no Australian pharmaceutical company is interested in manufacturing, importing or marketing the associated drugs? Is it a fact these companies are worried about providing to the Therapeutic Goods Administration the required registration data about the quality, safety and efficacy of the drug, and are also fearful of negative public perceptions regarding their industry in general? Is it a fact that Canada has stopped the trial of RU486 and will not license it, and that the Centres for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA) in the United States of America are currently conducting a review of RU486 after the recent deaths of five women? What action will the New South Wales Government take to protect the health and mental health of women by prohibiting the distribution and use of this dangerous RU486 abortion drug?

The Hon. JOHN HATZISTERGOS: There are a number of aspects to the question, and the first is, on my knowledge of this situation, wildly inaccurate. It is not true that the Federal Parliament decided to make this particular drug widely available. The decision of the Federal Parliament was to leave the decision as to whether it would be prescribed to the Therapeutic Goods Administration. No doubt it will, in due course, when the time is appropriate, consider that issue and determine what course to take.

PACIFIC HIGHWAY-TEA GARDENS INTERSECTION UPGRADE

The Hon. ROBYN PARKER: My question is directed to the Minister for Roads. After cancelling his meeting with members of the Tea Gardens Overpass Task Force last week, will the Minister give a guarantee that he will meet with members of the task force regarding the proposed at-grade intersection and the residents' desire for a flyover? If so, when? Does the Minister agree with the decision of the previous Minister for Roads regarding that intersection?

The Hon. ERIC ROOZENDAAL: I am not aware of a meeting having been cancelled. As I have said previously, as Minister for Roads I am more than happy to meet with groups that feel they need to speak to the Minister to discuss important issues. In relation to Tea Gardens, I am advised that the Myall Way intersection, formerly known as Tea Gardens Road, will be improved as part of section one of the Karuah to Bulahdelah Pacific Highway upgrading project. Following representations by sections of the community, the former Minister for Roads asked the Roads and Traffic Authority [RTA] to review the proposed upgrading of the intersection at the junction of Myall Way and Pacific Highway.

The RTA engaged two independent consultants to assist in the review of the proposed design of the intersection and calculate the costs of building a grade-separated interchange, including a flyover at this location. The results of the review released on 13 December last year found that the improved at-grade intersection would have the capacity to safely accommodate current growth trends and future growth trends for the next 10 years. Based on funds available for the upgrading of the highway an overpass could not be justified at this stage, given other priorities on the Pacific Highway. The New South Wales Government will consider building a flyover with extra Federal funding.

[*Interruption*]

The Opposition does not like to go down this track because whenever the subject of road funding is raised, the impotence of the Coalition to get anything out of their Federal colleagues is highlighted. Members of the Opposition sit here embarrassed because they are impotent to change the views of their Federal colleagues in any shape or form. Their problem is that they are basically flaccid.

COMMONWEALTH GRANTS COMMISSION GOODS AND SERVICES TAX ALLOCATIONS

The Hon. CHRISTINE ROBERTSON: My question is directed to the Treasurer. Will the Treasurer inform the House of the impact on New South Wales of yesterday's Commonwealth Grants Commission announcement on the distribution of the GST?

The Hon. MICHAEL COSTA: I am very pleased to inform the House about yesterday's ludicrous GST decision. As has been pointed out on a number of occasions, the Federal Treasurer has the power, under section 9 of the GST legislation, to distribute GST funds according to relativities on which he takes advice. At an estimates committee meeting on 2 June last year an employee of the Federal Treasurer, Mr Michael Wilcock, made it very clear that the legislation simply requires consultation; it does not require the agreement of any or all of the other members of the Ministerial Council—that is, the State governments. As I have been saying constantly, the Federal Treasurer has the power to determine GST relativities. He has chosen to discriminate against New South Wales and that discrimination continues in a way detrimental to New South Wales. Under the current set of arrangements, every householder in New South Wales will contribute around \$960 to every other State—that is, that every person in New South Wales contributes \$370 to the other States. This is a disgrace!

Reverend the Hon. Fred Nile: Shame!

The Hon. MICHAEL COSTA: It is a disgrace, as Reverend the Hon. Fred Nile has pointed out, and on my reading of GST funding arrangements it will continue to get worse. As I have said before, New South Wales is being penalised for having too many buses—1,270 new buses!

[Interruption]

This is not going to go away. Those opposite can hope that it will go away, but it will not. At every opportunity we will point out how members of the Opposition, in cahoots with their Federal colleagues, are discriminating against New South Wales taxpayers. They are part of a system

The Hon. John Ryan: You are in government, how is it our fault?

The Hon. MICHAEL COSTA: It is the Opposition's fault. Members of the Opposition have not taken any steps to lobby their Federal colleagues on behalf of New South Wales. They stand condemned for their lack of action on this issue. They try to obfuscate on this issue by claiming that the Federal Treasurer does not have any power to deal with this anomaly. In that regard the facts are very clear: the Federal Treasurer does have the power to deal with it. The Opposition ought to be involved in a lobbying process with the State Government to ensure that we get our fair share of the GST. We have an absurd situation where the GST rip-off continues. While 34 per cent of the GST is collected from New South Wales, only 28 per cent is returned to this State, and that is unacceptable.

The Hon. Greg Pearce: Point of order: I have in my hand a copy of the intergovernmental agreement, which says that the—

The PRESIDENT: Order! The member will resume his seat. I have had to counsel the Hon. Greg Pearce on numerous occasions about making debating points under the guise of a point of order. Again I direct him not to do so.

The Hon. MICHAEL COSTA: It is clear that members of the Opposition are embarrassed by the fact that they do not have any influence with their Federal colleagues in relation to the GST. Peter Costello has been running around saying that New South Wales has done well out of the GST. It is absolute nonsense!

COMMONWEALTH GRANTS COMMISSION GOODS AND SERVICES TAX ALLOCATIONS

The Hon. DAVID OLDFIELD: My question is directed to the Treasurer. Given his concerns with regard to the distribution of the GST in different parts of Australia, particularly as between Queensland, Victoria and New South Wales, what undertaking does he have from the Leader of the Federal Opposition, the Hon. Kim Beazley, with regard to changes in that distribution should the Labor Party be elected to Federal office?

The Hon. MICHAEL COSTA: The facts are very clear. The Federal Treasurer has the ability and the authority and the legislative power to deal with the GST. It is absolutely clear that the Federal Treasurer, Peter Costello, has that role in relation to determining the relativities of the GST. I would suggest that if the honourable member is concerned about this matter—and I take it he is, because he is a citizen of New South Wales—and if he is concerned about the continuing GST rip-off, he should lobby the Federal Treasurer on behalf of the citizens of New South Wales.

If Kim Beazley becomes Prime Minister—and I expect he will, after the next election, given that the Federal Government is treating New South Wales with utter contempt in respect of GST payments—we will certainly be in Canberra lobbying as hard as we are now for changes to the distribution of GST revenue. But, understand this: The Federal Treasurer has the power to make these changes, and, as I said a moment ago, that was confirmed by officials of his own department. Michael Wilcock said at the estimates committee meeting on 2 June 2005:

The legislation simply requires consultation. It does not require the agreement of any of the other members of the Ministerial Council.

When Assistant Secretary of the Commonwealth Grants Commission, Mr Malcolm Nicholls, gave evidence before a Senate estimates committee at the end of May he made the same point with respect to the GST, "They are advice to the Government and recommendations. They don't bind the Government." Clearly, the Federal Treasurer has the ability to deal with the GST issue. It gets worse. New South Wales has been penalised to the tune of \$200 million in terms of the GST because of the payroll tax arrangements.

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. The question clearly asked whether the Treasurer has a commitment from the Federal Opposition leader, Kim Beazley. The Treasurer has come nowhere near answering the question. I have not heard him mention Kevin Rudd or Wayne Swan. He has completely ignored the question of whether he has a commitment of support from the Federal Opposition. I ask you to drag him back to the question.

The PRESIDENT: Order! The Minister was making general comments.

The Hon. MICHAEL COSTA: Once Kim Beazley becomes Prime Minister, I look forward to attending a meeting with him. Also, because of the Deputy Leader of the Opposition's confidence that Kim Beazley will be the next Prime Minister, I invite him to attend that meeting and lobby on behalf of New South Wales. I welcome the honourable member's confidence that Kim Beazley will be the next Prime Minister. I am glad that the Opposition has finally accepted the fact that the Howard Government has failed New South Wales on the GST. When Kim Beazley becomes Prime Minister I look forward to going to Canberra and lobbying him on the GST.

The Hon. Duncan Gay: I'll come with you tomorrow.

The Hon. MICHAEL COSTA: To Canberra?

The Hon. Duncan Gay: Yes.

The Hon. MICHAEL COSTA: You should come to Canberra. I made the offer to Peter Debnam and he refused. [*Time expired.*]

The Hon. DAVID OLDFIELD: I ask a supplementary question. I understand from the Minister's answer that, despite his carrying on continuously on this issue, at this point in time he has made no attempt to contact the Federal Opposition party and has no undertakings as to what Federal Labor would do should the Federal Government change. What use is it to the people of New South Wales for the Treasurer to continue ranting on this issue when apparently he cannot change the current GST arrangements? What has the Treasurer done to find out what changes could occur if his Federal counterparts come to power?

The Hon. MICHAEL COSTA: I am glad the honourable member asked the supplementary question.

The Hon. Michael Gallacher: It was the original question.

The Hon. MICHAEL COSTA: No, it was not. The New South Wales Government has spoken to the Opposition about the GST. Indeed, I can confirm that I have spoken to a number of shadow Ministers about the GST. Although the Hon. David Oldfield is pessimistic about whether we can do anything about the GST arrangements, I am optimistic. I believe that if all the citizens of New South Wales, including members opposite, get together and protested the fact that we are being ripped off on the GST, we can change the current arrangements. The Federal Treasurer has the power to do that. Obviously, he does not regard the arguments in New South Wales with any concern or seriousness.

Our position is that the Federal Treasurer should exercise his power to alter the GST rip-off. It is an absolute disgrace. Some 34 per cent of the GST revenue comes from New South Wales and only 28 per cent is returned to New South Wales. Members opposite can argue that Mr Beazley would fix the GST arrangements, and I am happy to support Mr Beazley to fix the problem. However, at the moment the Federal Treasurer, Peter Costello, needs to deal with the issue. He has the power to do that. No matter what the Hon. Greg Pearce says, the power clearly lies in the hands of the Federal Treasurer. That has been confirmed by the Federal Treasurer's representatives at estimates committees. The Federal Treasurer needs to deal with the issue now. New South Wales services require additional funding support now, not in the future. Members opposite, who purport to represent the people of New South Wales, have a responsibility to support the New South Wales Government in its fight to get better GST arrangements.

CROSS-CITY TUNNEL AND ROAD CLOSURES

The Hon. JOHN RYAN: My question is addressed to the Minister for Roads. Earlier in question time the Minister told Reverend the Hon. Fred Nile that he can make changes to the roads around the cross-city tunnel and that the report from the parliamentary committee stated that he should make changes to the roads affected by the cross-city tunnel. When will the Minister make these changes?

The Hon. ERIC ROOZENDAAL: The Government's position on the cross-city tunnel is clear. I have stated it publicly a number of times, but for the benefit of the disendorsed I will state it again. The Government's position is clear: We need to work co-operatively with the cross-city tunnel operators to resolve the city congestion and to get a better deal for motorists through the city. At the same time we need to encourage more people to use the cross-city tunnel. The only way I can see to do that is to review the toll. That certainly has been the Government's position. It is pretty simple.

The Hon. Michael Gallacher: A review of the toll, not opening the roads?

The Hon. ERIC ROOZENDAAL: A combination of factors is necessary to deal with the current problems. Every car that goes into the tunnel is one fewer car on the surface roads. That is what it is all about. The Government and I have made it clear that we will not take unilateral action in a reckless and irresponsible way to risk tens of millions of taxpayers' money in liability. That is simply not the way this Government operates. That is in contrast to the position of the Leader of the Opposition, the honourable member for Vacluse, whose constituents are major users of the cross-city tunnel. His strategy is to tear up the contract and negotiate. What a brilliant strategy that is! "Tear up the contract" is code for the honourable member for Vacluse writing a blank cheque and asking the cross-city tunnel operators to fill in the amount that they should take from the taxpayers of New South Wales.

This Government will not take unilateral and reckless action to risk tens of millions of taxpayers' dollars. We are interested in a co-operative approach with the operators to resolve the toll issue—clearly, the toll is too high, as was acknowledged in the report—and at the same time discuss the road changes. That is the way forward for the Government. I am well aware of community concerns. I will not hold out false hope of an imminent result. We are working with the cross-city tunnel operators to resolve the congestion and tunnel issues.

The Hon. JOHN RYAN: I ask a supplementary question. I ask the Minister to clarify his answer in this respect. Which is true? Can the Minister make the road changes, as he told Reverend the Hon. Fred Nile, or will he put the State's finances at risk if he does so? It is not possible for both of those statements to be true. Can the Minister make the road changes? Will he make the road changes?

The Hon. ERIC ROOZENDAAL: The question clearly is flawed. At no stage did I tell Reverend the Hon. Fred Nile that we can simply reopen the roads. Our position is clear: the road conditions, if changed, will trigger potential action from the cross-city tunnel operators. Both the current and the previous chief executive officers of the cross-city tunnel made that very clear.

[Interruption]

I want to make it clear to honourable members. The Government could open all the closed roads, which would open up the potential liability of tens of millions of dollars. That is the Opposition's position—rip up the contract and risk tens of millions of taxpayers' dollars. Members opposite might want to nominate which hospitals a Coalition Government would shut and which police and nurses a Coalition Government would sack. Why do they not nominate the projects? That is the truth.

OFFICE OF INDUSTRIAL RELATIONS COMPARE WHAT'S FAIR SERVICE

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Industrial Relations. Will the Minister update the House on the Government's latest initiative to assist workers and employers?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his ongoing interest in industrial affairs. Today I had the pleasure of launching a new service called Compare What's Fair, a new online calculator to assess current entitlements under State awards against Australian workplace agreements [AWAs] under the Commonwealth's WorkChoices legislation. Compare What's Fair has been developed by the New South Wales Office of Industrial Relations [OIR] as part of a commitment made by the Premier at the launch of the Fair Go Advisory Service last year. Compare What's Fair and the Fair Go Advisory Service are part of efforts by the New South Wales Government to provide workers and businesses in this State with practical assistance in dealing with the impact of the Federal Government's unfair WorkChoices legislation.

In developing Compare What's Fair, OIR staff reviewed a number of existing AWAs from across a range of industries and occupational groups, all of which had been registered by the Commonwealth Government even before WorkChoices removes the so-called "no disadvantage test", the Office of Industrial Relations found that workers were being asked to sign away much of their pay and conditions. Most—I repeat, most—of the AWAs it examined stripped away entitlements, that is, penalties for shift work or overtime, public holidays, provisions for jury service, bereavement leave, annual leave loading and meal, uniform and travel allowances.

