

# LEGISLATIVE COUNCIL

Wednesday 20 September 2006

---

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

**The Deputy Clerk** offered the Prayers.

## SESSIONAL ORDERS

### Cut-off Date for Government Bills

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

That, during the present session and notwithstanding anything contained in the standing or sessional orders, and unless otherwise ordered, the following procedures apply to the passage of Government bills:

1. Where a bill is introduced by a Minister, or is received from the Legislative Assembly after Thursday 16 November 2006, debate on the motion for the second reading is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an order of the day for the first sitting day of 2007.
2. However, after the first reading, if a Minister declares a bill to be an urgent bill and copies have been circulated to members, the question "That the bill be considered an urgent bill" is to be decided without amendment or debate, except a statement not exceeding 10 minutes each by a Minister and the Leader of the Opposition, or a member nominated by the Leader of the Opposition, and one crossbench member. If that question is agreed to, the second reading debate and subsequent stages may proceed forthwith or at any time during any sitting of the House.

## SELECT COMMITTEE ON THE CONTINUED PUBLIC OWNERSHIP OF SNOWY HYDRO LIMITED

### Membership

#### **Motion by the Hon. Michael Gallacher agreed to:**

That Mrs Forsyth be discharged from the Select Committee on Public Ownership of Snowy Hydro Limited and that Mr Lynn be appointed as a member of the committee.

## DEATH OF PETER BROCK

#### **Motion by the Hon. Duncan Gay agreed to:**

1. That this House expresses its profound regret at the tragic death of motor racing legend Peter Brock on 8 September 2006 and extends its condolences to his family.
2. That this House acknowledges Mr Brock's success and contribution to Australian motor sport, including three Australian Touring Car Championships, nine Sandown wins, and a record nine wins at Bathurst, making him "King of the Mountain".

## DEATH OF KING TAUFU'AHU TUPOU IV OF TONGA

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

That this House notes the death on 10 September 2006 of His Majesty King Taufa'ahau Tupou IV of Tonga, and extends to the Royal Family and the people of Tonga the deep sympathy of the Legislative Council in the loss sustained.

## LANE COVE TUNNEL

### Production of Documents: Further Order

#### **Motion by the Hon. Duncan Gay agreed to:**

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution, the following documents, excluding any photographs, technical drawings, maps, plans, designs or specifications, in

the possession, custody or control of the Premier, the Premier's Department, the Cabinet Office, the Treasurer, NSW Treasury, the Minister for Roads, the Roads and Traffic Authority, the Minister for Planning, the Department of Planning, the Minister for Health or NSW Health created since the order of the House of 8 March 2006 relating to the Lane Cove Tunnel:

- (a) all documents relating to proposed delays and any changes to stage 2 surface works associated with the Lane Cove Tunnel,
- (b) all documents relating to compensation claims and payments associated with the delay or changes to stage 2 surface works associated with the Lane Cove Tunnel,
- (c) all documents relating to the current Lane Cove Tunnel air quality and respiratory health study,
- (d) all documents relating to the opening date of the Lane Cove Tunnel, and
- (e) any document which records or refers to the production of documents as a result of this order of the House.

### **STANDING COMMITTEE ON LAW AND JUSTICE**

#### **Report: Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council**

**The Hon. Christine Robertson**, as Chair, tabled the report No. 31, entitled "Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council—Seventh Report", dated September 2006, together with a transcript of evidence, submissions, tabled documents, answers to questions on notice and correspondence.

**Report ordered to be printed.**

**The Hon. CHRISTINE ROBERTSON** [11.06 a.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by the Hon. Christine Robertson.**

### **PETITIONS**

#### **Annandale Police Station**

Petition opposing any further downgrade or sale of the Annandale Police Station, received from **the Hon. Michael Gallacher**.

#### **Unborn Child Protection**

Petition requesting statistical reporting of abortions, legislative protection of foetuses of 20 weeks gestation, and availability of resources for post-abortion follow-up, received from **Reverend the Hon. Fred Nile**.

#### **Freedom of Religion**

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Reverend the Hon. Fred Nile**.

### **BUSINESS OF THE HOUSE**

#### **Postponement of Business**

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

### **INDEPENDENT COMMISSION AGAINST CORRUPTION**

#### **Report**

**The President** tabled, pursuant to the Independent Commission Against Corruption Act 1988, the report entitled "Report on Investigation into the Case Management and Administration of Community Service Orders," dated September 2006.

**Ordered to be printed.**

**TRANSPORT ADMINISTRATION AMENDMENT (TRAVEL CONCESSION) BILL**

**Second Reading**

**The Hon. TONY KELLY** (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [11.14 a.m.], on behalf of the Hon. Eric Roosendaal: I move:

That this bill be now read a second time.

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

**Leave granted.**

NSW has the most generous transport concessions in Australia, with approximately \$800 million provided annually to ensure more categories of concession beneficiary are provided with concession transport options than any other jurisdiction.

New metropolitan bus contracts are expanding those options for people living in areas serviced by private buses. All private bus services in the Sydney Metropolitan Area now offer concession fares previously only available on Government services and the Government is now ensuring that similar arrangements are in place in outer metropolitan areas such as the Central Coast, Wollongong, and the Blue Mountains.

With the NSW concession scheme receiving such significant funding, the Government has to target resources to ensure those most in need receive the assistance they require.

This Government does not consider that full fee paying overseas students should attract funding priority for such transport assistance. It should be noted that the previous Liberal Government also considered that they should not be a priority for available funding.

In obtaining their visas before the travel to Australia to study, full fee-paying international students attest that they are fully self-sufficient and able to meet their own living expenses while in Australia.

These students then pay thousands of dollars to the Federal Government to pay for their degree. The Federal Government certainly does not consider them a priority for financial assistance because they are not eligible for benefits such as Newstart Allowance, Austudy or free and subsidised health services under Medicare.

NSW taxpayers should not be expected to foot the bill for providing overseas full fee paying students with half-fare travel on public transport.

However, this is exactly what will have to happen if the Government is required to overturn its existing policy to comply with a ruling by the NSW Administrative Decisions Tribunal. The Tribunal found that it is discriminatory to refuse to provide half-fare transport concessions to full fee-paying overseas students, notwithstanding that this policy has been in place for more than fifteen years and that similar arrangements exist in Victoria.

To extend tertiary student half-fare concessions to full fee-paying overseas students is estimated to cost NSW taxpayers \$13 million per year, not to mention administrative costs and the possibility of retrospective reimbursement to those claiming to be discriminated against.

This money should be directed to providing increased transport options to those in the community with greater need—such as pensioners, isolated families, veterans, or people on low incomes.

That is why the Government is proposing this small amendment to the Transport Administration Act—to enable it to continue to determine its own transport concessions policy, including the targeting of its limited concession resources.

