LEGISLATIVE COUNCIL

Thursday 6 April 2006

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

The Clerk of the Parliaments offered the Prayers.

FISHERIES MANAGEMENT AMENDMENT BILL

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL

Bills received.

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

Motion by the Hon. John Della Bosca agreed to:

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

Bills read a first time and ordered to be printed.

BUSINESS OF THE HOUSE

Routine of Business

[*During tabling of papers.*]

The Hon. Christine Robertson: Point of order: I apologise as I do not remember which standing order this comes under, but a member of this House is displaying a political slogan.

The PRESIDENT: Order! There have been numerous rulings in this House that badges, signs or displays worn by members must not be larger than their Legislative Council members' badge. I ask the member to remove herself from the Chamber until she can comply with these rulings.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Hon. Peter Primrose, on behalf of the Chair, tabled report No. 6/53, entitled "Quarterly Examination of the Inspector of the Independent Commission Against Corruption, October-December 2005: Incorporating edited transcripts of evidence", dated March 2006.

Ordered to be printed.

PETITIONS

Same-sex Marriage Legislation

Petition opposing any legislative changes that would violate the basic principles of marriage, and opposing same-sex marriage legislation, received from **Reverend the Hon. Fred Nile**.

Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation and the introduction of heavy penalties that will prevent religious groups from speaking frankly and openly for fear of allegations of vilification, received from **Reverend the Hon. Fred Nile**.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 7 in the Order of Precedence postponed on motion by the Hon. Don Harwin, on behalf of the Hon. Charlie Lynn.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

The Hon. PETER BREEN [11.09 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 182 outside the Order of Precedence, relating to Rozanne Catt, be called on forthwith.

I indicate to the House that it is my intention simply to move the motion and then to adjourn it to the next sitting day.

Motion agreed to.

Order of Business

Motion by the Hon. Peter Breen agreed to:

That Private Members' Business item No. 182 outside the Order of Precedence be called on forthwith.

MS ROSEANNE CATT

The Hon. PETER BREEN [11.09 a.m.]: I move:

That this House:

(a) notes with grave concern the suffering and humiliation experienced by Roseanne Catt as a result of false convictions on the following charges:

  (i) maliciously wounding her husband Barry Catt on 2 May 1988,

  (ii) committing perjury at Taree Local Court on 3 July 1989,

  (iii) attempting to cause Barry Catt to take a noxious thing with intent to injure him between May and July 1989,

  (iv) soliciting James Morris to murder Barry Catt on 28 July 1989,

  (v) soliciting Vernon Taylor to murder Barry Catt between 15 July and 16 August 1989,

  (vi) possessing an unlicensed pistol on 24 August 1989,

(b) notes that on 17 August 2005 the Court of Criminal Appeal acquitted Roseanne Catt or quashed her convictions for each of these charges,

(c) notes that the Attorney General granted Roseanne Catt an appeal on 24 July 2001,

(d) notes that on 27 October 2004 the Court of Criminal Appeal reserved its decision and adjourned for 10 months only because the Crown threatened a retrial if the convictions were quashed,

(e) calls on the Government to offer a public apology to Roseanne Catt for the suffering and humiliation she has endured for the past 17 years,

(f) calls on the Government to make an ex-gratia payment to Roseanne Catt,

(g) calls on the Attorney General to instigate an investigation into allegations of conspiracy, perjury and contempt of Court by Barry Catt, Adrian Newell and former Sergeant Peter Thomas, in relation to their evidence in the matter of Regina V Roseanne Catt, and

(h) calls on the Attorney General to instigate an investigation into allegations that Barry Catt and Adrian Newell fraudulently obtained victims compensation funds, which could not have been obtained but for their role in securing the false convictions of Roseanne Catt.

The motion calls on the House to note with grave concern the suffering and humiliation experienced by Roseanne Catt as a result of her false conviction on a number of charges, which are listed in the motion. Five of those charges have been quashed and she was acquitted on two other charges. The motion also seeks from the Attorney General an ex-gratia payment to Roseanne Catt for the suffering that she has endured.

In 1991 Roseanne Catt was convicted of poisoning her husband, conspiring to murder him, bashing him with a 5.5-kilogram rock and stabbing him with a knife. Roseanne served 10 years of a 12-year sentence before she was released after new evidence came to light that proved she was framed by a rogue detective, Peter Thomas, and her former husband, Barry Catt. In 2004 a judicial inquiry ordered by the New South Wales Court of Criminal Appeal supported what Roseanne had been saying all along: she was the victim of a malicious conspiracy. Addressing the jury in the case against Roseanne, the trial judge said:

> Either, according to the Crown case, Roseanne Catt is an evil, manipulative woman, or, on the other hand, she is the victim of a monstrous conspiracy.

After 10 years in gaol, Roseanne has been able to prove that the jury got it wrong and she was indeed the victim of a monstrous conspiracy. The architect of that conspiracy was former detective Peter Thomas, who moonlighted as an investigator for insurance companies. Mr Thomas received a substantial fee for negating insurance claims. Roseanne Catt appeared on Detective Thomas's radar when her shop at Taree burned down. Detective Thomas falsely accused Roseanne of causing the fire. He charged her with arson and the case was no-billed. Roseanne then complained to internal security about Detective Thomas. As a result, Thomas was transferred and demoted. That was when Roseanne's troubles really began, culminating in her false imprisonment for 10 years on the trumped-up charges listed in the motion before the House.

On the day before he arrested Roseanne, Peter Thomas interviewed Marie Whalan, and her evidence—which is set out in Roseanne's book, *Ten Years*—exemplifies how justice was perverted in this case. Roseanne's book reveals the terrible perversion of the justice system that this case represents. Three weeks ago Sister Claudette Palmer came to my office and we prepared a petition for Roseanne. In the rush to prepare it we included a provision seeking an ex-gratia payment from the Attorney General. In the circumstances, I am not able to lodge the petition in the normal way but I seek the leave of the House to table 1,850 petitions that have been collected in the past three weeks.

Leave granted.

Documents tabled.

Some honourable members have raised concerns about an outstanding matter in the Taree court concerning Barry Catt. I put on record that that matter does not relate to Roseanne Catt but to another woman who has received a verdict in the lower court. There is an appeal pending, which I understand is listed in the Taree court for tomorrow. Nothing in what I have said today will in any way prejudice those proceedings, which have no connection with Roseanne Catt.

There is no system in place in Australia for testing unsatisfactory verdicts. In the United Kingdom the Criminal Cases Review Commission has discovered in the five years that it has been established about 160 unsafe convictions—people who were wrongly convicted on false evidence or on misguided or mistaken evidence. In the United States of America in excess of 150 people who had been in gaol—many of them on death row—were found to be innocent. Processes in place in the United States—there are various innocence projects, for example—offer means of testing unsafe convictions. We do not have the benefit of such systems in New South Wales, or in Australia as a whole. The only attempt we have made to establish such a process was the Innocence Panel, which got up and fell down in a quickstep in 2004. This case demonstrates the unsatisfactory nature of the current judicial system when it comes to testing false convictions. I ask honourable members to consider the issues involved very carefully so that when the matter comes before the House again we can have a substantial and informed debate about this important injustice.

Debate adjourned on motion by the Hon. Peter Breen.

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. 184 outside the Order of Precedence, relating to International Women's Day, be called on forthwith.

Order of Business

Motion by the Hon. David Oldfield agreed to:

That Private Members' Business item No. 184 outside the Order of Precedence be called on forthwith.

INTERNATIONAL WOMEN'S DAY

The Hon. DAVID OLDFIELD [11.16 a.m.]: I move:

That this House:

(a) commemorates International Women's Day as an important day of recognition of achievements made in relation to the successful pursuit of equality between men and women,

(b) congratulates women everywhere whose struggle for equality has been successful,

(c) encourages those women who have not yet succeeded in their struggle for equality,

(d) encourages both genders to acknowledge and include the equal contribution available to society through women,

(e) condemns those groups with practices such as female genital mutilation and other acts of barbarity involved in their subjugation of women,

(f) condemns and rejects any proposal for the introduction into Australia of any regime which subordinates women to men, and

(g) calls upon the New South Wales and Federal Governments to stand resolute against proposals to allow any groups a legal system or otherwise that in any way denies women's full equality with men.

It has always been appropriate for us to acknowledge and commemorate significant, positive changes in society. Without question, among the most important of such changes are the greater opportunities for women to participate equally in all aspects of life. There was a time when women were lucky if they were treated as well as second-class citizens. Yet many young people today would have little or no idea of how far women have had to come in their fight even to approach equal status with men.

In the scheme of things, it was not that long ago that women did not have the right to vote and were considered little more than cooks, cleaners and breeders. In many societies women were more like tradeable commodities than human beings, and it should not be forgotten by any of us that such outrageous practices are still in vogue in many backward places around the world. There are of course many who are not yet content with the status of women in Australian society, but I do not seek to argue that matter. I expect that this debate will provide an opportunity for such views to be expressed competently. Equally, I expect that in the matter and history of the struggle for gender equality much will be said in this debate by people more qualified than I.

The motion lists seven specific points for this House to consider. The first is a straightforward statement highlighting and commemorating International Women's Day as a day to recognise achievements. The second point seeks to congratulate women who have been successful in struggling for equality while the third encourages those who have not yet succeeded. The fourth point encourages people to take advantage of the tremendous value available to society in embracing the diverse contributions of women. The fifth point of the motion recognises that even now in the twenty-first century there are ugly barbaric acts perpetrated against women and that we should condemn, and condemn those responsible for such behaviour.

The sixth point highlights the need for us to be ever watchful for those who, through culture or otherwise, attempt to introduce to Australia any regime that has the consequences of subordinating women to men. The seventh and final point makes clear the expectation that our various levels of government must always absolutely reject any system, legal or otherwise, that would result in any denial of women's rights to equal status with men. Recently in the *Manly Daily* there was an excellent article by Sue Hoban which asked the question, "Has feminism passed its use by date?" The article contained diverse views, including suggestions that women are becoming less and less interested in the feminist approach to fighting for rights. The article noted:

> Anecdotal evidence suggests the next generation coming after today's mums are even less attuned to feminism.

But that was not a concern for Jenny Forster, Executive Member of the Women's Electoral Lobby, who very intelligently stated:

> It doesn't concern me at all that the majority of young women don't find feminism relevant because I think that's just a part of being young. A lot of young women even in my generation weren't politically engaged when they were young. It was something that came to us later.

As noted by the *Manly Daily*, Jenny Forster is:

> … equally unfazed that more women now are choosing to reject their mother's struggle to 'have it all', instead opting out of careers in favour of child rearing and domesticity.

Indeed, in the article, Jenny Forster upheld that decision and said:

> Good luck to them, that's a choice they are able to make, but what they perhaps don't realise is that their mothers and grandmothers didn't have that choice. There are more women at university now than ever, more women have careers and money and mobile phones and cars than ever before. The choices are there for them.

While I expect there are those in the feminist movement who would be unhappy with Jenny Forster's comments, and indeed unhappy with women who choose what was once considered a traditional role, I very much appreciate the view expressed by Jenny Forster, and believe her remarks to be important in looking at the expectations of women in our society. History is filled with examples of strong women who, regardless of living in a male-dominated society, managed to create opportunities for themselves and be very successful. Such women have been scientists, doctors, business leaders, politicians, rulers and even warriors. It is certainly true that women, as a group, have been expected to fulfil specific roles in society, but then, in fairness, the same thing can be said about men.

It is necessary for me to note that, regardless of the lack of opportunity and choice extended to women as a group, throughout history there have been individual women whose outstanding success and contribution was never retarded by their apparently male-dominated surroundings. Many—me included—consider it a fact that women's affirmative action has elevated some individuals to positions well beyond their level of talent, but of course there are plenty of men who have climbed to lofty positions through little more than an effective use of the boys club, so perhaps in that respect affirmative action has simply balanced out the wrong result for both genders.

There are a couple of examples personally well known to me that are not typical of their era and I will record them here. The first is the story of a lady to whom I am very close but who I know would rather remain anonymous. Just after World War II this lady, who was 24 at the time, quite rightfully divorced her abusive alcoholic husband. In the 1940s just divorcing your husband was in itself very much looked down on, but couple that with the lady in question having two children under three, and telling the judge at the divorce proceedings that she wanted nothing from her husband, money included—no husband, no child support, no alimony, and I reiterate, it was the 1940s. This young but outstanding and strong-willed lady managed to convince a bank to lend her £500 to start a business. This was essentially unheard of. Banks in those days did not lend money to women, let along single mothers.

The complete story is too long to repeat, but suffice to say this lady was successful both in business and in raising her children. Indeed, she married again some 10 years later, raised another family and is now close to celebrating the fiftieth anniversary of her second marriage. I put forward that short story with the permission of the person concerned and I was correct in my assumption she wished to remain anonymous. As it is interesting to note that even today, I believe wrongfully, she still holds some embarrassment about the fact that she was once divorced. That is unfortunate but perhaps it says something about the form of standards that were imposed on people at the time. In saying that I also acknowledge that unfortunately divorce is something too easily chosen and should be thought of much more seriously before being engaged in.

The 1940s were not exactly a time when women's choices were easy, but they were certainly not times bereft of women who made choices and succeeded. In that story I used the term "lady", as opposed to "woman". I feel some explanation is appropriate as I do not understand the desire to be referred to as a woman rather than a lady. The person to whom I just referred would choose the term "lady" for herself and would hope others would also, and hence it is appropriate for me to refer to her in that manner.

The Hon. Catherine Cusack: That's because you're a man.

The Hon. DAVID OLDFIELD: I note the interjection of the Hon. Patricia Forsythe. I am sorry, it is the Hon. Catherine Cusack. She often says things that I would expect to hear from the Hon. Patricia Forsythe. Yes, it is probably because I am a man. I acknowledge that as a man I do not understand many things about

women, and this is one of them. Hence I have entered into the debate because I am not concerned with the possibility of bringing something into a debate that I do not understand. I do not think one can only include matters of fact or one's strong opinion in debates or speeches but one can also include questions one has. In fact, I think it is more than appropriate to do so.

I reiterate, the person to whom I just referred would choose the term "lady" for herself and would hope others would also. Hence, it is appropriate for me to refer to her in that manner. I am especially reminded of a conversation I once had with a female journalist when in the context of the conversation I remarked to the female in question that she seemed like a nice girl. I immediately corrected myself and said, "Sorry—lady," only to be corrected by her when she said "woman". I had come to the conclusion that all females were women, and some were ladies, just as all males are men, but only some are gentlemen. But then I suppose ladies are not always ladies, and some gentlemen are not always gentlemen.

That aside, I have always been of the view that to be a lady or gentleman was a good thing and I do not understand why a female would prefer to be called a woman rather than a lady. So I call upon once again the Hon. Catherine Cusack to explain that to me. I am not having a go, I genuinely believe that to be called a gentleman or a lady is a good thing. I do not understand why someone would prefer to be called a woman as opposed to a lady. I am happy to have that explained to me: I genuinely ask that question.

The other story is about my wife. I use these two examples because these are two ladies that I know most, and am most close to, so I understand who they are and what they are about. Five years ago when my wife Lisa and I were about to get married the *Daily Telegraph* ran a substantial feature based around issues, including the fact that my wife had chosen the traditional vows, including love, honour and obey. The article was called "Rise of the I do feminists". The article essentially made the point that some independent and successful young women who might by character seem to be feminists were, in fact, making decisions not in character with being a feminist.

Lisa was merely making the sort of choices five years ago that I spoke of earlier in regard to the recent statements in the *Manly Daily* by the Executive Member of the Women's Electoral Lobby, Jenny Forster. I expect most who regard themselves as feminists would be horrified with the idea that a woman in the twenty-first century would choose marriage vows that include "love, honour and obey". But I hark back to the views of Jenny Forster in regard to matters of choice.

I did not suggest those vows. Lisa chose them. Indeed, she was quite insistent on wanting them. Lisa was 26 at the time, but very much a person who made her own decisions, and a person already making considerably more money than a member of Parliament. So she has been fortunate not to suffer issues of equal pay, but I suggest that largely relates to the value of her skills. She is extremely well read, very intelligent, amazingly successful and, from the outside, perhaps the epitome of a modern progressive woman. But the fact is, while she is beyond simply being equal to any man, she is not at all feminist, and would prefer to think of herself as a girl who is on top of things and makes her own choices. My wife, Lisa, is probably a true feminist's nightmare, but very much the kind of woman Jenny Forster spoke of in relation to opportunities and choices. I have no doubt that had my wife been born in the same era as the lady in my first story, she would have been just as successful then as she is today. And that brings me to my point that regardless of gender, and regardless of bias and inequality, the best always find their way to the top.

Excuse me for being old-fashioned, but I am one of those males who generally try to be a gentleman, and I am certainly one of those males who is active in assisting females in difficulty. At my peril, I admit I am more likely to pull over and help a female motorist than a male motorist. I am more likely to go to the aid of a female being accosted than a male, unless of course I know the male. I hope my own evolution of understanding of how women wish to be treated does not lead to an unwillingness on my behalf to help women who clearly require assistance. In saying that, I recognise that equality in this instance could perhaps be seen as a matter of coming to the aid of men and women equally, rather than women alone, or no-one at all. As gender equality becomes more and more real, many men are confused as to how they now fit into the scheme of things. As women take on more roles, men's roles have become blurred. However, in regard to paragraphs 5, 6 and 7 of my motion, the role of men is exceedingly clear, and that is to act side-by-side with women to make certain our society continues forwards and not backwards. We must recognise that there is no excuse in a decent society to demean or subjugate any member of that society.

However, this motion specifically deals with women, and that is my concern today. Paragraphs (e), (f) and (g) of the motion relate to the need for us to accept that there are in Australian society forces with the

entrenched view that women are very much second-class or third-class citizens and little more than the possessions of men. We must not, under any circumstances, accept this situation, be its reasoning cultural, religious or otherwise. We must show complete and absolute intolerance to any suggestion that practices that relegate women to subjugation by men are not excusable in any form or for any reason. Whatever anyone's view of multiculturalism, that system has brought to Australia practices regarding women that our twenty-first century society considers abominations. There are in Australia plenty of women who suffer a lack of opportunity without being caught up in cultural or religious practices, but this must not divert our attention from those women who do suffer through systems of male domination that are at odds with all advances towards gender equality.

Feminists appear to be loath to tackle non-western culturally or religiously based practices demeaning to women. That is to say that there is no limit of activism on behalf of women wishing to become priests, or wishing access to any other traditionally male-dominated area, but little to nothing is said or done with regard to the treatment of women by Islam in Australia. It is, apparently, acceptable to dismantle all aspects of male domination, culturally and religiously, that relate to western society in Australia, but there is some taboo when it comes to speaking out on cultures within Australia that are not western based. Frankly, the silence on the effect of Islam on women in Australia is deafening. If anyone who is wondering whether it is a factual matter that these issues exist, in the first case I would like to quote from the Koran, surah 4:34 and 4:15—bearing in mind that this of course is the book of rules where Islam is concerned. Surah 4:34 is:

> Men are in charge of women, because Allah has given the one more (strength) than the other, and because they support them from their means.
>
> Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); Then if they obey you, seek not a way against them.

Surah 4:15 is:

> If any of your women are guilty of lewdness, Take the evidence of four (Reliable Male) witnesses from amongst you against them; and if they testify, confine them to houses until death do claim them.

There are many such references. Two are all we need for today's purposes. We now have in our midst groups who do not subscribe to our laws and expectations on many levels, in particular, the treatment of women. Such groups diminish the status of women by, among other things, allowing men to have multiple wives. Many do not recognise Australian laws when they are at odds with Islamic law, and it is clear some Islamic men have one wife in the eyes of Australian law but multiple wives in the eyes of their religion. Of particular concern is that the welfare systems available in Australia assist in the flouting of the law on multiple wives by setting up the second and subsequent wives as single mothers—a matter recently highlighted in the press.

The strongest advocates of gender equality should be leading the charge against any acceptance of culturally entrenched female subjugation, including the practice of having multiple wives. We as a free democratic civilization are able to celebrate the great advances that have taken place in the fight for equality between the sexes. Some will contend there is much yet to be done, but in regards to this motion I am more drawn to the closing statement made by Jenny Forster when, in Sue Hoban's article, she said:

> What they should perhaps reflect on though is that women in other countries don't have those choices and, in fact, in some countries are put to death for taking those choices so that is the other watching brief for feminists—what is happening in the developing countries.

What Jenny Forster raises in regard to what is happening in other countries is manifesting itself here in Australia. There is, however, also based on the issue of choice, the consideration that women we see as suffering from male domination due to cultural or religious practices may indeed tell us that such is their choice and indeed they are quite content with those arrangements. If that is the case, and I suspect that in some circumstances it is, then, apart from matters of breaching the law, how much right we have to interfere is a matter for debate. I certainly personally have no desire to disrupt or demand change to any person's activities if those activities are not illegal and not disrupting mine, and I expect the same in return. The evidence, however, is that many who follow Islam are not happy to leave western practices alone, and amongst this, we see an ongoing assault on the lifestyles and values of western women.

Society, and in particular those most at the forefront of driving gender equality, may choose to continue to steer clear of the conflicts related to Islamic women living in Australia, but none of us should allow ourselves

to ignore the impact Islam wants to have on non-Islamic Australian women. At the very least, part of the ongoing work towards full gender equality in Australia must be the complete acceptance by Islamic followers that non-Islamic Australian women are not to be treated in line with Islamic views. Australian women choose to be independent in a way that may affront the followers of Islam, but Muslims should not make that their business. Australian women choose lifestyles and fashion that may appal the followers of Islam, but Muslims should not make that their business. These are real issues that are well understood by Australian women subjected to abuse simply for their choice of dress.

More than any of us, I expect these issues are particularly understood by the many young Australian women raped by gangs of attackers who were raised to despise western women. As recently as in the last night's news we heard about a trio of people of the Muslim faith who had faced increased sentences as a consequence of gang rape. It is interesting that at least one of those offenders used being a Muslim as a form of defence in his case. So these issues are real, they are happening right now, and they continue to happen. My wife has been abused by a carload of such persons when simply standing on a street corner waiting for a taxi—purely on the basis of being a western woman. Of course, that is merely the tip of the iceberg. Women's rights, or, for that matter, people's rights, will always be at risk so long as there are those who act upon judgements that are not their right to make. If Australian women cannot be protected from cultural or religious based intolerance, abuse and violence, all other advances will seem of little value.

Debate adjourned on motion by the Hon. Don Harwin.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2005-2006

The Hon. Jennifer Gardiner tabled report No. 15, entitled "Budget Estimates 2005-2006", dated April 2006, together with transcripts of evidence, correspondence and answers to questions taken on notice.

Report ordered to be printed.

The Hon. JENNIFER GARDINER [11.40 a.m.]**:** I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Jennifer Gardiner.

FAMILY IMPACT COMMISSION BILL

Second Reading

Debate called on, and adjourned on motion by the Hon. Greg Donnelly.

CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL

Second Reading

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

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

Second Reading

Debate resumed from 1 March 2006.

The Hon. DON HARWIN [11.41 a.m.]: As my colleague the Hon. Robyn Parker outlined on a previous occasion, the Opposition will oppose the Anti-Discrimination Amendment (Equality in Education and Employment) Bill. I will make a number of observations, which I stress are my views but are not inconsistent with the Opposition's position. The fact that there have been several private members' bills in the last two Parliaments seeking to amend the Anti-Discrimination Act demonstrates that this landmark legislation, enacted in 1977, must be updated systematically, not from time to time in a piecemeal fashion. Reverend the Hon. Fred

Nile and the Hon. Elaine Nile, a former member, introduced several private members' bills to amend the Act in relation to discrimination on the grounds of heterosexuality. In 2003 Ms Lee Rhiannon introduced a bill seeking the removal of exemptions from the Act. In 2005 the Hon. Peter Breen introduced a bill proposing to amend the Act for the promotion of religious tolerance.

In addition to these private members' bills, the last two Parliaments have assented to three Government bills to make minor amendments to the Act. The first, passed in 2000, related to carers' responsibilities and was certainly worthwhile. The second, assented to in 2002, addressed the position of the Act in relation to drug addicts. The third, passed in 2004, covered a series of miscellaneous provisions relating mostly to the board's complaint handling procedures. The current bill, another introduced by Ms Lee Rhiannon, seeks to amend the Act as it relates to private schools and small businesses. There is a clear need for the nearly 30-year-old Act to be revised currently. In fact, such a review was recommended in 1999 by the Law Reform Commission report on the Anti-Discrimination Act. The report commented:

> The legislation as it currently exists tends to reflect the political and social climate at the time of its enactment. Although the Anti-Discrimination Act has been amended several times to reflect changing community values, these amendments have been piecemeal. The Anti-Discrimination Act has never been the subject of a comprehensive review and much of what was laid down as basic principle in the 1970s has never been questioned in terms of its applicability to the present. Taking into account the length of time that has elapsed since the introduction of the Anti-Discrimination Act and the law's inability to deal once and for all with constantly evolving social, political and legal conditions, it is appropriate that there be a comprehensive review of the legislation.

When the legislation was enacted in 1977 New South Wales became the first jurisdiction in Australia to introduce anti-discrimination legislation. Seven years later South Australia and Western Australia followed suit, passing their own Acts in 1984. The other States and Territories each enacted similar legislation during the 1990s. The age of our Anti-Discrimination Act underlines the need for a thorough revision. The Law Reform Commission inquiry, to which I have referred and which produced the 1999 report, was commissioned by the Fahey Government. A complete revision of the Act is appropriate. In the six years since the report was handed down the current Labor Government has not responded adequately to the review and has failed to act on the majority of its recommendations. Five years after the review was handed down, the Government introduced the Anti-Discrimination Amendment (Miscellaneous Provisions) Bill 2004. Of the 161 recommendations contained in the report of the Law Reform Commission, the bill addressed less than half and was concerned mostly with the Anti-Discrimination Board's complaint-handling procedures. In his second reading speech in September 2004 the Attorney General said in the other place:

> The other recommendations in the Law Reform Commission's report not yet addressed will be given full consideration by the Government and I expect that a further package of amendments will be put before this Parliament in due course.

We are in the fifty-third Parliament, which has only a few more months to run, and we are yet to see it. Five years after the review was completed it is shameful that the Government was not in a position by 2004 to respond to all the 161 recommendations. The fact that a further two years have now passed and the majority of the recommendations remain unaddressed by the Government is disgraceful.

Reverend the Hon. Fred Nile: Some of them were quite controversial.

The Hon. DON HARWIN: I acknowledge Reverend the Hon. Fred Nile's interjection. Indeed, some of them were. I am not necessarily implying in my comments that all of them should have been accepted. I am simply saying that a comprehensive Government response would have been appropriate. It is disgraceful that for the 11 years the Labor Government has been in office the Anti-Discrimination Board has been wound back through resource emasculation. The Government has moved deliberately to hide the full extent of the problem by failing to disclose the budget of the Anti-Discrimination Board as a separate line item in the budget. Instead, the board's operating statement has been included with those of the Administrative Decisions Tribunal, the Office of the Public Guardian, Privacy NSW—therein lies another story—and the Victims Compensation Tribunal.

In a recent adjournment speech about the Gay and Lesbian Mardi Gras, our colleague the Hon. Penny Sharpe commented on the progress that the current Labor Government has made over the past decade in gay and lesbian law reform. I invite the honourable member to look at the Anti-Discrimination Act and examine the 1999 Law Reform Commission report. Her advocacy might be a way in which she could build on the work of some of her Labor and Liberal predecessors and others in this area. Every one of the legislative changes referred to by the Hon. Penny Sharpe that have come before the House in the eight years that I have been in this place have had both my support and that of other Liberal members. Indeed, the Property (Relationships) Act was the first division in this place on which I voted, and remains one of the most worthwhile bills to have been passed during my time in this place.

This bill seeks to remove from the Act exemptions applying to private educational authorities and certain employers. Specifically, it proposes the removal of exemptions that allow private schools and colleges to discriminate in education and employment, and that allow small business owners to discriminate in employment. Some of the amendments proposed in the bill are desirable, commonsense changes that appear to defy sensible opposition. I do not wish to spend time dealing with each one and reading them onto the record because only 20 minutes has been allocated for my speech. However, I will mention a few. Schedule 1 [2], amends section 25 of the Act to remove the exemption on discrimination in employment on the ground of sex by persons employing five or fewer persons. Schedule 1 [6], does the same in regard to marital status. One of the effects of schedule 1 [11] is to remove the exemption on discrimination in employment on the ground of homosexuality by a small business owner. This exemption is inappropriate and deserves to be repealed. I do not see why a small business owner is precluded from discriminating upon the basis of race but can discriminate on the grounds of homosexuality.

In Ms Lee Rhiannon's second reading speech last October, she pointed out that under the Act's current exemptions a private school in New South Wales can legally expel a student for coming out as being gay or lesbian. If it is true, in my opinion it is unacceptable that young people who are dealing with the difficulties of coming to terms with their sexuality should be so mistreated by their school. I notice that there have been no Government speakers so far during this debate. I specifically request the Government to say definitively in this House whether Ms Rhiannon is correct or incorrect. Bullying in schools has been of concern to parents, educators and politicians during the past 15 years. It is a phenomenon that is not only hurtful but can be considerably harmful. In addition to possible physical consequences, school bullying can impair both the mental health and the scholastic achievements of the victims.

Among the primary victims of school bullying are homosexual teenagers. Studies have demonstrated that young males aged between 14 and 17 are among the most homophobic groups in our society. Some 43 per cent of this group consider homosexuality to be immoral, compared to just 35 per cent of the adult population. Same-sex attracted youth are six times more likely to attempt suicide than is the population as a whole. Perhaps not surprisingly, school is the place where gay and lesbian youths are most likely to be subjected to verbal and physical abuse. In the fight against bigotry, it is vital that important institutions such as schools act to reject homophobic discrimination. Private schools should be careful about the exercise of any legal rights they consider they have to discriminate against lesbian and gay students. Whatever their religious teaching, if Christian schools and other religious schools are sincere about loving the sinner but hating the sin, they will want to act against homophobic bullying in schools. It is worth remembering that in a 2004 Newspoll survey of parents with children in public and private schools a staggering 89 per cent disagreed with the expulsion of students for being homosexual.

The problem with Mr Rhiannon's bill is that its scope is broader than some of the more straightforward and overdue changes to which I referred earlier. The bill seeks to remove all the exemptions extended to private educational authorities in the Anti-Discrimination Act, as well as a large number of exemptions that will be allowed to employers of fewer than six people. While I think there is a case for some of the exemptions included in this bill being removed from the Act, I feel strongly that some of the other exemptions should be retained as they serve a necessary and practical purpose. One of the aims of schedule 1 [8] is the removal of exemption on discrimination in employment on the ground of disability for a person employing five or fewer employees. I do not support such an amendment of the Act.

Small business owners should not be forced to carry the financial and logistical burden of reconfiguring their workplaces to accommodate an employee with a disability. The owner of a small local sandwich shop or a family restaurant, for example, would not easily employee someone who is confined to a wheelchair. While I believe that the Act is overdue for an update, I do not agree that the full measure of amendments proposed in this bill should be enacted. I draw the attention of the House to the findings and recommendations of the Law Reform Commission. The recommendations are worth considering in working out the proper balance that should be struck. One of the 11 major recommendations of the report commented:

> … some exemptions that apply to specific grounds in specific areas of operation, such as those that excluded small business and partnerships of fewer than five persons from the ambit of the [Anti-Discrimination Act] ADA, be repealed and others, such as those that applied to exclude private educational authorities in the area of employment from the ambit of the ADA, be limited.

With regard to private educational authorities in the area of employment, the commission recommended that the exemptions in the Anti-Discrimination Act be narrowed to apply only to those positions properly requiring a commitment to the tenets of the particular religion. That recommendation does not necessarily accord with my view. The report stated:

> … the genuine occupational qualification defence should be available in relation to employment in a religious private educational institution, where discrimination is in good faith and is necessary to avoid conflict with the tenets of their religion.

A variation of this position was supported by Justice Michael Kirby in his submission to the commission's inquiry. Justice Kirby wrote:

> It is obviously wholly acceptable to most Australians that churches and religious communities should be entitled to discriminate on religious grounds where religion is relevant, eg in the choice of their personnel, the establishment of colleges and the provision of instruction to their members. But it is equally obvious that discrimination on religious grounds should not be tolerated where the conduct impugned is irrelevant to the practice or propagation of a religion.

The question of where the limits of religious freedom should be drawn is a difficult one to answer, and certainly deserves to be the subject of legitimate debate. The narrowing of the exemptions detailed in the Act as recommended by the Law Reform Commission would represent a less far-reaching revision of the Act than that proposed by Ms Lee Rhiannon in this bill. I invite the Government to tell the House why it has not responded to the issue of narrowing the exemptions. Frustratingly, we are left in the situation in which the Labor Government is ignoring the bulk of the Law Reform Commission's report while the Greens make attempts to revise parts of the Act that have some merit in part but are impractical and inappropriate in others.

As the Opposition Whip, I fully support my party room's decision to oppose this bill in its entirety. I do not believe the scope of the changes it proposes are appropriate for the practical and fair operations of small business. I do not believe that the bill recognises the legitimate claims of religious schools. This bill does not strike the right balance between the needs of small business and the religious freedoms of private schools, on the one hand, and society's responsibility to ensure equity of treatment, on the other. Therefore, I oppose this bill. However, in doing so I again call on the Government to respond properly to the Law Reform Commission's review and to state its position in this House. It is more than six years since the review handed down its recommendations. It is time that those recommendations were seriously examined and implemented, where appropriate.

The Hon. GREG DONNELLY [11.59 a.m.]: I oppose the Greens Anti-Discrimination Amendment (Equality in Education and Employment) Bill. The bill does not deserve the support of this Chamber for two major reasons. First, at its heart, it is a fundamental attack on the religious freedom of citizens of New South Wales. Second, the bill deserves to be rejected because, without any seriously argued justification, it seeks to completely undermine the model of discrimination law that has long operated in this State. Instead of stating their position up front and honestly, which could be described as "we are happy to recognise your views, values and rights—as long as they accord with ours", the Greens have set out to impose their views, values and concepts of rights on everybody else. In my view, such an approach is arrogant, authoritarian and fundamentally undemocratic. The Universal Declaration of Human Rights was proclaimed in 1948 by the United Nations. It deals in unequivocal terms with the matter of religious freedom. Article 18 of the declaration states:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The right to profess and practise religious beliefs is a fundamental right. All of the following documents refer to either the right to freedom of thought, conscience and religion and/or the right of parents to educate or have educated their children according to their religious and moral beliefs: the Universal Declaration of Human Rights 1948, as I have mentioned; the Convention Against Discrimination in Education 1960; the International Covenant on Economic, Social and Cultural Rights 1966; the International Covenant on Civil and Political Rights 1966; and the International Covenant on the Elimination of All Forms of Racial Discrimination 1966.

In addition, in 1981 the United Nations adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. That declaration attempts to define, with some precision, although not exhaustively, certain protections for religious freedom. It is evident that an important object of the instrument is to protect individuals and religious groups from undue intrusion by the State or any other body.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

LAND TAX REVENUE

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Treasurer. Does the Treasurer stand by the Premier's comments, and the budget papers, that land tax revenue will increase by $12 million across the State this financial year? If that is wrong, will the Government refund to struggling land tax payers any windfall beyond $12 million?

The Hon. MICHAEL COSTA: As the Leader of the Opposition knows, the Government is in the process of developing its budget. I do not intend to comment on the Government's budget until it is delivered, on the day it is delivered.

TWEED SHIRE COUNCIL AND LOT 490 KINGSCLIFF

The Hon. JAN BURNSWOODS: My question without notice is directed to the Minister for Lands. Will the Minister update the House on the latest developments at lot 490 at South Kingscliff?

The Hon. TONY KELLY: Lot 490 is a unique parcel of Crown land reserved for tourism and community recreation located on the Kingscliff beachfront, south of Tweed Heads. Honourable members would remember that back in 2004 the local community was understandably concerned about the way in which the former Tweed Shire Council was managing the site. Those concerns eventually led to the removal of the council as trust manager of lot 490 in April 2004. It was a good win for the local community, and something that could have come about only with a State Labor Government and a fine, hardworking local Country Labor member such as Neville Newell. Since then a plan of management has been prepared for the site, prepared in close consultation with the local community.

The plan of management includes lot 490 and parts of the coastal reserve between Cudgen Creek and the neighbouring large residential development, Salt. The plan was placed on public exhibition and received only one objection—only one objection from the whole community. That indicated a job well done, and a testimony to the Government working with the local community to get a balanced outcome. The plan called for an eco-tourist development on lot 490, with the old coastal road relocated to facilitate that development. The new road not only will ensure that the road is located away from the sensitive coastal foredune area, but also will maximise the best possible layout for lot 490.

Last week I travelled to the Tweed with my Country Labor colleagues to announce that tenders are now being called for the development of lot 490. I advise that the Hon. Jon Jenkins pulled up at that time and had a look at the area. While touring the Tweed, I took the opportunity to inspect the road; and what a fine road it is. As I said at the time, it is a good win for the community, the environment, and the local tourist industry. The development of lot 490 has reached an exciting stage. About 10 hectares of the 30-hectare site has been earmarked for this eco-tourism resort development. It is shaping up to be a unique development on the far North Coast, within 15 minutes travel of the Gold Coast airport, an hour from Brisbane and 45 minutes from Byron Bay.

The expressions of interest will need to fulfil the vision for lot 490 as set out in the plan of management, one that delivers for the environment and the economy. By all accounts the locals are happy with the work going on at the Tweed. With the old council an unpleasant memory, and two hardworking Labor State and Federal members of Parliament, it is not hard to understand why. The *Tweed Daily News* ran a story on lot 490 the following day under the headline "Public Happy At The End Of A Long Road". The article quoted Kingscliff Ratepayers Association President Peter Gladwin welcoming this latest move. A selective tender process, which is expected to be completed at the end of this year, will follow the expressions of interest for lot 490. This is an exciting opportunity at one of Australia's premier tourism destinations that could be achieved only under a State Labor Government.

DELTA ELECTRICITY MR PAUL FORWARD APPOINTMENT

The Hon. DUNCAN GAY: My question without notice is addressed to the Treasurer. Why has the former Roads and Traffic Authority Chief Executive Officer, Paul Forward, been appointed to a directorship of

Delta Electricity on a $50,000 retainer after being sacked from the RTA by Minister Joe Tripodi for allegedly failing to fulfil his duties? Is Mr Forward still on the public service displaced list? Is he still receiving his RTA salary? Is Mr Forward's appointment an apology to him because Joe Tripodi got it wrong? Or has the Treasurer appointed a proven incompetent?

The Hon. MICHAEL COSTA: We both appointed him.

The Hon. Duncan Gay: You both appointed him? You are both either in trouble, or not! Or are you having a go at Joe?

The Hon. MICHAEL COSTA: Was that last comment part of the question?

The PRESIDENT: Order! I remind members that interjections are disorderly.

The Hon. MICHAEL COSTA: A couple of days ago I watched question time in the lower House and the same question was asked of the former Minister for Roads, who referred it—

The Hon. John Ryan: Point of order: Madam President—

The PRESIDENT: Order! The Minister is debating the question, and he must not do so.

The Hon. MICHAEL COSTA: In response to the recycled question, clearly Paul Forward is qualified for appointment to the board of Delta Electricity.

The Hon. Duncan Gay: Did Joe get it wrong?

The Hon. MICHAEL COSTA: The only people who got anything wrong are the Leader of The Nationals and the Leader of the Liberal Party. They cannot make up their minds whether the Independents are going to be part of their so-called incoming government. On the one hand Stoner claims that he will never work with the Independents, and on the other hand Debnam claims—

The Hon. Don Harwin: Point of order: This has absolutely nothing to do with the question that was asked. I ask you to direct the Treasurer to address matters that are relevant.

The PRESIDENT: Order! It is a convention that when responding to a question a Minister may make general remarks. However, I remind the Minister that his answer must be relevant to the question asked.

The Hon. MICHAEL COSTA: Paul Forward is eminently qualified to be a director of Delta Electricity. He has superb academic qualifications. He was a lecturer in economics at the University of New South Wales for six years. He holds a Master of Science from the University of London and a Bachelor and Master of Commerce from the University of New South Wales. In addition, he has been an experienced public sector manager. Mr Forward is eminently qualified to meet the criteria that the Government uses to appoint people to directorships of State-owned companies.

The Hon. DUNCAN GAY: I ask a supplementary question. Is Mr Forward still on the unattached list? Is he still receiving his pay as the former head of the Roads and Traffic Authority?

The Hon. MICHAEL COSTA: The Deputy Leader of the Opposition ought to know that that information is publicly available. I do not intend to do his research for him.

M5 EAST TUNNEL AIR POLLUTION

Ms LEE RHIANNON: I direct my question without notice to the Minister for Roads. Considering that Premier Iemma told Sydney radio last week that the Roads and Traffic Authority had not ignored the recommendations of the 2003 NSW Health report into risks for drivers in the M5 East tunnel, and that a brochure on that issue had been distributed, would the Minister provide details of where on the brochure, or anywhere else, is the warning for motorists in open vehicles and motorcyclists to avoid using the tunnel when transits through the M5 East tunnel are likely to be prolonged? When was the brochure put out? How was it distributed? How many were distributed? Where are the signs warning users of the need to wind up windows when travelling through the M5 East tunnel? Where are the new, more appropriate, guidelines for better

standards for nitrogen dioxide in tunnels, and in particular the M5 East, where traffic volumes are now 25 per cent more than they were in 2003 when NSW Health brought down those recommendations?

The Hon. ERIC ROOZENDAAL: I am deeply impressed that the honourable member chose to ask me a question about one of the most successful pieces of road infrastructure in this State. The M5 East, which is an extremely successful piece of infrastructure, is greatly utilised by motorists and by the New South Wales community. There is an interesting conflict in the question asked by the honourable member. The honourable member and other Greens members are publicly opposed to all motorways. They want to send us back to the Stone Age of goat tracks and the use of horses and buggies to get around.

The M5 East issue has been widely canvassed. There is information about tunnel safety on the web site of the Roads and Traffic Authority. I urge all honourable members to review that information because it is important for them to be aware of issues relating to tunnel safety. The ongoing development of infrastructure, as part of the Sydney orbital system, will provide Sydneysiders with an opportunity to travel right around Sydney using first-grade, world-class infrastructure. As the M5 East issue has already been widely canvassed, I refer the honourable member to my previous answers.

The PRESIDENT: Order! I call the Hon. Eddie Obeid to order for the first time.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION

The Hon. PETER PRIMROSE: My question without notice is directed to the Minister for Industrial Relations. Will the Minister advise the House about the impact of WorkChoices on employers and employees in New South Wales?

The Hon. JOHN DELLA BOSCA: As of today the New South Wales Government has taken almost 8,000 calls since the commencement of WorkChoices. That means that 8,000 employers and employees in New South Wales needed assistance from the Office of Industrial Relations to attempt to understand their new rights—or the lack of them—and obligations in the WorkChoices environment. These calls have revealed the real impact of WorkChoices on workplaces in New South Wales. We heard from a South Coast caravan park employee who moved from interstate to take up a new job but who was sacked after raising concerns about her Australian workplace agreement [AWA]. A Nambucca woman had a job offer withdrawn when she raised a simple question about the AWA she was offered. She was then told, "You are not the right sort of person."

A Sydney woman was told, "The award does not apply any more", and she will no longer receive penalty rates on weekends. On 28 March a single mother was dismissed from a hairdressing salon after five years of service. Callers to the hotline included a third-year apprentice baker-pastry cook who was asked to sign an agreement without penalty rates; a Cobar club employee who had worked part-time for more than two years but who was sacked this week without reason; a meatworker from Lithgow who was working only a few days when he suffered an injury at work and was then sacked on the first day of WorkChoices; and a casual machine operator who had worked for his employer for two years but when he requested two days off work he was sacked.

These are just some examples, but the list goes on. The Office of Industrial Relations is running an expanded seminar program throughout New South Wales to help employers and employees understand their rights and obligations under this State's laws. Ironically, employees at the Department of Employment and Workplace Relations were some of the first people to sign up for these seminars, which have been extremely well attended and filled with New South Wales employers concerned about the negative impact of WorkChoices on their businesses. They are concerned about being forced off awards and into the Federal system, they are concerned about staff morale and productivity, they are concerned about the complex and prescriptive nature of WorkChoices and the increased risk of non-compliance, and they are concerned about the onerous and costly record-keeping requirements.

Overwhelmingly, they are concerned about losing access to the important and invaluable services provided by the Office of Industrial Relations. New South Wales employers and employees can be confident that we will continue to provide these valuable services, we will continue to help New South Wales employers and employees develop productive employment relationships, and we will continue to ensure that New South Wales employers and employees are accurately informed about their rights and obligations.

The Hon. Duncan Gay: You must be disappointed that this is not nearly as bad as you have made it out to be.

The Hon. JOHN DELLA BOSCA: I am disappointed that the Deputy Leader of the Opposition does not understand how serious this issue is. The bottom line is that WorkChoices is overly complex, prescriptive, and confusing for everyone.

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

The Hon. JOHN DELLA BOSCA: The Iemma Government is committed to maintaining the resources of the Office of Industrial Relations and the courts to assist employers and employees in New South Wales to work their way through the mess created by the Commonwealth's WorkChoices framework.

TUNNEL FILTRATION TECHNOLOGY TRIAL

The Hon. PETER BREEN: My question without notice is directed to the Minister for Roads. Is he aware of a commitment by his predecessor, Minister Scully, to trial filtration in a Sydney road tunnel? Can he inform the House when the trial will take place, where the trial will occur, and how much it will cost?