For the benefit of handing over these hard-won conditions, here is what was on offer. In one AWA, a 17-year-old casual shop assistant working 16 hours over the weekend was offered \$11.23 per hour in place of the award rate of \$14.16. This agreement also removed penalties and entitlements. In another, a chef in a restaurant working 58 hours a week would receive \$749 under his AWA instead of the \$1069 basic award entitlement. This AWA also took away paid public holidays from this chef in the hospitality industry. In another, a second-year apprentice motor mechanic would work a 38-hour week, plus an hour of overtime per day for a flat weekly rate of \$322, as against the award rate of \$530. The intent of the WorkChoices legislation is to lower wages and entitlements. That is clear, and some employees are already feeling those effects. Both workers and employers have a lot to lose in the brave new world of individual bargaining, and that is why we have developed Compare What's Fair.

As part of its development, Compare What's Fair was given comprehensive user testing with groups of workers and employers from around the State, to ensure it was both effective and easy to use. By following a few clear prompts, workers covered by State awards, or their employers, can enter their current work details and quickly calculate an annualised figure that reflects their true salary, taking into account all their entitlements, including leave, penalties and allowances. They can then see exactly how well a dollar figure presented to them under an AWA really compares with their current conditions and what they are being asked to give up in exchange. Equally, employers who want to retain their staff and offer them a rate that is a fair equivalent to the award package can do so quickly and easily.

The development of this resource reflects the New South Wales Government's commitment to doing all it can to address the challenges, the unfairness presented by the Federal Government's changes, in real, immediate and practical ways. The Fair Go Advisory Service already provides a range of assistance through an advice hotline, an AWA checklist and other web resources, and a program of seminars the Office of Industrial Relations is running across the State. These efforts are part of our continued commitment to building fair and productive workplaces in this State, and to keeping our community genuinely informed. Compare What's Fair will make a significant contribution to these efforts.

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

Questions without notice concluded.

[The President left the chair at 1.03 p.m. The House resumed at 2.30 p.m.]

SCHOOL STUDENTS LITERACY LEVELS

Debate resumed from an earlier hour.

The Hon. ROBYN PARKER [2.30 p.m.]: I have outlined the failures of the State Labor Government and its record on literacy. The State Labor Government spent \$5 million less on basic literacy and numeracy programs in 2003-04 than it did in 2002-03. The source of that information is the Auditor-General's Report,

Volume 4, 2005, at page 21. Instead of congratulating the State Labor Government we should be condemning it for its failure on literacy. There should not be congratulations and crowing from Government members; there should be condemnation. I move:

That the question be amended by omitting paragraphs (b) and (c) and inserting instead:

- (b) condemns the State Labor Government for the reduction in literacy and numeracy levels in New South Wales State schools,
- (c) notes that the State Labor Government spent \$5 million less on basic literacy and numeracy programs in 2003-04 than in 2002-03, and
- (d) congratulates the Federal Government on its initiatives in promoting and providing tuition funds to help illiterate students in New South Wales.

The Hon. JAN BURNSWOODS [2.33 p.m.]: I support the motion moved by the Hon. Christine Robertson and warmly congratulate her on moving it. Briefly, the motion is in three parts. It asks the House to note the importance of literacy amongst children as an essential tool for their education and development through life, to congratulate the Government on various initiatives, and particularly to congratulate the Government on the initiatives that target low socioeconomic groups. Those who heard or read the speech of the Hon. Christine Robertson would agree with me that it was a very thoughtful speech full of detail about the good things the New South Wales Labor Government has done, particularly since the adoption of the State Literacy Strategy in 1997.

The Hon. Christine Robertson spoke about her own background in the health area and her shock in discovering the low level of literacy rates in certain communities and parts of the State. I would like to make some comments from my background in the education area. Before I do, I emphasise that throughout her speech the honourable member spoke warmly and positively. There was no politicking. Most of the programs under discussion are supported by everyone involved in the education sector—by teachers, unions, parents and various organisations involved in and concerned with education. That is one of the reasons why I congratulate the honourable member on her speech.

It was very disappointing therefore for those of us who care about the education of children in this State and the successful teaching of literacy to hear the negative comments by the previous Opposition speaker and the politicking when she congratulated the Federal Government. Then we had the usual tired old amendment to condemn rather than congratulate the State Government. There was no need to go in that direction in this debate. I am very disappointed in, and expected better from, the Hon. Robyn Parker. It was only in the last few seconds of her long speech that she moved the amendment. As I said, it was disappointing because there is a great deal to be said on this issue.

Literacy is an area where the community, parents and teachers need to work together. I want to talk now from the perspective of the Standing Committee on Social Issues. A few years ago the committee prepared a valuable report into early intervention for children with learning difficulties. One of the issues in the report that was most illuminating for committee members was the importance of a variety of government and non-government agencies working in partnership with the community to achieve good educational outcomes. We spent some time hearing evidence on and discussing, for example, the importance of the prenatal and postnatal health of mother and baby, the importance of programs such as home visiting, and the long-term effects of low birth weight. In other words, we spent a great deal of time talking to people in the health area about the importance of programs that dealt with the first years of a child's life.

We looked at recent United States of America studies that measured children's brain development—literally the size of their brains—depending on the socioeconomic status of their families and various other factors in their upbringing. We looked in considerable detail at the complexity of programs between the three tiers of government and between government and non-government agencies, specifically what was available to children with disabilities or learning difficulties between the ages of three to five. We examined the problem that when the children reached school age and the agencies caring for them changed, new difficulties arose and the children slipped back.

Then we looked in some considerable detail at programs such as Reading Recovery. The New South Wales Government—starting with Minister Aquilina and, of course, with the enthusiastic endorsement of then Premier Carr—has developed and expanded programs over the past 10 years to ensure not only that we get teaching and learning right in the first place but also that a variety of programs are in place to pick up children

who for whatever reason have difficulties, whether they are specific learning difficulties such as dyslexia, ADHD and so on, or whether their problems stem from their home environment or poor diet and nutrition.

The New South Wales Government has much to be proud of in relation to programs for children with specific difficulties. Similarly, imaginative programs like the Premier's reading challenge and spelling bee have helped to make parents and children aware of the importance of reading. They are designed to make reading fun and to ensure that children develop skills. Of course, one of the most important things the New South Wales Government has achieved over the past couple of years, and on which it is still working, is the incredibly important program to reduce class sizes in kindergarten and years 1 and 2. Probably few things are more important in establishing the foundations of literacy and numeracy than ensuring that teachers in those crucial first three years of school have manageable class sizes so that they can give individual attention to children who need it. They also must have the ability to withdraw children to attend reading recovery classes or whatever else might be necessary—in some cases it might be an English as a second language course.

Schools must be staffed and structured so that class sizes are reasonable and parents feel able to participate. One of the most positive developments in education over the past decade or two has been the move to encourage parents to participate in the class environment. That is particularly true in dealing with the earlier years. Parents are frequently seen assisting children in a variety of reading programs in kindergarten to year 2. As I said, all of these things have been very positive. That is what I want to stress, and it is what the motion stresses. I reiterate: What a pity it is that the Opposition has seen fit to try to turn this into another sterile attempt to sing the praises of the Federal Government. In education, of all areas, it deserves them the least.

Before I leave the subject of the Federal Government, I point out that one of the most sterile debates the Standing Committee on Social Issues found in research for its inquiry into early intervention for children with learning difficulties was the debate that has been running for 100 or 150 years between people who can get quite obsessive, on both sides, about methods of teaching reading. We hear much about phonics, whole words, single letters, and so on. I am glad that the unlamented former Federal Minister for Education, Brendan Nelson, having set up a committee to inquire into these sterile debates, assisted by gurus such as Miranda Devine, has finally produced the report. I think they held it over for a bit just before Christmas because it was all too embarrassing.

Of course, the report has sunk like a stone because, like so many other things Brendan Nelson did, it was anti education. It was not about improving education outcomes in primary or secondary schools or in universities or TAFE colleges; it was about running various ideological agendas and giving a place in the sun to people who had minor fixations on things such as methods of teaching reading. Of course, good teachers have always used all the methods available to them. They have always had access to the different methods and used them. Most teachers in those crucial years, kindergarten and years 1 and 2, will use different methods according to what best suits individual children; they do not get fixated on one method and have an entire class doing the same thing at once.

I will mention a couple of important statistics. I have mentioned some specific programs. I often think we are placing more emphasis than we need to on testing children rather than helping them to learn. Brendan Nelson is very much unlamented in that context. He had a total obsession with testing everyone, from kindergarten to HSC level and beyond. I again stress that in international tests carried out in 2003, New South Wales scored better than many countries around the world, including Sweden, Norway, Italy, Japan, Germany, Austria, France and the United States. We should be proud that Australia was second only to Finland in the world in reading and literacy scores, that New South Wales was among the top ranking jurisdictions in Australia and that we outperformed the national average. We are indeed proud of the results achieved in that OECD study.

I will provide some details about where we are at the moment. In the 10 budgets since the election of the Labor Government in 1995 a total of \$1.1 billion has been allocated to literacy and numeracy support. It is often difficult to separate the two; they go together in terms of learning, but they also often go together in terms of strategies and problems. As I said, the State literacy strategy has been operating since 1997. More recently it has become part of the State Literacy and Numeracy Plan. That strategy was evaluated in 2004 and the evaluation report made a number of detailed recommendations that led to the establishment of a State Literacy and Numeracy Task Force to develop and implement strategic directions for five years from last year.

I will not at this stage go through all the detail; it is readily available in the statewide plan for 2006 to 2009, along with the ancillary steps involved in planning and delivering the strategies. The test results and so on are also spelt out as part of the overall strategy and outcomes. Attention is also focused on the methods of reporting results to parents, which is a matter of considerable discussion at the moment.

I refer now to the basic skills test. For year 3 the results for 2005 in both literacy and numeracy were the highest so far recorded in New South Wales. A very welcome improvement was noted in 2005 in the results of Aboriginal students in years 7 and 8, who achieved their best ever results for language and reading. I could go through the many figures I have for particular groups. As honourable members and people interested in education would know, particular concern has been expressed over some years about boys' literacy skills and the fact that they often slip behind the level achieved by girls.

There were some pleasing results in relation to boys as well. The Government has also recently appointed an independent expert, Professor George Cooney, to look at student assessment and how to produce better results. His review focuses particularly on numeracy because it probably is true to some extent that over the past decade or so—not only in New South Wales but generally—the focus has been on literacy and it is now time to look at numeracy as children have been falling behind in some areas. Literacy, in many ways, is most crucial, but given the technological developments and changes in the work force that have occurred in our society, the importance of numeracy is undeniable and we need to continue to make sure that the two are balanced.

As I said, I think this is an important motion and I am glad to see it discussed in this Chamber. This is one of numerous debates on education we have had here over the years and I am glad to have had a chance to participate in this one. As I said earlier, I will be very disappointed if Opposition members who speak on this motion carp and are negative. This is about addressing the needs of all students in government schools, particularly those students who are struggling more than others in some areas. Aboriginal students need particular assistance; children from migrant groups and refugee groups need particular assistance; and there are certain parts of Sydney and New South Wales where differential staffing—an area in which New South Wales has led the way over many years—and other initiatives are needed to ensure equality of outcomes for students.

People who do not achieve literacy early are presented with incredible difficulties later in life. Probably most of us have had the experience of meeting an adult person who is illiterate and we have gained some understanding of just how difficult life is. If these basic building blocks are not provided, not only in the early years of school but through a range of interlocking programs prior to a child going to school, then the children who are likely to have difficulties will have difficulties. I finish by repeating the statistics that the social issues committee used not only in the report I referred to but also in other reports. That is, that a dollar spent on early intervention, or a dollar spent on those basic building blocks, saves \$8 spent later by a community on a range of different remedial programs, including, of course, in our prisons. There can be no doubt that literacy and numeracy programs are amongst the most important things we can do. I commend the motion to the House.

Reverend the Hon. Dr GORDON MOYES [2.53 p.m.]: It is a trite point to make that literacy is important amongst children as a tool for their education and development through life. However, as the mover of this motion, the Hon. Christine Robertson, has found it necessary to address this issue within the House, I will take this opportunity, on behalf of the Christian Democrats, to speak briefly on the issue. While moving to congratulate the Government, the honourable member has actually caused us to closely focus on the Government's performance and, as the Hon. Robyn Parker has indicated, there are many gaps in that performance.

It is a well-known fact that individuals within a society cannot fulfil their potential and function effectively within their area of influence without being literate. The importance of being literate cannot be underestimated in any society. Notions about what a literate person should be able to do traditionally focus on being able to read and write. However, being literate means much more than that. The United Nations Educational, Scientific and Cultural Organisation [UNESCO] Institute for Statistics has defined literacy as "A person's ability to read and write, with understanding, a simple statement about one's everyday life". There is a whole gamut of skills attached to being a literate person. It is increasingly accepted that there is a continuum of literacy skills and they can be applied in a functional way, that is, reflecting everyday situations such as reading a bus schedule or using a computer.

Being literate is about being able to participate effectively in everyday activities; it is about the ability to negotiate simple tasks necessary for everyday living. A survey conducted by the Australian Bureau of Statistics found that 6.2 million of Australia's adult population are unable to perform duties of daily life such as reading and understanding the instructions on a prescribed medicine label. In fact, a report of the Organisation for Economic Co-operation and Development's [OECD], entitled "Literacy Skills for the Knowledge Society", revealed that more than 40 per cent of all Australians do not have the necessary literacy skills to participate effectively in daily life. These findings emerge from Australia's participation in the International Adult Literacy

Survey. When we look at those figures—6.2 million Australians being functionally illiterate and 40 per cent of Australians not having literacy skills to participate effectively in daily life—should we still congratulate the State Government on such a level of achievement?

Members may know that illiteracy is characteristic of children and also afflicts adults. According to UNESCO, there are an estimated 771 million illiterate adults in the world. That figure is a reflection on the inability of education systems to fully prepare these adults for life. There are an estimated 137 million illiterate youths worldwide, 61 per cent of whom are female. Five years ago at the World Education Forum in Dakar, the countries of the world committed to achieve a 50 per cent improvement in adult literacy levels by 2015. The nature of illiteracy becomes all the more apparent when one refers to a report released by UNICEF that says that nearly one billion of the world's population is entering the twenty-first century without even the basic literacy skill of being able to sign their names. Relatively few of these people can operate a computer or comprehend a simple application form.

Clearly, literacy is still a very real issue for many unfortunate and underprivileged individuals, including those 6.2 million Australians who are functionally illiterate. Literacy empowers. Invariably, illiteracy leads to a feeling of disempowerment. Illiterates will find themselves sensing that they are somewhat impotent in their day-to-day life, and no more so than in industrialised countries. UNESCO has said:

Access to quality literacy learning opportunities and the development of literate environments are essential components of strategies for poverty reduction, equality, economic development and environmental protection.