The Transport Administration Amendment (Travel Concession) Bill 2006 seeks:

- To enable the making of regulations that prescribe the classes of persons who are not entitled to subsidised travel under any scheme administered by the Director General of the Ministry of Transport and approved by the Government, or to a free or concessional travel pass issued by a government transport authority.
- To preserve existing eligibility criteria in relation to full fee-paying overseas students and enable Government to continue to target its concession resources to those it considers most in need; and
- To provide for transitional arrangements so that current eligibility criteria in respect of full fee paying overseas students continues to apply while necessary regulations are made.

These are minor legislative amendments involving changes to s.39 and s.88 of the Act which will mean that Government policy concerning who is not eligible for transport concessions can be written into law and thus not be subject to the provisions of the Anti Discrimination Act.

The amendment simply preserves the status quo and is a necessary step to ensure the Government can continue to effectively target concession funding as it sees fit.

The Government has received advice that this will not have a detrimental effect on the numbers of international students coming to Australia and, specifically, to NSW. Indeed, evidence indicates that the non-availability of transport concessions did not stop NSW from experiencing an 11% increase in numbers of overseas students from 2004 to 2005.

While we of course welcome overseas students to NSW, the Government does not intend to provide them with taxpayer funded public transport assistance that could be better directed elsewhere.

I commend the Bill to the House.

**The Hon. CATHERINE CUSACK** [11.14 a.m.]: The object of this bill is to prescribe classes of persons who are not entitled to subsidised travel on passenger services or to be issued with a free travel pass or concessional travel pass. This is a bizarre bill, not because of the objectives, which I fully support, but because of the circumstances that have led to the need for the bill and debate in the House today. This bill and its passage through Parliament are great material for a new series of *Yes Minister*. The joke here is not at the expense of the department or the Minister; it is a joke at the expense of New South Wales taxpayers. The worst suspicions harboured by taxpayers about bureaucracy and political correctness draining their hard-earned money are vindicated by the need for this legislation. As I tell the story I hope members of the Government pay attention because it is as much an embarrassment to them and their administration of justice as it is to anybody else. It is yet more evidence of the pressing need for a change of government and a change of philosophy on 24 March next year.

The story begins with the decision by the former Greiner Government in 1989 that concessions for student travel on New South Wales public transport should be restricted to Australian citizens. Concessions are a safety net entitlement for our citizens, a welfare policy to assist our citizens to meet, in the case of student concessions, the cost of travel. They are not open to all and sundry around the globe. In other words, New South Wales taxpayers should not have to fund welfare for overseas nationals who have signed an agreement that they are capable of meeting and willing to meet the full cost of their transport and accommodation. This policy was fair enough. It was certainly supported by the incoming Labor Government in 1995. So, basically for the past 17 years this policy has been in place whereby foreigners are not entitled to transport concessions on New South Wales public transport.

However, the matter was disputed by the Sydney University Postgraduate Representative Association [SUPRA] on behalf of four overseas students who are not Australian citizens and who are all studying at Sydney University. SUPRA lobbied the Government to change its mind. The Government did not, so SUPRA took it to the Anti-Discrimination Tribunal. I confess I was surprised that the anti-discrimination processes would even consider a case such as this, but apparently they did. I am not sure why the tribunal would be looking at things like the right to free travel for foreign nationals but it seems that somehow this is covered. The matter was moved from anti-discrimination processes to the New South Wales Administrative Decisions Tribunal because the students felt it was moving too slowly. That is a bit strange but one would expect it was a straightforward matter of the tribunal deciding that under transport legislation the Minister has the right to determine eligibility for travel concessions and that that would be an end of the matter. That would seem like plain commonsense, but apparently not.

I looked up this case on the Internet and with a mounting sense of disbelief began wading through the 15,260-word case report. I will not read it all because it will take more than an hour and a half of the House's time, but for interested members the citation is *Sydney University Postgraduate Representative Association and Ors v Minister for Transport Services and Ors 2006 NSW ADT 83*. Let me give honourable members an overview of how a straightforward matter can be escalated into a case with a verdict that is longer than some murder judgments. The case SUPRA mounted to get free travel for overseas citizens studying in Australia was against four respondents—the Minister for Transport, the Director General of the Ministry for Transport, the State Rail Authority and the State Transit Authority. By this stage it was being pursued by two postgraduate students called Bravo Neuvo and Roberto Martinez Neira. I would not have any idea who these people are. They did not even bother to attend the hearings. SUPRA tendered affidavits and that was apparently acceptable for the Administrative Decisions Tribunal to process the case against New South Wales taxpayers brought by overseas nationals who did not even turn up at the hearings.

SUPRA's argument was that the Minister and the department were discriminating against those students by withholding services on the grounds of race, which sounds like pretty shocking behaviour. The hearing was held over two days, on 4 and 5 October 2005. In one corner we had the students with their legal team, including a barrister funded by compulsory student union fees. The defence was mounted by the New South Wales Government using taxpayer-funded staff and a legal team, also including a barrister. The forum was the taxpayer-funded Administrative Decisions Tribunal [ADT], with no fewer than three tribunal members—N.

Rees, judicial member, Z. Antonios, non-judicial member, and L. Mooney, non-judicial member. In its judgment, delivered more than five months after the hearing, the tribunal found that the Minister for Transport had been discriminating against overseas students by withholding a service.

Compensation and costs were awarded to the students, but we do not know what they were. I ask the Minister to address that aspect in his reply and advise the House just how much New South Wales' taxpayers will be liable to pay in compensation and costs awarded to those students. It certainly would not have been cheap. A total of 27 Acts of Parliament were cited in the tribunal's ruling, including: the Anti-Discrimination Act 1977, the Anti-Discrimination Act 1991 (Queensland), the Anti-Discrimination Act 1992 (Northern Territory), the Anti-Discrimination Act 1998 (Tasmania), the Anti-Discrimination Amendment (Miscellaneous Provisions) Act 2004, the Citizenship Act 1948 (Commonwealth), the Civil Rights Act 1964 (United States of America), the Disability Discrimination Act 1992 (Commonwealth), the Discrimination Act 1991 (Australian Capital Territory), and the Education Services for Overseas Students Act 2000 (Commonwealth).

On it goes, including the Racial Discrimination Act 1975 (Commonwealth), the Sex Discrimination Act 1984 (Commonwealth) and the transport Acts from other States, including Victoria. In addition to the 27 Acts of Parliament referred to during this case, 19 case law rulings were cited. The Administrative Decisions Tribunal needed a lot of research to support the leaps in logic that would be beyond most ordinary folk. Before finding for the students the panel had to justify why it was hearing the matter. For example, there is supposed to be a six-month time limit for decisions to be appealed. This decision was taken in 1989 but not brought to the ADT until 16 years later in 2005, well outside the six-month time limit. Somehow the ADT was able to overcome the problem and leave was granted, but a further problem had to be overcome.