The Hon. ERIC ROOZENDAAL: Opposition members should be ashamed of themselves. Sydney's road tunnels, including the M5 East, continue to meet some of the strictest health and environmental standards in the world. For example, I am advised that the specified limit for carbon monoxide exposure levels in the M5 East tunnel is 87 parts per million for no longer than 15 minutes. That compares favourably to 100 parts per million in Japan with no time limit, and it compares favourably with 200 hundred parts per million set by the World Road Association, which also has no time limit.

The Government acknowledges the need to reduce the haze and improve air quality in the M5 East tunnel, but there has been a great deal of dishonesty and deception in this debate, particularly from the Leader of the Opposition. He would have people believe that electrostatic precipitator, or ESP, filtration is some magical solution to remove pollution in the M5 East tunnel. He is resorting to the most base of political tactics by running a frivolous scare campaign asserting that lives are at risk. Most dishonestly, he would have people believe that he could pay for filtration for all Sydney's tunnels even though that would cost over $1 billion. Of course, he will not ask his Liberal mates in Canberra to return a fair share of GST revenue to this State.

[*Interruption*]

Now we hear from Opposition members! They were silent on WorkChoices and on this State's share of GST revenue. What a disgraceful Opposition this is. It is just disgraceful!

The Hon. Greg Pearce: Point of order: My point of order is relevance. The Minister was asked about air quality in tunnels but he is talking about GST revenue. This is the same Minister who suggested that the answer to pollution in the M5 East tunnel was to wind up the window and hold one's breath. That is his answer to the air quality issue.

The Hon. Peter Breen: To the point of order: The Minister is talking about road tunnels. The question was about a filtration trial, which he has not mentioned at all in his answer.

The PRESIDENT: Order! It is a convention in this House that a Minister may make general remarks when answering a question. However, such general remarks must not include abuse levelled at members of the Opposition. The Minister's answer must be relevant to the question asked.

The Hon. ERIC ROOZENDAAL: The environmental benefits of filtration technology, which are largely unproven, are the subject of considerable scientific debate. We know that it is hugely expensive, that it is not used anywhere in Australia, and that it is operated in only a handful of countries. The 2005 compliance audit report of the Department of Planning confirmed that no motorist had been exposed to levels of carbon monoxide above the legal limit. There was no evidence that external air quality limits had been exceeded.

We acknowledge that the success of the M5 East has meant increased traffic volumes. The haze is caused largely by the high proportion of trucks using the tunnel as a result of the booming economy in New South Wales. The Government is considering technology to detect and record the details of smoky trucks in the M5 East tunnel and it is reviewing other potential applications to improve haze within the M5 East tunnel.

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

ALFORDS POINT BRIDGE DUPLICATION

The Hon. GREG PEARCE: My question is directed to the Minister for Roads. What is the current status of planning for the Alfords Point bridge duplication? What action has the Minister taken to fund stage two of the Bangor bypass between Alfords Point Road and the New Illawarra Road?

The Hon. ERIC ROOZENDAAL: Alfords Point bridge was constructed in 1973 and was built to suit the traffic conditions of the time. While the existing bridge has served the region well over many years, the New South Wales Government has recognised the need for work to improve road safety and travelling conditions. Planning and environmental assessment for a duplication of the bridge is underway. The duplication will involve building a second bridge deck to the east of the current bridge. On completion, the new bridge will have the capacity for up to three traffic lanes and will include a shared-use pedestrian/cycle path on its eastern side. Once completed, each bridge will initially be configured to provide two traffic lanes to improve road safety across the Georges River. Tenders for construction are expected to be called late this year.

FEDERAL GOVERNMENT CONSTRUCTION CODE AND GUIDELINES

The Hon. PENNY SHARPE: My question is addressed to the Minister for Industrial Relations. Can the Minister inform the House about the impact of the Federal construction code and guidelines on New South Wales construction projects?

The Hon. JOHN DELLA BOSCA: The Federal Government's ideological obsession with micromanaging industrial relations is continuing to wreak havoc in the building and construction industry. Since 2004 the Federal Government has misused its Federal grants by blackmailing the States into adopting the Federal Government's extreme industrial relations policy agenda. In November last year the Federal Government revised the code and guidelines to require any companies tendering for federally funded government construction work to apply the guidelines on all their other projects. This includes State government projects, even if there is not one dollar of Federal money involved. The Federal Minister for Employment and Workplace Relations announced yesterday that the code and guidelines would be reissued yet again to take account of changes arising from the WorkChoices Act.

The Federal guidelines are ideologically driven, extremely prescriptive and adversarial. They are a recipe for industrial disputation, increased costs and spiralling completion times on construction projects. In addition, the continual changing of the rules is creating instability and uncertainty for building industry companies, workers and clients. A dispute currently before the New South Wales Industrial Relations Commission is indicative of the negative impact of the code and guidelines on industrial harmony and productivity. The dispute concerns the making of a project award to cover the construction of two hospitals at Long Bay Correctional Centre for the New South Wales Government. Project awards overseen by the State commission have delivered clear productivity benefits, with projects overwhelmingly delivered on or before time and on budget. The Olympics building projects are probably the best-known examples of this successful approach.

In Victoria, where the Federal system operates exclusively, and has done for quite a few years, there is no access to those project agreements and this has delivered lower productivity, increased disruption and the breaking down of important timetables. Even the Commonwealth's own submission to the Cole royal commission noted that building projects in Sydney were delivered 20 per cent to 30 per cent more cheaply than equivalent projects in Melbourne. The Commonwealth's submission attributed this to the superior industrial relations climate in New South Wales. It is not just the New South Wales Government that is concerned about federal interference in the building industry. A recent executive from one of our country's top construction companies was quoted as saying that the Federal requirements:

> … attack the industry's right to work co-operatively with our own workforce.

The executive went on to say:

> … unions have been quite responsible since the Gyles royal commission. They have accepted the principles of multiskilling; they have accepted the principles of award restructuring …
>
> We can ask a bloke to get out of a crane and clean a toilet. I don't imagine we could get too much more out of our workforce whatever we tried.

We think it is a very poor approach to jeopardise industrial harmony and productivity and to place an unnecessary cost burden on infrastructure projects for the sake of the misguided ideology of the Federal Minister and the Prime Minister. The Federal Government should stop interfering and let the parties get on with negotiating agreements that suit their needs and the needs of their projects.

LUCAS HEIGHTS NUCLEAR REACTOR EMERGENCY ARRANGEMENTS

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is directed to the Minister for Emergency Services. Has the Government given any consideration to the probability that a failure to establish a permanent nuclear waste facility anywhere else in Australia will result in the temporary, or possibly permanent, storage of waste at the only established waste facility, at Lucas Heights? Has the Government taken any action to prevent the temporary or permanent storage of nuclear waste at Lucas Heights in the event of such a failure? In light of evidence from the inquiry into the transportation of nuclear waste in New South Wales, which outlined the impossibility of adequately addressing the effects of a serious accident involving the transport of nuclear waste by any emergency services personnel, has the Government given any consideration to how increased movements of nuclear waste on transport routes will impact on New South Wales ports and communities? Has the Minister seen the Australian Radiation Protection and Nuclear Safety Agency report on the consequences of a direct hit on the reactor by a 747 aircraft, and when will that report be released?

The Hon. Duncan Gay: You're a doctor. What about nuclear medicine?

The Hon. TONY KELLY: I acknowledge the interjection of the Deputy Leader of the Opposition. My family has used some of that medicine in years gone by. It is important to have such a facility. The State Emergency Management Committee conducted a review of the emergency management arrangements for the Lucas Heights Australian Nuclear Science and Technology Organisation [ANSTO] facility 12 to 18 months ago. Whilst the current emergency management arrangements were found to be appropriate, the State Emergency Management Committee recommended additional safety measures that will be implemented for the protection of the surrounding community.

The first change was the result of a review by NSW Health of the policy on the distribution of stable iodine tablets to people potentially affected in the unlikely event of a radiation leak. Stable iodine is administered to help combat the effects of exposure to radiation, particularly in the thyroid. My colleague the Minister for Health will be able to provide additional details, but NSW Health has now adopted the World Health Organization standard for radiation levels in relation to the administration of iodine to children and adolescents up to 18 years of age and to women who are either pregnant or breastfeeding. The second measure that was implemented involved increasing the designated evacuation zone from the boundary of the ANSTO facility from 2.5 kilometres to three kilometres. Thirdly, plans have been prepared for a staged evacuation process, if required. It is proposed that the three additional safety measures will replace the previous strategy of advising people to stay indoors to shelter from any radiation.

To ensure that these plans can be implemented rapidly a working group comprising national and State agencies has been established under the chair of NSW Fire Brigades. This working group has revised current State capabilities as well as policies and procedures, including the national standards for exposed dose rates and categories of workers. It has also participated in an ANSTO exercise in which the proposed dose rate levels were tested to determine relevant control lines. In November 2005 the State Emergency Management Committee formally endorsed the State Lucas Heights Emergency Sub Plan and the Georges River District Lucas Heights Emergency Evacuation Plan. Operational response to the unlikely scenario of a release of radiation from the research reactor with off-site consequences would be controlled at a State level by the State Emergency Operations Controller. This allows for the rapid deployment of all appropriate State services and resources should they be necessary. These additional measures have been put in place for the protection of the community around Lucas Heights in the event of any incident with implications beyond its boundary fence.

I assure the House that NSW Fire Brigades is equipped for its role in reacting to any incident at the Lucas Heights nuclear reactor. Following the events of September 11 and the Bali and London bombings, the New South Wales Government acted swiftly to review and improve its counter-terrorism arrangements. Significant funding was provided to enhance NSW Fire Brigades' counter-terrorism preparedness. Much of the new and upgraded resources, training and equipment would be equally beneficial in the case of an incident at Lucas Heights. New equipment has been purchased and additional training provided to deal with chemical, biological or radiological attacks. In fact, four NSW Fire Brigades firefighters attended highly specialised and extensive chemical, biological and radiological training in Canada in 2005. Some 5,000 firefighters have been

trained in basic chemical, biological and radiological response, with refresher training ongoing. All 339 fire stations in New South Wales, including those in country areas, have self-contained breathing apparatus, chemical protective suits and decontamination equipment. Gas detectors are currently being issued to all stations. Specialist Hazmat units are also scattered around the State.

MARSDEN CENTRE, RYDE, ASSAULT OF RESIDENTS ALLEGATION

The Hon. JOHN RYAN: My question is directed to the Minister for Disability Services. Have two staff from the Marsden rehabilitation centre at Ryde been charged by police with assaulting residents? Did one resident lose the sight in one eye because of an assault? Is it a fact that the Department of Ageing, Disability and Home Care has not started or completed its own investigation of this assault or other associated events? Have other staff members who are implicated in the abuse, but not been charged by police, been returned to normal duties working with clients at the centre? Is the Minister confident that those staff should be working with clients prior to the completion of all investigations?

The Hon. JOHN DELLA BOSCA: I am aware of allegations against employees at the Marsden Centre. The matters were referred to police for investigation, as is appropriate. The Department of Ageing, Disability and Home Care [DADHC] appointed an external investigator to examine these allegations, and the external investigator has completed that examination. The investigator found that the allegations could not be substantiated. The investigator noted that there were some systemic issues that needed to be addressed. The Marsden Centre, Metro Residences, is implementing the recommendations of the external investigator. The chief executive officer of Metro Residences has written to families and advocates informing them of the outcome of this investigation. The police have not yet conducted an investigation and not concluded any inquiries. I do not intend to comment any further on the police element of those allegations against individuals.

As I have advised the House on previous occasions, the Government considers the abuse of older people, particularly those under care, to be absolutely unacceptable and abhorrent, as I am sure all honourable members do. The introduction of mandatory reporting by the Commonwealth Government is something I will be discussing with the Federal Minister on Monday. I expect that we will look at a whole range of issues that will be of some importance. I expect, for a variety of reasons, to give some further indications to the House about that matter after my discussions with the Federal Minister. The approach of DADHC to these instances of abuse is that, whether or not they are systemic, they are criminal offences that involve the criminal mistreatment of individuals, and the individuals responsible for these offences will be reported to the police for investigation, report and, if appropriate, prosecution.

The Hon. JOHN RYAN: I ask a supplementary question. The Minister said that the police had not yet completed investigations. Have staff who were suspended and associated with these events been returned to normal duties prior to police investigations being concluded?

The Hon. JOHN DELLA BOSCA: I have said about as much as I intend to say. I draw the attention of the House to the fact that the police have not concluded their investigations. I do not intend to make any further comment beyond that.

LITTLE HARTLEY BROADBAND SERVICES

The Hon. AMANDA FAZIO: My question is addressed to the Minister for Commerce. Will the Minister inform the House how the State broadband service is directly benefiting residents of New South Wales who were previously unable to access broadband in their homes?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Amanda Fazio for her very important question. As some honourable members may recall, Premier Iemma officially launched, and switched on, the new Government broadband service at Dubbo Base Hospital in November 2005. The Government broadband service enables the Government to accelerate activities such as online learning and advanced health services, including electronic patient records and telemedicine initiatives. The new broadband service also helps the Government improve services to people living in regional and rural New South Wales, such as the provision of specialist teaching to small or remote schools, access to expert medical advice from regional hospitals, the distribution of complex real-time information for emergencies, and the video-conferencing of court and other proceedings. Soul, formerly called Soul Pattinson Telecommunications Pty Ltd—

The Hon. Michael Costa: Another great Newcastle company.

The Hon. JOHN DELLA BOSCA: It is a good Newcastle and Hunter company that supplies the core network services of the Government broadband service. The core network will initially provide connections into 24 regional centres through the establishment of a high-speed, high-capacity data network that will connect each of the regional centres. Eventually it is expected that more than 30 agencies will be connected to the network, and so for the first time the Government will have a shared network. One of the most important elements of this initiative is that it will lead to considerable savings in government information and telecommunication costs and will also greatly enhance the services available from government. But the good news does not end there.

The Hon. Michael Gallacher: There's more? Here come the steak knives!

The Hon. JOHN DELLA BOSCA: Yes, there's more. The Government is actively promoting broadband availability in regional New South Wales in recognition of its significance to the social and economic sustainability of our important regional economies. A key objective of the Government broadband service is to fully optimise the existing telecommunications infrastructure and to encourage the private sector to invest in additional capacity.

The Hon. Duncan Gay: Why can't I get broadband at home?

The Hon. JOHN DELLA BOSCA: Because of Telstra.

The Hon. Duncan Gay: It's this Government—

The Hon. JOHN DELLA BOSCA: Come on! If you can't win a meeting, wreck it—that's Duncan Gay's motto. The town of Little Hartley has been trying to access broadband services for some time. Sadly, the incumbent provider—no prize for guessing who—declined to provide that service. However, this is where the positive impact of the State broadband service kicks in. Cirrus Communications—a small Central Coast based broadband Internet company dedicated to providing telecommunication services to regional Australia—indicated an interest in providing this service. With the assistance of the State broadband broker, Cirrus was able to gain access to the broadband infrastructure of the New South Wales Government's contracted provider, Soul Communications. Cirrus is now investing its own capital and using funding from the Commonwealth Government's Higher Bandwidth Incentive Scheme to deploy metro-equivalent priced broadband services across Little Hartley and the surrounding communities.

The Hon. Duncan Gay: This is all the Federal Government's doing.

The Hon. JOHN DELLA BOSCA: No, it is not. The Deputy Leader of the Opposition should just listen for once. The provision of this infrastructure has been possible only because the State Government is the anchor tenant of infrastructure that is now being used by other service providers to the direct benefit of the community. Other service providers are also planning to use this infrastructure. Austar has recently announced a major investment program, in partnership with Soul Communications, to provide access to three quarters of a million homes in regional towns in New South Wales. [*Time expired.*]

CHINESE PREMIER, HIS EXCELLENCY WEN JIABAO, SYDNEY VISIT MEDIA ACCESS

Mr IAN COHEN: My question is directed to the Minister for Commerce, representing the Premier. Is it true that when Premier Morris Iemma travelled to the airport to meet the visiting Chinese Communist boss, Wen Jiabao, the joint press conference held afterwards was only a picture opportunity that allowed no questions? Is it also true that while Australian print and radio journalists were denied access to the picture opportunity, members of the visiting Chinese media contingent were given access? Is it appropriate that we allow the rulers of the Chinese totalitarian regime to dictate how media relations in this country are handled?

The Hon. JOHN DELLA BOSCA: In response to the last part of the question, no of course it is not appropriate, but there are protocols in place that are negotiated externally to this Government—in fact, by the Commonwealth Government—in relation to the treatment of visiting heads of state. They range from security issues involving, for example, the International Treaty on Protected Persons. The Chinese Premier would be one such protected person, of which there are approximately 100.

The Hon. Duncan Gay: Michael Costa would be another.

The Hon. JOHN DELLA BOSCA: I do not think he has quite made it, but one day soon perhaps. These are Commonwealth matters that range in importance and significance from the International Treaty on

Protected Persons through to protocols about press relations and media opportunities for foreign dignitaries and foreign leaders. Obviously when there were some decent people in the Commonwealth Government—

The Hon. Tony Kelly: A decade or so ago.

The Hon. JOHN DELLA BOSCA: Yes, a decade or so ago, when Labor was in government federally—but even when decent people such as Tim Fischer was a member of the Commonwealth Government—the New South Wales Government, even as a Labor government, was praised for its view that each jurisdiction should stick to its nitty in regard to the Constitution. They have shared powers in industrial relations, so that we have shared powers in industrial relations. The Constitution is very clear.

The Hon. Duncan Gay: Then why are you making a High Court challenge? That sort of kills your argument.

The Hon. JOHN DELLA BOSCA: Because the Commonwealth Government is wrong about that. That is my very point. The Deputy Leader of the Opposition never listens. If he listened just once, he would understand. The Commonwealth Government is in charge of issues in relation to defence and foreign policy. We take advice and we form our views on those matters having regard to what are the Commonwealth's proper constitutional powers. When it comes to protocols about the treatment of foreign international dignitaries and leaders, obviously the New South Wales protocol department follows the appropriate protocols laid down by the Commonwealth Government.

YOUNG OFFENDER CASE FILES

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs. What was the result of the inquiry, which the Minister announced in the new year, into how young offender case files that should have been in the custody of the Wagga Wagga office were instead found by a member of the public in the possession of children playing near Wollundry Lagoon? Has the Minister been able to ascertain what documents were lost in the lagoon and transported down the river? What have been the implications of losing those documents? Given the case files included a witness statement made by a child rape victim, did the Minister contact the little girl's family and apologise for this fiasco?

The Hon. TONY KELLY: On 9 January the department's Wagga Wagga office was advised that confidential files had been found near a local waterway. It is clear that the department was the victim of a crime, as the documents appear to have been stolen from the mail system before they reached the department's Wagga Wagga office. The theft was reported to the appropriate authorities as soon as the department became aware of it. The department is dismayed that such sensitive documents fell into public hands. Not only is disclosure of information in them a matter of great privacy concerns; it is a breach of the law to identify young offenders or victims. The department is working closely with its mail contractor to increase the security of mail delivery and to ensure that such an incident is not repeated.

DEPARTMENT OF LANDS BATHURST OFFICE THIRTIETH ANNIVERSARY

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Lands. Can the Minister inform the House of the significance of the recent thirtieth anniversary of the Department of Lands in Bathurst?

The Hon. TONY KELLY: Recently I had the pleasure of joining with staff and my colleague the Country Labor member for Bathurst, Gerard Martin, in celebrating Lands' 30 years in Bathurst. Three decades on, the relocation to Bathurst has been an unqualified success. The Central Mapping Authority, now within the Department of Lands, was the first government agency to be decentralised and moved in its entirety to a regional city. In 1976, 301 staff and their families accepted the relocation to Bathurst, which increased the population of Bathurst overnight by 609.

The relocation had a huge economic impact on Bathurst right from the start, triggering a building boom. Housing construction in Bathurst was four times greater in 1976 than it had been the previous year. Through the years Lands has become a cornerstone of the Bathurst economy, directly spending some $340 million over the past two decades alone. Add the pay packets being spent week in and week out in the local economy, and the impact is even more pronounced. And added to this is the contribution made by the Lands staff and their families to the sporting, cultural and social life of the Bathurst district.

Bathurst has, along the way, gained an international reputation in spatial information. This has spin-offs for the local community. I am aware that many school leavers from the region who are entering the spatial information and repro-graphics industries often acquire their qualifications through Lands scholarships and the huge training nursery that this facility provides. Since the relocation, the Department of Lands has recruited 1,100 staff in Bathurst. What is remarkable, and testimony to the success of the relocation, is that some 68 of the original staff who relocated from Sydney back in 1976 are still employed there.

As I said, it was a great pleasure to join staff, their families and the local Bathurst community in celebrating this milestone. Interestingly, over the past 30 years the Department of Lands has changed its name about 20 times. One, in about 1999, was a complete misnomer—CALM. It was anything but calm! This Government has a proud record in getting jobs and government agencies out into rural and regional New South Wales. Since 1995, and with the strong backing of Country Labor, this Government has overseen the relocation of more than 2,000 jobs to country New South Wales and the creation of an additional 4,000 public service jobs. All this would be wound back under a future Coalition government. That reminds me: Opposition members talk about 29,000 staff they are going to sack, then say that none of those staff are in the country.

The Hon. Duncan Gay: That's a lie. Lies, lies.

The Hon. TONY KELLY: Talk about lies! How can you get rid of 29,000 staff and not decimate country New South Wales?

The Hon. Duncan Gay: Find the document that says we are going to sack anyone! Come on, find the document!

The Hon. TONY KELLY: You are going to get rid of 29,000 positions.

The PRESIDENT: Order! I remind the Minister that all interjections are disorderly.

The Hon. TONY KELLY: As I said, the Government has a proud record of getting jobs into country New South Wales, but all that would be wound back under a Coalition government. Besides backing Federal legislation that destroys job security, pay and work conditions, the Opposition wants to twist the knife even further and wage war on the public service in country New South Wales. The member for Vaucluse's anti-country, anti-jobs mantra would spell the end of many government jobs and offices in country towns. Government departments such as Lands in Bathurst may not be seen as frontline for north shore Liberals, but they play an important role in rural and regional communities. Just ask farmers, rural community, sporting groups and country show societies! I call on The Nationals to talk some sense into their Liberal colleagues.

M5 EAST TUNNEL AIR POLLUTION

Ms SYLVIA HALE: I address my question to the Minister for Roads. Given that in the Minister's response to an earlier question from Ms Lee Rhiannon he failed to substantiate the Premier's assurances that a brochure had been distributed advising drivers to adopt precautionary measures when using the M5 East tunnel, does this mean that no brochure has been distributed, or is it that the Minister disagrees with the Premier? If a brochure has been prepared—

The Hon. Amanda Fazio: Point of order: My point of order is that the line of questioning seems to arise from evidence given recently to the second part of the inquiry into the cross-city tunnel, a part of the inquiry that has not yet been reported upon to this House. I therefore submit the question is out of order as it anticipates committee deliberations that have not yet been reported upon.