The foundation for literacy is set during schooling years. In many countries, an illiterate child will grow up to be an illiterate adult. As the Book of Proverbs in the Old Testament says:

Train up a child in the way he should go, and when he is old, he will not depart from it.

If a child is taught literacy, he or she generally will be a literate adult. On an international level, literacy is recognised as a child's right. Article 28 of the Convention on the Rights of the Child, as part of its focus on a child's right to education, provides that State parties shall promote and encourage international co-operation with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. The right to literacy also is underscored by UNICEF's Education for All and the Millennium Development Goals. UNICEF, the peak organisation for children's rights, has worked extensively in uplifting literacy levels across the world, focusing from literacy in early childhood through to adolescence. Thus, literacy plays a major role on the international stage of an individual's rights to a proper education.

The Australian Institute of Health and Welfare has conducted a study on Australia's young people, entitled "Australia's Young People: Their Health and Wellbeing 2003". The report refers to literacy and numeracy levels in Australia and says that actual skill levels can be measured through literacy surveys. The Ministerial Council on Education, Employment, Training and Youth Affairs has established national benchmarks for reading, writing and numeracy for students in years 3, 5 and 7. In addition to national benchmarking, Australia participates in the OECD's Program for International Student Assessment [PISA], the first assessment of which took place in the year 2000.

Every three years PISA is held with 15-year-old students in over 30 countries in the domains of reading, mathematical and scientific literacy. Australia was among the highest performing nations in the first cycle of that PISA assessment in all three domains. Out of more than 30 countries, Australia was significantly outperformed by only one other country in each of the reading and mathematical literacies—Finland and Japan outscored us—and by two countries in scientific literacy, again Japan and this time Korea. Although Australian students on average performed well in the Program for International Student Assessments, the results highlighted a number of areas of concern: first, the poor performance of indigenous students in all three domains; the relatively strong impact of socioeconomic backgrounds on performance; and the comparatively low results of boys compared with girls in reading literacy.

Students attending schools in outer regional areas and remote and very remote parts of Australia achieved lower results than students attending schools in major cities and inner regional areas. Obviously, these are important factors to consider in the context of continuing to formulate effective ways of improving literacy among our younger population. There is always scope to improve literacy levels where children are disadvantaged by socioeconomic factors or otherwise.

The Federal Government, in recognition of the importance of literacy to the Australian population, has what is known as the National Literacy and Numeracy Week. This week is an initiative that is run in collaboration with State and Territory governments to do such things as showcase the hard working school communities and what they are doing to improve literacy and numeracy skills; recognise the outstanding results that have been achieved; raise community awareness of the importance of all Australian students developing effective literacy and numeracy skills; and build on national initiatives to improve literacy and numeracy standards among young Australians. I congratulate the Federal Government and the man who was mentioned before in a disparaging fashion for establishing this initiative while he was the Minister for Education.

The Government has recognised that literacy is a fundamental skill that is of critical importance to Australia's future prosperity and position in the world. It is further recognised that the promotion of strong literacy skills among young people assists in countering educational and social disadvantages. The State Government directly supports this national week, which in the past year was held between 29 August and 4 September. Parent organisations, in collaboration with the State Government, have hosted a web site giving specific tips on how parents can help children improve their literacy both at preschool and primary school, right through to year 7.

In fact this State has encouraged one aspect of literacy in our schools through what is known as the Premier's Reading Challenge. If Bob Carr is remembered for nothing else, this stands as something for which his name can be remembered. The Reading Challenge has been running for five years so far. It is a special initiative of the New South Wales Government, set up to foster a love for literature and to encourage children to read widely for leisure and pleasure. The Premier has said that this challenge is important in helping develop a love of books and at the same time improving literacy. When the challenge started in 2001-02, there were 36,000 students involved. I am pleased to say that in 2005, over 226,000 students participated.

I certainly commend the Government for actively promoting literacy through our schools. I am mindful that literacy levels need to be improved a fair degree, not only in relation to our children and young people but adults as well. I must say it is not only the role of our schools to promote and encourage literacy. The most influential developments occur in the home and parents ought to understand the extent and importance of their role in improving their children's literacy and numeracy skills.

I feel that this motion of congratulations to the State Government for its efforts to increase literacy is rather like a newspaper racing writer congratulating the horse that has come seventh in the Melbourne Cup. The objective was to win, not to run better than the last runner. The objective is to win and I think this Government is far from being ahead of all the other States.

Reverend the Hon. FRED NILE [3.04 p.m.]: In speaking to this motion concerning literacy among children I wish to follow up in a different direction some of the points made by my colleague the Reverend the Hon. Dr Gordon Moyes, who provided valuable information comparing literacy rates in Australia, New South Wales and other places. I refer particularly to the Australian Government's Report and Recommendations on Teaching Reading, from the National Inquiry into the Teaching of Literacy, released in December 2005. The motion we are dealing with has literacy as its main thrust and it notes in paragraph (a) the importance of literacy amongst children as an essential tool for their education and development through life. We note particularly that Mr Carr, when he was Premier, gave a great deal of attention to this issue and did what he could to promote the basic subjects in our State education system. I believe he had a great deal of success in what he was seeking to do in promoting English, science, and the study of Australian history and other aspects of our heritage.

Some other speakers have been very critical of the report by the National Inquiry into the Teaching of Literacy. One of the criticisms, in an offhand remark, suggested that the inquiry was conducted by Miranda Devine, a journalist with the *Sydney Morning Herald*. She was certainly a member of the committee. I am not certain what her university qualifications are—I assume she has some qualification but it is not stated in the report. She is only one of a large number of highly qualified educationalists who made up that committee. In fact some of the most highly educationally qualified people in our nation were on the committee, such as Professor Bill Loudon, Pro Vice-Chancellor of Edith Cowan University; Professor Terry Lovat, Pro Vice-Chancellor of the University of Newcastle; Dr Gregor Ramsay, Chair of Teaching Australia; Professor Alan Rice, Interim Dean at Macquarie University; and Mr Ken Smith, Director-General of the Queensland Department of Education and the Arts. Obviously, on such an inquiry there would be people from various sections of the community and also from specialised areas, such as journalism. Miranda Devine is a journalist. There were also primary school teachers such as Ms Fiona Knight, from Rosedale Primary School; and Ms Lina Scalfino, the Principal of Modbury School. It was certainly a committee whose central members were the top educationally qualified people in our country.

The chairman of the committee, Dr Ken Rowe, acknowledged the input of a number of people who assisted the committee but were not members of the committee. He referred to his colleagues from the Australian Council of Educational Research, Professor Geoff Masters, Dr John Ainley, Dr Lawrence Ingvarson, Ms Marion Meiers, and Dr Marion de Lemos. They are all persons who are highly qualified in education. There were also a number of specialists in the area of children with learning difficulties, including Dr Nola Purdie, Dr Louise Ellis and others.

I do not think one can rubbish that Federal inquiry or focus only on Miranda Devine, as if it were a layman's inquiry. It was a very important inquiry. The inquiry dealt with one issue in respect of which there is continuous debate in Australia, that is, how to teach children to read. It acknowledged that the performance of Australian students compares well with that of students in other OECD countries, but stated:

Even so, a significant minority of children in Australian schools continue to face difficulties in acquiring acceptable levels of literacy and numeracy.

The report obviously is couched in conservative language. With regard to the phrase "significant minority", Reverend the Hon. Dr Gordon Moyes pointed out that in some categories the figure was 40 per cent. I would have referred to it as a "large minority" and would have emphasised that aspect. However, the report, written I suppose by academics, uses less extravagant language. As one of its tasks the committee had to examine the whole question of literacy and teaching and noted that a characteristic feature of literacy teaching for more than 40 years in English-speaking countries has been the disagreement among scholars about how beginning reading, as a basic element of literacy acquisition, should be taught. The report went on to state:

At the extremes of these disagreements are educators who advocate whole-language approaches, and cognitive scientists who argue for explicit, systematic instruction in phonics.

There is an argument going on within the education system that sometimes becomes quite heated. The report indicates that these two basic approaches have their origins in the sixteenth century. John Hart and Richard Mulcaster both advocated the utility of the alphabetic principle via explicit teaching of letter-sound relationships for beginning reading. In a later period, 1754-1803, Friedrich Gedike was prominent in advocating a whole-to-part approach to the teaching of reading. That has led to two schools of thought about literacy in our education system, and to argument between those two schools of thought. Trainee teachers in the various institutions are affected, depending on the emphasis their lecturers place on the differences between those two approaches. If a lecturer favours one approach or the other, that may create an imbalance in their students' ability to teach children to read.

The report acknowledges these disagreements and refers to a letter from 26 Australian psychologists and reading researchers expressing concerns about the way in which reading is typically taught in Australian schools. The letter asserts that the predominant whole-language approach to the teaching of reading is both ineffective and inappropriate. It is claimed that the teaching of beginning reading is, in the main, not based on findings from the available evidence-based research about how children best learn to read, and that poor reading skills are in many cases due to ineffective teaching practices based on a whole-language approach during the crucial early years of first-wave classroom teaching.

I imagine that that concern in part gave rise to the inquiry in the first instance. Reverend the Hon. Dr Gordon Moyes pointed to the large numbers of people who have difficulties with reading and little understanding of literacy. When those people graduate from school they cannot cope with simple tasks in the workplace. Some apply for a university place and are accepted, but have to enrol in a remedial reading class to be taught how to read, even at the age of 18, because they cannot complete their university assignments. Such reports are not uncommon, which means that we have to go back and look into the classroom to see why this could happen in an advanced society and an educated nation such as Australia. We have to ask how this can have occurred to children who have passed through the school system and graduated.

It has been part of the debate over the years as to whether there has been a defect in the way children have been taught to read in their very early years in the classroom. If so, children have to carry that burden throughout their educational program. That may or may not be correct, but I believe that argument in part gave rise to this inquiry, one aspect of which was to analyse that situation. The letter from 26 academics to which I referred claimed that the initial gains made by children exposed to second-wave intervention programs are not sustained unless such children are located in classrooms with teachers who are skilled in providing further support in explicit, systematic phonics instruction for those children. Effective initial teaching of reading, it is argued, would substantially reduce the need for costly remedial programs for underachieving children. The same applies to third-wave intervention strategies for underachieving children beyond the early years of schooling.

The inquiry had established terms of reference but in summary its main task was to inquire into the teaching of reading in Australian schools; the assessment of reading proficiency, including identification of children with reading difficulties; and teacher education and the extent to which it prepared teachers adequately for reading instruction. The report contains a great deal of information and I commend it to honourable members. I note there has been criticism that the report does not appear to have received adequate publicity or to have created controversy. However, the report was published in December, during the long school vacation, which is probably why it attracted little attention from the media. That should not in any way undermine its importance.

I support the proposition that equipping young people to engage productively in the knowledge economy and in society more broadly, which depends primarily on the ability to speak, read and write effectively, is fundamental to both individual and international prosperity; as is the provision of quality teaching by teachers who have acquired, during their pre-service teacher education, and in-service professional learning, evidence-based teaching practices that are shown to be effective in meeting the developmental and learning needs of each child. The report does not really come down heavily on one method or the other. It suggests that teachers should be aware of both approaches and adjust those approaches to the needs of the child. In other words, it must be child-centred, rather than seeking to have children fit in with a teacher's pet theory.

The report emphasises that literacy teaching and learning are core responsibilities of teachers and schools. However, the teaching of literacy—that is, reading and writing—is a complex and highly skilled professional activity. Whereas children enter school with varying degrees of competence in oral language, typically they have little knowledge about how to read and write. The purpose of early and subsequent literacy instruction in school education is to help children to master the challenges of linking written and spoken language. The committee physically observed many schools and summed up the six key elements that operated consistently in the schools visited. These are the six elements:

1. a belief that each child can learn to read and write regardless of background;
2. an early and systematic emphasis on the explicit teaching of phonics;
3. a subsequent focus on direct teaching;
4. a rich print environment with many resources, including fiction and non-fiction books, charts and computer programs;
5. strong leadership and management practices, involving whole-school approaches to the teaching of reading and writing; and
6. an expectation that teachers will engage in evidence-based professional learning and learn from each other.

The committee also found that many teachers do not use, or are unaware of, objective standardised diagnostic tests that assess the essential alphabetic decoding ability of children. That is a serious deficiency. As I said, the inquiry's attention was drawn to the debate between phonics and whole-language approaches to the teaching of reading. The committee believed that the conflict is false. Teachers must be able to draw on techniques most suited to the learning needs and abilities of the child. Clearly, the committee believed that systematic phonics instruction is critical if children are to be taught to read well, whether or not they are experiencing reading difficulties.

That proposition is one of the most important aspects of this report. Despite criticism from some Government members, I urge the Minister for Education and Training and the education department to study the report seriously to see how the various recommendations can be implemented in the New South Wales education system so that students graduate with the highest degree of literacy and the ability to read, as well as the ability to take up employment in various occupations such as nursing or to continue their studies at university or other colleges. I support the motion, and I urge the Government to take note of this important report on the National Inquiry into the Teaching of Literacy, dated December 2005.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.21 p.m.]: I must confess that I was unaware of this report until the debate started so I have not read it in any detail. Generally, I do not speak to motions in which the Government congratulates itself, and I try not to speak during debates in which the time of the House is taken up by members of the major parties throwing bombs at one another across the Chamber in relation to Federal and State policies. However, I want to speak to this motion because six aspects need to be mentioned. Firstly, I was part of the Standing Committee on Social Issues inquiry into early intervention for children with learning difficulties. Basically, the committee concluded that the earlier the intervention, the better the result obtained.

We found that when the Health Department was responsible for a birth the child was often lost to external scrutiny or scrutiny beyond the family until they were supposed to start school, and if there were emotional or intellectual difficulties during that time there was a reliance on the mother to identify those difficulties. Universal screening did not seem to be cost effective in the sense that during a visit—and given the costs of visits—the idea that an external screening person will identify a child who is developmentally delayed is fairly uncertain with false positives and false negatives. Also, it was unclear who would do the screening and when screening would take place. However, the general conclusion was that parents should be taught to the maximum level possible to identify any delays in their children.

Given that we do not have universal child care and it is still an unfortunate bun fight between the Federal and State governments as to who might pay for this—of course I have my own views on this—it seems to be highly cost effective to take kids who are at risk or who are behind in their milestones and put them in various forms of day care or preschool that have positive teaching aspects and indeed positive parental role models. If children see a good role model, some of the difficulties they might otherwise have will be nipped in the bud or treated early. This aspect requires more attention. I note that the department has a few child care centres. If all children who are at risk were put into those child care centres, and there were interventions for behaviour problems and also training in preschool, significant differences would result in the classroom.