Under the Objectives of the Administrative Decisions Tribunal Act 1997, specifically objective (g), the aim of the tribunal is to "promote and effect compliance by administrators with legislation enacted by Parliament for the benefit of the citizens of New South Wales." I repeat: for the benefit of the citizens of New South Wales. There is nothing about servicing the interests of foreign nationals in the objectives of that Act. Somehow the ADT decided that overseas nationals, who did not even turn up in person to the hearing and who were lodging a case 15 years after the deadline had expired, were in fact eligible to access the New South Wales Administrative Decisions Tribunal. I do not understand how that can happen, but it seems to be the case that it is so inclusive that anyone on the planet can bring a case before the New South Wales Administrative Decisions Tribunal, and they are not even required to attend in person.

I certainly do not understand how such a decision can possibly fit within the objectives of the Act, that it is for the benefit of the citizens of New South Wales. I will move on to the next problem: the complainants claimed that a service had been withheld on the basis of race. What service? Certainly nobody was stopping them from catching a train or a bus. Concessions are not a service; they are for the welfare of our citizens, or so I thought. How could targeting welfare payments to citizens possibly be construed as withholding a service? Here is the explanation given by the Administrative Decisions Tribunal:

... Mr Crowley submitted that concessional travel is in itself a service and that the Minister and the Director General were responsible for determining who received that service. There may be some substance to that submission if the service is characterised, in so far as the Minister is concerned, as determining eligibility for concessional travel on public transport. In the Director General's case the relevant service appears to be implementing the Minister's determinations concerning eligibility for concessional travel. The Minister's and the Director General's powers to do these things are set out in the Transport Administration Act 1988.

In other words, simply because the department is required to carry out a ministerial directive in relation to who is eligible for a concession, that has now been construed as a "service". I find that bizarre. So, there you have it. The ADT defined the funding of concessions as being a "service" that can be demanded and must be supplied to foreign nationals irrespective of their wealth. How ridiculous! And on it went. They drew one long bow after another. The daddy of them all was the issue of race. The ADT found that excluding full-fee-paying overseas students from the list of people eligible for concessions was "unlawful discrimination on the ground of race". The ADT did seem to realise that the Minister for Transport was not motivated by racism in excluding overseas nationals from the grant of concessions, but here is a taste of its reasoning:

The High Court most recently considered this issue in a case which arose under the Disability Discrimination Act 1992 (Cth), *Purvis v New South Wales* (2003) 217 CLR 92. Whilst there were differences of emphasis in the various judgments, there does not appear to have been any conflict in the reasoning. Gleeson CJ referred to the "genuine basis" of the decision under question and said that when considering causation in anti-discrimination proceedings it was appropriate to consider "normative considerations arising out of the legal context" in which impugned conduct has occurred. McHugh and Kirby JJ (in dissent) stated (at 142-143):

The reasoning in discrimination cases in this Court is consistent with the view that, while it is necessary to consider the reason why the discriminator acted as he or she did, it is not necessary for the discriminator to have acted with a discriminatory motive. Motive is ordinarily the reason for achieving an object. But one can have a reason for doing something without necessarily having any particular object in mind.

The Administrative Decisions Tribunal was able to find a dissenting judgment in a High Court case and subsequently claim that the New South Wales Minister for Transport, by not providing these overseas students with a concession card, had discriminated against them on the grounds of race.

**The Hon. Dr Arthur Chesterfield-Evans:** And you would have done so too, wouldn't you?

**The Hon. CATHERINE CUSACK:** No. It was a 1989 policy implemented by the Greiner Government and perpetuated by the Fahey, Carr and Iemma governments. This is a policy that everyone supports. We are talking about a saga at taxpayers' expense. The judgment contains approximately 15,000 words and it would take an hour and a half to read it into *Hansard*. I will refrain from torturing *Hansard* with such a rendition, but the bottom line is that the State Government was found guilty of racism and forced to extend concessional travel to full-fare-paying overseas students, to pay them compensation and to pay their costs, even though those students had already given a written undertaking to the immigration department that they would meet the full costs of their travel while in Australia.

Having deliberated at great length, the Administrative Decisions Tribunal produced this magnificent decision that will cost New South Wales' taxpayers a small fortune—some estimates are in the region of \$13 million. I must say that is a bit rich, given that the Casino to Murwillumbah rail service has been closed because the Government says it cannot afford to run it, but will spend \$13 million on concessions for overseas students, subsidised by New South Wales public transport users. The tribunal's decision has forced the Government to change the Act. The Parliamentary Counsel has drafted this amendment, it has been considered by various government functionaries, submitted to and passed by Cabinet, introduced to Parliament and passed by the Legislative Assembly. That process is what has brought us and this bill together in the House today. After this long, winding, expensive process we are all here today to give effect to what was a sensible and legal policy decision made, presumably, by Bruce Baird when he was transport Minister in 1989.

I agree with the policy, which has been upheld by the Carr and Iemma governments. I certainly respect the right of students to disagree and I respect the right of universities to disagree. I know they argue that transport concessions would help to attract more fee-paying students to New South Wales' institutions. I agree with my colleagues the Deputy Leader of the Opposition and the honourable member for Ballina, who have argued that more needs to be done to support our universities. But this is absolutely not the way to do it. It is not the role of public transport to subsidise universities in this way, and I cannot for the life of me understand why other States would permit such a subsidy. If more needs to be done to help our universities to attract and retain overseas students then it needs to be done properly and up front and paid for out of the education or State development budgets. Public transport consumers should not have to subsidise the cost of overseas students. It is irrational and inappropriate.

Students have the political right to argue that public transport concessions should be available to the citizenry of the world. However, the issue should be argued honestly and in the context of broader policy. It is inappropriate that this issue became the subject of protracted legal argument under the guise of protecting human rights and stopping racism. In fact, this action demeans and discredits those important concepts. The Minister for Transport has said the ADT's decision has undermined the viability of concessions targeted at our citizens. The costings are not publicly available, but, as I said, \$13 million a year has been mentioned.

The ADT has gone to enormous lengths to force policy change, and the manner in which it has done so should be a cause for reflection by the Attorney General, who oversees this process. I hope that running Ministers, departments and the Parliament around in meaningless circles is not typical of what the ADT is doing with its time. If it is, I suggest that somewhere along the way someone has lost the plot. The ludicrous nature of this case and consequent legislation aroused my curiosity about the ADT. Its budget is embedded in the Attorney General's Department Budget Estimates, Budget Paper No. 3, at point 11.1.5, under the heading "Human Rights Services", and the amount stated is \$100.553 million. About \$78 million is used for compensation to victims of crime and funding the Public Guardian. That leaves \$22 million for the ADT, the Anti-Discrimination Board and Privacy NSW.