The Hon. Greg Pearce: To the point of order: This spurious point of order has been raised on numerous occasions. Madam President, you have ruled that information that is in the public domain can be the subject of a question. I ask you to rule that there is no point of order.

The Hon. John Ryan: To the point of order: The member asked a question on statements made by the Minister in question time today. In view of the fact that the question is largely supplementary and seeks further material to that which the Minister has already commented upon, it would be extraordinary to rule in favour of the spurious point of order of the Hon. Amanda Fazio.

The PRESIDENT: Order! The question contained argument. Questions must not contain argument. Accordingly, the question is out of order.

The Hon. Duncan Gay: That is not a ruling on the point of order.

The PRESIDENT: Order! Members must not canvass the President's ruling. The President can rule a question out of order at any time. I am becoming very concerned that questions are getting increasingly lengthy and contain argument, intimations and inferences—all of which are disorderly. I intend to rule out of order questions that contain argument.

PERSONAL INJURY COMPENSATION LEGISLATION INQUIRY RECOMMENDATIONS

The Hon. DAVID CLARKE: My question is directed to the Minister for Industrial Relations. What action has the Minister taken to implement the recommendations of the General Purpose Standing Committee No. 1 inquiry into personal injury compensation legislation? If the Government will not immediately commit to the implementation of the recommendations, when will the Government announce its response to the unanimous report of the committee?

The Hon. JOHN DELLA BOSCA: I have a pretty good track record as a Minister for implementing the outcomes of deliberations of committees of this Chamber, and I will stand by that record anywhere. I have familiarised myself with the significant detail of some of the recommendations of General Purpose Standing Committee No. 1 with regard to third party damages. The report has a number of sensible recommendations. However, at first glance some seem contrary to the direction in which the Government has been moving with statutory insurance schemes. The honourable member can expect me to treat the deliberations and the recommendations of the committee with great respect. The Government will provide a comprehensive response to the recommendations either by actions or formal comment. I am happy to stand by my record as a Minister who implements the recommendations of parliamentary committees, particularly those of this Chamber. As was illustrated recently in debate about long-term care, six or seven years passed before we could introduce legislation to implement the recommendations of that particular inquiry. The honourable member should be aware that these things take time.

ROADS AND TRAFFIC AUTHORITY PROOF OF IDENTITY UNIT

The Hon. CHRISTINE ROBERTSON: My question without notice is addressed to the Minister for Roads. What is the Roads and Traffic Authority doing to prevent fraudulent applications for New South Wales drivers licences?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for her interest in this matter. The Hon. Christine Robertson and Country Labor do fine work. I am pleased to inform the House of an important initiative the Roads and Traffic Authority [RTA] has taken to crack down on identity fraud, which is of serious concern to the community. Just one licence obtained using fake identity documents can have numerous implications, not to mention the potential for the commission of a serious crime or, even worse, a terrorist act. That is why the RTA has established a new specialist unit, the Proof of Identity Unit [POI], which began operation last month. The POI unit works closely with the RTA's existing external fraud unit, as well as other government agencies, including the Department of Immigration and Multicultural and Indigenous Affairs, the Australian Passport Office, the Registry of Births Deaths and Marriages, the Australian Federal Police, Australian Custom and the New South Wales Crime Commission.

I am advised that identity fraud, which includes the creation of a false identity or theft of an existing identity, is the fastest-growing crime in Australia and worldwide. According to the New South Wales Crime Commission the approximate cost to the Australian public is $3.5 billion each year. A New South Wales drivers licence can be used to obtain a passport, open a bank account or obtain a loan. Licences obtained using fake identification can be used to commit a range of serious crimes, including fraud, money laundering, drug trafficking, illegal immigration and even terrorism. Identity fraud can assist criminals in avoiding detection, concealing the proceeds of crime and avoiding tax. Recently while searching the Internet to find articles dealing with fake identities or fraud I came across an article headed "Liberal party in branch stacking probe", dated 29 October 2005. The House would no doubt be interested in this article, which explained that the New South Wales Liberal Party is investigating 74 instances of a fraud—

The Hon. Don Harwin: Point of order: This has absolutely nothing to do with the question the Minister was asked. I would ask you, Madam President, to draw his attention back to the question.

The Hon. ERIC ROOZENDAAL: To the point of order: I am giving an example of 74 cases of alleged fraud being experienced by an organisation in this State, and that is why we have this new unit to stop

the issuing of fake drivers licences, which can be used fraudulently to join the Liberal Party. It is relevant to underline my argument.

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

The Hon. ERIC ROOZENDAAL: Yet again, they try to cover up. A further concern for the RTA and the police is the threat to road safety if a fake licence is used to avoid demerit points.

The Hon. Michael Gallacher: You don't need a long neck to be a goose, do you, Eric?

The Hon. ERIC ROOZENDAAL: And you have a short neck, and you are just a dope! The RTA already has prevented the manufacture of counterfeit licences through the introduction of security features such as a hologram, edge-to-edge colour printing and a magnetic stripe. There will always be those who go to great lengths to rort the system. The establishment of the Proof of Identity Unit will further strengthen the RTA checking procedures that are in place already. If a registry officer has any doubts at all about the authenticity of a document presented to obtain a licence, it can be referred to the RTA Proof of Identity Unit, which will then perform a series of checks. For instance, overseas licences could be checked with the issuing authority in the relevant country to confirm their legitimacy. The establishment by the RTA of the Proof of Identity Unit is bad news for criminals, but good news for the law-abiding citizens of New South Wales.

UNITED KINGDOM LEGISLATIVE AND REGULATORY REFORM LEGISLATION

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Commerce, representing the Attorney General, a question without notice. Is the Minister aware that this month in the United Kingdom a bill entitled the Legislative and Regulatory Reform Bill has been passed by the House of Commons? Is the Minister aware that the legislation will give Ministers of the Crown the power to amend, repeal or replace any legislation simply by making a ministerial order? Is it a fact that legislation will give the United Kingdom Government an unprecedented ability to make law, and the potential to nullify the doctrine of the separation of powers? Will the Minister confirm that similar moves will not be made by this Government to introduce legislation to give Ministers law-making powers that erode the doctrine of the separation of powers?

The Hon. JOHN DELLA BOSCA: I do not want to display any sectarian sentiment, but the recent WorkChoices legislation is disturbingly similar to the approach to lawmaking referred to by Reverend the Hon. Dr Gordon Moyes—the so-called Henry VIII clause—whereby a Minister, simply by the stroke of a pen, can change the legal framework.

The Hon. Dr Arthur Chesterfield-Evans: It could lead us into a war.

The Hon. JOHN DELLA BOSCA: I do not want to go right back into the history because it might offend some people.

The Hon. Dr Arthur Chesterfield-Evans: No, just back to Iraq.

The Hon. JOHN DELLA BOSCA: We can go a bit further back than that. The United Kingdom has a very different Constitution to that which applies in the Commonwealth of Australia, and those differences are well canvassed. For me to go any further down that track would result in my giving a legal opinion and breaching the standing orders. However, the constitutional framework within which the New South Wales Government operates is pretty robust and democratic. We have debates in this Chamber about disallowing regulations and statutory instruments.

I cannot see any potential parallel between the constitutional arrangements of the United Kingdom and the New South Wales Government approach to legislation. But I can see some disturbing and chilling so-called Henry VIII behaviour by the Commonwealth now that the Federal Coalition has control of the Senate and it is introducing absurdly centralised laws within a framework that offends not only social democratic principles but also the principles of liberalism in the way in which it seeks to overregulate the relationship between employer and employee and gives the State completely inappropriate powers in contravention of any reasonable theory of behaviour—not just in respect to the takeover of State powers but also in respect to usurping the rights of employers and employees to enter freely into agreements. I am disturbed by this trend. I will leave it to other people to comment about the United Kingdom. I am sure they have their reasons for doing things. However, I am worried about the Commonwealth of Australia learning the wrong lessons from the United Kingdom.

ILLAWARRA STROKE UNIT PROJECT COMMITTEE PLAQUE

The Hon. DON HARWIN: My question without notice is directed to the Leader of the Government, the Minister for Commerce, Minister for Finance, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Vice President of the Executive Council. How does his Government justify the decision by the General Manager of the Northern Illawarra Hospitals Group to deny permission for the Illawarra Stroke Unit Project Committee to erect a plaque in Wollongong Hospital recognising the contribution of the committee to fundraising to provide much-needed facilities and equipment for people affected by strokes—efforts that have resulted in raising around $90,000? Is he aware that the plaque commissioned by the Illawarra Stroke Unit Project Committee thanks numerous people, including nurses, medical staff, local media and community members for their contribution towards establishing that unit? As Leader of the Government will he undertake to have the decision reviewed so that this mean-spirited decision can be overturned?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Don Harwin for his very detailed question.

The Hon. Michael Gallacher: But you would be across it.

The Hon. JOHN DELLA BOSCA: Unfortunately, I have to say that I am not across it. I very much follow events and public affairs matters in the Illawarra—health and other matters in the Illawarra are of great importance to the Government—but I am not familiar with that particular issue. I also am very concerned about strokes and the health of people who have suffered strokes. Stroke is one of those areas of public health which, as the population ages, becomes an increasingly important issue. I undertake as soon as I can to seek a response from my colleague the Minister for Health upon his return. I am sure he will give due consideration to the honourable member's question, provide him with an answer, and take any other appropriate action that is required.

ALFORDS POINT BRIDGE DUPLICATION

The Hon. ERIC ROOZENDAAL: Earlier today I was asked a question by the Hon. Greg Pearce relating to the Bangor bypass. I am advised by the Roads and Traffic Authority [RTA] that it is holding a public display of four options for stage two of the Bangor bypass project. The four options were first discussed with the community at a stakeholder workshop in November 2005 before being displayed at Menai Library in December. The RTA is putting the four options on display, along with a summary of public comments that have been made so far.

For the next month people will be able to view the options at Menai Library and take advantage of more opportunities to make comments. The display will be held during opening hours at Menai Library, Allison Crescent, Menai, from Monday 10 April until Friday 5 May 2006. The consultation process is an important part of progressing major road projects like the Bangor bypass. I encourage the community to comment on the four design options for stage two of the Bangor bypass. People should comment on which features of each option they prefer rather than simply voting for any particular option. The RTA considers all comments received when developing a preferred option but cannot respond individually to all comments. Feedback to the RTA on the concepts will be reviewed by Friday 12 May 2006.

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

DEFERRED ANSWERS

The following answer to a question without notice was received by the Clerk during the adjournment of the House:

LAKE COWAL GOLDMINE CYANIDE TRANSPORTATION

On 8 March 2006 Ms Lee Rhiannon asked the Minister for Mineral Resources a question without notice regarding Lake Cowal Goldmine cyanide transportation. The Minister for Planning provided the following response:

> I am advised by the Department of Planning that Cyanide for the Cowal Gold Project will be railed from Gladstone to Chullora in Sydney. It will then be trucked from Chullora to Camellia before it is railed to Dubbo. From Dubbo it will be trucked to the mine.
>
> Along this route, the cyanide will be trucked through the Bankstown, Auburn, Parramatta, Dubbo, Parkes, Forbes and Bland local government areas, and along the border of the Weddin local government area.

> I am advised by the Department of Planning that the transport of cyanide occurs on a regular basis in Australia, and is subject to strict Commonwealth and State statutory standards designed to ensure that such material is transported safely.
>
> I am further advised that the conditions of consent for the mine project required the mine operator to prepare detailed management plans for the safe transportation of hazardous material. These plans have now been prepared and were recently endorsed by the Director General of the Department of Planning.

Questions without notice concluded.

[*The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.*]

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

Second Reading

Debate resumed from an earlier hour.

The Hon. GREG DONNELLY [2.34 p.m.]: It is evident that an important object of this instrument is to protect individuals and religious groups from undue intrusion by the State or any other body into the ethos, principles and conduct of religious practice. International instruments, such as the Religious Declaration, are not of themselves, or as a matter of right, part of the domestic law of Australia. As part of the body of international law, such documents can perhaps best be regarded as points of general reference. In the landmark Mabo decision, the High Court stated:

> The common law does not necessarily conform with international law, but international law is a legitimate and important influence on the development of the common law, especially where international law declares the existence of universal human rights.

As honourable members can clearly see, the Greens bill and the arguments presented by the Greens in this debate display a very limited and flawed understanding of the concept of religious freedom. Should we be surprised by this? I think not. Ms Sylvia Hale during her second reading contribution proudly declared that many Greens are atheists. Fair enough, I say: the Greens are entitled to state and observe their own position with respect to religion. However, they are not entitled to unilaterally impose their position on others.

The bill presumes that religious freedom is something to be exercised only during formal worship. That presumption is wrong. The public manifestation of religious beliefs, including a parental right to choose a school in accordance with beliefs, is a right recognised in international law. The Greens know this, but they do not accept it. The propagation of religion is not a narrow concept. Faith requires the integration of hearing the word of God and action. A Catholic school, for example, is carrying out a religious activity when it cares for a disadvantaged student as much as when it engages in morning prayer. Likewise, when resources are applied to palliative care in a Catholic hospital, it engages in an activity that is as validly religious as is the pastoral care offered by its chaplain.

The right to religious freedom therefore includes the right of religious bodies to promote the social relevance of religious beliefs and to establish educational, cultural, charitable and social organisations which give expression to those religious purposes and beliefs. Living out the faith through action is an essential part of religious belief. It is also appropriate to consider the bill in the context of Australian law. In general terms, Australian law upholds the foundational right of religious freedom and some of the rights which flow from it. Section 116 of the Constitution provides:

> The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

From that section, it can be seen that there are four guarantees. The first three prohibit the Commonwealth from making any law to establish any religion, to impose any religious observance, or to prohibit the free exercise of any religion. The fourth guarantee provides that there shall be no religious test required as a qualification for any office or public trust under the Commonwealth. It should be noted that section 116 does not operate to limit the power of the States; nor has it ever been used successfully to strike down a law.

Honourable members would be aware that there have been very few cases decided by the High Court of Australia with respect to section 116. However, the 1983 case of the *Church of the New Faith v Commissioner of Pay-Roll Tax (Victoria)* is relevant to the present discussion. In that case the Church of the New Faith—Scientology—claimed that it was exempt from paying payroll tax because it said that it was a religion. The High

Court of Australia said two significant things: first, "freedom of religion, the paradigm freedom, is the essence of a free society"; secondly, that the definition of what constituted "religion" for the purposes of section 116 of the Constitution should meet two criteria:

> First, belief in a supernatural Being, Thing or Principle; and second, the acceptance of canons of conduct in order to give effect to that belief, though canons which offend against the ordinary laws are outside the area of any immunity, privilege or right conferred on the grounds of religion.

There are two important Commonwealth statutes that are relevant to religious freedom. They are the Sex Discrimination Act 1984 and the Human Rights and Equal Opportunity Commission Act 1986. In broad terms, the Sex Discrimination Act prohibits discrimination on the basis of marital status, sex, pregnancy or potential pregnancy. The Act also contains a number of exemptions, two of which relate to religious freedom. The first exemption, section 37, allows institutions such as seminaries to operate in accordance with the tenets and beliefs of their faith. The second exemption, section 38, permits the conduct of schools in accordance with the religious traditions and tenets of their faith.

There is at least one further qualification to the operation of the Commonwealth Sex Discrimination Act. Section 7B of the Act provides that in a case of what is described as "indirect discrimination" there is no discrimination if the alleged discriminatory condition, requirement or practice is, as stated, "reasonable in the circumstances". The person or institution claiming the benefit of that section bears the onus of proof.

Section 3 of the Commonwealth Human Rights and Equal Opportunity Commission Act prohibits discrimination on the basis of any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. There are exemptions to the broad definition of "discrimination". The Act provides that there is no discrimination if the distinction, exclusion or preference is, as section 3 states:

> … in respect of a particular job based on the inherent requirements of the job, or in connection with employment as a member of the staff of an institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, being a distinction, exclusion or preference made in good faith in order to avoid injury to the religious susceptibilities of adherents to that religion or that creed.

All States and Territories in Australia have anti-discrimination or equal opportunity legislation, or both. Usually there are exemptions or exceptions predicated on some recognition of religious freedom. Often the exception is expressed in terms of there being either a genuine occupational qualification or a religious susceptibilities exception, such as those set out in section 3 of the Commonwealth Human Rights and Equal Opportunity Commission Act. It is fundamentally misleading, as the Greens have done, to characterise the exemptions in the New South Wales Anti-Discrimination Act as loopholes. There are no such things.

In preparing for this debate I requested the Parliamentary Library Research Service to provide me with details of how and when the exemptions in the New South Wales Act came into being. In its usual efficient and thorough way the service provided me with two thick A4 folders of material containing copies of legislation, amendments and *Hansard*. If one reads the material carefully, it is crystal clear that the exemptions are not loopholes; in fact, quite the contrary. They have been very deliberately embedded in the legislation to pay proper regard to religious freedom, and also, as the New South Wales Act provides, to give balance to rights and protections in the public and private spheres.

In considering this bill, it is appropriate to consider the state of play of religious and faith-based education in this State. The Australian Bureau of Statistics publication "New South Wales in Focus 2005" provides a detailed breakdown of the religious affiliation of persons residing in this State. The details are extracted from the most recent data available—the 2001 Census. Just over 6.3 million people are accounted for in the survey. As honourable members would observe on reading that data, the figures are very revealing. If my arithmetic is correct, 78.8 per cent of respondents identified themselves as affiliated with one religion or another. Yes, it is true that many of those people may not go to church, mass or a prayer service each week. On the other hand, they could have ticked the box "No Religious Belief" but they chose not to.

In New South Wales some 915 non-government schools are registered, most of which are affiliated with a religious tradition. At present 95 per cent of non-government schools are affiliated with a religious tradition of Christianity, Judaism, Islam and others. Growth in the enrolment at non-government schools in New South Wales continues. In 1994 there were 296,078 students enrolled in such schools. In the past month or so the Australian Bureau of Statistics released the 2005 figure—367,247. That is just over 24 per cent growth

during that 11-year period. That is very impressive and demonstrates strong support by parents in New South Wales for faith-based schools. Why such support one might ask? Last year the Australian Council for Educational Research prepared a report for the *Sydney Morning Herald* and the *Age* newspapers. Later, a feature article appeared in the papers entitled "Why Parents Choose Private or Public Schools". I encourage all honourable members to read that research article. Under the heading "Overall Conclusions" the article states:

> In so far as the research was able to pin down the reasons for the selection of a Private or Public school, one factor stood out: the extent to which the school embraced traditional values to do with discipline, religious or moral values, the tradition of the school itself, and the requirement that a uniform be worn.

The Greens may not like it but the fact of the matter is that many, many parents in New South Wales make great financial sacrifices year after year to send their children to non-government schools. There can be no doubt that religious and moral formation provided to the children at those schools is a key reason why parents send them there in the first place. While many parents who send their children to faith-based schools may not be fully versed in the philosophical concepts of secular humanism and moral relativism, they know from experience and in their hearts that such schools have something special to offer. They want their children to develop fully: humanly, intellectually, socially and spiritually—as a whole person.

The parents clearly believe that the schools they select for their children will help them achieve that outcome. With respect to the Greens' bill the following points need to be made. The various mainstream religious traditions have specific teachings and norms of behaviour with respect to human sexuality. With respect to Christianity, which I am more familiar with, it makes no apology for that. The teaching and doctrines have been developed not over hundreds of years but thousands of years. The Christian tradition teaches that the intimate acts of conjugal love are, and should be, the preserve of married spouses—male and female. Sexuality is seen as not something simply biological, but rather concerns the innermost being of the human person. It is realised in a truly human way only if it is an integral part of the love by which a man and a woman commit themselves totally to one another until death.

Those teachings profess that there is an inseparable connection between the unitive and procreative meanings of human sexuality. The Greens and others no doubt disagree with that teaching on human sexuality but it does not mean those teachings do not exist. In light of this position, the major faith-based traditions have developed specific teachings on adultery, pre-marital sex, homosexuality, bisexuality and transsexuality. Those traditions have developed over time and in the full light of what the faith traditions see as the true nature of human sexuality. No matter what the Greens or anyone else say or do, they will not be able to make those teachings, doctrines and traditions disappear. Indeed, after four decades of laissez faire attitudes towards human sexuality many young people in particular are starting to question the baby boomer generation about their anything-goes legacy. It will be very interesting to see what unfolds over the next few decades.

On the issue of homophobia, as raised in this debate, the *Australian Oxford Dictionary* defines homophobia as "a hatred or fear of homosexuals and homosexuality". My experience is that the non-government schools in New South Wales, and indeed Australia, are not homophobic. They may teach their students moral norms with respect to human sexuality, consistent with their doctrine and traditions, but that is not homophobic behaviour. With respect to concerns of homophobia, all New South Wales schools, including private educational institutions, are subject to the homosexual vilification provisions of the New South Wales Anti-Discrimination Act.

The following points should be made on the issue of marital status and related exemptions. These exemptions are necessary so that religious schools can preserve their mission and identity in supporting the religious freedom of parents to choose a school in the knowledge that their beliefs and practices will not be violated or breached. The debate should also not pass without some comment about the nice little backhander the Greens gave non-government schools with respect to girls and young women who fall pregnant. In my experience such schools, rather than discriminating and expelling, provide assistance and support. However, letting the facts get in the way of emotion and distortion does not seem to bother the Greens in this debate, or indeed in many other debates.

The disability discrimination issues raised in the bill are also misleading since the Commonwealth Disability Act and its standards, by virtue of section 109 of the Australian Constitution, cover the field. Non-government schools cannot discriminate against anyone on the grounds of disability. They are required to comply with the Commonwealth Disability Discrimination Act and the standards defined under that Act. It seems to me that if there are genuine concerns about disability discrimination in non-government schools those

matters can, and should, be taken up with them directly. I make the following points with respect to the exemptions raised in the bill relating to small businesses.

The arguments articulated when the original exemptions for small business were made are as valid now as they were then. Relationships within small business are more personal and closer to family or household concerns than in the case of larger businesses. Accordingly, the freedom of choice in personal matters should apply. Far from presenting a good case to remove the exemptions, the Greens, once again, have provided us with an opportunity to state all the good and cogent reasons why the exemptions should remain. It is completely appropriate to maintain the exemptions in the New South Wales Anti-Discrimination Act. I urge all honourable members to oppose the Anti-Discrimination Amendment (Equality in Education and Employment) Bill.