Secondly, I have been approached by a number of parents who have children with developmental delays, physical disabilities, autism and attention deficit hyperactivity disorder. They are all wondering how to bring up and help their children; they are scratching around for resources and for people to help them. Often they put a lot of their own money into this. The Government should have one-stop shops for the collection and dissemination of such information. Judging from the response of parents and the difficulties they seem to have in this regard, the Government could do a lot more, especially in early childhood. The new Minister for Juvenile Justice approached me full of enthusiasm for his portfolio. He said, "You know, Juvenile Justice says the way to go is to catch children before they are 10. By the time they are 10 years old their behaviour patterns are pretty well stamped. We've got to catch them earlier than that." I am sure that is exactly what Juvenile Justice told the Minister. Certainly, that was a conclusion of the social issues inquiry into early intervention for children with learning difficulties and the Department of Community Service inquiry. Early intervention is very important. As everybody knows, the Jesuits say, "Give me a child until he is seven and I will show you the man". Early intervention is important, and a positive approach must be taken.

The third aspect is intervention in schools. In my son's school, Hunters Hill Public School, a remedial reading teacher, paid for by the parents and citizens, attends first class and second class. Obviously there is a shortage of remedial reading, which is regarded as an important intervention by all the parents who are chipping in for that teacher. I wonder how many other schools have remedial reading and how many actually need it. I have been approached also by people who have children with autism or who are doing particularly badly in school. One child was getting 10 per cent or less in some exams. He started using a program called WYNN Literacy Software; books are scanned into a computer and available electronically. When the book appears on the monitor the cursor moves along as the words are spoken by a voice synthesiser and the words are highlighted in colour. So there is reinforcement on a number of levels. That is much better than a book.

With voice-synthesised programs children can learn at their own rate. When I asked what programs were available the department did not seem to evaluate software. Presumably the department is afraid that if it endorses such programs a demand will be created for them. It is all very well for the Government to avoid considering programs that might cost money. However, if such programs produce results that are highly cost effective, that would be a good investment in education by the Government.

Such software must be systematically reviewed. Much as the Therapeutic Goods Administration looks at what drugs are available, what they can do and which ones are cost effective in terms of how much health we get for our dollar, the Government should look at how much education we get for our dollar, particularly for kids at risk. And if parents must make a contribution, so be it. That would be optimised if the Government evaluated these programs systematically. Last week I put a question on notice about this matter. The Program of Appliances for Disabled People [PADP] is undergoing a review. I have asked the Minister about the need for aids for people with disabilities, particularly physical disabilities. Accessing information by computer or voice recognition, or in classrooms is extremely important.

The level of funding for PADP has always been around half that of the original estimates of what was required. That aspect has to be dealt with, although technically PADP remains a health consideration and impinges on a child's ability to attend school, as children with disabilities have been put in the mainstream of Australian education rather than in special schools.

The fourth matter I wish to refer to is literacy rates in prisons. An obvious obstacle to a prisoner getting a job is his or her criminal record. However, another consideration is that the level of literacy among prisoners is often not high. I do not know what the literacy rates in prisons are, and I suspect that there has not been a serious study in this regard because the Government does not want people to know how many people in prison are illiterate lest it is required to do something about it. We have this blame culture of punishment, which is what we hear about each time penalties are racked up and more and more people are put in gaol at a cost of \$60,000 per year per person. Such an amount would pay for hostel accommodation with a private tutor for a person placed on an educational treadmill rather than in a university of crime.

We have to find out how many people in prison have literacy problems. That matter has to be addressed positively in an endeavour to rehabilitate people in prisons and to find them work when they leave prison. The notion that prisoners, after being punished by being sent to gaol, will leave prison and become model citizens and get employment is not realistic. Prisons are the responsibility of the Department of Corrective Services and not the department of punishment, and we need a totally new approach.

That leads to my fifth point. During the recent Macquarie Fields inquiry conducted by a committee of this House I spoke with some of the kids involved in the problems out there. I happened to ask whether they could drive. Of course, their answer was: Yes, we can drive. I asked whether they had a car. Their answer: Yes, we have a car. I asked whether they had a licence. Their answer: No, we do not have a licence. I asked whether they thought could get a licence. Their answer after considerable silence and shuffling of feet was basically that could not get a licence because they could not read and write, that they did not believe they were ever to going to be able to read and write and, therefore, they did not believe they were ever going to get a licence. As a result, the natural course of action would be that if they were to be pulled over while driving by the police, they would not be able to produce a licence. Consequently, on the first occasion they would be fined and then, as they became repeat offenders, they would be sent to gaol. And their progress through the universities of crime would be incredibly painful and negative and their chances of leading a decent life in our society would be very poor.

The point is that these kids cannot get licences because they are not literate. I ask: At what point do people check why people cannot get licences? People who are illiterate can be identified at that point. Two questions arise. First, can a process be adopted whereby illiterate people can be tested and thus get a licence? That would overcome one of the difficulties they have. Second, can these people be identified as illiterate? Obviously that is a huge problem. However, if we can identify the problem, we should make an adult literacy program available to these people. That would be most advantageous for kids from disadvantaged backgrounds or troubled family situations or who have experienced social problems in their youth. We should do everything we can to prevent them from following the inevitable pathway to destruction, at vast cost to themselves and society as a whole.

Authorities in Taiwan do not think of the cost of education. Their view is that they just cannot afford to have people who cannot get a job. They feel that if they are unable to provide slightly disadvantaged people with a reasonable education, such people will not be able to find work and, therefore, will be on welfare for the remainder of their lives—and obviously that will cost a lot of money. That is the key aspect.

Any my sixth point: While I am on the subject of Asia, according to the National Asian Languages Strategy in Australian Schools [NALSAS]—an initiative funded by the Federal Keating Government but which sadly has not been funded by either the Howard Government or the New South Wales Government—New South Wales is performing badly with regard to the number of people learning Asian languages. I know of the difficulty in getting Asian language teachers. I came across that when I tried to have one appointed at my son's school. Of course, the Americans do not take much notice of this area of the world, which is crucial to Australia as a trading nation on the edge of Asia. Obviously I support this motion but I have taken this opportunity to point out some aspects that are not being handled well in New South Wales and need to be improved.

The Hon. CHRISTINE ROBERTSON [3.35 p.m.], in reply: I thank members for their contributions to this debate. I do not support the Hon. Robyn Parker's amendment. We are debating a vitally important issue today and I will not waste time here on a politically motivated diatribe. Nor will I debate the pros and cons of individual testing programs or the statistical data and its different presentations and outcomes. However, I confess that sometimes I am shocked by my own naiveté. I did not expect such an adverse reaction to such an important, positive program. Obviously I should be more suspicious of the motives of some members in this House.

The New South Wales Government has maintained a rigorous focus on literacy and numeracy standards over the past 10 years. From the 1994-95 financial year to the end of the 2005-2006 year the

Government will have provided \$1.1 billion in literacy and numeracy support. In addition more than \$538 million has been committed over the next four years to strategies to continue to improve literacy and numeracy outcomes. An evaluation of the State Literacy Strategy released in 2004 confirmed the widespread success of that strategy. It showed that teachers are better able to identify student needs and target students requiring support. That is because the strategy is implemented across the entire system and each child has an opportunity to be assessed.

According to an OECD study in December 2003, 15-year-old students in New South Wales are among the best in the world, with students from only Finland significantly outperforming New South Wales students in reading literacy. The success of the literacy strategy is also evident in results from the rigorous literacy testing programs. These include basic skills tests in reading, writing and language, and the English language and literacy assessment [ELLA].

The 2005 basic skills tests mean scores for year 3 literacy were the highest recorded. In 2005 Aboriginal and Torres Strait Islander students in years 7 and 8 achieved their best ever results for language and reading in the English language and literacy assessment. In no way is this any reason for any government, Federal or State, to feel it has done everything it can in this regard and that everything is satisfactory. As many members have said in this debate, a considerable number of people in New South Wales still cannot read, and we have heard specific examples. No-one can be complacent about this problem. In the interests of equity in our country, all governments must emphasise the importance of this issue.

Mean scores for reading and language for boys in both years 7 and 8 in ELLA 2005 were equal to or higher than the mean scores in any year prior to 2005. These results are a great tribute to students and their parents and teachers in schools in New South Wales. Recent results show that our students are also performing well in numeracy. In 2003, and again in 2004, year 3 and year 5 students recorded excellent results in the basic skills test. The 2004 mean score for year 5 numeracy was the highest recorded. In 2004, the numeracy mean score of year 5 Aboriginal and Torres Strait Islander students was also the highest ever. The 2005 mean score for basic skills test year 3 numeracy for all students was the highest recorded since testing began.

The Hon. Robyn Parker: What about when they get to 15 years of age?

The Hon. CHRISTINE ROBERTSON: I think I mentioned that, and I also quite specifically said that there was still a major problem. All speakers have registered it. What we are talking about today is the importance of a continued commitment to literacy in our society and in our schooling system. In the 2003 Trends in International Mathematics and Science Study [TIMSS], New South Wales year 8 students were ranked first overall amongst all Australian States and Territories in mathematics, and 91 per cent met the minimum TIMSS international benchmark. The 2003 Program for International Student Assessment [PISA] study of 15-year-olds in 41 Organisation for Economic Co-operation and Development [OECD] countries showed that New South Wales students were well ahead of the OECD average in mathematical literacy and also ahead of the Australian average.

In terms of national benchmark results, our years 3 and 5 students have consistently performed above the national average in writing and numeracy. In 2004 more than 93 per cent of New South Wales students in years 3, 5 and 7 achieved the national writing benchmarks, placing New South Wales in the top two performing States nationally. Over 95 per cent of our year 3 students, and almost 93 per cent of our year 5 students also met the numeracy benchmark, the second highest percentage for any State or Territory and on par with the top performing State in both instances. Our own State tests for literacy and numeracy, which are highly regarded by measurement experts, consistently show that 94 per cent of year 7 students have achieved or exceeded the minimum standard in both literacy and numeracy since statewide testing began in 2001. I recognise Reverend the Hon. Fred Nile's interest in phonics and overall literacy education, which is an important issue across the Education portfolio.

[Interruption]

We do not have a say about what the Federal Government does! You can tell! The State Government has appointed an independent expert, Professor George Cooney, to undertake a review of all New South Wales student assessments with a focus on mathematics and the important transition years between primary and secondary school. Part of Professor Cooney's brief will be to investigate the benchmark issue. I expect that the results of Professor Cooney's findings will be available over the coming months. New plans for 2006 to 2008 have set the priorities and statewide directions for literacy and numeracy programs for the next three years. This issue is not going off the boil.

While the plans will highlight successful literacy and numeracy programs—such as "Count Me In Too", "Counting On" and "Reading Recovery"—they also will emphasise the importance of using data to identify individual students and groups of students who might need additional support. The literacy and numeracy plans will require all schools to use data analysis tools to identify areas that require particular attention. The tools are not just for collecting statistics. There will be software tools that deliver testing to identify students who need extra help.

The numeracy plan pays particular attention to the needs of students in the middle years of schooling, years 5 to 8. They are the years when students may have difficulties because of changes in their lives. The plan promotes strategies for primary and secondary schools to work together, and that will assist the quality of numeracy teaching and continuity of student learning and help maximise the numeracy achievements of all students. Another major issue in literacy skills relates to the home environment. Some young persons may never see a book in their entire lives, except when they are at school—something many of us would find unbelievable. Many schools are addressing this major issue in the lower primary school years by fostering in students a love of reading at a young age or at least an acceptance that reading is the norm. The Hon. Jan Burnswoods gave figures about participation in the Reading Recovery Program.

The TAFE-accredited Peer Tutor Training Program operates across 202 secondary and central schools throughout all 10 New South Wales education regions. This program picks up older people who have not managed to gain reading skills. I will return to that point if time permits. I agree with the observations of Reverend the Hon. Dr Gordon Moyes and other members about the importance of literacy in our society, especially for individuals to be able to equitably compete in and contribute to society. Many people are denied the right to make a positive contribution. Throughout the debate members have noted the importance of literacy. I inadvertently caused trouble by congratulating the Government on this issue. I am pleased that the State Government, and any other government, has made a major commitment to literacy and recognises that it is a major issue.

When I was at school in the 1950s and early 1960s classes in high schools went to class J. There were 30-plus pupils in each class. It was considered that students in class D were able to read at an acceptable level and that some students in class E might be able to read. But among students in classes below class E reading skills were negligible. It was considered that students in class J were never going to read or learn and might, if they were lucky, get a skilled labouring job. This does not happen in our schools today because our Government has made a major commitment to ensure that it does not. I am proud to play a part in education in this State. *[Time expired.]*

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 16

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

Noes, 19

Ms Burnswoods	Ms Hale	Mr Roozendaal
Mr Catanzariti	Mr Hatzistergos	Ms Sharpe
Mr Cohen	Mr Kelly	Mr Tsang
Mr Costa	Mr Macdonald	
Mr Della Bosca	Mr Obeid	<i>Tellers,</i>
Mr Donnelly	Ms Rhiannon	Mr Primrose
Ms Griffin	Ms Robertson	Mr West

Pair

Mr Lynn

Ms Fazio

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

CONSTITUTION AMENDMENT (PLEDGE OF LOYALTY) BILL**Second Reading**

The Hon. PETER PRIMROSE [3.55 p.m.]: I move:

That this bill be now read a second time.

With the passage of this bill the allegiance of members of this Parliament will be directed where it belongs: to Australia and to the people of New South Wales. The legitimacy of this Parliament is based upon the principles of democracy. Sovereignty does not lie with a State or with a head of State but with the country in which we live and with the people of this State. Presently, members swear their allegiance to a head of State. Our allegiance is not to a head of State, or even to the State itself, but to the people who elect us and whom we represent.

If we are to go through a process of swearing or giving allegiances, it ought to mean something. Swearing or declaring an oath as we currently do is largely meaningless. It is simply a form of words with nothing really attaching to it. Changing the declaration as proposed gives it a meaning that has some substance. Of course, the fact that our head of State is an overseas monarch makes the declaration utterly irrelevant. The same objection would remain even if the oath and declaration were made to an Australian, even to a republican head of State. It would not be a declaration of real significance. It would not be a declaration to the source of our legitimacy as members of Parliament. It would not be a declaration to where sovereignty actually resides.

As well as replacing the members' oath or affirmation to the Queen, the bill also alters the oath or affirmation taken by members when they become Ministers and members of the Executive Council. The logic and reasoning for this change is the same as that lying behind the change to the members' oath or affirmation. One flows logically from the other. The bill amends the Constitution of New South Wales—the Constitution Act and the Oaths Act.

Section 12 of the Constitution requires that no member of either this place or the other place shall be able to sit or vote until they take the oath of allegiance prescribed under the Oaths Act. Stripped of its rather archaic verbiage, the second sentence of section 12 of the New South Wales Constitution requires that we swear or affirm the oath of allegiance once elected. It means also that if the present Queen were to pass away, business could not occur in either the Legislative Assembly or the Legislative Council until we had all sworn allegiance to Charles III, and possibly Camilla I. That, of itself, suggests that the Constitution is in need of some significant alteration. Section 4 of the Oaths Act provides that the form of words in the second schedule to the Oaths Act is the oath of allegiance. The second schedule to the Oaths Act sets out the following words:

I ... do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors according to law. So help me God.