During 2005-06, the ADT received 1,140 complaints, the Anti-Discrimination Board received 1,100 complaints and Privacy NSW received 85 complaints. That is a total of 2,320 complaints processed at a cost of \$22 million, or about \$10,000 each. These are complaints such as taxi drivers disagreeing about their test results.

They are meant to be minor administrative matters such as FOI applications being declined and other straightforward issues where citizens feel they are being duded by the paperwork. On the other hand, many complaints are vexatious, and these are screened and dismissed at an early stage. How the average cost could be between \$10,000 and \$12,000 is beyond me.

The Opposition supports the status quo that this bill restores. It is matter of regret that it should have been made so difficult for the Government to maintain a policy which was established in 1989 and which has been functioning effectively ever since. We do not have much for which to thank the ADT in being run around in this manner. If steps need to be taken to boost the competitiveness of universities in attracting overseas students, they should be taken in a more appropriate way and not at the expense of the State's public transport users.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [11.34 a.m.]: I oppose the Transport Administration Amendment (Travel Concession) Bill, which clearly stipulates that full-fee-paying overseas students enrolled full-time in a tertiary education facility are not entitled to be issued with a student concession card for discounted fees on public transport. This legislation is an attempt to override a ruling recently made by the Administrative Decisions Tribunal [ADT] that the Department of Transport's policy since 1989 of not providing half-fare concessions to full-fee-paying tertiary students from overseas is discriminatory.

The Minister for Transport argues that in order to obtain a student visa, students are required by the Department of Immigration and Multicultural Affairs [DIMA] to guarantee that they can cover all living expenses, education and travel costs for the duration of their course. The State Government position is consistent with the Commonwealth policies on international students. I note that the Liberal Party supports the policy. Of course, the Howard Government gives as little as possible to people coming here as refugees or to travel. That makes it more difficult and expensive for them, which is not in our international interests. In his second reading speech in the other place, the Minister stated that the bill:

seeks to enable the making of regulations that prescribe the classes of persons who are not entitled to subsidised travel under any scheme administered by the Director General of the Ministry of Transport and approved by the Government, or to a free or concessional travel pass issued by a government transport authority; to preserve existing eligibility criteria in relation to full fee paying overseas students and enable the Government to continue to target its concession resources to those it considers most in need; and, to provide for transitional arrangements so that current eligibility criteria in respect of full fee paying overseas students continues to apply while necessary regulations are made.

The Cross-Campus Concession Coalition [CCCC]—a university student body operating under the auspices of the Sydney University Postgraduate Representative Association [SUPRA]—has provided the following background information:

A complaint was made to the NSW Anti-Discrimination Board (ADB), subsequently transferred to the Administrative Decisions Tribunal (ADT), stating that the failure to provide access to travel on the same terms and conditions as local students is a breach the Anti-Discrimination Act 1997 (NSW).

On March 23 this year, the ADT handed down its decision in favour of International students, as Sydney University Postgraduate Representative Association (SUPRA) & ors v Minister for Transport & ors [2006] NSWADT 83.

The tribunal found the complaints of discrimination on the basis of race, brought against the Minister for Transport Services, Director General, Ministry of Transport, State Rail Authority and State Transit Authority were substantiated. The tribunal found the Government to be in breach of its own Anti-Discrimination legislation and engaged in unlawful conduct.

The finding of the Tribunal has firmly established the fact that thousands of International students are being subject to discrimination and that they should now be entitled to the same access to concessionary fares as local students.

The CCCC points out that about 60,000 overseas students are studying at New South Wales universities. They need about \$8,000 in tuition fees and about \$12,000 for living expenses. They must demonstrate that they have that money, which is about \$20,000 a year, to be allowed to study here. As a result, they are contributing a considerable amount to the economy. The CCCC also points out that the Minister for Transport has made some misleading claims about international student travel concessions. The Government spin includes the Minister's statement that although full-fee-paying international students in New South Wales are not entitled to transport concessions, this has not been a deterrent to studying in New South Wales. In fact, international student enrolments in New South Wales universities have fallen and the Labor Government is not promoting New South Wales as a good place for students to study by stubbornly refusing to provide transport concessions.

The spin continued when the Minister claimed that in obtaining the requisite visa to study here, full-fee-paying international students have already indicated to the Federal Government that they are fully self-sufficient and able to meet their own living expenses while in Australia. However, all States and Territories other than New South Wales grant transport concessions to international students because, according to DIMA income requirements, acceptable sources of income can include the Australian Government or an Australian State or Territory government and loans. The Cross-Campus Concession Coalition points out that the proposed amendments to the Transport Administration Act should be opposed because:

1. It maintains a practice that has been found to be in breach of the *Anti-Discrimination Act*.
2. All other states in Australia (except Victoria) and many other countries do not discriminate when granting travel concessions.
3. This decision will impact on business, damage the international reputation of NSW, reduce regional university enrolments in NSW and result in losses to the NSW economy.
4. It will result in a significant loss to the NSW economy if students decide to study in other states. DIMA requires international university students to have available a minimum of \$21,000pa for living expenses in addition to tuition fees (min. \$8,000pa). 2005 figures showed there were 59,000 international university students in NSW.
5. A decrease of only 1% of International Student enrolments in NSW will result in loss of about \$12 million pa—equal to the inflated amount the Minister for Transport claims granting travel concessions to all international students would cost.
6. NSW will be less competitive with other states where students can access transport concessions and more affordable living costs free from discrimination.

Interestingly, the CCCC also points out that the vice chancellors of the University of New South Wales, the University of Sydney and the University of Technology wrote in a submission to the review of the transport concession policy:

The non-eligibility of international students for travel concession in NSW remains a pressing issue. The damaging effect of full fare public transport costs for international students can be felt on several levels:

- Sydney is already losing students to other states ...
- Sydney is losing quality students to universities in other capital cities, some of whom offer transport concessions ...
- Sydney's reputation as an international student destination is being damaged ...
- International students endure a lower standard of living ...
- City student accommodation is in crisis ...

The justifications offered by the Minister for Transport have been based on misleading and incorrect arguments. The Minister was quoted in an article in the *Daily Telegraph* of 20 May 2006 entitled "Fare Ban on Foreign Students" as making a number of assertions, which the Cross-Campus Concessions Coalition believes are completely false. The Cross-Campus Concessions Coalition believes that the bill is no less than an attempt by the Government to impose statutory discrimination on a group of people who make a significant cultural, social and economic contribution to this State. This contribution should not be underestimated.

The figures for New South Wales 2005 enrolments show that 39 per cent of all international students in Australia were studying in New South Wales. This equates to 135,000 international students enrolled in New South Wales institutions, of whom 59,000 were enrolled in university, 33,000 in TAFE, 26,000 in intensive English language courses, and 16,000 in schools or foundation courses. International students contribute approximately \$3.8 billion to the New South Wales economy per annum, through their expenditure on rent, transport, food, goods and services, and tuition fees. Competition to attract international students to Australia is competitive, and while New South Wales attracts the largest number of students it also reaps extensive revenue while concurrently discriminating against those who make a substantial economic contribution.