Mr IAN COHEN [2.52 p.m.]: I support Ms Lee Rhiannon's Anti-Discrimination Amendment (Equality in Education and Employment) Bill, which amends the Anti-Discrimination Act 1977 to prohibit private education authorities from discriminating in education and in employment, and to prohibit employers of small businesses from discriminating in employment. It is a sad fact of life that discrimination on the basis of factors such as sexuality still exists in our society. Discrimination occurs in many areas of our society. It occurs in both public and private schools. However, in private schools it can be done lawfully and, therefore, those who are discriminated against in that forum cannot seek redress.

The Anti-Discrimination Act is a reflection of society's belief that it is not okay to discriminate on the basis of sexuality, disability, marital status and the like. Surely the standards should apply across the board. An important point to make is that private educational institutions receive public funding. It is unacceptable that the Government should fund institutions that are allowed to discriminate against teachers and students. Discrimination against people with disabilities has no place in today's society. As has already been mentioned, private schools are generally in a better position to meet the costs of any necessary provisions for those with disabilities, yet public schools are obliged to abide by anti-discrimination laws while private schools are exempt.

While it may be argued that a small company with five or fewer employees may have difficulties with accommodating the needs of a person with a disability, this should not be used as an excuse. If discrimination on the basis of disability is wrong, as the Greens strongly believe it is, it is wrong for companies of any size. Likewise, the distinction that allows small businesses to discriminate on the basis of sexuality is repugnant and nonsensical. A person's sexuality has no bearing on his or her ability to carry out a job, no matter what the size of the business. Teenage girls who become pregnant face some incredibly difficult choices, and they face a great battle if they wish to continue both the pregnancy and their education.

While teenage pregnancy is more likely to occur in lower socioeconomic areas and, therefore, the young mother is more likely to attend a public school, a proportion of young women in this situation attend independent schools. Being forced out of school simply compounds their problems. For those in a lower socioeconomic group the deprivation of education can simply reinforce the cycle of poverty and lack of opportunities in the future. For those who persevere in their high school education, it is up to schools such as Plumpton High School to pick up the pieces. This school takes in pregnant students who have been excluded from other schools and it does a remarkable job in supporting them through their education.

While many State schools now have, or are developing, policies of retaining young mothers, private schools are still able to discriminate against young women in this situation. The Human Rights and Equal Opportunity Commission has documented cases of victimisation of both students and teachers on the basis of their sexuality. While this has occurred in both private and public schools, in public schools there is the opportunity for legal redress. Moreover, one can imagine that in places where such discrimination is not illegal, there can be a greater likelihood of action such as bullying and hostility toward non-heterosexual students and teachers. So, even if they are not expelled or fired, one could well imagine that homophobic actions could be seen as more acceptable in an environment where discrimination on the basis of sexuality is legal.

A 2004 report by the Australia Institute claimed that discrimination was alive and well in Australia's private schools. Polling done by the Australia Institute in the course of compiling its report indicated that 90 per cent of Australian parents believe that private schools should not be able to discriminate on the basis of homosexuality. This shows that 90 per cent of people think that the law is out of step. Private schools are allowed to act in a manner that the community thinks is outdated and unacceptable. John Howard made the claim that public schools were values neutral and that this was driving greater numbers of parents to private school enrolment. In 2004 the Howard Government's Minister for Education at the time, Brendan Nelson, declared:

> Australian parents, more than ever, are expecting schools to foster values such as tolerance, trust, mutual respect, courage, compassion, honesty, courtesy and doing one's best.

It seems that the values that some private schools enforce and practice are values that are the very antithesis of this. They foster values of discrimination and they do it with the sanction of the law. This bill seeks to address that inconsistency. The report of the Australia Institute concludes:

> There is very widespread and strong opposition in the Australian community to the capacity of private schools to exempt themselves from discrimination on these grounds. There is no difference in the strength of opposition to these laws between the parents who send their children to private schools and those who send them to public schools. Opinion is especially strong on the issue of expulsion of gay students.
>
> These findings indicate that these exemptions from laws banning discrimination are out of step with community values.

I strongly believe that this is the case. I urge all honourable members to support this bill, to bring antidiscrimination laws in New South Wales into the twenty-first century, and to put an end to the abhorrent ability of private and small businesses to discriminate in ways that the community finds unacceptable. I am pleased to support Ms Lee Rhiannon's private member's bill—the Anti-Discrimination Amendment (Equality in Education and Employment) Bill and hope it has a successful passage through this House. If this bill fails, I have little doubt that something similar will be introduced—legislation that is a significant step away from discrimination in our society.

Debate adjourned on motion by Mr Ian Cohen.

SMOKE-FREE ENVIRONMENT AMENDMENT (REMOVAL OF EXEMPTIONS) BILL

Second Reading

Debate resumed from 30 March 2006.

Reverend the Hon. FRED NILE [2.59 p.m.]: The introduction of the Smoke-free Environment Amendment (Removal of Exemptions) Bill by the Hon. Dr Arthur Chesterfield-Evans follows an issue that has been debated in this House on a number of occasions—the Government's policy and compromised plan on smoking in clubs and hotels. The Government has not honoured the promise by former Premier Bob Carr that by 2007 there would be a total ban on smoking in clubs and hotels. The Government then introduced exemptions in the areas to which I referred and devised the compromised 25 per cent to 75 per cent policy.

Under this policy smoking will be permitted in rooms in clubs and hotels that are 75 per cent enclosed. So long as the remaining 25 per cent is open space—there are windows and doors, for example—smoking will be allowed. The Government has erroneously included the ceiling area in that calculation when everyone knows that ceilings trap smoke. Under the original legislation smoking was permitted in beer gardens, which are basically open areas perhaps with lattice walls for privacy. The 25 per cent to 75 per cent policy is so loosely designed as to enable hotel proprietors and club owners to allow smoking again in rooms that had been set aside as non-smoking areas. That is a step backwards and will have a tragic effect on smokers, non-smokers and staff who work in that environment.

Many bar staff suffer from smoking-related diseases such as throat and lung cancer. So the effect of patrons' smoke on non-smoking employees is clear. Staff are bound by their employment agreements and cannot escape smoky environments. The bill has been superseded to a degree by the regulation that we failed to defeat in the House. We tried to force the Government to rethink the 25 per cent to 75 per cent proposal and perhaps even replace it with a total ban on smoking, as applies in Ireland and other countries. Even those associated with the hotel industry have expressed reservations about the current policy, which shifts the enforcement responsibility onto proprietors. I can envisage a situation where staff will become embroiled in arguments with patrons about whether areas are designated smoking or non-smoking. Some bush lawyer, for example, will argue that smoking should be allowed in a particular room. It will be a constant source of irritation and conflict in hotels and clubs. A total prohibition on smoking in pubs and clubs would make it easier for everybody. Proprietors would know exactly what is expected of them. The current situation is not black and white and will cause confusion.

The Hon. Dr Arthur Chesterfield-Evans has been a persistent anti-smoking campaigner for many years. His opposition to smoking is based on his medical knowledge and his experiences as a general practitioner, which he has shared with honourable members in the House and in private conversation. He treated patients

with smoking-related diseases, such as diabetes—which often necessitates the amputation of limbs—and witnessed their suffering at firsthand. It was not pleasant. It deeply affected the Hon. Dr Arthur Chesterfield-Evans and prompted him to introduce this bill. In spite of the 25 per cent to 75 per cent policy, I hope that honourable members will seriously consider supporting the bill, which will clarify guidelines on smoking for the proprietors of pubs and clubs. The Christian Democratic Party supports the bill.

Ms SYLVIA HALE [3.05 p.m.]: The Greens support the Smoke-free Environment Amendment (Removal of Exemptions) Bill. I pay tribute to the Hon. Dr Arthur Chesterfield-Evans, who is a long-time anti-smoking campaigner and activist. As a doctor he has seen at firsthand the damage that smoking can do to people's health. On many occasions he has described to members of the House the graphic and debilitating effects of smoking. This bill is part of an ongoing campaign to save lives by reducing the incidence of smoking, and the Greens certainly support the Hon. Dr Arthur Chesterfield-Evans and other campaigners in achieving this end.

As I said in the House during debate on the Government's Smoke-free Environment Bill in November 2004 and again during last week's consideration of a disallowance motion, the current law does not go far enough. During the 2004 debate the Greens proposed amendments that would have prohibited smoking completely in all enclosed public spaces as of that year. At that time the Government argued that the ban had to be phased in. The Greens amendments were supported by crossbench members but not by the Government or the Opposition—much to their discredit. We now know that the Government has no intention of imposing a complete ban on smoking in the indoor public areas of pubs and clubs. The donations from the gaming and liquor industries are just too great for the Liberal, Labor or National parties to forgo.

Last month the Government introduced regulations that allow a room that is up to 75 per cent enclosed to be defined as "open space". A few large windows and a set of concertina doors can now turn a room into outside space. The notion is ludicrous and means that many, if not most, bars will be smoking areas. As we speak, owners of pubs and clubs are undertaking building works to enlarge windows and doors so that their essentially indoor bars can remain designated smoking areas. This development represents an outrageous capitulation to the hotel industry. The Government has chosen to put its continued access to the rivers of money that flow from political donations ahead of the health of pub workers and patrons. Thousands of New South Wales residents will die of smoking-related diseases because the large political parties are captive to liquor and gambling interests.

In the past five years individual pubs, clubs and associated companies have donated more than $2.5 million to the New South Wales branch of the Australian Labor Party. The Australian Hotels Association [AHA], the industry's peak lobbying organisation, donated a further $502,000. That means the New South Wales Labor Party has received more than $3 million in political bribes. Last week I spoke about the donations that were received while the smoking law exemptions were under negotiation. It is not difficult to see what the AHA got for its money. In return for the stream of cash it was granted a Clayton's definition of "non-smoking": the non-smoking you have when you can still smoke. Under the definitions developed by the Government in cahoots with the hotel industry, smoking will be permitted to continue in a majority of bars.

The Greens believe that there is no justification whatsoever for failing to introduce a full ban on smoking in all indoor public areas. The Greens are committed to improving people's overall health and wellbeing. Smoking leads to illness, cancer and premature death. For this reason we discourage smoking and support any legislation that reduces the incidence of smoking. Tobacco is a dangerous drug and some have even argued that it should be banned altogether, although others have doubted the efficacy of that approach. Be that as it may, the fact that tobacco use is legal while various other drugs are banned highlights the fact that the legislation in this State bears little relationship to the harm done by different substances. Tobacco is a highly addictive, cancer-causing drug. This is a proven scientific fact, yet tobacco remains legal.

This bill may help some smokers kick the habit. Introducing a ban on all indoor public areas will result in some smokers moving outside to smoke, as a result smoking less, and hopefully over time quitting altogether. I understand that it is hard for people addicted to nicotine. But the inconvenience for smokers being asked to smoke outside is of a vastly lower magnitude than the potential suffering of passive smokers developing lung cancer or emphysema. This bill will have a positive impact for both smokers and non-smokers alike. The 2004 Smoke-free Environment Act contains explicit exemptions in addition to the dodgy definition. The Government says it plans to remove these exemptions by mid-2007, except for one particular exemption: the private gaming room at Star City Casino. Presumably any new casinos or high roller rooms may also apply for and be granted an exemption. When this legislation was being debated last year, the Hon. Henry Tsang said:

> … this exemption does not, in any way, diminish the responsibility the casino, or any other licensed premises, owes to its employees under occupational health and safety legislation, to provide a safe work environment.

His statement was completely unrealistic, disingenuous and hypocritical. How on earth can Star City Casino ensure that its employees, working in a room full of smoking high rollers, will not suffer the adverse health impacts associated with passive smoking? Was the Hon. Henry Tsang suggesting staff wear gas masks at work? The Government knows full well that Star City Casino will be unable to guarantee its workers a healthy smoke-free working environment. I believe it is hypocritical in the extreme for the Government to somehow pretend if someone's health is being put at risk, as is the case of hotel and club workers who are exposed to smoke, they are going to be protected because there will be an opportunity for a case under occupational health and safety legislation. If the Government meant anything by its words, if it were genuinely committed to protecting peoples' lives and health, it would act to forbid smoking altogether in enclosed spaces.

With this exemption the Government demonstrated yet again that it is more concerned with maintaining the profits of the gambling industry than with protecting the health of casino workers. The Government tried to soften the criticism of this special dispensation to Star City by promising a review in 12 months. Now is the time to ask: Has this review taken place and, if so, what is the outcome? The Minister must inform the House about the process and outcome of this review. This bill would have the effect of removing all exemptions and dodgy definitions immediately that apply to all indoor bars and public areas—including Star City Casino's high roller room. It would mean the health of staff in pubs and clubs would be protected from cancer-causing passive smoke while at work.

Compared to governments overseas, the New South Wales Government has been very slow to act on this issue. These laws have been introduced in Ireland and New Zealand, and smokers have adjusted relatively quickly. The effect has not been nearly as bad as forecast by the hotel industry. Indeed, non-smoking patrons have returned to bars in larger numbers because they now know they can enjoy a smoke-free social environment. If Ireland and New Zealand can do it, why cannot New South Wales? In this State the Government has chosen to pander to protests from the Australian Hotels Association and its bleating about lost profits.

An added side effect of the bill introduced by Hon. Dr Arthur Chesterfield-Evans is that it may even help people with gambling problems, as most pokie rooms are the designated smoking areas in many hotels. If people go outside to smoke, they take a break from gambling. There is a high correlation between smoking and gambling, which is why the pubs and gambling lobby have been keen to allow people to smoke in the poker machine areas. If the punter stops gambling for a cigarette—even for 5 minutes—it threatens the profits of the gaming operator. The gambling lobby is indescribably amoral.

Reverend the Hon. Fred Nile: Immoral

Ms SYLVIA HALE: Amoral and immoral—both lacking in morals and acting in a totally non-moral way. The gambling lobby has designed artificial environments where people can smoke, drink, eat and gamble, cut off from outside stimulation and even natural light. The last thing it wants is for gamblers who smoke to be forced to get up and leave a gambling machine. I know that some smokers who like to go into a bar for a beer and a cigarette do not support a full ban. They have voiced concern about having to leave the premises and go outside to smoke. But in fairness, is that really too much to ask? People are already doing it in many buildings and at most workplaces. Most smokers realise this is not an unreasonable request to protect the health of innocent bystanders sharing the same space.

It is a well-known fact that passive smoking is bad for everyone—smokers and non-smokers alike. Many smokers already choose not to smoke around non-smokers, especially children. This bill allows smokers to continue to smoke outside, but designates shared inside space as smoke free. This bill cannot be enacted soon enough. Every day that smoking is permitted in enclosed areas, more deaths and debilitating smoking-related diseases will occur. The Greens strongly support a full smoking ban on all indoor areas where people work and socialise. We support the bill. I urge all honourable members to join us in the campaign for a genuinely smoke-free environment.

Debate adjourned on motion by Ms Sylvia Hale.

TRADE UNION MOVEMENT

Debate resumed from 30 March 2006.

The Hon. GREG DONNELLY [3.20 p.m.]: I welcome the opportunity to participate in this debate. I congratulate the Hon. Amanda Fazio on moving this motion and bringing on for debate a number of matters that are relevant for honourable members to reflect upon and consider, bearing in mind the enormous challenges

that in future will confront Australian trade unions in representing well and effectively the interests of ordinary working people throughout Australia. The motion obviously lends itself to broad discussion about the trade union movement. However, I am conscious that I have only 20 minutes in which to speak, which will enable me to touch on only some of the relevant points.

I congratulate the Hon. Amanda Fazio, the Hon. Ian West and the Hon. Kayee Griffin on their detailed contributions to the debate. Those members, particularly the Hon. Kayee Griffin, examined the achievements of the Australian trade union movement over more than 150 years. I do not intend to list all of those achievements. However, I will draw to the attention of the Chamber an excellent examination by Jim Hagan in a book co-authored by Bill Ford and David Plowman entitled *Australian Unions: An Industrial Relations Perspective*. Chapter 2 of the book contains a detailed examination by Jim Hagan, a well-known labour historian, of the achievements of the Australian trade union movement over the past 150 years. I encourage those interested in labour history in general, and in trade union history specifically, to read that article. I highly recommend it.

This afternoon I will focus on an examination of the achievements gained by the Australian trade union movement over the past 20 years on behalf of a very large, significant and growing part of the work force—that is, Australian working women. I am sure other honourable members who will speak in this debate will comment on this issue. Anyone who makes a considered and objective assessment of the improvements made for working women over those 150 years, but specifically the past 20 years, and focuses on women's rights at work and the challenges faced by so many women—indeed, I would say all working women—including balancing their paid work responsibilities and their home responsibilities, would recognise that the Australian trade union movement is the only organised body representing workers in this country that has made significant advancements on behalf of working women.

Time prohibits a detailed examination of all achievements over the past 20 years, so I will refer to a number of what were major test cases. I say "were" because a feature of the Howard Government's legislation is that it will completely gut the powers of the Australian Industrial Relations Commission to hear test cases. Test cases have been a vehicle, certainly over the past century, by which working people could argue before that tribunal for improvements in various entitlements of Australian workers, and it has been a key vehicle in achieving those improvements. Test cases have been used over a long period. While unions never got everything they wanted in a test case before the commission—some might say that is the way it should be—the fact is that those test cases produced, in almost all instances, reasonable outcomes that have improved the lot of working people. I do not mean just trade unionists, because all working people have benefited. That is, all people covered by the awards system, whether union members or not, have benefited from the improvements won in test cases.

The specific test cases to which I refer date back to the late 1970s, and I will list them in chronological order. The first test case was in 1979. It produced a decision which, for the first time, provided for maternity leave for working women—a very significant decision. It enabled working women to take up to 12 months in unpaid leave. A few years later, in 1985, a test case that was run and completed resulted in a decision providing for 12 months of unpaid adoption leave—obviously for working women, but also for men. Another five years later, in 1990, came a decision providing for 12 months of unpaid paternity leave for fathers, giving fathers the opportunity to take unpaid leave from work so that they could share in the joy of having a new child in their families.

A few years later—so these decisions were made every four to five years—the trade union movement mounted the very important family leave test case before the Australian Industrial Relations Commission. Some years after that came the important personal carers leave test case, which provided an additional entitlement to take off up to five days to care for sick family members and relatives. Importantly, in 2001 was the parental leave test case, which resulted in the provision of unpaid leave for casual employees—a most significant decision. Honourable members should bear in mind that back then, as now, a large number of workers were employed on a casual basis. In 2002 there was the reasonable hours test case, which placed some sensible limitations on an employer's ability to require people to work unreasonable amounts of overtime. That is fair enough. Those who have family responsibilities should not be required, week in and week out, to work unreasonable overtime.

Most recently, in 2005—and this is the decision to which I want to pay particular attention—the commission increased the period of unpaid maternity leave that women could take from 12 months to two years, in effect doubling the period of maternity leave they could take. It also enabled both parents to take overlapping amounts of parental leave—such that, if both are in the work force, they can take overlapping parental leave, up to a maximum of eight weeks. Finally, women were given the right to request part-time work after returning to work from maternity leave until the child commenced school.

All of those were important decisions of the Industrial Relations Commission. In many cases, those were not arbitrated decisions. Rather, the decisions resulted from the union movement serving applications, through the Australian Council of Trade Unions, to bring on a case. That procedure opened up a set of negotiations between the union movement and peak employer organisations, leading to compulsory conferences of the parties. In many instances the outcomes produced were quite satisfactory for all parties and led to new entitlements—entitlements not imposed on anyone, but rather brought about through discussions between the key industrial parties.

It is important to realise that this is not the tribunal unilaterally imposing entitlements on unwilling employers, but rather employers consensually agreeing to incremental improvements in the rights of working women. I draw to the attention of the House a most significant decision made by Justice Guidice of the Australian Industrial Relations Commission on 8 August 2005. I encourage honourable members to read that decision. When Justice Guidice refers to the adoption of a decision he is not referring to an adoption through arbitration but rather through negotiation between the parties in conciliation over which the commission presided. I will not read the decision in its entirety, but at the bottom of the first page Justice Guidice states:

> The provision we have decided to adopt is based to a large extent on the proposal of the States and the Territories. Those proposals draw on the approach contained in ss 80F and 80G of the *Employment Rights Act 1996*.

Justice Guidice is referring to legislation from the United Kingdom. He continues:

> That approach creates an employee writing to request a change in working conditions and imposes a duty upon the employer not to unreasonably refuse the employee's request. We have adopted the employee rights to request in the form suggested by the States and Territories but modified the employer's obligations so that the employer may only refuse on the basis of reasonable grounds.

Justice Guidice then puts forward the model clause—I will not read it—which picks up the points I have quoted. Since May last year the trade union movement in Australia has progressively incorporated the model clause into Commonwealth awards that affect workers all around Australia and a significant number of workers in New South Wales. Why am I belabouring the point about this entitlement? The answer is simple. This is a classic example of the absolute havoc and destruction the new WorkChoices legislation is visiting upon ordinary working people. I am not sure whether too many honourable members in this place have gone to the trouble of looking through the new Commonwealth legislation, which commenced last Monday 27 March. The Act is a clear example of the old adage that more is less. We have a massive Act and a massive set of regulations. The paradox is that the huge Act and regulations do not provide for improvements and enhancements, but rather massive complications and, more importantly, a fundamental emasculation of the rights of working people in Australia.

I use maternity leave provisions as an example. It is absolutely extraordinary that not one member of The Nationals or the Liberal Party in either House of this Parliament, specifically not one of their female members, has commented on the destruction of maternity leave entitlements for Australian women by the WorkChoices legislation. It is an absolute disgrace! They do not have the guts to come into this Chamber to talk about the reduction of women's rights at work. Commonwealth awards currently provide for two years unpaid leave for Australian working women. The new Commonwealth legislation states that maternity leave is not allowable; it cannot be part of a Commonwealth award. Section 116 of the Act refers to 20 allowable matters, but maternity leave is not one of them. Surely women cannot have lost all their maternity leave entitlement. If that seems a bit strange, where could it be? Section 94 (3) (d) of the Act sets out the maternity leave right, which is one of only five conditions to which Australian workers are entitled following the implementation of the WorkChoices legislation on Monday 27 March. Maternity leave forms part of parental leave entitlement, and it is only 12 months. Section 94 (3) (d) provides:

> The maximum total amount of maternity leave, including special maternity leave, to which an employee is entitled in relation to the birth of a child is 52 weeks.

Special maternity leave is leave provided to a woman who may have difficulty during her pregnancy and who may need some time off work. The Howard Government's legislation has reduced by 50 per cent the maternity leave rights of Australian working women to take time off to spend with their child—from two years to a maximum of 12 months. And an employer cannot go beyond that maximum. It is extraordinary that we have heard nothing about this from the female members of The Nationals or the Liberal Party in this Parliament, the Commonwealth Parliament or any other Parliament in any other State or Territory. I do not know why they choose to be silent on this matter, but I challenge any one of them to stand in her Parliament and put on the record why she supports legislation that reduces by half—from two years to 52 weeks—the rights of working

women to maternity leave. They should all put their position on the record so that Australian working women can fully understand why they support that reduction. But we hear nothing from them; there is just silence. I issue the same challenge to the male members of The Nationals and the Liberal Party, many of whom have wives and daughters in the work force who, as a result of the Commonwealth legislation, have had their maternity leave reduced by 50 per cent.