Section 12 allows an affirmation to be substituted for an oath. The reference to Queen Victoria suggests that it has been some considerable time since anyone has had a proper look at this process. The bill omits section 12 of the Constitution and replaces it with a proposed new section. There will now be no need for reference to the Oaths Act for an oath or pledge by members elected after the bill is enacted. Apart from its other virtues, that means that all of the provisions about a member's pledge will now be contained within the Constitution.

One would have thought that if the pledge is as significant as it probably is, and certainly ought to be, one should not have to locate it by scurrying from the Constitution to the Oaths Act to a schedule. As I said, this proposal puts the wording of the pledge within the Constitution. New section 12 provides that members cannot sit or vote until they have taken the pledge of loyalty, which is given in the following form:

Under God, I pledge my loyalty to Australia and to the people of New South Wales.

The section provides that the words "under God" can be omitted, meaning that the current alternatives about swearing an oath or making an affirmation are retained in this proposal. The section makes clear that it applies only to members elected after the commencement of the legislation. The bill also proposes a new section 35DA in the Constitution and consequently omits provisions in the Oaths Act dealing with the Executive Councillor's oath. The new section requires of new Executive Councillors and Ministers a pledge of loyalty in the same form as a member's pledge. The bill also provides for an Executive Councillor's oath to be set out in the legislation. Among other virtues, the new oath removes some of the archaic language contained in the present oath. The present Executive Councillor's oath is in schedule 5 to the Oaths Act as follows:

I ... being chosen and admitted of Her Majesty's Executive Council in New South Wales, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor or officer administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, that I will not directly or indirectly reveal such matters as shall be debated in council and committed to my secrecy, but that I will in all things be a true and faithful councillor. So help me God.

There is, of course, an alternative affirmation. The provision in the bill that will replace that oath reads as follows:

I ... being appointed as a member of the Executive Council of New South Wales, do swear that I will perform the functions and duties of an Executive Councillor faithfully and to the best of my ability and, when required to do so, freely give my counsel and advice to the Governor or officer administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, and that I will not directly or indirectly reveal matters debated in the Council and committed to my secrecy, but that I will in all things be a true and faithful councillor. So help me God.

This has, I think, two virtues. One, it puts this important oath within the Constitution rather than in the Oaths Act; and, two, it updates some of the language, which I think is an improvement. This is not the only State or Territory of Australia that has moved in this direction. In the Australian Capital Territory Oaths and Affirmation Act 1984, section 6A sets out the obligations of members of that Assembly to undertake an oath or affirmation. Schedule 1A sets out one of the alternative oaths as:

I ... swear that I will faithfully serve the people of the Australian Capital Territory as a member of the Legislative Assembly and discharge my responsibilities according to law. So help me God!

An alternative affirmation is also possible. Interestingly enough, legislation dealing with this issue was passed in the Western Australian Parliament only late last year. The Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2005 of Western Australia provides:

I ... swear, according to the religion and the beliefs I profess, that I will faithfully serve the people of Western Australia as a member of the Legislative Council/Legislative Assembly.

The particularly interesting aspect of the debate in the Western Australia Parliament *Hansard* is that when the legislation was before that Parliament it had a number of provisions of which this was simply one, and it was the other provisions that generated the controversy and the excitement. To the people of Western Australia, moving to a pledge or declaration seems to have been taken as a commonplace and ordinary thing, and did not seem to generate much opposition from conservatives or others in the Western Australian Parliament. A number of years ago the Australian Citizenship Amendment Act altered the pledge of commitment to be taken by new Australian citizens. For about a decade now, in accordance with Federal legislation, the pledge has read as follows:

From this time forward, under God, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey.

I should note that about a decade ago there were similar proposals to introduce New South Wales legislation dealing with those types of issues. The Oaths and Crown References Bill was introduced as a private member's bill in 1993 and reintroduced in 1995. I note a number of significant differences between this bill and those earlier pieces of legislation. First, the pledge in this bill is lengthier, and I think it is better than in the 1993 and 1995 versions. Critically, this bill, as opposed to the earlier attempts in this Parliament, refers to the people of New South Wales and not just to Australia. Second, this bill is much more restricted than the earlier legislation. The 1993 and 1995 bills referred to a whole plethora of offices and positions for which oaths would be altered. This bill refers only to members and Ministers. The earlier legislation was consciously seen as part of a republican agenda, whilst this bill is not.

This bill does not replace loyalty to the Queen with loyalty to a president. It replaces allegiance to a head of State—who at the moment happens to be a hereditary monarch—with allegiance to Australia and the people of New South Wales. That is, the pledge itself is neither monarchist nor republican; it is about democratic theory and about accepting that our real legitimacy comes from Australia and from the people of New South Wales, not from someone who happens to be a head of state.

It is worth noting that there have been a number of similar changes and developments of this type in recent years, such as legislation to remove the Royal United Kingdom coat of arms and have it replaced by the New South Wales State Arms. That legislation commenced as a private bill. All State-held land that is currently being held in the name of the Queen, her heirs and successors will be known as State land, that is, land held on behalf of the people of New South Wales, rather than as Crown land.

In 2004 the Country Women's Association [CWA] voted to abandon the royal anthem. As I understand it, the annual conference of the Country Women's Association rejected a motion by some pro-royal branches to enshrine the royal anthem in the CWA's rules. A radio report of 3 May that year indicated that the association would consider changing its constitution so that allegiance would no longer be pledged to the Queen and Australia. The outgoing president, Ruth Shanks, was quoted as saying it was a sign of the times and that:

The changes to the constitution are in effect just changing not what the CWA is all about but the administration and how we run the organisation and making it relevant for the 21st century.

The significance of this issue is that the association is making some sensible and reasonable comments about something that, frankly, should not generate a whole lot of excitement any more. As the association's outgoing president said, it is a sign of the times. This country has moved to the point that a colonial pre-democratic oath of allegiance is completely inappropriate.

I turn briefly to some of the possible arguments against the bill. One objection might be that we should pursue the Australian Capital Territory model, which has an oath similar to the pledge I am proposing but also allows an alternative of allegiance to the Queen to be chosen at the election of members. I guess that has the advantage of compromise, but it seems to be wrong in principle. It seems that if there is to be a pledge, there should not be mixed or confused allegiances. If we go to the trouble of making an allegiance, all of us should be making it to the same entity. So while I can understand the political process that gave rise to the Australian Capital Territory results, I think it is probably wrong in principle. If we are to pledge our allegiance to something, we cannot have half of us pledging our allegiance to one thing and the other half pledging our allegiance to something else. It is silly to go through the process of having a pledge and having mixed allegiances.

Another alternative would be to pursue the Queensland variant. As often happens in constitutional matters, Queensland has a completely different model: it includes a pledge of allegiance to both the Queen and the people of Queensland. I have two problems with that. The inclusion of a pledge of allegiance to the Queen is wrong in democratic theory because the pledge should not be to the Queen or to the head of state, be it a president or the Queen. It should be to the people of New South Wales and to Australia; it should not be to a head of state. Therefore, I have one objection to the Queensland model on that basis. I also think it is susceptible to the same criticism that can be made of the Australian Capital Territory model in that it has mixed allegiances, that is, one pledge offering allegiance to two different things. I think that is confusing and wrong, and it defeats the entire purpose of having a pledge. As I said, we should not have mixed or conflicting allegiances.

One other argument is that it is simply a matter of constitutional law that we must pledge allegiance to the head of state. It is true that as a matter of constitutional law at present we must pledge our allegiance to the head of state, and the bill does amend the constitutional law. Yet another argument is that it is our heritage and we are overturning our heritage. That argument does not have a lot going for it because it assumes many things about our heritage; for example, that the only part of our heritage worth acknowledging is the Queen. Our heritage is a lot more complicated than that, including the heritage of the people who were here before royal forces arrived. I can but refer honourable members to the Wik decision if they would like more erudite points on this issue.

The final argument that has been put up against the proposal is that we should not debate this matter or make any constitutional change until we have introduced a republic. This was the Opposition's position when this matter was debated in the other place. They do not understand the proposal. As I have said a number of times, the proposal is not specifically republican. While I would expect every republican who is serious about being a republican to support it for obvious reasons, it still institutes an oath or pledge that I think is appropriate, whether we are a monarchy or a republic.

The proposal in the bill is moderate, reasonable and almost modest. It can hardly be described as radical. It simply means that members of Parliament express our allegiance in the way we should. In a democracy our allegiance should be to the people, not to a head of state. It should be an allegiance to the people we represent, not to the person at the top of the tree or structure. My allegiance is not to someone who lives thousands of miles away, it is to the people I represent, the people who elect me. The bill is not about a republic or a monarchy. It means that as members of Parliament we pledge our allegiance not to a head of state, be it a monarch or president, but to the sovereignty and source of our legitimacy. It pledges our loyalty where it is truly owed—to Australia and the people of New South Wales. I commend the bill to the house.

The Hon. DON HARWIN [4.12 p.m.]: Today in question time our colleague Reverend the Hon. Dr Gordon Moyes asked the Leader of the Government what the Government was planning to do to mark the forthcoming eightieth birthday of Australia's Sovereign, Queen Elizabeth II. This afternoon we have the answer. With Her Majesty the Queen's eightieth birthday just eight weeks away, the Iemma Government has decided to mark the occasion by debating this bill this afternoon, with its likely passage just in time for her birthday in April. It is a shameful mark of disrespect to a woman who has given her whole life to the service of our nation and the Commonwealth. It is a matter of great regret to me personally, and I am sure that is how many people around the State will feel.

In leading for the Opposition, I will dwell for a minute on a few terms that are relevant to this debate. The first and most important term to define is "sovereignty". "Sovereignty" is the exclusive right to exercise supreme authority over a geographic region or group of people. Where a nation has a constitution, that document defines the nature of sovereignty. As we are a sovereign State within a national federation of such States and Territories, our Australian Constitution and the Constitution Act 1902 of New South Wales define "sovereignty" in our nation. Under our constitution, sovereignty is vested in an individual, a hereditary monarch who is the sovereign. Our sovereign exercises her authority on the advice of her Ministers, with a constitutionally defined role for Parliament.

In swearing an oath of allegiance a citizen acknowledges his duty of allegiance and swears loyalty to the sovereign. From the time when the colony of New South Wales was granted a constitution by Queen Victoria, members of this House and the other place have sworn an oath of allegiance to the sovereign. There is no incompatibility between this oath of loyalty to the sovereign and a system of responsible and representative government. The bill replaces the oath of allegiance to the Queen and her successors taken by members of Parliament with a pledge of loyalty to Australia and to the people of our State. It also makes changes to oaths taken by Ministers and members of the Executive Council.

However, the existing oath is one we share with the judiciary, the police force and correctional officers, all of whom pre-date our transformation from a self-governing colony to a sovereign State in 1901. One of the consequences of the bill is that the members' oath will not be the same as the oath for judges, police and correctional officers. No argument has been made by the Hon. Peter Primrose to justify this inconsistency. In my view, swearing an oath of allegiance to the sovereign remains consistent with the system of government we have, and the oath should change only if the Australian people decide to change our constitutional arrangements.

The Government has brought these constitutional amendments before the House without a mandate from the people of New South Wales. There has been no public debate of any substance on the subject and there is certainly no discernible mood for change among the people of the State. This is reason enough to dismiss the proposed legislation, which would change our State's Constitution Act.

The passage of the bill today would not improve the lives of the residents of New South Wales tomorrow. They would still have to endure a public transport system crippled by a lack of service and an unacceptable on-time running performance. They would still have massive hospital waiting lists and a health system struggling to cope with the shortage of nurses. The passage of the bill will do nothing to alleviate the enormous backlog of maintenance work and facility upgrades needed in government schools, nor address the continuing drift of students into the private school system. The people of New South Wales will still face a looming crisis in their energy supplies due to a lack of infrastructure planning and investment, and long overdue improvements along major transport corridors such as the Princes Highway would be brought no closer by the passage of the bill.

With the people of New South Wales suffering under this tired old Labor Government and desperate for the passage of bills that will improve their lives and provide the infrastructure our State needs for the long term, it is an insult and a disgrace that the Government has chosen to progress the passage of this frivolous bill. It is a shameful waste of the Parliament's time and demonstrates that the Government is out of touch with the people of New South Wales. It is certainly not serious about resolving the major problems we face. I would also like to place on record the representations I have received from people around New South Wales and from the member for South Coast, who has received many letters from her constituents urging the upper House to reject this bill. I am happy to say I will vote to do that.

Because of the anomalies it creates, the lack of a mandate from the people, and the waste of parliamentary time debating the bill while the State's services and the infrastructure on which they depend are in crisis, the Opposition rejects and will oppose the bill.

I would like to reflect briefly on a number of other personal observations about the debate. A number of Government members in the other place have taken the opportunity to re-run the debate about our constitutional arrangements. The Hon. Peter Primrose did not do that, but we will wait and see. In the other place the member for Monaro could not help himself; he complained about how the people of Australia got it wrong. He said it was "because of the tricky way John Howard ran the referendum". It is as if Government members see this bill as some sort of consolation prize. Having been cheated out of their republic by the Australian people, they are determined to obliterate the Queen and the monarchy from the public consciousness to advance their cause. It could well be renamed the Sore Losers Bill. If that is what this bill is about, they are fooling themselves. Indeed, there are some republicans even who believe that a "change by stealth" approach is damaging to the campaign for constitutional change. They argue that the full panoply of royal titles, emblems and insignia should be retained in order that the public be constantly reminded of their case for a republic.

I know that some of my colleagues on this side of the House feel the same way, even though they are misguidedly republican. This bill is another example of the republicans opposite just not getting it. In a masterly survey, David Malouf described our national character as "one that is organised and efficient, but doesn't take itself too seriously, in which display and justified pride in achievement is continually undercut by a larky, self-deprecating wit".

In the same essay Malouf also makes some observations about politics. He described the move to federate the Australian colonies as "leisurely" and "argued for and accepted in a very low-key and Australian way, because it made sense." This description of our character and the way we have approached our political development casts some light on why the constitutional referendum of five years ago, involving minimal change to the actual way in which we are governed, was unsuccessful. As Malouf says, it is because we can make the change whenever we like that we are in no hurry to do so. The passion shown for a cause that has little practical significance and is largely just symbolic was alien to many Australians and legislation like this just feeds that alienation.

A rather pointless and gratuitous aspect of the debate in the other place was the anti-British flavour of a number of contributions. The honourable member for Liverpool felt the need to note that the Queen's "antecedents are not even English" and remarked upon "the role played by a figure in the Irish community in the genesis of this bill". The honourable member for Miranda pleaded a sense of abandonment by the British over events as diverse as the displacement of Australian troops and British entry to the European Union. He declared that "the British monarchy has no role to play" and the oath only reflects an "imperial past".