Besides Victoria, New South Wales is the only State in Australia that discriminates against international students in this regard. The Minister has claimed it would cost \$11 million to provide concession fares to international students. However, the Minister has provided no evidence of any concrete economic analysis of the real cost. Furthermore, this cost is negligible in the context of continuing to secure an annual investment in the State's economy of several billion dollars. If New South Wales is to position itself as a dynamic economic and social centre within the world, and particularly in the Asia-Pacific region, the experience of these 135,000 annual potential ambassadors should not be overlooked. Our international student guests feel as though they are treated by the Government as second-class and inferior citizens.

**The Hon. Catherine Cusack:** They are not citizens at all. That is the whole point.



**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** They are treated as second-class people. By opposing the bill we are telling our international guests that this State does not support discrimination. In other words, by supporting it we are sending the message that we do discriminate. I have travelled quite extensively throughout the world, and certainly my travels in Europe gave me an understanding of the history and culture of different countries. Given the status of the Australian dollar, the concession to international students travelling on a Eurail pass is extremely important.

I believe that travel gives people important insights. When Jimmy Carter became President of the United States and obviously had to travel overseas, as a man who had not travelled and therefore did not know much about other countries, his painstaking gaining of wisdom so publicly was an embarrassment. If we thought Jimmy Carter was an embarrassment, it is quite tragic to see the ignorance of George Bush and Johnny Howard, who have not travelled. People who have not travelled, who do not have a concept of other countries, who live in ignorance, and who then make policies based on that ignorance are plain dangerous to the history of the world. We need to be considered as a tolerant country, and we need the people of Asia to understand our culture just as we should understand, or try to understand, theirs. On 28 October 2003 in this House I asked the Minister about public transport concession fares. Part of my question was as follows:

Is the Minister aware that many European countries give transport concessions to international students? Does the Government want to help these students—

A huge number of points of order followed, because in my question I had said that some private English colleges had been led to believe that if the students came here they would receive fare concessions but they had not received any such concessions and this was causing some difficulty and embarrassment. The answer I got from the then Minister for Transport, the Hon. Michael Costa, was as follows:

If the honourable member can produce evidence of people using concessions not in line with the regulations, I am happy to take that matter on board. I also note the interest of the Hon. Dr Arthur Chesterfield-Evans in public transport. Some of my spies told me that the honourable member was looking at the most expensive motor vehicles at the Motor Show. His interest in public transport does not translate to him purchasing an expensive motor vehicle.

It was the usual stupid, rude answer from a silly Minister of this Government. Basically all he could do was sneer at the fact that I happened to look at a certain car in a motor show, rather than give a substantial answer as to why overseas students do not get a decent go. It is interesting to look at what happens in Invercargill, which is the southern-most city in New Zealand. Indeed, I think it is the coldest place in New Zealand, certainly at sea level. Invercargill was not doing very well as a town, and its council decided that it would make its university free, that it would pay the fees of any student who came to the town. Invercargill had a huge influx of students. Invercargill has grown massively and is now doing really well. It is the great success story of the south island of New Zealand, basically because it bit the bullet and gave free university education. The other money that was sucked in—which was far greater than the cost of subsidising the university fees in Invercargill—has done that city a great deal of good.

*[Interruption]*

Members of this Chamber can interject and talk nonsense all they like, but it has done a great deal of good for Invercargill and the economic multiplier effects have been extremely important to it. Rather than simply making inane comments, perhaps we should be doing an analysis of what Invercargill has done right and why it has done well. We should reflect that the amount of subsidy that Invercargill put in by completely removing university fees was far more than the slight amount that this Government is being asked to forgo in concessions to international students.

The Liberals' criticism of the cost of the Administrative Decisions Tribunal [ADT] is nothing short of extraordinary. If the Liberals had their way, we would have no tribunals and no justice. The ADT was designed to cut through the red tape that bedevils our legal system. The reason it is so expensive is that given the large number of freedom of information requests before the ADT, the Government employs Queen's Counsel to try to stop its information getting out. People like Robert Cianfrano go to the tribunal to get information on Beacon Hill or the sale of Sydney Markets, and find the Queen's Counsel and the Government's unlimited money being spent to try to stop the freedom of information request getting through. So the people's court that cuts through the red tape has become extremely expensive, thanks to the effort and time spent by the Government to hide what it is doing. It is a little ironic for the Liberals to then say, "We do not want these expensive tribunals around the place", and to criticise the cost of a judgment that obviously needed a great deal of justification in the sense that it was about to get hit by a bill that is now passing through the Parliament.

The other point the Liberals made via the Hon. Catherine Cusack's contribution was that the Administrative Decisions Tribunal is all about anti-discrimination. Of course, we have anti-discrimination laws so that overriding priority is a guiding force in our law making, and anything that inadvertently discriminates is picked up and can be challenged by that principle. If this has been challenged under the anti-discrimination law, and under the separation of powers a court has found that it is discriminatory, I believe the Government should take the hint and put some substance into our anti-discrimination laws. When the courts say that this is in breach of our anti-discrimination laws, we should accept that. The courts may then waive the priority of whether we are discriminating and come to a conclusion.

Where is the economic analysis to show that squeezing the last little bit out of foreign students is the way to go? I do not think that, as a class, foreign students are a wealthy group. There might be the odd zillionaire who sends their son to Australia to study, but most students' families scratch the money together. That is also true of Australian students' families. Families who scratch the money together to send their children to Australia to study are not necessarily a wealthy class. Helping them rather than simply milking them might be a smart thing for Australia to do. I believe the issue needs to be analysed economically. It also needs to be analysed in regard to behaviour, experience and the attitude that Asians will have to Australia and to the world. This unfortunate bill should be opposed. I oppose it.

**Ms LEE RHIANNON** [11.50 a.m.]: The Greens oppose the Transport Administration Amendment (Travel Concession) Bill. The Carr-Iemma Government has a long history of incompetency in public transport policy, and here we have its latest example. This bill sits alongside noteworthy examples such as the Cross City Tunnel, the closure of CountryLink ticketing offices and the recent move to cut the number of bus runs in Sydney. At a time when the Government should be encouraging the use of public transport, the bill is doing the opposite and is discouraging the use of public transport in New South Wales. This bill goes one step further than the Government's previous transport failures: it is a discriminatory bill. It treats one group of students differently from another group of students, purely on the basis of their nationality.

With this bill, the Iemma Government wants to enshrine in legislation its existing policy of refusing to provide international full-fee-paying students with travel concessions for buses, trains and ferries. Earlier this year the Administrative Decisions Tribunal [ADT] held that this policy contravenes the Anti-Discrimination Act. One would think that would be enough for the Government to wake up to itself and clean up its act. The case before the ADT was launched in 2002 by the Sydney University Postgraduate Representative Association [SUPRA] and a number of international students against the Minister for Transport, the Department of Transport, the State Rail Authority and the State Transit Authority.