The Hon. Rick Colless: Nonsense.

The Hon. GREG DONNELLY: It is not nonsense. I challenge him to tell me where I am wrong. The reality is that that is what the WorkChoices legislation has done, and it has done it very deliberately. The only conclusion we can draw from the silence of the members of The Nationals and the Liberal Party is that they agree with that reduction. It is about time they came clean. They are nodding their heads.

The Hon. Rick Colless: You're drawing a longbow.

The Hon. GREG DONNELLY: No, it is not a longbow, it is the fact. Some $55 million of John Howard spin cannot change the fact that the legislation—

The Hon. Jennifer Gardiner: You know all about that.

The Hon. GREG DONNELLY: Yes, I do. I challenge the Hon. Jennifer Gardiner to stand in this place to explain why she is not defending working women in Australia. Why is it only the Labor Party in the New South Wales Parliament, in other State and Territory parliaments and in the Commonwealth Parliament that is pointing this out? It is all going to come out! Last week the Hon. Greg Pearce in his rather poor contribution to this debate cited the International Monetary Fund [IMF]. If wages in Australia were reduced to $7.50 an hour, the IMF would state in its next annual report that the reduction is inadequate and that the rate would be reduced even further. Sure, let us reduce labour markets to nothing much more than supply and demand—that is what the WorksChoices legislation has done. The WorkChoices legislation has commodified workers so that they become nothing more than subjected to the forces of supply and demand.

In his contribution the Hon. Greg Pearce referred to the baseball bat that will be taken to the trade union movement. Well, I can tell honourable members opposite that it will not be a baseball bat that will be taken to Labor representatives, but rather scalpels taken to the throats of members of the Liberal Party and The Nationals, particularly the female members of those parties who have failed to stand up and defend the rights of working women. Working women may not be saying very much at the moment about the WorkChoices legislation, because they may not fully appreciate it. But I can tell Coalition members that when they wake up, women in the work force will come after them—and not with a baseball bat. Women in the work force will come under cover of darkness when everyone is asleep, and they will cut the throats of members of the Coalition from ear to ear—and that will be the end of it! Coalition members have no idea what the reaction of working women will be when they realise the impact of the WorkChoices legislation. [*Time expired.*]

The Hon. AMANDA FAZIO [3.40 p.m.], in reply: I thank all honourable members who have contributed to this debate, although obviously I value the contributions of some more than others. I particularly thank members on the Government side of this Chamber for their defence of the trade union movement. Having said that, I will make specific comments on the contributions that have been made by other honourable members. Many speakers during the debate focused entirely on the WorkChoices legislation. The motion I moved relates to the Prime Minister's attack on the union movement generally, on the approximately two million workers who belong to trade unions in Australia, and the manner in which the Prime Minister tried to demonise trade unions in a cheap political stunt during the run-up to the most recent Federal election.

I was struck by the tenuous link that was attempted to be drawn between the union movement's industrial relations and the economy. I simply point out that the Labor Party has received a great deal of input from people who recognise the great contribution that the Australian trade union has made to the Australian economy. Attacks on the trade union movement have occurred at a time when Australia has had record low levels of industrial disputation. The union movement has been nothing but responsible in terms of its industrial strategies and in the manner in which it has represented the needs of its members.

I was attacked for selectively quoting during the debate. I simply point out that the selective quoting of statements of Labor spokespeople by the Hon. Greg Pearce was the most blatant I have seen in a long time. The honourable member said that in the competitive global economy unions are no more able to save jobs than

governments are able to create them. That statement shows his failure to understand the way in which the world really operates. We know that governments, if they desire to do so, can create jobs, and we also know that unions are able to save jobs. This week the Meat Workers Union went public with the details of the Cowra abattoir dispute. In the end, the abattoir operators backed down on their scandalous proposal to sack all their employees and rehire them at $200 a week less. That is an example of the positive contribution that the trade union movement can make. The union had to take action in defence of their workers' rights and their workers' standards in the face of an unmitigated and unrelenting attack by the Federal Government.

The classic issue debated by the Hon. Greg Pearce was the comparison he cited of employment rates under the last Federal Labor Government and the employment rates of the current Federal Government. Quite simply, when the manner of capturing the figures is completely changed, no useful comparisons can be made. There is no longer a place similar to the former Commonwealth Employment Service where people may register the fact that they are unemployed and looking for work. Under the Coalition's collection of statistics, if a person works part time for one or two hours a week, that person is not registered as a jobseeker, even if that person is looking for full-time employment. That is an absolute disgrace. The attempts by the Hon. Greg Pearce to use faulty comparisons displayed his argument's lack of intellectual rigour.

While in general I supported the contribution made by Ms Lee Rhiannon in so far as it attacked the Federal Government for its appalling WorkChoices legislation and for its ongoing negative attitude to working people in Australia, it was a very unfortunate—although I acknowledge that she could not help herself—that she introduced, as part of debate on the motion, an attack on the State Labor Government. A constant problem for the Greens is that they cannot be complimentary to any group except themselves. The Greens always attack the State Labor Government because basically they are opposed to everything but their own minor supporters in the community.

The Hon. Greg Pearce, who was the only Opposition member to speak in the debate, failed to even attempt to address the scare tactics that have been used by the Federal Government time and time again when it goes into its Federal election campaign mode, the scare tactics used by the Federal Government during the *Tampa* and children overboard scandals—and we found out how truthful they were in relation to that. That was a pack of lies that had been fabricated from the outset and foisted on the Australian people. At the most recent Federal election, the Federal Government tried to link the issue of interest rates with the threat of unions being able to flex more industrial muscle under a Federal Labor Government, but that has simply not been the case.

It was a pathetic attempt on the part of the Prime Minister to demonise, not only the trade union movement, but also the honest, hardworking Australian people who belong to trade unions. That was an incredibly despicable act, but it is not much more than I have come to expect from a Prime Minister who has a track record of lying whenever it suits him. He lied about the *Tampa*, the children overboard scandal, the interest rates issue and the trade union movement during the last Federal election, and he lied about bringing in new standards of ministerial accountability. The Prime Minister has absolutely lied about every major issue that has come to the attention of the Australian people. As I stated last week at the commencement of this debate, Australia has a Prime Minister who will do and say anything to maintain his grip on power.

We have a Prime Minister who sat pretty much without talent and without personality on the back bench for years, but finally worked his way up to being the Federal Treasurer. What legacy did John Howard, as the Federal Treasurer in 1983, leave the Australian people when the Hawke Government was elected? It was a record black hole—a record budget deficit. After that a Labor Government built a strong economic foundation from which the Australian economy is still reaping the benefits. Yet the Hon. Greg Pearce claimed that all of that was the good work of John Howard. How absolutely ludicrous!

I must express my disappointment at the contribution of the Hon. Greg Pearce, who in attempting to respond to this issue spoke a whole lot of economic mumbo-jumbo. The honourable member is a lawyer who is trying to claim that he is some type of economic genius because he has been put in charge of the Opposition's waste watch committee. I will not refer further to his contribution. I will focus instead on some of the issues that have been discussed in the contributions of the Hon. Kayee Griffin, the Hon. Ian West and the Hon. Greg Donnelly. We should recognise the very strong social benefits that have been derived by the people of Australia from the trade union movement. When I opened this debate, I listed a range of benefits that workers in Australia enjoyed because of the strength of the trade union movement and its contribution over the past 150 years or more to the development of a just system of employment.

It is an absolute disgrace that it has been thrown out on purely ideological grounds and that unions and members of those unions have been demonised and categorised in a very dishonest and deceitful way as a threat

to the ongoing good governance of this country. I was very serious when I drafted the notice of motion and very serious indeed when I said that we should condemn the Prime Minister for his actions in this regard. My motion, which I am asking the House to support, states in part:

> (c) condemns the Prime Minister for his attempt to portray two million hardworking Australians as a threat to the national interest.

I stand by that. I know, regardless of what has been said in this debate, that in their heart of hearts Opposition members know that a number of people they know, wives and children, have taken maternity leave while a member of the normal work force that has been made available because of standards introduced by hardworking members of the trade union movement. Women members on the Opposition benches may well have taken maternity leave and would hope that their daughters will have that right also. Although I know that a decision taken in their party room will force Opposition members to vote against my motion, I hope that their consciences will tell them that they are doing the wrong thing if they do.

I urge honourable members in this place to support the motion I have moved to condemn the Prime Minister for his dishonest and duplicitous actions and for his attempt to portray two million hardworking Australians as a threat to the national interest. [*Time expired*.]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

Ms Burnswoods	Ms Fazio	Ms Sharpe
Mr Catanzariti	Ms Griffin	Mr Tsang
Dr Chesterfield-Evans	Ms Hale	
Mr Cohen	Mr Obeid	
Mr Costa	Ms Rhiannon	*Tellers,*
Mr Della Bosca	Ms Robertson	Mr Primrose
Mr Donnelly	Mr Roozendaal	Mr West

Noes, 13

Mr Clarke	Reverend Dr Moyes	Mr Ryan
Ms Cusack	Reverend Nile	
Mr Gallacher	Mr Oldfield	*Tellers,*
Miss Gardiner	Ms Parker	Mr Colless
Mr Gay	Mrs Pavey	Mr Harwin

Pairs

Mr Hatzistergos	Mrs Forsythe
Mr Kelly	Mr Lynn
Mr Macdonald	Mr Pearce

Question resolved in the affirmative.

Motion agreed to.

THE HONOURABLE ERIC ROOZENDAAL PARLIAMENTARY BEHAVIOUR

The Hon. Michael Gallacher: Point of order: Following a direction from the Premier, I thought it might be an excellent opportunity for the Minister for Roads, if he has something that he wishes to say to the House, to do so.

[*Interruption*]

He has not said it in the House.

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

POLICE NUMBERS

The Hon MICHAEL GALLACHER (Leader of the Opposition) [4.00 p.m.]: I move:

That this House:

(a) notes that at their highest points in 2003 the 85 police local area commands had a total of 13,434 operational police and the NSW Police had a total strength of 15,168,

(b) notes that as at 30 April 2005, the total operational police numbers were 12,774 and the NSW Police had a total strength of 14,739,

(c) notes that as at 30 April 2005, 68 of the 85 local area commands had fewer police officers than at their highest point in 2003,

(d) notes that during 2004-2005 NSW Police underspent on its budgeted police station upgrading and replacement program by a massive $18.77 million,

(e) notes that in the 2005-2006 State budget the Minister for Police failed to provide any funding for 21 of the 27 priority police station replacement or refurbishment projects, including those at Bowral, Burwood, Camden, Coffs Harbour, Corrimal, Cronulla, Ermington, Granville, Leichhardt, Liverpool, Macksville, Moree, Parkes, Port Kembla, Quakers Hill, Revesby, Richmond/Windsor, Tenterfield, Warilla and Wyong, and

(f) calls on the Minister for Police to fully resource police officers and police stations throughout the State.

I have been looking forward for some time to an opportunity to speak in debate on this motion. I am also looking forward to the contribution of Government members who I am sure will attempt to defend their position on the issue of police numbers. This motion deals with police numbers in this State over the past three years and gives us an opportunity to look at those numbers. This motion also highlights the sheer neglect of the Government in this area. Gun crime, drive-by shootings and other vicious acts of violence appear to be out of control in certain suburbs in Sydney. Unfortunately, far too often we hear about murders caused through gang-related activity.

Some people in positions of authority have said to sections of the media, "Do not worry; it is only gang member against gang member. Who cares if they knock one another off?" The reality is that innocent members of the public are being drawn into this mess. This motion focuses attention on the Government's neglect in this area since 2003, which is during its term in office. At their highest point in 2003 the 85 local area commands in New South Wales had a total of 15,168 police officers. As at 30 April 2005 that number had been reduced to 14,739. Remembering that this motion has been on the notice paper for time, as at 28 February 2006 the figures show operational police numbers are down as low as 12,516.

In 2003 we had 13,434 operational police and we now have 12,516—just short of 1,000 fewer operational police on the streets of New South Wales. That frightening statistic puts things into perspective and highlights the difficulties that police officers are facing. It also highlights why many people in our community feel unsafe as they move around the city. Members of the community and members of the Opposition have confidence in NSW Police. However, we do not have confidence in the New South Wales Government's handling of the police portfolio. This Government has allowed police numbers to drop. Nine hundred officers will graduate from the New South Wales police academy only a few short months before the next State election.

This motion calls on the Government to recognise this problem. It is evident that the Government will have a problem at the next State election because of its neglect of the police portfolio, which is why we now have the largest ever class going into the police academy. I am sure all honourable members can visualise pictures of row upon row of probationary constables graduating from the police academy, with the Minister for Police and the Premier shaking their hands. I am sure we will see pictures of them in the lead-up to the next election. The Government will try to suggest that it has turned around those dark, terrible days of the Egan-Carr Government and that somehow this new Government has no relationship to the old one.

In reality we have exactly the same players, the same neglect and the same stunts being inflicted on the people of New South Wales. This tired old Government continues to limp along from one debacle to another. It is not just in police numbers that this Government's neglect is evident; it is evident also in police stations in New South Wales.

[*Interruption*]

The Hon. Jan Burnswoods, who is attempting to interject, never says anything of substance in this Chamber. She never shows support for members of our police force. The only time she ever spoke about police was when—

The Hon. Jan Burnswoods: Point of order: I have read the motion of the Leader of the Opposition with considerable care. The Leader of the Opposition moved a motion that relates to a number of things but primarily to police statistics. I ask you to draw his attention to the fact that whatever he wishes to say about me is certainly not covered by paragraphs (a) to (f) of his motion. Therefore, he is out of order.

The Hon. MICHAEL GALLACHER: One of the issues I was talking about—

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! Is the Leader of the Opposition speaking to the point of order?

The Hon. MICHAEL GALLACHER: Yes. I would rather talk to you, Madam Deputy-President, than listen to that squeaky little voice coming from the lady over in the corner—a lady who will soon be leaving us. I was just about to talk about Ermington and Eastwood, an area in which she is very much involved. If she stays tuned for a little while she might learn something.

The Hon. Jan Burnswoods: Further to the point of order: The Leader of the Opposition, who is attempting to insult me, has again got his facts wrong. I do not know what he thinks I have to do with Ermington; I have never had anything to do with Ermington. The Leader of the Opposition moved a motion containing paragraphs (a) to (f). None of those matters has anything to do with me. If his knowledge of numbers in the police force is strong, which is what he is trying to convince us of, he is showing himself up as a pathetic failure by wasting his speech talking about me.

The Hon. Patricia Forsythe: To the point of order: The Hon. Jan Burnswoods, in taking a point of order, said that the motion contained errors, which reflects on the Leader of the Opposition.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! The member with the call must confine his remarks to the subject of the motion. I ask all members to be more respectful of one another when contributing to debate.

The Hon. MICHAEL GALLACHER: The Hon. Jan Burnswoods is a member of a useless Government that has ignored police stations in New South Wales.

The Hon. Jan Burnswoods: Point of order: The Leader of the Opposition is absolutely ignoring your ruling in relation to his disgraceful behaviour earlier in the debate. I ask you to remind him that his behaviour is totally out of order.

The Hon. Duncan Gay: To the point of order: I contend that there is no point of order. Saying that a member is a member of a useless government is part and parcel of normal parliamentary debate, as numerous Presiding Officers have ruled. Even if the statement is untrue—and it is an undeniable fact in this case—the President has ruled that members cannot take points of order about telling lies to the House.

The Hon. John Ryan: To the point of order: The remarks of the Leader of the Opposition are a part of normal, robust debate in the House and there is absolutely no reason why the Hon. Jan Burnswoods should take offence at them. I am stunned that the Hon. Jan Burnswoods should raise that issue as a point of order when she frequently makes the most disgraceful remarks across the Chamber.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! The Leader of the Opposition must confine his remarks to the subject of the motion. Again I ask members to be respectful of one another.

The Hon. MICHAEL GALLACHER: Thank you, Madam Deputy-President. The Minister for Police failed to provide any funding in the 2005-06 budget for 21 of the 27 priority police station replacement or refurbishments projects in New South Wales, including those at Bowral, Burwood, Camden, Coffs Harbour, Corrimal, Cronulla, Ermington, Granville, Leichhardt, Liverpool, Macksville, Moree, Parkes, Port Kembla, Quakers Hill, Revesby, Richmond, Windsor, Tenterfield, Warilla and Wyong. I can understand why some members in this House want to hide the fact that they are members of a Government that has ignored the police for so long. They do not want anyone to know that they worked with former police Ministers who allowed this

neglect to continue. Is it any wonder that they react so negatively when we point out that they are part of the neglect and disgraceful mismanagement of the New South Wales police force, which I alluded to in the earlier paragraphs of my motion?

I have visited many police stations that are in an appalling condition. In the past few months I have seen pieces of lead-based paint as big as one's hand fall from the walls of the children's bedroom in a police residence. I have visited police stations where only the paint is holding panes of glass in the window because the timber frame has rotted completely. I have stood in the hallways of police stations and residences and looked up and seen the sky through the ceiling. That is the sort of neglect that Labor members are trying to deny. They do not want us to mention their names during debates such as this. But they are part of the neglect. They run the risk of being mentioned when they interject and make themselves part of the debate on this issue.

During this debate we will undoubtedly hear the mantra about record police numbers that was first used by the Hon. Michael Costa during his failed tenure as the Minister for Police. I have not seen the speech prepared for the Hon. Henry Tsang but I guarantee that it will contain the words "record police numbers". They will be followed closely by the sentence, "When the Liberals were last in power police numbers were X and now they are Y." Government members like to make that comparison.

The Hon. Patricia Forsythe: Point of order: I draw your attention to the fact that the Hon. Jan Burnswoods has her feet on the bench in front of her. That is contrary to standing orders. The Leader of the Opposition may continue.

The Hon. John Ryan: To the point of order: I think it is high time that Government members started treating this Chamber with some regard. The Hon. Jan Burnswoods is clearly not treating the Chamber with any regard. This very day a Minister was forced to apologise for giving an Opposition member the finger signal and now the Hon. Jan Burnswoods is showing her abject contempt for the debate that is occurring in this House by placing her feet on the bench in front of her. It is an absolute disgrace. If the honourable member finds it so tiresome to sit and listen to debates in Parliament, if she thinks it is above her and outside her duty as an elected member of the Legislative Council, frankly, she should not be here.

The Hon. Patricia Forsythe: Further to the point of order: I draw your attention to the rulings of President Johnson on this matter.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I draw members' attention to standing order 84 (3), which states:

> A member not addressing the House may not converse aloud or make any noise or disturbance during debate.

Members should comply with that standing order and behave with decorum. I ask the Hon. Jan Burnswoods to refrain from putting her feet on the bench. The Leader of the Opposition may continue.

The Hon. MICHAEL GALLACHER: It is a pleasure to continue. I thank my colleagues for drawing attention to the conduct of members in the House. There are visitors in the public gallery and it is important that we maintain some standards in this place. As I said earlier, the Hon. Henry Tsang will no doubt repeat the usual Government line and refer to police numbers when the Coalition was last in government, prior to 1995. The Government will try to defend its position in relation to police numbers, so let us consider what has occurred during the past 10 years.

I refer honourable members to the New South Wales crime statistics. Recently the Government has started to focus on results in some law enforcement areas where there has been a turnaround in a 12-month period. That is a credit to the police and we congratulate them. But we should not restrict our comparison to 12 months. Government members will do that shortly when they refer to police numbers so I will outline New South Wales crime statistics for the past 10 years to give honourable members an understanding of what has happened during that period. There is no doubt that the murder figures have been relatively static. However, in the past 10 years the number of assaults has increased by 61.7 per cent; the number of sexual assaults has increased by 79.3 per cent; robberies with a weapon not a firearm have increased by 61 per cent; and the incidence of indecent assaults has increased by more than 17 per cent.

There are some startling figures for fraud—that strikes a chord particularly when I look at some honourable members opposite. Fraud has gone up 76.9 per cent, which no doubt is of real interest to the Hon.

Jan Burnswoods. Possession of cocaine has gone up to 31.8 per cent, and stealing from a person has increased by 31.6 per cent. Of real concern is the massive increase in breach of apprehended violence orders, which have risen 192 per cent in 10 years. Offensive conduct—again probably of real interest to Jan Burnswoods opposite—

The Hon. Jan Burnswoods: Point of order:

The Hon. Michael Gallacher: The Hon. Jan Burnswoods, I apologise.

The Hon. Jan Burnswoods: My point of order is related to the points of order that I took earlier that were ruled on. The honourable member may have very little interest in or have little of importance to say about police, but I ask him to withdraw his comment in relation to me and offensive conduct.

The Hon. MICHAEL GALLACHER: Would you explain what comment I made? Madam Deputy-President, I said it might be of interest to her. Could she explain to me why she is not interested. What statement did I make?

The Hon. John Ryan: There was nothing offensive.

The Hon. MICHAEL GALLACHER: No, I just said it might be of interest to her.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! The comment was that the matter may be of interest to the Hon. Jan Burnswoods. The member with the call should confine his remarks to the subject of the motion rather than direct comments at individual members.

The Hon. Jan Burnswoods: Further to the point of order:

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I have ruled on the point of order.

The Hon. Jan Burnswoods: On a further point of order: I ask that the member withdraw the statement in relation to me and offensive conduct. Perhaps that is not strictly speaking a point of order but I ask that he withdraw it.

The Hon. MICHAEL GALLACHER: Madam Deputy-President, you have already made a ruling. I have not said anything offensive.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! President Johnson ruled on 31 March 1987, as recorded on pages 9586 and 9587 of *Hansard*:

> In judging what is an offensive remark I consider that the following should be a useful guide. Offensive words might be offensive in the generally accepted meaning of that word. When a person is in political life it is not offensive that things are said about him or her politically. Offensive means offensive in some personal way. The same view should be applied to the meaning of "improper motives" and "personal reflections" as used in the standing order. Here again, when a person is in public life and a member of Parliament, the risk of being criticised in a political way must be taken. Politics is not an area for sensitive persons. In the course of debate when members canvass the opinions and conduct of their opponents, they must expect criticism. There may be occasions in which remarks offensive to an identifiable member may not be regarded as unparliamentary when applied to a group where members cannot be identified. Support for this view is found in the twentieth edition of May at page 433 where it is stated that expressions which are unparliamentary when applied to individuals are not always so when applied to a whole party.
>
> I remind honourable members that allegations of a personal nature against members can only be made upon a direct and substantive motion. I urge honourable members to exercise their privilege of free speech with good sense and good taste, so as to maintain courtesy of language towards other members in debate. Personal references not only reduce the standard of debate, provoke retaliation and lead to disorder in the House, but degrade the Parliament in the estimation of the people. I shall have a copy of this statement forwarded to each honourable member.