The honourable member for Bathurst told the other place that he "grew up in an Irish Catholic family and soon realised the futility of chaining ourselves to the English monarch". Memorably, the honourable member for East Hills, in his post-dinner contribution, reassured the House that the bill would not "interfere with Charles and Camilla's honeymoon" and—get this—accused Opposition members of a sort of pro-British cultural cringe which "taken to its logical conclusion [meant that] there would never have been an Australian cattle dog". They are the heights to which arguments for this bill were taken by proponents in the other place. It underlines how ridiculous and shameful, and self-indulgent, this whole exercise is.

Dealing briefly with the tired old accusation that the royal family is not English, I note in passing that six of the current Queen's eight great-grandparents were born in Britain. Only one was Danish, the much beloved Queen Alexandra, who was a Danish Princess, and only one was German. But I am sure that in making those remarks the honourable member for Liverpool was not seriously suggesting this as a reason to vote for the bill, so I will not dignify his frippery any further. I assume there were a few other tongues planted in the cheeks of Government members, given some of their remarks, but I would not be surprised if it were otherwise.

I have never understood why so many Australians feel the need to rubbish the British contribution to Australia. I am intensely proud of it and feel no reason to be apologetic about it. The greatest contribution has been their stable political system of constitutional monarchy. The British stand alone as a nation where, for over three centuries, there has been a non-violent transfer of power from one administration to the next. This political stability was the precondition for Britain being the richest and most technologically advanced nation on earth by the time the British settled New South Wales in the late eighteenth century. This year we celebrate the sesquicentenary of those institutions of responsible government that underpin the political system in our State. They have served us well and have been the foundation for a great State within a great nation.

Of course, this political heritage will always be ours to develop, in our own way. Some people in this Chamber no doubt—not necessarily me, but some people—will feel that change to our constitutional

arrangements may and should come. But let me say that the proponents of change have always failed in the past because they have not appreciated the lessons of our history, the nature of our political culture, or the substance of the Australian character. In the bill before the House there is plenty of additional evidence that they will continue to fail.

The Hon. DAVID CLARKE [4.25 p.m.]: The Constitution Amendment (Pledge of Loyalty) Bill is the latest effort in the campaign by the Labor Party to turn our nation into a republic. Clearly, the provisions in this bill—which seeks to replace the Oath of Allegiance to the Queen and her successors that is taken by New South Wales members of Parliament with a pledge of loyalty to Australia and to the people of New South Wales—is part of that campaign. The provision that seeks to replace the Oath of Allegiance, the oath of service to the Queen, and the special Executive Councillor's oath, taken by members of Parliament when they become Ministers and members of the Executive Council, with the pledge of loyalty and a single Executive Councillor's oath, is part of that campaign as well.

I believe in democratic values, I believe in our constitutional framework of government, I believe in the institution of constitutional monarchy and I believe in preserving those symbols and practices that are part of our heritage and history and make Australia the nation that it is today. For each of these reasons I will vote against this bill and I take pride in being a member of a Coalition that made the decision to oppose it. The bill is a breach of democratic values. It is a perversion of democracy. It strikes at the heart of democratic traditions. Why does this bill do those things? It does so because the people of New South Wales have never been given the opportunity to express their view on this question.

Reverend the Hon. Fred Nile: The Hon. Peter Primrose won't even stay here to hear your argument.

The Hon. DAVID CLARKE: That is for sure. That is certainly worth noting. The people of New South Wales have never been consulted and they have never been asked. This bill does indeed raise important issues, because if it did not the Government would not be endeavouring to get it legislated into law. If the Government did not consider that an oath of loyalty raised important matters, it would not be pushing this bill. The New South Wales Labor Government had the opportunity during the 2003 State election to put the issue to the people of New South Wales and it declined to do so. The New South Wales Labor Government had the opportunity, and indeed the obligation, to tell the people of New South Wales that if re-elected it intended to bring about the changes envisaged in this bill, but instead it kept quiet.

The New South Wales Labor Government misled and deceived the people of New South Wales in not telling them that this was part of its agenda. Little did the people of New South Wales know that this bill was part of the Labor Government's agenda. Why did it not tell the electorate what it intended to do? The answer to that question is very simple: It knew it would lose votes if it did. In fact, it knew that it would lose a great many votes if it took the electorate into its confidence. The Government well remembered its bad experience with the republic referendum in 1999. At that time it thought it had the republic in the bag. The Government was all gung ho; it had most of the media on board, including of course the ABC; and it had all the self-appointed political elites stitched up as well. Even the opinion polls purported to show that the Government had backed a winner.

What was the result? Well, the proposed republic was convincingly rejected by the electorate. Every State voted it down. In New South Wales nearly 54 per cent of electors voted "No" and that translated into 70 per cent of Federal electorates voting "No". The ALP got done over and so did the Left political elites in the media. What a great sight it was on that night in 1999 as the results poured in to see the ABC commentators lost for words, heartbroken, dejected and humiliated. This is why, prior to the last State election, the Labor Government kept under wraps its intention to bring forward the bill now before us. This bill goes against the democratic ideal because Labor calculated, quite correctly, that the 1999 overwhelming rejection of a republic by the New South Wales electorate would translate into a majority, or at least a substantial proportion, of the electorate opposing this bill, which it would see as nothing more than republicanism by stealth.

The practice of the ALP in pursuing republicanism by stealth, by not signalling such legislation prior to an election, is the Government's standard *modus operandi* now. We all recall the same stunt being pulled in 1996 when the Labor Government ejected the New South Wales Governor from Government House. The intention to eject the Governor did not rate a mention in Labor's State election campaign at the time. It was not surprising that Labor decided to mislead the people of New South Wales by not signalling its intention, because when the plan was finally announced—after the election, of course—many thousands of citizens took to the streets in a gigantic march in protest at the action.

I was one of those many thousands, and the many thousands who marched were only the tip of the iceberg. Why were the people of New South Wales upset by this move? Because the Governor of our State is highly respected. In recent decades successive governors of our State have been individuals of great integrity and popularity. Most people in New South Wales did not like witnessing our Governor being shunted off to an office block somewhere out of sight. Given half a chance, substantial elements in the Labor Party would relish the idea of axing the position of Governor altogether. Last year the Labor Government pushed through legislation to remove the Crown from any coat of arms in New South Wales courts. Was this issue raised during the 2003 election campaign? Of course not! It was the same old story of republicanism through the back door, republicanism whether the people of New South Wales wanted it or not. And New South Wales Labor knows that the people of this State do not want it. History is repeating itself.

There has been no widespread call for this bill except from a minority section of the Labor Party and the minuscule remnants of the republican movement. Indeed, any evidence of public opinion demonstrates opposition to the bill. I have received no letters from constituents supporting the bill. On the other hand I have received countless letters and telephone calls opposing the bill. I am not aware of any petitions supporting the bill, but I am aware of many petitions to the Parliament signed by thousands of citizens opposing the bill. Indeed, I have presented many such petitions to this House. There is no public call for this bill. There is no mandate for its introduction. There is no support for this creeping republicanism. Matters that the people of New South Wales want fixed by this Government do not get fixed, but agendas that people do not support get pushed down their throats.

The bill calls for the loyalty oath to become a pledge to the people of New South Wales. Will such a pledge enhance the loyalty of members of this Parliament to the people? I do not think so. If this Government wants to show loyalty to the people of New South Wales, it should demonstrate that by carrying out the election promises it made to the people of New South Wales, such as getting rid of waiting lists in public hospitals. Or the Government can fix the transport problems, solve the water shortage crisis, and start building the infrastructure that has been neglected for so long. That is how the Government can show loyalty to the people of New South Wales. Let us not pretend that this bill will be a big leap forward in demonstrating loyalty to the people of New South Wales.

This Government showed contempt for the people of this State by not making it clear prior to the last election that it intended to legislate for the proposals contained in the bill. After all, it is an important matter, as the initiator of this bill, Mr Paul Lynch in the other place, rightly pointed out. The present oath of loyalty is to the Queen of Australia. It was, after all, that great icon of the Labor Party, Gough Whitlam, who ensured that Queen Elizabeth II became, in law, the Queen of Australia. If the Government denies that this bill is further evidence of creeping republicanism, carried out without any reference to the people of New South Wales, and if the Government maintains that it is demonstrating loyalty to the people of New South Wales, why did it not present a bill providing for an oath of loyalty to both the Queen and the people of New South Wales?

If the Government were genuine, that is what it would do. However, this bill has nothing to do with loyalty to the people. But it has a lot to do with its republican agenda. I will vote against this bill because I believe in democracy. This bill is undemocratic because it has never been canvassed with the electorate. I am against this bill because it is part of a republicanism agenda that the people of New South Wales rejected when they voted no to Australia becoming a republic. And I am against this bill because in my maiden speech I undertook to stand for the tried and tested traditions of our society, and that is what I will do. This bill needs to be defeated.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.34 p.m.]: I support the Constitution Amendment (Pledge of Loyalty) Bill. It is an anomaly, and it struck me when I first came into this place, that I was pledging loyalty to Queen Elizabeth II. My loyalty is to the people of New South Wales; I believe that that is my task. There is a hereditary monarchy as far away across the world as it is possible to be, and that relates to our history. However, I believe it is now almost an embarrassing legacy. A distant hereditary monarchy cannot relate to what we are doing, and the aspirations of our two countries, while perhaps morally similar, are completely different in practice. It is an oddity that one should be asked to pledge loyalty to Queen Elizabeth II when one is actually working for the people of New South Wales half a world away.

I believe that the majority of Australians want Australia to become a republic. It was a piece of cunning by John Howard to combine two questions in one, in which the question of how a head of State would be elected was confused with the idea of whether Australia should become a republic. It was a double question. Of course, that split the opposition, some of whom favoured a republic but wanted a different method of selecting

the head of State. That has enabled John Howard—an archconservative who I believe has taken Australia back at least 50 years, and perhaps 100 years in some aspects—to delay progress towards Australia becoming a republic, an idea which has broad if laconic consensus amongst the Australian people. I believe that this bill needs to be supported. We should pledge realistic loyalty to the people of our State. We also have loyalty to our country but we are members of a State parliament and our primary focus is our State. Essentially, this legislation is an overdue and sensible step, and the Australian Democrats support it.

Reverend the Hon. Dr GORDON MOYES [4.37 p.m.]: I move:

That this debate be now adjourned until the next day on which General Business takes precedence after 21 April 2006.

That date is Her Majesty's 80th birthday. To be disputing this matter at the time of her birthday celebration would be misconstrued as a royal slap in the face.

The Hon. PETER PRIMROSE [4.38 p.m.]: I move:

That the question be amended by omitting the words "after 21 April 2006".

That amendment would have the effect of simply moving that this debate be adjourned, as happens to all other bills in this place, until the next sitting day on which Private Members' Business takes precedence.

Amendment agreed to.

Motion for the adjournment of debate as amended agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. David Oldfield agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 196 outside the Order of Precedence, relating to the death of Mr Kerry Packer, AC, be called on forthwith.

Order of Business

The Hon. DAVID OLDFIELD [4.43 p.m.]: I move:

That Private Members Business item No. 196 outside the Order of Precedence be called on forthwith.

Division called for.

The Hon. John Ryan: Point of order: Only one voice called for a division.

The DEPUTY-PRESIDENT (The Hon. Christine Robertson): Order! I heard two voices.

The Hon. John Ryan: I am sorry, there was one voice. Somebody added to it once it was pointed out there was only one voice. The only person who called for a division prior to you speaking was Mr Ian Cohen. I concede that the Hon. Dr Arthur Chesterfield-Evans added his voice to that after it had been pointed out to you that there had been one voice. I think it is appropriate that we abide by the procedure of the House. Honourable members have to indicate what they want first and not change their minds once it has been pointed out to you.

The DEPUTY-PRESIDENT (The Hon. Christine Robertson): Order! I thank the honourable member for his interpretation of the rules of the House. I heard two voices call for a division. When I asked I was advised that a division was to be called. Accordingly, the division will proceed.

The House divided.

Ayes, 25

Mr Breen
Ms Burnswoods
Mr Catanzariti
Mr Clarke
Mr Costa
Ms Cusack
Mr Donnelly
Mrs Forsythe
Miss Gardiner

Ms Griffin
Mr Lynn
Reverend Dr Moyes
Reverend Nile
Mr Oldfield
Mrs Pavey
Mr Pearce
Ms Robertson
Mr Roozendaal

Mr Ryan
Ms Sharpe
Mr Tsang
Mr West
Dr Wong
Tellers,
Mr Harwin
Mr Primrose

Noes, 4

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

Question resolved in the affirmative.

DEATH OF MR KERRY PACKER

The Hon. DAVID OLDFIELD [4.50 p.m.]: I move:

That this House:

- (a) expresses its profound sorrow and regret at the death on 26 December 2005 of Mr Kerry Francis Bullmore Packer, AC,
- (b) expresses its condolences to his widow, Mrs Roslyn Packer, their children, James and Gretel, and other members of the Packer family, and
- (c) acknowledges Mr Packer's enormous contribution to Australia and long-term benevolence to the Australian community.

Mr Kerry Francis Bullmore Packer was, by any reasonable measure, truly a great Australian. Deservedly so, there have been many fine words used to describe him by those who knew him best. Certainly, even after death, the memory of this giant of a man is held deeply by many Australians, whether they knew him personally or not. I join the many who did not know Kerry Packer personally, but through reading, seeing and hearing so much of him I feel a kind of sadness at his passing that I would normally reserve for a friend. The first time I might have met Kerry Packer was in the early 1960s when he dropped in on my parents at their home in suburban Balgowlah. I would have been far too young to understand just who it was who was visiting and certainly would not have appreciated that I would one day come to think so much of this man. Like many Australians, I am very picky about who I look up to but, outside members of the military, Kerry Packer is one of the very, very few people I admire.

I do not seek in this motion to make statements to compete with all the many positive statements that have been made by outstanding Australians about Kerry Packer's amazing contribution to Australia. Rather, I initiated this motion so this Parliament can respectfully add to what has already been said. The tributes broadcast through the media, including those so appropriately given by Prime Minister John Howard, Alan Jones, AO, John Singleton, AM, and other community icons were emotional and inspiring for millions of Australians watching and listening all around the country. Indeed, the eulogy given by James Packer at the State service, conducted at the Opera House on Friday 17 February, was a magnificent example of what every father would hope to hear from his son. I am sure when watching James Packer at that service I was not alone in being impressed at his capacity to so eloquently deliver his words despite the gamut of emotions he would have been experiencing.