On 23 May this year the ADT found that the Government's policy was discriminatory because it meant that university students who are not of Australian nationality must pay higher fares on public transport than similarly placed students who are of Australian nationality. The ADT has since ruled that the Iemma Government has three months to stop this discrimination against full-fee-paying international students. The finding should be an embarrassment for the Iemma Government and it should be a wake-up call. But instead of changing the law to not discriminate, the Government is introducing a bill to entrench that discrimination in law. It looks like both the major parties are signing off on it.

Proposed sections 39 (1) and 88 (3A) explicitly state that the Act will apply despite the Anti-Discrimination Act. These sections create a protective cloak to shroud the Government from the Anti-Discrimination Act. It beggars belief that the Government is prepared to so boldly dismiss the Anti-Discrimination Act. Once again, we are left very worried by the Government's approach to this important piece of legislation. In New South Wales, the Anti-Discrimination Act is the legislative cornerstone for the basic human rights of equality of treatment and freedom from discrimination. The preamble describes the Act as "an Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons".

I quote that because it appears that members in the House have forgotten what this Act is about and how important it is. The Act should be there to protect everybody in New South Wales. Anti-discrimination is a key principle in human rights and the Iemma Government should not be able to discard this Act as it sees fit. This bill would actually allow the Government to make regulations to disentitle other classes of people—beyond international students—from subsidised travel with immunity from the Anti-Discrimination Act. This bill sets the stage for future acts of discrimination. It is going against the Act, so clearly it is creating a precedent.

I briefly turn to the arguments used by the Government to support this bill. The Government claims that international students are not entitled to travel concessions because a condition of their Federal visa is that they can support themselves financially during their time in Australia. This reliance on Commonwealth visa requirements is a smokescreen to deflect the attention from discrimination. This argument was rejected by the ADT. The New South Wales Government cannot use Federal visa requirements as an excuse for racial discrimination. The Government claims also that the State of New South Wales cannot afford to provide travel concessions to international students. A more appropriate question for this House may be: Can the Government afford not to give travel concessions to international students?

In 2004 59,000 international students were enrolled in New South Wales higher education. These students contribute billions of dollars to the New South Wales economy. They pay fees for tuition, they pay rent, they buy books, they buy food, they visit regional New South Wales and they go to the cinema. They do many things, and they spend money. Transport Minister Watkins has been quoted in the media as saying this bill is necessary so local pensioners, schoolchildren, isolated families and the disabled do not miss out on concessions. This is clearly divisive and misleading. It is one of those smokescreens that the Government throws up when it is desperate for an argument. In October last year the vice chancellors of the University of New South Wales, the University of Sydney and the University of Technology wrote to the Minister for Transport, Mr Watkins, to request concession cards for international students. The vice chancellors warned:

Sydney is losing quality students to universities in other capital cities, some of whom offer transport concessions ... anyone who went interstate represented a loss to NSW of \$33,000. Sydney's reputation as an international student destination was being damaged by an unwelcoming policy.

Queensland, Western Australia, the Northern Territory and Tasmania all provide concessions for international students. France, Canada and Ireland all provide travel concessions for international students. Taronga Zoo, Hoyts Cinemas and the Sydney Opera House all provide concession entrance fees for international students. The Lemna Government is swimming against the tide with the bill, as is the Coalition. Is the Government now going to advocate that all these places should get rid of their concession fees?

**The Hon. Catherine Cusack:** It might be a marketing strategy.

**Ms LEE RHIANNON:** The bill shows contempt for the findings of the ADT and shows that this Government is willing to statutorily enshrine an act of discrimination. The Government is fiddling with words in legislation rather than changing an act of discrimination. This shows a serious lack of political leadership from an ungenerous Government, and it once again shows that the Government is acting to discourage public transport in New South Wales.

I acknowledge the interjection a moment ago from Ms Cusack saying it was a marketing strategy by these various institutions and businesses in offering concession entrance fees. If that is the case, why do both parties not get their act together and make it a marketing strategy for the Government to attract these people here, who clearly bring a lot more to this State than just being a student catching public transport? I commend the Cross-Campus Concessions Coalition and the Sydney University Postgraduate Representative Association, in particular Jenny Leong, Rachir Pujabi and Shehbaz Singh, for their tireless work on this campaign to defend the rights of international students. I move:

That the question be amended by omitting the words "now read a second time" and inserting instead, "referred to General Purpose Standing Committee No. 4 for inquiry and report".

I urge all members to support my amendment. Such an inquiry would provide time to weigh up the implications of overturning the ADT decision. Surely that would be responsible action for this House to take.

**The Hon. Dr PETER WONG [11.58 a.m.]:** The Unity Party opposes the Transport Administration Amendment (Travel Concession) Bill, which amends the Transport Administration Act to enable the regulations to specify that full-paying international students be ineligible for transport concessions. The bill was introduced as a result of a complaint lodged to the New South Wales Anti-Discrimination Board and later heard by the Administrative Decisions Tribunal [ADT]. The tribunal found that a failure to provide international students with access to travel on the same terms and conditions as local students is a breach of the New South Wales Anti-Discrimination Act 1997.

It was argued that a decision in 1989 by the New South Wales Government to withdraw access to private transport travel concessions for international students is an act of discrimination based on race, including

nationality, in the provision of goods and services. On 23 March this year the Administrative Decisions Tribunal handed down its decision in favour of international students. It clearly found beyond any doubt that the Government had breached its own anti-discrimination legislation. It also found that the Government engaged in unlawful conduct by failing to provide half-fare concessions to international students. Now that the Government has been caught out it once again seeks to legislate its way out of a clear decision handed down by the tribunal.

The Government once again seeks to show that it is above every independent institution in this State. The argument is that international students are not eligible for half-fare concession travel because the conditions imposed on student visas by the Department of Immigration and Multicultural Affairs state that in order to obtain the requisite visas students must guarantee they are able to cover all living expenses, educational costs and travel for the duration of the course. The Government also claims that providing half-fare concessions for international students is costing the taxpayers of New South Wales an estimated \$13 million annually.

**Pursuant to sessional orders business interrupted.**

### **QUESTIONS WITHOUT NOTICE**

---

#### **JOHN LEWTHWAITE PAROLE**

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Minister for Justice. Is the Minister aware that the Minister for Police said on 6 September that John Lewthwaite was visited by police in "February, March and August this year"? Given that police would only interview a person if he or she had committed an offence or was related to inquiries about an offence, will the Minister now outline to the people of New South Wales what other offences paedophile child killer John Lewthwaite has committed or has been suspected of committing since he was let out by the Government?