The Hon. Jan Burnswoods has found the words used by the Leader of the Opposition to be offensive to her personally and has requested that they be withdrawn.

The Hon. MICHAEL GALLACHER: I withdraw them. I didn't know she was so sensitive about them. Some honourable members in this Chamber might be interested to see that offensive conduct as gone up 61.3 per cent during that 10 years.

The Hon. Patricia Forsythe: What's the conduct?

The Hon. MICHAEL GALLACHER: Offensive conduct.

The Hon. Patricia Forsythe: Is that throwing melons?

The Hon. MICHAEL GALLACHER: Could be rockmelons, offensive language, offensive conduct—

The Hon. John Ryan: Putting your feet on the seats?

The Hon. MICHAEL GALLACHER: Some people would feel threatened by that on a bus or public transport.

The Hon. John Ryan: You can be fined $100 for that.

The Hon. MICHAEL GALLACHER: I know. That shows that people can be quite offensive in the most simple ways. There has been a 61 per cent increase in offensive conduct during that 10-year period, which I am sure is of real concern to many honourable members. The Government has embarked upon its usual mantra of saying, "Isn't what we have done over the past few years wonderful?" but the reality is that police numbers have gone down since 2003. There was a spike leading up to the 2003 State election, which flowed on that year until such time as the numbers started to decline. Since 2003 there has been a real decline in police numbers and a decline in an understanding by this neglectful, offensive Government of its role in mismanaging NSW Police. Police numbers speak for themselves.

Today the Government is talking about a new Middle Eastern gang squad but only a very short time ago it refused to acknowledge a problem with Middle Eastern gangs in New South Wales until the community slapped the Government and said, "Will you wake up and realise?" In the past couple of weeks the community, screaming out for help in relation to violent gun crime, drive-by shootings and murders, has bombarded us. What is the extent of this Government's law and order announcements during the past two weeks? Not gangs or guns, but 150 new cheerleaders for the Canterbury Bulldogs team—coincidentally all dressed in blue and white. The new 150 police will go wherever the Canterbury team travels in New South Wales—150 new cheer leaders. We find that a Nylex garden hose doubles as a water canon at any football match and 40 kindergarten cops are running around in our schools system. That is the extent of the Government's law and order policies.

The Opposition has said earlier in the Parliament that these are announcements of the past. The Government has run out of ideas as it cobbles together stunt after stunt. Today's stunt is to suggest that somehow this new Middle Eastern gang squad is an evolution of Task Force Gain. I remind honourable members that in 2003 when the Opposition, together with the community, called for the formation of Task Force Gain, 177 police personnel were recruited for that task force. Today there are just over five officers in Task Force Gain but the shootings, murders, drive-by shootings, armed robberies and criminal activities by these gangs continue. Today the Government suggested that there will be a massive new force targeting crime with the Middle Eastern gang squad made up of only 58 full-time police officers and 50 officers seconded from the highway patrol and general duties for the next three months.

Why are police numbers so low? It is because the Government has ignored the policing issue for so many years that NSW Police does not have enough officers available to allocate 170 police to target Middle Eastern gangs. Why? Because so many police are busy following football teams and running round checking on garden hoses that it is unrealistic to expect there will be enough police to fight crime in New South Wales.

The Hon. HENRY TSANG (Parliamentary Secretary) [4.29 p.m.]: The Government does not support this motion. Let us look at some of the Leader of the Opposition's claims in more detail. The honourable member said NSW Police has 85 local area commands. This is incorrect in that there are only 80 local area commands, with five region administrative offices. The motion also reveals some confusion over numbers. The highest number of "actual" police recorded occurred in December 2003, with 15,168 police officers. However, the number the honourable member referred to of 13,434 does not align to any number from the December 2003 Internet strength statement.

The honourable member seems to have confused the Operations Command with his own term "operational police". The Internet strength statement refers to the number of police "Operations" and defines the classification as those police attached in the following areas: Deputy Commissioner Operations; Regions, Local Area Commands; State Crime Command; Operations Support; Operations Response Unit; and Special Projects.

Of the 15,168 police in December 2003, 13,307 were in Operations commands and the remaining 1,861 were in Support commands, which include Forensic, Counter Terrorism, Communications, Professional Standards, Public Affairs and Special Services Group.

The first thing for honourable members to realise is that there are two different measurements of police numbers—authorised strength and actual strength. The Opposition often mentions one when it means the other, and this understandably causes confusion. To put it at its simplest, authorised strength is the approved, fixed number of officers in the force, whereas actual strength—as the name implies—is a fluctuating figure that measures the actual number of officers in the force at any one point. Except for one month over the past four years, actual strength has remained above authorised strength. In other words, we have a surplus of officers.

The Opposition needs to understand the NSW Police organisational structure before it comments on resource availability at the local level. In contrast, the Government stands by its commitment to resource our police. The Government delivered on its 2003 promise to lift authorised police strength to a record level of 14,456 officers. On Sunday 19 March the Premier and the Minister for Police announced that authorised strength would be boosted by a further 750 officers, to 15,206. Actual strength at the end of February 2006 was 123 officers above the current authorised level at 14,579. This figure is updated monthly on the NSW Police web site.

Actual numbers have remained above 14,456 throughout this term of government except for November 2005, when they dipped to 14,426. However, 324 new officers graduated the following month, pushing the actual number past 14,700 again. Police numbers fall due to natural attrition—just like in any other line of work. Numbers rise again when the next class of recruits graduates from Goulburn. We have never stopped recruiting new officers. In fact, we have recruited more than 3,600 officers since 2002-03. But common sense dictates that actual officer numbers are always going to peak immediately after a graduation and fall after that, due to natural attrition—until the next class graduates, when actual numbers bounce up again.

The Opposition likes to claim that police numbers peaked in the election year of 2003, implying numbers were inflated in time for the election. The high they refer to occurred after a graduation in December 2003—nine months after the state election. Numbers were higher then because of a deliberate decision to over-recruit to meet our, then new, authorised strength level. We wanted to ensure there would be little risk of actual numbers ever falling below that new level. The Government's record on police numbers is a strong one. We have raised authorised strength to a record level and our actual numbers have almost always been above this level. Let us compare this with the Coalition's record while in office, as the Leader of the Opposition has asked us to do. Opposition members hate to hear this pointed out, but the Coalition left office with actual officer numbers 229 below the then authorised strength of 12,907. The Labor Government had to fill those vacancies before it could start raising authorised strength.

I should also make the point that crime has been falling or stable in every major category except fraud for the past two years. The murder rate in New South Wales is now half what it was in 1990 and the rate of robbery with a firearm has dropped by 41 per cent over the same period. Other significant drops since 1990 include: break and enter a dwelling, down 17 per cent; break and enter a non-dwelling, down 29 per cent; and motor vehicle theft, down 47 per cent. The Government has never suggested that crime has been eliminated. But independent data released by the Australian Bureau of Statistics and the New South Wales Bureau of Crime Statistics and Research shows that we are heading in the right direction. As always, positive crime statistics should serve only as a reminder for us to redouble our efforts—to maintain our high-visibility policing and to target emerging criminal trends.

Debate adjourned on motion by Reverend the Hon. Fred Nile.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 8 in the Order of Precedence postponed on motion by Reverend the Hon. Dr Gordon Moyes.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS LEGISLATION

The Hon. CHRISTINE ROBERTSON [4.40 p.m.]**:** I move:

That this House:

(a) notes that the New South Wales Liberal-National Coalition supports the Howard Government's destruction of workplace conditions,

(b) notes that the behaviour of the Federal Government is scurrilous,

(c) notes that there was no mandate at the last election to put Australian workers into perpetual poverty with American working conditions,

(d) condemns the conservative parties in this State for supporting these actions, and

(e) applauds the Federal Leader of the Opposition, the Hon. Kim Beazley, MP, and the Premier of New South Wales, the Hon. Morris Iemma, MP, for their strong stance against the proposed workplace laws.

Since Federation Australia has prided itself on having some distinct values that set us apart from the rest of the world. One of these values was the notion of a fair go for all. Today this idea is under greater threat than ever with John Howard's changes to industrial relations laws seeking to destroy a host of workers' rights gained over more than 100 years. However, what is particularly galling is the completely dishonest way in which the laws were introduced. The Australian people might be used to being lied to by the Howard Government and they may be used to their national government introducing bad laws that only hurt them, but they are not used to having the basic institutions of Australian democracy completely abused and misused as occurs in this legislation. When John Howard went to the polls in late 2004 he mischievously told the Australian people that he would keep interest rates low. He made no mention of the range of destructive policies he planned to introduce.

In fact, I doubt that the Primer Minister planned to bring in most of those changes until, suddenly, he discovered he had an accidental majority in the Senate. Therefore, he had the opportunity to introduce ideological changes that he had dreamed about for 30 years but was unable to implement because the checks and balances of Australian democracy had kicked in and prevented him from doing so. Now we find this dangerous and extremist ideology coming to the fore as the Howard Government introduces law changes about which the Australian electorate knew nothing before they cast their votes in 2004. Although changes to industrial relations laws are by no means the only extremist changes the Howard Government had planned, they were among the worst laws ever passed through an Australian parliament. Aside from being completely dishonest about these changes during the election, something that the Howard Government has become expert at, the progress of these changes from a draconian idea into Australian law was completely undemocratic and scurrilous.

During the drafting stages the content of the package was shrouded in secrecy, and the Federal Government's attempts to explain the changes in any meaningful and practical manner can be described as woeful at best. The Federal Government was happy to dismiss the unions for worrying about what might be in the changes, but it would not inform the Australian people what those changes would be. In the end the unions were more than vindicated for their concern. The entire radical process has been characterised by a striking absence of community consultation and information from start to finish. The Federal Government went to extraordinary lengths to stymie criticism of the bill during the farcical Senate inquiry, to the point of gagging public debate. When the bill went through Parliament debate was stymied in both the House of Representatives and the Senate. Considering that the Government already had the numbers to pass the legislation, we can only come to the conclusion that it was scared about what the Australian people might find out.

The regulations under the Act were released only a couple of weeks, not several months, before the laws that were due to come into effect to enable public debate about their merits. To make things worse, they were released while the public's attention was focused squarely on the Commonwealth Games. The Federal Government hoped that the Australian public would not take any notice. Our Federal Government is arrogant and extremist, and thinks that it can introduce under the shroud of secrecy major laws that affect the way in which we go about our daily work so that the Australian people cannot hold it to account. I should add—I will come to this later—that the New South Wales Opposition stands condemned every bit as much as the Federal Government for this vandalism on Australian society, because it has indicated that it will hand over New South Wales powers on industrial relations to Canberra. It has done nothing to stand up for New South Wales workers.

When one deciphers the 2,500 pages of deliberately technical amendments—we heard earlier from the Hon. Greg Donnelly about how deliberately technical they are—regulations and explanatory material, the practical effects of the Act are devastatingly clear. Put simply, the new industrial relations laws will strip the Australian Industrial Relations Commission of his independent wages-setting functions. It will destroy the award system safety net as the test for agreement making, replacing it with five minimum conditions. It will slash awards. It will force employers and employees to negotiate individual contracts. It will abolish existing safeguards that ensure that bargaining, whether collective or individual, is not undermined by unequal bargaining power and does not result in workers being worse off. It will eliminate the right to challenge unfair dismissal claims for employees who work for businesses with up to 100 employees. Ultimately, the law changes will turn the existing level playing field for employers and employees on its head, and cement a turbulent industrial environment for business.

To some people these statements might sound remote or even benign. Unfortunately, for many people it will not be until the radical changes directly affect them or someone they know in a practical and personal sense that the consequences of the new legislation will be fully understood. For example, fair and decent employers will be compelled to reduce employee entitlements to the absolute lowest the market will bear. A father with a family to provide for will discover that he has had to surrender his penalty rates and that his take-home pay has been cut dramatically. A single mother will learn that many of the taxable arrangements she currently enjoys suddenly disappear. A son will be surprised to find that, despite being dismissed for a trivial reason such as having a personality clash with his manager or boss, he is unable to lodge an unfair dismissal claim. Busy small business owners will find themselves wasting a lot of precious time negotiating and administering agreements.

Of course, there are other smaller, but no less important, ramifications that have not received the same exposure as the big picture items, such as the dismantling of important protections for injured employees to ensure that they can return to work rather than being hung out to dry. Unfortunately, as time goes on there will be more and more examples of vital safeguards, such as this, that will be rendered ineffective. Last week we saw how these changes allow job security to be eroded. Although the abattoir at Cowra has gone back on its plans to sack 29 workers and rehire them on lower wages, the fact remains that it was legal for it to do so under the new arrangements. These new contracts would have resulted in workers taking home $180 a week less, not because the abattoir had some pressing need to restructure but simply because the owners wanted to make more money at the expense of the workers and because the laws allowed them to do so. Other cases have come to light.

Tom Bollard, a truck driver at a concrete plant, was accused falsely of not being medically fit to work and was sacked. Erin McLemon, a 21-year-old photo lab assistant, was sacked after her boss decided that the workplace was overstaffed. On 3 April the Melbourne *Age* cited further examples of arbitrary sackings, including a woman who stood up against an employer who had been bullying and harassing her. She received a letter on her desk firing her, without being given any reasons. In the first week or so of the operation of the Act we have seen a number of examples of workers being sacked for improper reasons. Those workers have no recourse or redress. There is no doubt that many more workers will be sacked without a proper reason. Even the Federal Minister admitted that workers could be sacked for arbitrary reasons, such as the boss simply not liking them. It is just not acceptable in a country that prides itself on the notion of a fair ago.

I know that no-one in the labour movement is advocating that businesses should not be able to dismiss staff but, rather, that they should have guidelines to ensure that it is done fairly. Workers need to know why they are being sacked and given an opportunity to respond to any allegations if they are unfounded or wrong. Too often people forget that, by definition, unfair dismissals are unfair and they should therefore be protected against. If dealing with claims is creating a burden on business, rather than doing away with the provisions altogether the Federal Government should have reformed them. By definition, this change alone is unfair. It is a bit rich for the Prime Minister to now come out and call on employers not to use laws that he has just brought in.

People who are lucky enough to hang onto their jobs are likely to suffer from this legislation. The first and most obvious area where workers will suffer is through reduced income. The creation of the Australian Fair Pay Commission is acknowledged by a number of leading labour market academics as a vehicle to reduce the real value of the minimum wage. In a paper given at the Australian Conference of Economists last September, University of Melbourne academic Mark Wooden claimed that this intention is clear, with the wider intention being to create additional employment. However, Mr Wooden also points out that this is unlikely to be the result for the simple reason that welfare will be a more attractive option than work.

Previously a no-disadvantage test applied to all individual agreements to ensure that they contained pay and conditions above the level of the award. However, with the reduction in the number of provisions to five that can be included in an agreement, workers will lose a whole range of conditions and entitlements. Things that we previously held sacred—such as overtime, public holidays or the right to union representation—are protected only superficially at best. It is now perfectly legal to enter into an individual agreement that results in a worker being significantly worse off—both in relation to their income, by calculating hours on a weekly or annual basis rather than on penalty rates, and in relation to their conditions.

This point was acknowledged by Peter Waring, Alex de Ruyter and John Burgess from Newcastle and Birmingham universities in an article published in the *Australian Journal of Political Economy* last December. However, perhaps the bigger point of that article was that the move away from the no disadvantage test is simply unfair, particularly given that the negotiations between the employer and the employee do not take place on a level playing field. Put simply, these laws mean that workers rely on having a good boss, otherwise there is little to protect them from being worse off. I hope I am wrong, but it seems to me that these are the first steps on

a very slippery slope toward the creation of a real working poor and American-style conditions, leading to perpetual poverty. We had the unfortunate experience in the not-too-distant past of seeing the effect of that perpetual poverty in the major city of New Orleans.

Other than anti-union ideology, it is hard to understand the basis upon which the Coalition brought in those laws. There is little independent evidence that those laws in some way will make a positive contribution to the Australian economy, but there is a wealth of evidence from distinguished experts suggesting that matters may be made worse. In January the *Sydney Morning Herald* published an article that cited various studies showing that any growth in jobs is likely to be negligible at best and will be more than offset by the loss in job security, quality of work and the increasing commercialisation of the work force. While the Government has claimed that 77,000 new jobs will be created, one of the studies cited, which was undertaken by University of New South Wales academics, claims that no more than 6,000 new jobs will be created. Given that members of the Federal Government would not know what truth was if it hit them over the head, I do not know whose figures we should believe.

For all the talk of creating new jobs and boosting productivity, there is a lot of concern that the new laws will create overheads on business that will set back productivity. Even before the industrial relations changes took effect, a survey conducted by the software giant MYOB revealed that small business operators—the engine room of our State's economy—are convinced that the radical and hostile industrial takeover will produce more confusion, more complexity and more uncertainty. What is particularly interesting is that a study by David Peetz of Griffith University found that productivity under the Workplace Relations Act 1996 is lower than the productivity achieved under the previous traditional award system of the 1960s and 1970s. The study claims that there is simply no evidence to suggest that individual contracts lead to higher productivity.

For every success story that the Howard Government claims, there are many more untold stories of failure. Indeed, Peetz's study confirmed that these changes would result simply in the growth of profits, which are already at an all-time high, at the expense of workers. In the meantime, the confusion of many businesses is certainly not good for productivity or the economy. The booklet that was published with the new laws and regulations exposed ambiguities and inconsistencies. While that is simply a reflection on how poorly conceived the laws are, the Government also confirmed that the industrial relations legislation would introduce new and significant hurdles and barriers that would hit business particularly hard, including the complicated transitional arrangements.

The Federal Government is willing to sacrifice the hard-won rights of workers—rights that have been won over the last hundred years—in the pursuit of shaky productivity gains. While the Federal Government is openly congratulating itself for having the courage and foresight to thrust the new industrial laws bill through Parliament, New South Wales business owners and employees are bracing themselves for a turbulent ride after their introduction. Whereas previously we had seen largely harmonious workplaces throughout Australia, we are now setting up a system that will lead to conflict, a lack of trust, and plenty of nerves for both employers and employees. It is hard to see how this environment will help business, given that staff are, or should be, the most precious resource of business.

If further evidence is needed that business is nervous about these new laws and that it has not embraced them, except where it has wanted to bring about wholesale sackings such as those that started and stopped in Cowra, one only needs to look to the number of workplace deals that were registered before the enactment of the new laws. Nearly 3,400 union-negotiated agreements were registered with the Industrial Relations Commission in the second half of last year—more than double the number normally registered in any given six-month period. These agreements included large companies such as the National Australia Bank, Kraft, Linfox and News Limited. This huge spike hardly reflects a business community that is queuing up for new arrangements.

Employers have not wanted to be used as guinea pigs for new laws. This is clear evidence that they do not have confidence in any stated benefit that they might receive from them. Aside from the problems of the content of the laws themselves, there have also been enormous problems in their implementation. The public was encouraged to contact the hotline, only to find that the contracted call centre staff were virtually untrained and ill-equipped to answer even the most basic inquiry. The proposed laws that have been brought in stand in stark contrast to the New South Wales system that has worked well and continues to work well—a system which the Federal Government, presumably out of megalomania, wants to take over.

Since the inception of the New South Wales Industrial Relations Act in 1996, this State has enjoyed a period of industrial harmony. New South Wales received global recognition for the success of its 2000 Olympic

and Paralympic Games. A key factor underpinning the success of the Games was the co-operative and flexible industrial relations system in this State that facilitated the delivery of the required infrastructure on time and on or under budget. Our industrial relations system is based on principles that are essential to any fair, effective and fundamentally decent system. It allows individual workplaces broad scope to determine work practices and wage outcomes that are best suited to their workplace—arrangements that encourage equitable, innovative and productive workplaces.

At the core of our system is a truly independent umpire, a commission that is able to function in an unfettered way. While the commission exercises both a civil jurisdiction in its administrative role as the Industrial Relations Commission and a criminal jurisdiction in its judicial role as the Industrial Court of New South Wales, it seeks to conduct its proceedings in a non-technical and expeditious manner. We are particularly proud of the pivotal role our State commission plays in maintaining community standards. A recent example of the value of the commission is its handling of the secure employment test case—proceedings which considered matters that are important and very relevant to today's changing work force.

Further, our commission has been granted wide-ranging discretionary powers to conciliate and arbitrate industrial disputes, set conditions of employment and fix wages and salaries by making industrial awards, approve enterprise agreements and decide claims of unfair dismissal. The New South Wales Government remains committed to the maintenance of a strong State industrial relations system that reflects a fair, flexible and balanced approach between the needs of employees and employers and remains responsive to the needs of participants in industrial relations in this State. We have no intention to surrender State control over industrial relations matters, to do so would strip employers and employees of choice, flexibility and fundamental entitlements, and we would lose the ability to mould an industrial system that is responsive and in tune with the individual needs of our State. This brings me to a comment I made earlier: the New South Wales Opposition simply does not care about the workers of this State. It is not part of the High Court challenge that the New South Wales Government has launched.

The Hon. John Ryan: How would we?

The Hon. CHRISTINE ROBERTSON: Are you saying that you would?

Pursuant to sessional orders business interrupted. The House continued to sit.

SELECT COMMITTEE ON THE CROSS-CITY TUNNEL

Reference

The PRESIDENT: I report the receipt of the following message from the Legislative Assembly:

Madam PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

1 That the terms of reference for the Joint Select Committee on the Cross-City Tunnel be amended by inserting after paragraph 1 (f):

(g) the role of Government agencies in relation to the negotiation of the contract with the Lane Cove Tunnel consortium,

(h) the extent to which the substance of the Lane Cove Tunnel contract was determined through community consultation processes,

(i) the methodology used by the Roads and Traffic Authority for tendering and contract negotiation in connection with the Lane Cove Tunnel.

2. That the committee report on paragraphs 1 (g) to (i) by the first sitting day in September 2006.

Legislative Assembly
6 April 2006

JOHN AQUILINA
Speaker

THE HONOURABLE ERIC ROOZENDAAL PARLIAMENTARY BEHAVIOUR

Personal Explanation

The Hon. ERIC ROOZENDAAL, by leave**:** I believe it is very important that we all, in this place, uphold the standards of this House. On Wednesday 5 April I failed to do that. I apologise to the House for my actions.

SPECIAL ADJOURNMENT

Motion by the Hon. Henry Tsang agreed to:

That this House at its rising today do adjourn until Tuesday 2 May 2006 at 2.30 p.m.

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [5.03 p.m.]: I move:

That this House do now adjourn.

SHELLFISH PROGRAM FUNDING

Mr IAN COHEN [5.03 p.m.]: I wish to detail my concerns over unresolved funding for the New South Wales Shellfish Program—a program that oyster farmers are involved in that monitors the effects of human impacts in our coastal estuaries. This program has been delivering real environmental results in our estuaries and I am anxious to hear that the farmers may be asked to pay the entire cost of the program, and therefore are uncertain of their future. The program searches for and then monitors pollution sources such as faecal coliforms and algal biotoxins. These are all impacts of human settlement, including sewage treatment plant leaks and spills, industrial and urban runoff and vessel waste. When sources are located, the farmers in the area work with their council or the relevant State body to remediate problems. The farmers find leaking sewerage infrastructure and contamination in stormwater drains that nobody else would find and act to protect the environment.