We are all aware of Kerry Packer's enormous success. He was the driving force behind thousands of Australian jobs and, by all accounts, was tough but always fair. While it is understood he started with a large fortune, not without personal risk he carried that forward some seventy-fold to amass a financial empire without parallel in Australia's history. Kerry Packer did all this without giving rise to any apparent jealousy or disdain amongst average Aussies. Often, wealth and profile lead to those not so well off to have feelings of resentment. But this did not happen in the case of Kerry Packer. It is clear ordinary Australians embraced him and saw him as one of their own. No doubt, the way Mr Packer handled politicians was one of the reasons why he was so well liked by his fellow Australians. When Kerry Packer was asked at the 1991 Senate Fairfax inquiry to state his full name and the capacity in which he appeared he replied:

Kerry Francis Bullmore Packer. I appear here reluctantly.

At the same inquiry when unfairly and unjustifiably questioned about his contribution to tax, he responded:

Of course I am minimising my tax, and if anybody in this country doesn't minimise their tax they want their heads read, because as a government, I can tell you, you're not spending it that well that we should be donating extra.

Is there any everyday average Aussie who would not like Kerry Packer after statements like that? Are there any of us who enjoy paying tax? Are there any of us who do not feel we pay too much? Truly, in so much of what he said on so many occasions he accurately echoed the sentiments of the vast majority of his fellow Australians. A decade ago the late Paul Lineham took time to impress upon me that Kerry Packer was a strong nationalist. He said Mr Packer hated globalisation and that he genuinely felt very badly about Australians losing their jobs and was always looking for ways he could help his fellow countrymen. It is abundantly clear that Kerry Packer felt passionate about his country and its people and it is equally clear Australians identified and appreciated those feelings. Kerry Packer's generosity to individuals and benevolence to the community at large is the stuff of legend.

The Hon. Jan Burnswoods: It would have been more if he paid his taxes.

The Hon. DAVID OLDFIELD: Unfortunately I acknowledge the interjection of the Hon. Jan Burnswoods, who seems to have a concern with the tax that Mr Packer paid. Whatever level of tax Mr Packer paid, I have no doubt that he paid considerably more than the Hon. Jan Burnswoods has ever or will ever pay—one thousand fold. The Hon. Jan Burnswoods, who as far as I am aware has probably been a parasite on the taxpayers' purse her entire life, would know nothing about making a real dollar and paying real tax.

Much of what Kerry Packer gave will never be publicly known, as it is understood countless millions were donated anonymously to various sectors of the community. Certainly his substantial donation allowing all New South Wales ambulances to be equipped with defibrillators is well documented. Many Australians owe their lives to this selfless act, and to this day the defibrillators are affectionately known as "Packer whackers". At least one \$10 million donation is known to have gone to children's medical research in Sydney. Clearly, the health system of New South Wales is greatly indebted to Mr Packer, and in that we find yet another reason to honour his memory.

Throughout his life he was an accomplished sportsman who excelled in every sport he chose. His initiatives positively changed forever the face of sport and Australians' access to sport. Australians who love their sport and the many players he came into contact with and influenced owe him a great deal, and I am sure they acknowledge that. It seems where sport is concerned the one thing he was not afforded was the chance to represent Australia. We will always remember that when asked about this he remarked that he would have loved to represent his country "at anything—marbles".

Less than two years ago an out-of-the-blue opportunity arose for me to meet Kerry Packer, but at the time I felt the circumstances made that inappropriate. So I let that chance slip by with the idea in my head that there would be another time. I was wrong and will be forever sorry. I cannot help but think Kerry Packer's advice would have been, "Do it now, take the chance while you've got it." Alan Jones has told us Banjo Patterson was Kerry Packer's favourite poet. It was Alan who, in reference to Kerry Packer, quoted Banjo Patterson when he said:

A man who has done his best has done enough.

I suggest Kerry Packer arguably did more than us all, more than his share and more than enough. We will not, at least in our lifetime, see another Kerry Packer. Indeed, it is likely when Australia's final history is written there will have been no-one else like Kerry Packer. Australia is a lesser place without him.

The Hon. MELINDA PAVEY [4.58 p.m.]: I also acknowledge the contribution of Kerry Francis Bullmore Packer to Australia's way of life, in particular, the contribution he made to regional New South Wales and regional Australia. Stories abound within media circles of the generosity and the work of the Packer family. But the contribution that the Packer family has made to our rural communities through their many beef stations and cattle properties throughout New South Wales, the Northern Territory and Western Australia is considerable. In the short time I have available to me I would like to acknowledge the contribution that James Packer made at the memorial service at the Opera House. Funnily enough, some 20 minutes after I made my own preselection speech I watched the telecast from the Opera House, and it was amazing. On behalf of The Nationals, I acknowledge the contribution the Packer family has made to regional New South Wales, and particularly to the Scone area. The fact that he chose Scone as his resting place says much about the Packer family's and Kerry Francis Bullmore Packer's love of regional New South Wales.

The Hon. DAVID OLDFIELD [5.10 p.m.], in reply: I thank honourable members for their acknowledgement of the loss Australians have suffered at the passing of Kerry Francis Bullmore Packer.

Question—That the motion be agreed to—put.

The House divided.

[In division]

The Hon. Don Harwin: Point of order: I refer to Standing Order 113. There are two members sitting with the ayes who were in fact amongst those who voted with their voices "No", and called the division. I refer to the Hon. Henry Tsang, the Parliamentary Secretary—

The Hon. Michael Costa: He's not present. Who else?

The Hon. Don Harwin: The second member is the Hon. Jan Burnswoods.

The Hon. Michael Costa: She is not present either.

The PRESIDENT: Order! I remind members that they must vote in a division in accordance with their vote by voice.

The Hon. John Ryan: Point of order: In accordance with the standing orders it is not possible for members who call the division to then leave the Chamber and not vote at all. The standing orders clearly state that if members call a division, they must vote in accordance with their voice. They cannot abstain from voting. I argue that they have to vote. Notwithstanding the fact that the members are not present, their voices must be recorded with the noes. Further, Madam President, I presume that your earlier ruling does not force members to vote, but I remind you that two members called the division and forced all other members to vote. That being so, it is not possible for them to then leave the Chamber and not vote at all. The standing orders do not permit that opportunity.

The Hon. Christine Robertson: What standing order is that under?

The Hon. John Ryan: Standing Order 102. The standing order provides that honourable members must be recorded in accordance with the their vote by voice.

The PRESIDENT: Order! I direct the attention of members to Standing Order 113, which provides:

3. A member is not entitled to vote in a division unless the member is present in the chamber when the question is put with the doors locked.

At the time the question was put with the doors locked, the two members referred to were not in the Chamber so they are not able to vote.

The Hon. Don Harwin: Point of order: The Hon. Kay Griffin also said "No", and she is now seated with the ayes.

The PRESIDENT: Order! There is some doubt about that. However, I advise all members that they must vote in division in accordance with the way they expressed their vote by voice.

Ayes, 28

Mr Breen
Mr Catanzariti
Mr Clarke
Mr Costa
Mr Donnelly
Mrs Forsythe
Mr Gallacher
Miss Gardiner
Mr Gay
Ms Griffin

Mr Hatzistergos
Mr Kelly
Mr Lynn
Mr Macdonald
Reverend Dr Moyes
Reverend Nile
Mr Obeid
Mr Oldfield
Ms Parker
Mrs Pavey

Mr Pearce
Mr Primrose
Ms Robertson
Mr Roozendaal
Mr Ryan
Ms Sharpe
Tellers,
Ms Cusack
Mr Harwin

Noes, 4

Ms Hale
Ms Rhiannon
Tellers,
Mr Cohen
Dr Wong

Question resolved in the affirmative.

Motion agreed to.

SPECIAL ADJOURNMENT

Motion by the Hon. Tony Kelly agreed to:

That this House at its rising today do adjourn until Tuesday 7 March 2006 at 2.30 p.m.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [5.14 p.m.]: I move:

That this House do now adjourn.

OFFICE OF WOMEN

The Hon. CATHERINE CUSACK [5.15 p.m.]: Last Thursday, the Iemma Government released its long awaited Audit of Expenditure and Assets Report. Members may recall this report was commissioned by the Premier partly in order to pay for the Government's backflip on vendor tax. The report was promised for November but was not released until last Thursday 23 February. The audit examined New South Wales finances and found that over the past five years the Government's annual revenues increased by \$2 billion but spending is up \$2.4 billion. In other words, we are spending \$400 million too much and we have to cut back. A key recommendation to do this is to "re-engineer" vast slabs of the Government by reducing the number of agencies.

The Office of Women is one of the agencies targeted for "re-engineering". The Women's portfolio has, of course, always been a central agency with responsibility for advocating whole-of- Government improvements for women. In the 2005 budget papers its "strategic direction" was said to be:

improving the economic and social well-being of women in New South Wales through partnerships with the New South Wales government agencies, the community and private sectors, and other levels of Government.

So last Thursday when the audit was released I naturally searched for the Office of Women under the list of "Central Agencies" on page 38 of the audit report. Sadly, that search was in vain. Eventually, I found the office on page 35 under the heading "Community Development". It was listed with agencies such as the Casino Community Benefit Fund and the rates rebates agency for the Pensioners Division of the Department of Local Government. So what will this new community development agency do? The audit provides the following:

The criteria identified a group with the shared objective of providing assistance to communities and disadvantaged groups. This group would build on the Government's initiative in July 2004 to establish the Communities Division of the Department of Community Services. This aimed to improve planning, integration and delivery of the Government's community development efforts... this group should include responsibility for administering community grants. Similarly responsibility for pensioner concessions could be centralised into this agency.

So there we have it: the Office of Women is no longer a highly placed part of a central agency—the Premier's Department—overseeing whole-of-government initiatives, it is to be toppled into a community development agency that looks after grants and concessions. Ironically, the Department of Women had a million dollar innovative grants program, but Labor axed that two years ago and all the department can do now is allocate a few grants of up to \$200 to help local councils promote International Women's Day. That is hardly a level of community development that will change the world for women!

On the other hand, we have all the whole-of-government policy and strategic roles that for three decades have been the hallmarks of women's policy in this State. All those functions were cancelled at the stroke of an, obviously male, auditor's pen. This news further confirms what a long, slow, cruel death the status

of women has suffered under this Government. Two years ago it was an independent department, with its own offices, annual report and chief executive officer [CEO], a \$6 million budget and 48 staff managing policy and interactive information services. Then, in January 2004, its CEO, Robyn Henderson, was famously sacked by Minister Sandra Nori simply because the Minister did not like her.

In April 2004 the Government disbanded the Department of Women and emptied one part of it into Treasury savings and the other part into a new "office". The Minister for Women, Sandra Nori, explained the move of the new office to the Premier's Department in a media release, which I thought had the rather amusing heading, "Women Forge Ahead in NSW". The Minister said:

I'm very positive about the Department's move to be part of a larger agency. It will give it greater influence among other Departments and provide synergies that are currently not available to the Department as a stand alone agency.

That "Women Forge Ahead" media release failed to mention that the office's budget had been slashed from \$6 million to \$2.2 million and its staff reduced from 48 to 14. Now, of course, every positive word the Minister said has been rendered mute by the announcement in the audit last week. In 2005 the office suffered the ultimate indignity with the appointment of a man as acting head of the office. That decision, of course, was vigorously defended by Minister Sandra Nori. The one thing the office had left was its status as a central agency located in the Premier's Department, but now even this will be stripped from it. The point of the audit is to identify \$400 million of savings. So it appears the poor old Office of Women is to be restructured and amalgamated yet again, in order to save money. But just what savings are left in that organisation to be achieved? The Office of Women has now only 14 positions out of a total of 360,880 New South Wales Government workforce positions. That is four-thousandths of 1 per cent of the workforce. Its budget is an even lesser proportion. It is hardly a fruitful area for government savings. Next Wednesday 8 March is International Women's Day.

I have examined the Minister's record over the past 12 months by reviewing her media releases; it is, in effect, her own report on her activities and performances. In the past 12 months there have been 12 media releases. One praised the Country Women's Association, one promoted an anti-violence message during Domestic Violence Week, five were on sport, including girls in rugby league, a scholarship for a girl to work in the pits during a motor race, praise for sportswomen, and an appeal for women to become involved in changing sports culture. I thought that one was a bit rich, coming from a Minister who managed to get herself banned from a VIP box at the football due to her foul language and poor behaviour. Then, of course, there were the usual four releases attacking the Federal Government. There you have the outcomes and achievements of another year of Minister Nori as Minister for Women. That is all she has done.

The Hon. Ian West: Point of order. If a member is going to slander a member of this House or the other House it should be by way of substantive motion.

The PRESIDENT: Order! I remind the member that criticism of a member of the other House must be by substantive motion.

The Hon. CATHERINE CUSACK: Another year and look at what has become of the Office of Women.

ABORTIFACIENT RU486

Reverend the Hon. FRED NILE [5.20 p.m.]: I wish to speak about the RU486 abortion drug. Federally, the Senate and the House of Representatives finally voted to refer RU486 to the Therapeutic Goods Administration. I join with many members who are very concerned that the majority of members of the Senate and the House of Representatives voted for the bill. Twenty-four women in the Senate voted for the bill, I understand, and in the House of Representatives 95 members, including women, voted for it. I believe they ignored the health dangers for pregnant women and the fatal consequences for the unborn child from the use of that abortion pill. Many of us are very concerned about the serious nature of this issue. As a result of the vote in the House of Representatives it was reported in the *Age* on 17 February that after the battle the winning women drank a toast. The *Age* reported:

With a clink of champagne flutes, the female politicians who campaigned to give Australian women access to the abortion pill toasted their victory yesterday. But even in the historic moment, they were nervous about appearances—too much joy on the touchy topic of abortion could be misconstrued. Yet despite attempts to keep the tone low-key, they were clearly elated.

I find it offensive that female members should be celebrating with champagne the passing of the bill dealing with the RU486 abortion drug, especially when we have reports that Canada has stopped a trial of RU486 and has not licensed it, and when many countries are having second thoughts about it as a result of the deaths of women who have used it. I know that people who support the drug say it is being used in many countries and that many millions of women are using it, but we do not know from the reports the accurate number of women who have died. We know a number have died, but I believe it would be far greater if doctors related haemorrhaging or bleeding and death to the use of the pill. If they do not, it just becomes a medical report.

I still believe that many members of Parliament do not understand how RU486 works. It involves two drugs: mifepristone, which kills the unborn child, no matter how old it is up to nine weeks, and misoprostol, which is taken a few days later and causes the uterus to contract and expel the dead baby. I use the word "baby", although I know others use the word "foetus". It is amazing that even the chairman of the company that developed and manufactured RU486, Mr Edouard Sakiz, admitted:

The RU486 is not easy to use—a woman who wants to end her pregnancy has to live with her abortion for at least a week after using this technique. It's an appalling psychological ordeal.

That is not a quote from a pro-lifer, it is a quote from the people who make the drug. We should not underestimate the threat to the health of pregnant women. The concern I have is that referring this drug to the Therapeutic Goods Administration is inconsistent. Therapeutic treatment is based on the concept of healing and no-one pretends that RU486 has anything to do with healing. When a pregnant woman takes RU486 for the purpose of inducing an abortion, the drug is not being used to cure or to treat an illness. In fact it is not addressing any medical ailment at all, because pregnancy is not a disease. Therefore the Therapeutic Goods Administration has no role in determining whether the drug can be made available in New South Wales or elsewhere in Australia. It is not addressing any medical ailment. In this context, RU486 is not therapeutic in nature, and it therefore warrants special attention before it is made readily available.