**The Hon. TONY KELLY:** I am aware that John Lewthwaite was being supervised by the police because he was on the child sex offender register. I was aware that contact was made. I do not know whether he visited police or police visited him but contact was made a couple of weeks before he was charged. Other than that, I am not aware—

**The Hon. Michael Gallacher:** Do you know what for, though?

**The Hon. TONY KELLY:** My understanding is that it was because he was on the child sex offender register and not particularly because of any additional offence. I was under the impression that contact was made only because he was on the child sex offender register. For the detail I will pass the question on to the relevant Minister and have an answer provided as quickly as possible.

#### **NEW SOUTH WALES FIRE BRIGADES AWARDS**

**The Hon. GREG DONNELLY:** My question without notice is directed to the Minister for Emergency Services. Can the Minister inform the House of moves to recognise the emergency services workers who saved a three-year-old boy from his burning Kingswood home?

**The Hon. TONY KELLY:** This morning I had the great pleasure of formally recognising the tremendous courage that our emergency service workers frequently display. At a ceremony at Parliament House in the Speaker's Garden six truly heroic individuals were presented with the prestigious NSW Fire Brigades awards for their efforts to rescue and revive three-year-old Tyler Jameson, who was trapped and unconscious in his burning Kingswood home. NSW Fire Brigades Commissioner Greg Mullins, the Commissioner of Police, the Minister for Police, Carl Scully, and I presented the NSW Fire Brigades Medal for Conspicuous Bravery to station officer Carlos Henry. This is the brigades' highest award for valour. It is awarded for exceptional acts of courage by a fire fighter and has only been presented 25 times since 1932. It is my understanding that in 1932 there was a big fire at Armidale where three fire fighters lost their lives. Following that event was the first occasion that this award was presented and it has only been awarded 25 times since then, this award makes it 26.

A further five commendations were presented to the other emergency service workers who were also involved in the rescue. They went to NSW Police Constable Kyle Rodger, Constable Mathew McDougall, Sergeant Jonathon Cornelius, who is also the recipient of a bravery award for a Kings Cross fire, and Nurse

Faith Daubney. An award was also presented to Tyler's father, David Jameson. I am sure honourable members will recall the incident on 26 July this year and, in particular, the tremendous courage and tenacity shown by Carlos in his efforts to rescue young Tyler. Members might say that entering a burning building is what our fire fighters are trained for, but Carlos was not behind a fire hose or wearing his normal protective equipment.

He was on holidays and was dropping his children at school. He was dressed only in jeans and a jumper when he saw smoke coming from the house and stopped to see if he could offer any assistance. Carlos joined the two police constables and Mr Jameson and initially tried to rescue Tyler, who was trapped on the second floor, by entering the house and attempting to climb the stairs. The four men were met by an impenetrable and rapidly expanding wall of deadly smoke and flame. Carlos quickly recognised there was no way through the inferno and that they must find some other way to reach the child.

He and the police officers then climbed up to the second storey of the house and broke a window to gain access to an upstairs bedroom. Diving through the choking smoke and heat, he searched the room on his hands and knees, while just metres away the roof was collapsing in the hallway and rear bedroom—an act of bravery that most of us could barely imagine, let alone undertake. Veteran fire fighters have told me that even with breathing apparatus and protective clothing this would have been an extremely dangerous situation. After what must have seemed an eternity for the little boy's anxious family outside, Carlos Henry appeared through the smoke at the window with the unconscious child.

The boy was handed to Sergeant Cornelius, who, with the help of Faith Daubney, an off-duty nurse also passing the scene and dropping her children off at school, performed CPR on the child until the ambulance arrived. All six members of the Jameson family, along with their rescuers, were taken to hospital suffering from smoke inhalation. However, the story had a happy ending and I am pleased to say Tyler was present at this morning's ceremony, happy and well. The actions of Station Officer Henry, Sergeant Cornelius, Constables McDougall and Rodger and Ms Daubney to save this family demonstrate the commitment of our emergency service workers to protecting the community. They are a credit to their families, NSW Fire Brigades, NSW Police, NSW Health and the community. The courage and commitment of these fine individuals is an example to us all. I am sure the House joins with me in congratulating them.

### BATEMANS MARINE PARK CONSULTATION MEETING

**The Hon. DUNCAN GAY:** I direct my question to the Minister for Primary Industries. Does the Government have any secret plans for further marine parks in New South Wales? Is the Minister aware that a commercial fisher has signed a statutory declaration that he was privately told at a Batemans Marine Park consultation meeting by a senior National Parks and Wildlife official that if the current Government is re-elected there will be a marine park from Bermagui to the Victorian border? What other areas in New South Wales have been designated as likely sites for marine parks? When will the Minister be honest with the commercial and recreational fishing industries and detail his plans to lock them out of their fishing ground?

**The Hon. Ian Macdonald:** Table it.

**The Hon. DUNCAN GAY:** Incorporate it?

**The Hon. Ian Macdonald:** Incorporate it.

**The Hon. DUNCAN GAY:** I seek leave to incorporate the statutory declaration.

**Leave granted.**

#### *Statutory Declaration*

#### OATHS ACT, 1900 (NSW) EIGHT SCHEDULE

Name in full §Address  §The facts to be stated in numbered paragraphs	I/we the undersigned* Ronald Phillip Snape of §Braeside Central Tilba in the State of New South Wales, do solemnly and sincerely declare that: §   I attended a consultation meeting with regard to the Batemans Marine Park in Narooma, which was also attended by Mr Tim Shepherd of the National Parks and Wildlife Service.
---	--

My concern was whether to take part in the buy out being offered by the NSW Government.

I spoke to Mr Shepherd telling him I was considering moving my fishing effort south of the Marine Park Boundary and asked for his guidance.

Mr Shepherd said yes that if the current Government was re elected after March 2007 there would be a park from Bermagui to the Victorian order.

I believe there was no ambiguity in either my question or his answer.

Ron Snape BSc.

And I/we, make this solemn declaration conscientiously believing the same to be true, and by virtues of the provisions of the Oaths Act 1900.

SUBSCRIBED and declared at Central Tilba in NSW.

The said State this 18 Sept day of 2006.

R Snape.