The growers in Tilligerry Creek undertake that activity. I have been in communication with an oyster farmer from that area who did the right thing by testing and reporting adverse results of tests. As a result of his actions his business was closed down and he is seeking redress. I have made representations to various Ministers on his behalf, but everyone shifts responsibility to others. In November I wrote to the Minister for Primary Industries about this issue, and received a response in late February shifting blame to the council. I would like to know what the department did, if anything, in the interim 3½ months. Did the department approach the council, or did the department do anything to protect the interests of oyster farmers?

I wrote also to the Minister for the Environment and received a response of blame shifting. I found it amazing that in the Minister's response there was no mention of the Environmental Protection Authority's role in regard to pollution of waterways. It is a terrible shame and indicative of the manner in which the Government operates that a viable industry, worth in the vicinity of $1 million per year and employing 20 people in its immediate area, is facing ruin while departments shift blame. I hope that the Government can stop passing the buck and assist Mark Sheppard and any other oyster farmers in the Tilligerry Creek area who have been affected by septic pollution through no fault of their own.

Approximately 8,000 tests are taken each year in estuaries along the coast. It is estimated to cost $800,000 in sampling and another $800,000 to analyse and respond to the results of those tests—and that amount includes attempts to fix the problems. This is a cheap program by today's standards. Oyster farmers have been long-time advocates for the health of estuaries. The Healthy Rivers Commission agreed that where there is a healthy oyster industry there is a healthy estuary. Although the oyster industry can see the benefits of marine parks, there are fears that it is a band-aid solution if the Government does not support the New South Wales Shellfish Program and the industry's remediation efforts.

The program delivers results in our environment. It is not designed to bolster the profits of oyster farming businesses. Take a look at Wallis Lake—we all remember the hepatitis A outbreak of 1997. In that year oysters could not be taken directly out of the water and eaten for fear of contracting hepatitis A resulting from faecal coliform contamination. Today, after years of joint industry and Government work using the New South Wales Shellfish Program data, the problems have been located, measured and remediated. Today we can eat an oyster straight out of the water in those areas. The State Government contributed $900,000 to the program in 2002-03 and 2003-04; but cut it to $400,000 in 2005-06, and may abolish it completely in 2006-07. The industry seeks $1.5 million for 2006-07 and will be working with New South Wales Treasury to review the funding arrangements.

We need to send a clear message to the oyster farming environmental stewards that we support not just their ability to grow an iconic shellfish species in New South Wales but also their efforts to locate, measure and remediate the impacts of human population on our coast. It is appropriate to remember a gathering of oyster

farms from up and down the coast in Parliament House's Strangers Dining Room. I remember that the Minister for Primary Industries attended as did other members of Parliament. They had an opportunity to view in a fantastic array of natural produce. I attended and was impressed by the high quality of the different breeds and types of shellfish that were presented. The New South Wales shellfish sets the New South Wales coast apart from others. It is a crying shame that we allow reckless pollution activity and lack of monitoring to destroy such a successful industry, which is also an environmental icon for the east coast of New South Wales. I urge the Government to do something about this immediately.

DIABETES

The Hon. KAYEE GRIFFIN [5.07 p.m.]: The New South Wales Minister for Health, the Hon. John Hatzistergos, recently issued a press release indicating that the people of New South Wales were getting healthier, smoking less and exercising more. The 2005 New South Wales Population Health Survey showed that many people are starting to change their lifestyles in order to have better health as they get older. Standout results from that survey showed that there was a decrease in the number of people smoking and a reduction in the consumption of high levels of alcohol. There was an increase in daily fruit intake, physical activity, influenza immunisation, smoke-free households and smoke alarm ownership. Another pleasing result from the survey was that nearly 92 per cent of patients rated the care they received in New South Wales hospitals as excellent, very good or good.

Those results are very encouraging, especially given the prevalence of serious health problems such as heart disease, stroke, high blood pressure and diabetes, which are closely linked to our hectic lifestyles. Diabetes and its impact on our own personal health and our health system is of great concern. More than one million Australians have diabetes and alarmingly half of them do not know that they have diabetes. Diabetes results from high blood glucose levels in the body, which hinders the body's production or use of insulin. Insulin is needed for glucose to reproduce it as energy. There are three types of diabetes: type one, type two and gestational diabetes, which is first diagnosed in pregnant women and usually disappears following the birth of their child.

Type one diabetes is an autoimmune disease that is most common in children and young adults. It occurs when the pancreatic gland stops producing the adequate amount of insulin needed for the body. This type of diabetes is the most common chronic childhood disease and is not linked to the lifestyle of the sufferer. Whilst doctors are not entirely sure what causes this form of the disease, it is believed that it could be hereditary.

Type one diabetes occurs following a viral infection that causes the immune system to destroy the insulin-making cells in the pancreas. Type one diabetes is the least common form of diabetes. It is estimated that between 10 and 15 per cent of people who have diabetes are classed as type one diabetics. In contrast to type one diabetes, type two is linked directly to one's genetic disposition and the lifestyle factors of a sufferer. Type-two diabetes occurs when the pancreas is not producing enough insulin and the insulin it produces does not work effectively throughout the body. In most cases the disease is diagnosed in adults over 45 years of age, but diagnosis is now occurring at a younger age.

People who fall into the high-risk category include those who have a family history of diabetes, Aboriginal and Torres Strait Islanders, people from various ethnic backgrounds, women who have had gestational diabetes or given birth to a child over 4.5 kilograms, or nine pounds, and women who have polycystic ovarian syndrome. Other risk factors that exist relate directly to one's lifestyle. These risk factors can be drastically reduced by lifestyle changes. These risks are: lack of physical activity, the type of food we eat or unhealthy eating habits, high blood pressure, cholesterol, smoking, weight gain, or obesity. Whilst the genetic factors cannot be changed, people who are at risk of developing diabetes can reduce its incidence or even prevent themselves from getting it by maintaining an active, healthy lifestyle that includes regular exercise, eating well and weight management.

The enormous cost to the health budget continues to rise. Diabetes Australia estimates that the yearly health bill resulting from diabetes and its complications is approximately $1.2 billion a year, and that figure is expected to increase to about $2 billion in the future. Diabetes is the fastest growing chronic disease, with approximately 1,000 new cases being diagnosed every week. Diabetes is the seventh highest cause of death in the country. Diabetics are also prone to have further medical complications such as cardiovascular disease, coronary heart disease, stroke, kidney failure, problems with sight that can lead to blindness, and circulatory problems with lower limbs that can lead to amputation. At present there is no cure for any form of diabetes.

Research into a cure continues and, according to the Diabetes Australia Research Trust, Australian researchers are leading the world in their search to find a cure. In the meantime they are researching different ways to improve diabetes management. A number of organisations assist in the promotion of healthy living and diabetes management. Organisations such as Diabetes Australia, Diabetes Australia Research Trust, the Australian Diabetes Society and the Australian Diabetes Educators Association all play an important role in the management and eventual eradication of this condition. The encouraging statistics arising from the 2005 New South Wales population health survey shows that people are starting to heed health warnings by attempting to lead a more active and healthy life. Although it appears that people are becoming more vigilant about health issues, they must always be aware that the lack of a healthy lifestyle means they might develop diabetes and serious complications that, if not managed correctly, can become life-threatening situations.

HUNTER POLICE NUMBERS

The Hon. MICHAEL GALLACHER [5.12 p.m.]: Since 2003 the Iemma Labor Government has slashed more than 28 police officer positions in the Hunter. The startling increase in crime rates over the past 11 years is shameful and reveals the Iemma Labor Government's inability to address crime issues in our region. Since the Carr Labor Government came to office, crime in the Hunter has spiralled. Assault is up by 107 per cent; sexual assault is up by 133 per cent; robbery without a weapon is up by 34 per cent; robbery with a weapon, not a firearm, is up by a startling 158 per cent; steal from persons is up by 77 per cent; and breach of apprehended violence order is up by 294 per cent. Police have to work in quite deplorable conditions. Police stations are old and police resources are overstretched. Port Stephens is a classic example.

Despite numerous claims by John Bartlett, the honourable member for Port Stephens, no new police station has been built in Port Stephens. This member's lack of influence has resulted in his electorate missing out on key projects such as a new police station. Before the 2003 State election John Bartlett again promised a new station for Raymond Terrace—yet another of this Government's broken promises. The Iemma Government's rejection of calls for a new command in Port Stephens confirms that it has no interest in Port Stephens. It must be one of those seats that it is prepared to lose—and it will lose that seat—at the next State election. Recently, when the Iemma Cabinet was in the Hunter it made no commitment to additional police resources in Port Stephens, yet again confirming it has no interest in this region.

Despite a promise by the Government to upgrade the run-down Raymond Terrace police station in 1995, residents are still waiting for that upgrade. For more than a decade the Carr and Iemma governments have made false promises regarding Raymond Terrace and the ditched Waratah super station. In 1996 the budget papers revealed that $2.6 million had been earmarked to upgrade Raymond Terrace police station by 1999. That much-needed work was scrapped for a new super station but the money was never returned to Raymond Terrace when that super station proposal was scrapped. Morris Iemma should visit Raymond Terrace police station so that he can see for himself the poor conditions in which police work every day. He should explain to them why they keep missing out on much-needed capital works funding.

The Government's loose commitment of providing an additional 12 police officers to Cessnock is nothing more than a desperate spin in the lead-up to the next State election. The Labor Government has had 11 years in which to provide the people of Cessnock with adequate police resources and it has done nothing in that regard. This loose commitment was made only because the Iemma Government realises that the people of Cessnock are angry about being starved of police resources. The Cessnock community is not fooled by this latest commitment as it has heard the same unconvincing rhetoric from this Government for the past decade. Today the Minister committed police to Cessnock that probably have not yet enrolled to join NSW Police. I am appalled that a large regional centre like Cessnock has been a denied a 24-hour police station.

For far too long this Government has overlooked the lower Hunter and Cessnock communities. Overstretched officers are trying to cover a larger geographical area with limited resources, and this in turn is hurting other areas like Lake Macquarie and Maitland, which are feeling the brunt of overstretched resources across the region. More and more people are now not reporting crime because of the belief that our overstretched police force cannot deal immediately with incoming crime reports. On 22 August the honourable member for Charlestown, Matthew Morris, was reported in the *Newcastle Herald* as saying that one of his top achievements since the 2003 election was increasing police numbers. Sadly, however, the truth is that those numbers have fallen. Under Labor the Hunter has suffered, and the community will not receive the resources it needs until the lazy members that take the Hunter for granted are booted from their seats. Last year the Government failed to spend a massive $18.77 million, which was earmarked for police station projects. The Government has slashed more than 600 officers in the past three years but, disturbingly, it has increased the number of ministry bureaucrats from 24 to 45.

These fat cat bureaucrats are costing more than $6.5 million a year, while the entire Ministry for Police takes more than $10.6 million out of the total police budget. That money would be far better spent on front-line personnel. Members visiting the Lake Macquarie and Morisset police station should take care that they are not eaten alive by the white ants that have taken control of the station. The police station is manned only on a part-time basis: a couple of police are available only on certain days of the week. The way in which the Government has treated people in the Hunter is nothing short of a disgrace.

BEANSTALK ORGANIC FOOD CO-OPERATIVE

RETIREMENT VILLAGES LEGISLATION

Ms SYLVIA HALE [5.17 p.m.]: On 21 March it was my pleasure to meet with members of the Beanstalk Organic Food Co-operative in Newcastle. In many ways that organisation embodies the best of community involvement. The co-operative has been established on the grounds of the Croatian Wickham Sports Club. It utilises spare land and co-operates with the Croatian bowling club. Essentially, the co-operative comprises a group of people whose objectives are:

1. To develop direct links between the sustainable organic farming communities and the urban communities of the Hunter Valley.

2. To offer farmers fair prices and support them through difficult periods.

3. To build consumer awareness of sustainable agriculture and empower the community to consume ethically.

4. To minimise resource consumption and packaging.

5. To foster community skill sharing.

The co-operative was established a couple of years ago by two students and a single mother. The three were highly concerned at the lack of access to healthy and safe food for the community and the negligible amount of support given to farmers practising environmentally sound agriculture in the Hunter region. Significantly, when they started off, one farmer, in order to survive, was obliged to travel from the Hunter to the Sydney markets on two or possibly three occasions every week. Since he has been dealing with the co-operative he has been able to cease that practice. By providing food to the co-operative he has developed a sustainable operation, eliminating the massive trouble, strain and stress of his journeys to Sydney.

The co-op is currently supporting five local growers, and is the main source of income for two of them—a local baker and a farm mill. The service caters to at least 60 households in the region and I know that at least another 40 households are on the waiting list. The majority of the work is done by volunteers. They would like to expand their activities but are prevented from doing so by a lack of funding. They are keen to access any forms of government funding and assistance that are available as they are obviously providing an important service to small businesses in the Hunter community.

The second matter I would like to address is the review of retirement village laws. In September 2004 the then Minister for Fair Trading issued a media release announcing that a review of retirement village laws would be conducted. She said that the issues outlined in the discussion paper included the complexity of contracts within the industry, issues surrounding the safety and security of residents, protection of residents' funds, standards of village management, and fees and charges payable by residents. That review was conducted—in fact, 300 submissions were received—the recommendations were made, but nothing else has happened. The current Minister for Fair Trading, Diane Beamer, has now issued yet another press release claiming that she has listened to village residents. But I am afraid that residents do not want simply to be heard; they are anxious for action.

Many residents fear that some unscrupulous retirement village operators will load them with debts before 30 June. For example, if an unscrupulous manager appoints various family members on exorbitant salaries, residents will have to pay for those salaries but will not be able to scrutinise the employment contracts and determine whether they are fair and reasonable. Residents have no opportunity to investigate matters or to examine the information supporting the balance sheets. They are fearful that those sorts of arrangements will be entered into before 30 June. Retirement village residents want the Minister to act as she did in relation to residential parks and announce that the bill—which may not be ready for introduction in Parliament—will be retrospective and predate 30 June. [*Time expired*.]

COUNTRY WOMEN'S ASSOCIATION

The Hon. CATHERINE CUSACK [5.22 p.m.]: The Country Women's Association [CWA] is the largest organisation of women in Australia. It was formed in 1922 and was incorporated by an Act of Parliament in 1931. The New South Wales division has in excess of 461 branches and well over 12,300 members. The 2005 annual report shows that the CWA's membership grew by 700 in the previous year. A number of female members of Parliament are pleased to be members of the CWA. I belong to the Lennox Head Branch. There is not much that happens in Lennox that these women do not know about, and this reflects the strong networking and bonding role that the CWA provides for local communities across the State. This knowledge is put to good use in identifying needs and providing appropriate assistance. There is no other network so well positioned, or with such trusted credentials, to undertake tasks such as distributing cash relief during the drought.

When I am in Sydney for Parliament and other official duties, I stay at the CWA Club Residence at Potts Point and often catch up with the honourable member for South Coast, Shelley Hancock, and her husband, Ossie, at breakfast. Shelley is an avid member supporter of the CWA, as is another frequent visitor, the Hon. Melinda Pavey. As a regular, it is my good fortune to meet remarkable women from all over New South Wales. Many have travelled to Sydney for health reasons, either for themselves or for a family member. I met one lady who had been staying at the CWA for nearly three months while her husband was seriously ill in hospital. Others are visiting children and grandchildren, attending 50- and 60-year school reunions or participating in meetings of numerous charitable organisations. It is a very humbling experience meeting such extraordinary women—and, might I say, a very good beginning to a sitting day in Parliament.

The CWA residence and the staff who run it provide a special and wonderful service for country folk. I recently met the CWA Executive Officer, Donna Wilkins. There was a whirlwind of activity going on around us as volunteers prepared for equipping and manning the annual CWA stand at the Royal Easter Show. The stand is 100 per cent organised and manned by volunteers who travel to Sydney, and everything on that stand has been created and transported by volunteers from country New South Wales. The CWA membership fee is just $25 per annum. Fundraising is needed for everything else. The many rooms and shops owned and operated by the CWA are also funded by the members. These rooms are used extensively by the wider community at very low cost. The effort being made by often elderly members to maintain them must be acknowledged and cannot be underestimated.

The breadth and extent of good work undertaken by the CWA during 2005 included a $25,000 donation to Care Australia in support of tsunami victims; donations for international work totalling $75,679.93; annual hosting of an international scholar from Papua New Guinea to the South Pacific Training Centre in Fiji; helping ladies from Papua New Guinea attend the South Pacific Area Conference in Ballarat; and a $37,099 donation to Retinitis Australia, which makes a total donation of $101,000 to that organisation over three years. The project currently being supported is the Haemophilia Foundation of Australia. Some 160 young people were supported through educational grants totalling $53,790. Many other CWA groups and branches operate local scholarships and educational grants. The CWA contributes its expertise to numerous committees, including the Rural Communities Consultative Council, the New South Wales Drought Welfare Co-ordinating Committee, the New South Wales Cervical Screening Program, the Telstra Regional Advisory Group, and the New South Wales Health Participation Council.

I have noted with interest the frequent expressions of appreciation from the CWA to its supporters, including Mid City Ford in Grafton, which provides the State President, Mrs Judy Richardson, with a car to visit local branches. I hate to think how many kilometres are registered on the odometer of the President's car! The CWA is an awesome advocate for better public policy to support families, and particularly children, in the country. It recently made a submission to the juvenile offenders inquiry for which I was most appreciative. The CWA volunteers also operate a number of committees, including a State handicraft committee, which co-ordinates activities for which they are famous. Lesser known is the good work of the Hospital Visiting Committee. I will give honourable members an idea of its work. A request was made recently to CWA members through their publication, *The Country Woman,* for donations to meet the shortfall of dolls required for visits to the Sydney and Westmead children's hospitals. Some 400 dolls were needed, together with a volunteer for monthly visits to St George Hospital.

I am surprised that all this is achieved without a cent of financial support from State or Federal governments. Even though the CWA is a 100 per cent charitable organisation, it does not technically qualify for tax-deductible status. As a result, the biggest cheque sent out by the CWA each year is addressed to the Australian Tax Office. The CWA has applied previously for tax-deductible status and been refused. It is a major

and expensive process to reapply and I call on the New South Wales Government to give financial support to facilitate such an application. I am sure that all honourable members would support the CWA being recognised in this way. [*Time expired.*]

FINANCE INDUSTRY EMPLOYEES SAFETY

The Hon. PETER PRIMROSE [5.27 p.m.]: Work-related stress, staff shortages, unrealistic demands, bullying and even workplace violence in the form of armed attacks from criminals and abuse from customers are all too common for those who work in the finance industry. The industry needs strong health and safety laws to ensure that employers do not lose sight of the human element in their pursuit of profits and shareholder value. Now the Federal Government, not satisfied with the impact of its so-called WorkChoices laws, is seeking to change workplace safety laws in a way that could seriously threaten workplace safety. The Finance Sector Union [FSU] New South Wales/ACT President, Joy Buckland, works with ANZ bank. Like many FSU members, she has been the victim of an armed hold-up. She sees the union's first priority as being to help make workplaces safer, and she argues:

> It's fundamental that we should be able to go to work each day confident that we will be safe whatever else goes on. Our Union is making a real difference by pushing our employers to invest more in safety at work.

Since 2001 New South Wales has had the strongest occupational health and safety [OHS] laws in the country. Those laws put a renewed focus on injury prevention rather than financial compensation after the event. The FSU and other unions have led the way in ensuring better compliance with these laws to make workplaces safer. Starting with a concerted effort to reduce the risk of armed hold-ups, the FSU has prosecuted ANZ twice, the Commonwealth Bank [CBA] and Westpac, after each failed to take obvious and necessary steps to protect staff from this form of violence at work. The union has also worked with employers like ANZ, St George and IAG to improve the level of consultation with staff on OHS issues.

The results are startling. In 2002 the *Daily Telegraph* labelled New South Wales the hold-up centre of Australia, with 99 bank robberies across the State. But by 2005 that number had reduced to 39, an amazing 60 per cent reduction in just three years. Recently Westpac has been fined a total of $145,000 for failing to provide a safe place of work at its Avalon Beach branch following a robbery in September 2004 when armed offenders gained access to the staff by climbing over the anti-jump barriers. Despite repeated warnings from the FSU about the need to close the gaps above the anti-jump barriers to prevent over-the-counter attacks, Westpac failed to close the gap until after the hold-up. There were three staff members in the branch at the time. Geoff Derrick, the FSU New South Wales/Australian Capital Territory Secretary, said this about the decision to launch the prosecution:

> After Westpac failed to take the necessary and obvious steps to protect the staff the need for us to act was clear. We had to prosecute Westpac and in that way send a clear message that staff safety must be the first priority every time. It is a pity that we have to rely on the courts to make some employers sit up and take notice but there are strong signs that this strategy is working with a noticeable improvement in standards and a reduction in the number of attacks against banks in recent years.

The case took almost a year to run. Westpac apologised to the staff involved only a day before the case was heard, and also sent out a press release congratulating itself on giving the apology. That is hardly a sincere and responsible act! On 20 March 2006 Westpac was fined after pleading guilty. Judge Staunton said in her decision:

> "[Westpac] well knew of the risks that the gap between the [anti jump barriers] AJB and the ceiling presented and obviously assessed it as low. They were wrong.

But the changes to OHS laws proposed by the Federal Government would give some big companies immunity from these executive New South Wales laws, and thereby take away the ability of the Finance Sector Union to continue the current safety campaign in those companies. Not only will this place the companies under a OHS regime that does not employ inspectors, but more than $5million a year would go from the WorkCover scheme directly to the profit margin of the big banks. When FSU New South Wales/Australian Capital Territory Secretary Geoff Derrick saw what was going on, he described the Federal laws as:

> The occupational health and safety equivalent of a tax haven. It will create an unfair advantage for some companies at the expense of decent safety standards in New South Wales.

MARSDEN CENTRE, RYDE, ASSAULT OF RESIDENTS ALLEGATION

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) [5.32 p.m.]: In question time the Hon. John Ryan asked about allegations of abuse at the Marsden

Centre at Ryde. The answer I provided to the House related to incidents in 2001 when an external investigator found there was no evidence to substantiate any of the allegations. In the past 20 minutes I have obtained further and more detailed advice about some other allegations at Marsden. I am now advised that separate allegations concerning another unit at the Marsden centre and different employees were made in May 2005. Two staff have now received court attendance notices. I am not in a position to indicate to the House at what point of time those attendance notices were issued. Those two staff members have not worked with clients since the original allegations were made.

Motion agreed to.

The House adjourned at 5.33 p.m. until Tuesday 2 May 2006 at 2.30 p.m.