That is why the release of the drug was in the hands of the Minister for Health. Forgetting who he was or what his religious beliefs might be—we know Mr Abbott is a Catholic—there is a principle that such a sensitive drug should be in the hands of the Minister for Health. The Therapeutic Goods Administration has no role in dealing with this drug. I urge people to write to the Chairman of the Therapeutic Goods Administration, PO Box 100, Woden, ACT, 2606, urging them not to release the pill. [*Time expired.*]

HONOURABLE MEMBER FOR MONARO ELECTORATE PERFORMANCE

The Hon. CHRISTINE ROBERTSON [5.25 p.m.]: Earlier this week I condemned The Nationals for constantly selling out the country and I noted the great work that Country Labor does in delivering for the people of country and regional New South Wales. The response of The Nationals does not stand up for the country; instead, they have continuously attacked the hard-working member for Monaro. The thing I like about Steve Whan, the Country Labor MP for Monaro, is that he delivers for his electorate. The Nationals can carry on all they like in this place or out in the media, but there is no escaping the facts. Steve Whan has delivered more for his Monaro electorate in the past three years than any member of the National Party did in the preceding 15 years. That is a fact.

Take the Queanbeyan ambulance station. The Nationals spent years talking about the need to build one. The then National Party member is reported in *Hansard* as talking about the need for a Queanbeyan ambulance station when the Coalition was in government. What happened? Nothing ever happened! The National Party was never able to deliver!

Steve Whan comes along, recognises the importance of and the need for a new ambulance station in Queanbeyan, and gets it built. He delivers. What about building the new Jindabyne Public School? Steve tells me that years 7 and 8 started at that school this year. He is delivering. What did The Nationals ever do? Nothing! When \$1.7 million was allocated to upgrade Cooma North Public School and \$4 million to upgrade Cooma TAFE, where were The Nationals? A new public school has been delivered in Jerrabomberra and is open for students. Where were The Nationals? Steve Whan delivered the duplication of Tomsitt Drive in Jerrabomberra and extra overtaking lanes on the Monaro Highway, but where were The Nationals? I might just add that the joint programs between the Federal and State governments in the country have been incredibly important and they have delivered results because this State Government negotiates and works with the Federal Government.

Millions of dollars have been spent on infrastructure in Monaro, and scores of new commitments have been made to the people of that electorate because, for the first time in years, they have a local member working for them—not a member of The Nationals, who is big on talk but does not deliver, but rather a Country Labor

member who is working hard for the people of Monaro. Which leads me to my next question, and perhaps some members of The Nationals sitting opposite can assist me with the answer. Where is The Nationals' candidate for Monaro? I do not get a vote in The Nationals' local preselection, which is probably a good idea, and I am not on that party's selection committee, but I have heard from more than one reliable source that The Nationals have indeed chosen a candidate for Monaro, and apparently did so weeks ago.

So where is The Nationals' candidate for Monaro? The Hon. Melinda Pavey always has a bit to say in this place about Monaro. She always enjoys a little grandstanding, but she lives on the North Coast and would not know the difference between Thredbo and Bredbo, or between Braidwood and Berridale. I ask again: Where is The Nationals' candidate for Monaro? The only reason I have been given for the secrecy is that the candidate, the person The Nationals have selected to represent them and aspires to represent the Monaro community, does not even live in the electorate! That is what I have heard: that The Nationals' selected candidate for Monaro does not even live in the electorate. I could be wrong on that, and I invite The Nationals to correct me if I am. But it is all starting to make sense, is it not?

The Nationals do not want to tell the public yet because they first have to teach the candidate about the Monaro community. They have to introduce the candidate to the people and to the areas that he or she will attempt to represent. The Nationals will have to get out a map and say, "Now, here is Queanbeyan and here is Cooma, and this little town over here is called Dalgety. This big road for which Steve Whan got a lot of funding is called the Monaro Highway." I hope I am wrong, but I fear that I am not. If The Nationals have indeed selected a candidate for Monaro I call on them to immediately reveal his or her identity. Reveal to us the phantom Nationals candidate for Monaro. Get the candidate out in the community and introduce him or her—if the candidate does indeed live in the Monaro electorate! It is little wonder that Peter Debnam has committed to running Liberal Party candidates in all seats, because it seems The Nationals are taking regions such as Monaro for granted and will not even reveal the identity of its candidates.

UNITED STATES OF AMERICA PRESIDENTIAL PRAYER BREAKFAST

Reverend the Hon. Dr GORDON MOYES [5.30 p.m.]: Earlier this month I arrived back from the United States of America. I had travelled there at my own expense to give my annual lectures to students in urban missions and I took the opportunity, having been there for the past 18 years, to go on to Washington, DC to attend the annual Presidential Prayer Breakfast. For the past three years I have arranged the New South Wales Parliamentary Christian Fellowship Prayer Luncheon. With the help of some very good staff, about 300 Christian leaders and business people attend the luncheon in the Strangers Dining Room. I wanted to see what I could learn from the mother of all prayer breakfasts.

The prayer breakfast movement began in the war year of 1942 in the United States of America Senate. Today, parliaments in 142 countries have weekly prayer meetings and annual prayer breakfasts. In Australia we have prayer meetings in all State parliaments and in Federal Parliament. Reverend the Hon. Fred Nile has been the moving spirit behind the weekly prayer meetings and annual breakfast in New South Wales. This month more than 3,000 Christian politicians and church leaders from 160 countries attended. We stayed in the immense Washington Hilton Hotel. In attendance were many international political leaders, such as the President of Malawi, the King of Jordan, the President of Afghanistan, the Prime Minister of Norway, Prime Ministers, former Prime Ministers, presidents, governors, senators, congressmen, Supreme Court judges, and leaders of countries large and small.

Many of them gave impressive prayers, such as Mrs Benazir Bhutto, the former Prime Minister of Pakistan, who had twice been overthrown by her army. Her husband was present, having just been released from gaol after 14 years detention as a political prisoner. I was impressed by a judge from Colombia, who had been imprisoning drug cartel leaders and had survived three massive assassination attempts on his life in the past three months. He spoke and prayed in the groups that I attended. Around the prayer breakfast there were three days of meetings in small groups. We discussed how we could legislate for a more just and Godly society, and leading issues relating to drugs, prison reform and the treatment of people with AIDS.

At a dinner for all parliamentarians I had the privilege of speaking and praying for all present. I also had lunch in the American Senate Dining Room with some of the Senators and a visit to the House of Representatives, where, the night before, the President had delivered his State of the Union Address. The Presidential Prayer Breakfast was a magnificent event. There were 3,300 in the International Ballroom and an additional 1,400 in the room beneath. Security for those events was unbelievable, especially with the President present. Honourable members might remember that it was at the door of his hotel that President Reagan was shot.

There was good music, meaningful testimonies and prayers. President George W. Bush, who was present with his wife, spoke of his faith in a down-to-earth Texan fashion. But the highlight was the main speaker, the U2 rock star Bono, who had been named *TIME* magazine Person of the Year for his great work in raising money to help halt Africa's epidemics and helping to relieve poverty in that great continent. He challenged every country to give 1 per cent of its gross national product to aid Africa. He spoke very bluntly to the President and challenged the Americans to lift their level of aid to overseas countries.

I felt very proud that we in Australia, following the tsunami and the lead of countries on issues of poverty, had lifted our level of gross national giving to overseas countries. It meant a great deal to me personally because in the late 1960s I helped lead a movement among churches to seek to convince governments to give 1 per cent of our gross national product to aid other countries and the alleviation of poverty. I gained many insights into improving our prayer work here and the support of members of all parties and of both Houses of this Parliament in the work we do representing the people who elect us.

GAY AND LESBIAN MARDI GRAS

The Hon. PENNY SHARPE [5.35 p.m.]: I wish to bring to the attention of the House the fact that this weekend will see one of the biggest civil rights parades in the world being held on the streets of Sydney. The twenty-eighth annual Sydney Gay and Lesbian Mardi Gras Parade this Saturday night will feature more than 6,000 participants, 1,000 volunteers and hundreds of thousands of spectators. The parade is the culmination of a month-long festival that has included over 100 events—film, art, music, debates, forums, fairs, picnics and protests. By the end of the weekend, 100,000 people will have attended one or more of the mardi gras events.

The mardi gras has brought 6,000 visitors from interstate and overseas for the festival. As these visitors pack into hotels, restaurants and bars, they have contributed \$46 million to the New South Wales economy. For the gay, lesbian, transgender, bisexual and intersex [GLBTI] communities of New South Wales, Mardi Gras provides one month a year of high visibility. In 1978 the gay and lesbian community forced Sydney and New South Wales to confront homophobia in our society. In 1978 the gay and lesbian community stood up and demanded a fair go. The festival and the parade are a tradition, a celebration and a protest rolled into one. It is the diversity, the visibility and the acceptance that allows the GLBTI communities to come together and celebrate the gains that have been made, and reflect on how far there still is to go.

In the last decade there has been real and important progress in gay and lesbian law reform. I am proud to be part of a Labor Government that, in the last 11 years, has eliminated discrimination in more than 40 pieces of legislation to ensure that gay men and lesbians have the same legal rights as heterosexual de facto couples under New South Wales laws; amended the Anti-Discrimination Act to provide protection for transgender people; equalised the age of consent for young men; established gay and lesbian liaison officers in local area commands; and funded gay, lesbian and transgender housing services, to name just a few of the initiatives.

I also acknowledge the individuals in other political parties who have supported these initiatives. I contrast this with the inaction of the Howard Government. In 10 long years the Federal Coalition's greatest contribution to gay and lesbian law reform has meant the inclusion of same-sex couples in terrorism legislation. I would like to draw the attention of the House the important role Mardi Gras plays in the lives of individuals. For some, mardi gras signals the start of a new life.

Mardi Gras is often the catalyst for those individuals who are on the cusp of the realisation they are gay. For kids in country towns or deep in the suburbs, and for those who will suffer violence, family breakdown and homelessness as a result of coming to that realisation, Mardi Gras matters. Mardi Gras allows individuals who suffer as a result of homophobia to contemplate that it is possible to find a community that will accept them. Finally, I acknowledge and congratulate the board members and volunteers of Mardi Gras for the 2006 season. They put in many, many unpaid hours to bring the festival together. I am sure honourable members of this House wish them well for a successful and, hopefully, rain-free parade this Saturday.

WESTERN SYDNEY HEALTH SERVICES

The Hon. DAVID CLARKE [5.40 p.m.]: When this Labor Government meets its Waterloo at the hands of the people of New South Wales on 24 March 2007 no part of New South Wales will be rejoicing more than the people of Western Sydney, and especially the people of Penrith. It is true that virtually all sections of the New South Wales electorate are suffering as a result of years of Labor misrule, and it is true that there has been an abundance of breakdowns of basic services and a failure to provide appropriate infrastructure. So, while there is enough for everyone in New South Wales to cop a share, it is also true to say that the people of Western

Sydney have been amongst the biggest losers as a result of Labor's incompetence, inefficiency, chaos and corruption.

The people of Western Sydney have been particularly hard-hit by the State Government's failure to provide even the most basic of health services, despite the Government's repeated promises to fix the mess. Nepean Hospital is a good example of what I am talking about, with delays in providing medical treatment now reaching chronic proportions. As a result of the Labor Government's inaction, local diabetic children previously receiving treatment at Nepean Hospital are now being sent all the way to the children's hospital at Westmead. What a disgrace that is! Even our children are not exempt from being victims of this Government.

So bad has the situation become that the Labor member for Penrith, Karyn Paluzzano, clearly as a result of frustration and despair, recently signed a petition, together with 700 affected families, calling upon her own Government to investigate the delays and urging the Government to increase service and staffing levels at the hospital. She is quoted in the local media as saying:

I am very disappointed that some nine months after the issue was raised with Nepean hospital nothing has been done to address the situation.

The uncertainty surrounding services at Nepean hospital is causing great stress to the families that rely on having timely access to medical services in the case of an emergency.

So much for the solemn undertakings by the former Minister for Health, Andrew Refshauge, and other Ministers to end waiting lists in public hospitals. No wonder he bailed out of Parliament when he did. At least he will not have to face the verdict of the people of New South Wales at the next election. But let us be very clear: It is not only diabetic children who are suffering because of what the Labor member for Penrith calls "the uncertainty surrounding services at Nepean Hospital". The entire community suffers. In recent days there has been local media coverage of the case of one patient who has been waiting for three years to undergo a relatively straightforward, uncomplicated shoulder operation at Nepean Hospital. His clearly frustrated and exasperated surgeon, Dr Sorial, complained to the media:

He could have been seen earlier if they gave us more theatre time.

He went on to say that he and other surgeons:

had been asking Sydney West Area Health Service for more theatre time to do more operations for two years to no avail... If funding was provided we'd be more than happy to do more operations... We're being blocked at every turn.

Surgeons have expressed anger at the State Government having the nerve, cheek and gall to try to pass the buck and blame the doctors for the waiting lists by alleging that the Royal Australasian College of Surgeons was not training enough new doctors. I have never heard such rubbish in my life. Occasionally the Government will, with great deviousness, switch direction and insist that waiting lists are falling and are well within acceptable limits. Who does the Government think it is kidding? It may say one thing but the lengthening queues of those waiting for treatment in public hospitals show that the truth is something else. What an outrageous, but entirely predictable, cop-out from this Government. That is the Government's modus operandi: blame someone else for problems it has created. Who is responsible for the staggering rises in waiting lists for public hospitals—waiting lists that former health Minister Refshauge swore to get rid of? It is the doctors, says the Government!

Who is responsible for the water shortage crisis that hangs like a guillotine over the heads of each and every one of us? According to the Government, it is not its fault; it is the fault of changing and unpredictable weather patterns! When it comes to the myriad of other catastrophes that the Government has created for the people of New South Wales, the Government has a new one-size-fits-all standard answer: "It's all the fault of the Federal Government." Increasing crime and insufficient police numbers, the poor economic indicators for New South Wales, the lowest of any State in the Commonwealth, the breakdown of transport infrastructure—whatever it is, it is the fault of the Federal Government.

As the Government's desperation grows, that line is being peddled with increasing frequency by the Hon. Michael Costa, the latest member of the Government to stick his head up as Treasurer. All the outpouring of spin, hype and gloss by this Government will not save it from the verdict of the people on 24 March 2007, because on that date the people of New South Wales will elect a government of integrity, honesty and capability, and on that day the people will elect a Liberal-Nationals Coalition government, a government led by Peter Debnam.

Motion agreed to.

The House adjourned at 5.45 p.m. until Tuesday 7 March 2006 at 2.30 p.m.