Signature of JP  
Full name of JP

Before me:  
Ken Jamieson JP  
PRINT FULL NAME: KENNETH JAMIESON

A Justice of the Peace in and for the State of New South Wales  
Registration Number (if application) 152260  
By the NSW Attorney General's Department

**The Hon. IAN MACDONALD:** The information about this came out last week from the honourable member for Bega, Mr Constance, who made several media forays, which I answered at that time. However, this week he has tried to go one up on his previous event and announced that we have actually imposed a scuba diving tax. I put out a press release today and have done a lot of media on it, pointing out that he is living in fantasyland, as he was last week, because there is no scuba diving tax. There is a proposal to look at having a scuba diver recreational trust arrangement in which industry will determine—

**The Hon. Duncan Gay:** It is a tax!

**The Hon. IAN MACDONALD:** That has not been implemented, yet Mr Constance says it is happening. What a joke!

*[Interruption]*

There is a difference between the proposal and the nonsense that we hear coming from Mr Constance and the Opposition in relation to the proposal. In terms of the recreational fishing trust, there is great support from recreational fishers across the State because it is adding more than \$10 million per annum to the amenity for recreational fishing in this State. So the Opposition got that wrong. Members opposite are getting it wrong again in relation to the marine park on the South Coast they have been jumping up and down about. There is no plan to have such a park. I reject whatever Opposition members are saying in relation to it. There is no plan about it—we have made that clear and that is it.

### SEXUAL ASSAULT PROSECUTION RATE

**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 according to the New South Wales Bureau of Crime Statistics and Research there were recorded 4,016 incidents of sexual assault in New South Wales last year? Is the Minister aware that only 15 per cent of sexual offences against a child and 19 per cent of sexual offences against an adult have resulted in the commencement of criminal proceedings in New South Wales and that the prosecution rates for these proceedings are very low? Is the Minister aware that according to Dr Don Weatherburn low prosecution rates are due to reluctance on the victim's part to undergo the trauma of court proceedings? Is the Minister aware that a child sexual assault expert, Dr Caroline Taylor, is of the view that a specialised court system would more ably deal with sexual assault offences? Will the Minister consider introducing a specialised court system to prosecute child sexual offenders in particular?

**The Hon. JOHN DELLA BOSCA:** The answer to the first part of the honourable member's question is that I was aware that that is the approximate number of sexual assaults, but I was not aware of the proportion

that went to prosecution. For a long time there has been general concern in the community that the rate of successful prosecutions for sexual assaults of various kinds, especially those against children, appears to be relatively low compared with the apparent number of offences. I think that is observed generally across the jurisdictions. I was not specifically aware of the observations of Dr Don Weatherburn, although I regard him as an authoritative person on criminal studies and statistics about criminal behaviour and law and justice matters. In terms of the opinion of Dr Caroline Taylor in relation to the possibility of a specialised jurisdiction to handle these matters, I think Reverend the Hon. Dr Gordon Moyes said it related only to child sexual assault matters. I am happy to seek a prompt reply from the Attorney General and provide it to the House.

### INJURED WORKERS PROTECTION

**The Hon. IAN WEST:** I address my question without notice to the Minister for Industrial Relations. Will the Minister advise the House what the Iemma Government is doing to help injured workers?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for his question and his interest in this important matter. From today public comment is being sought on the new draft bill to protect injured workers from WorkChoices. Under WorkChoices there is nothing stopping an unscrupulous employer from sacking a worker who is injured on the job. The Iemma Government is making sure that that will not be happening in New South Wales. To ensure that New South Wales laws that protect injured workers are not overridden by WorkChoices and extend to all workers in the State they will be transferred to the New South Wales workers compensation legislation.

In New South Wales there are about 49,000 employment-related injuries every year. Although these numbers are at an 18-year low due to highly effective education and compliance campaigns by the New South Wales WorkCover Authority, many vulnerable workers in this State are under threat. Under section 99 of the New South Wales Industrial Relations Act dismissals cannot take place within six months of an injury occurring. The New South Wales laws also enable injured workers to return to their previous job within two years of the injury taking place. There is no provision in the 1,388 pages of legislation and 400 pages of regulations in WorkChoices that replicates these protections.

Not only do the New South Wales laws give job security; they are also fundamental to the rehabilitation of injured workers and the objectives of a good society. The sooner an injured worker is reintroduced into the workplace the better the prospect of a complete recovery. The Industrial Relations Further Amendment Bill will also deliver more certainty by introducing measures that protect employees who raise legitimate occupational health and safety issues at work. WorkChoices promotes an air of fear and distrust between workers and employers. Our legislation will protect employees against victimisation or dismissal for raising legitimate occupational health and safety issues in their workplace.

The bill will provide the New South Wales Industrial Relations Commission with the authorisation to provide alternate dispute resolution services to parties under Federal workplace agreements if the parties nominate to do so. It will also strengthen the powers of the New South Wales Industrial Relations Commission to jointly sit with other State and Territory commissions to hear industrial cases of national significance. In March the New South Wales Government announced that it would continue to look at all legislative options to protect workers in both the public and the private sectors from the excesses and ravages of WorkChoices.

We are delivering on this commitment. To shield New South Wales families from WorkChoices the Iemma Government has introduced new legislation to protect New South Wales frontline public servants, including nurses and TAFE teachers. We will also be introducing new laws to ensure that young people under 18 years of age are brought under the protection of the New South Wales industrial relations system. We have doubled the small claims limit for unpaid and underpaid workers in New South Wales from \$10,000 to \$20,000. The Iemma Government's commitment to protecting Australian families is in stark contrast to what we see from the Opposition.

Peter Debnam is committed to handing over all New South Wales workers to the Commonwealth if elected next year. If this were to happen, even more families would be denied access to the fair and balanced New South Wales industrial relations system and be forced to fend for themselves in the dog-eat-dog, sign-it-or-else employment environment. Peter Debnam is refusing to stand up for New South Wales families. He has turned his back on them in favour of gaining favour from his political masters in Canberra. To view and download a copy of the New South Wales Government's draft bill I encourage all members to visit [www.fairgo.nsw.gov.au](http://www.fairgo.nsw.gov.au).

**JAMES HARDIE AND ASBESTOS-RELATED DISEASES LIABILITY**

**Reverend the Hon. FRED NILE:** I ask the Treasurer a question without notice. Is it a fact that the James Hardie company stated that there would be no increase in directors' fees until the fund for victims was finalised, which still has not happened? Is it a fact that James Hardie has announced a 130 per cent pay increase for its board members, which will be presented to the annual general meeting next Monday for approval? Are these various increases excessive—from \$295,000 to \$347,000 for the chairman and from \$80,000 to \$132,000 for board members? What action will the Government take to block these pay increases, which total an extra \$1.1 million for board members and which should go to the James Hardie victims?

**The Hon. Greg Pearce:** That is a matter for the shareholders.

**The Hon. MICHAEL COSTA:** I welcome the question. I acknowledge the interjection of the Hon. Greg Pearce that ultimately it is a decision for the shareholders as to whether they approve those directors' fees.

**Reverend the Hon. Fred Nile:** It may be some victims' money.

**The Hon. MICHAEL COSTA:** I am sure members opposite will agree with me that it is outrageous for directors of a public company to vote themselves substantial pay increases at a time when many victims of an insidious product distributed by that company face uncertainty in terms of their financial future. I saw the television report last night, as I am sure other members did, in which the company chairman tried to justify the increases. I thought it was the most pathetic justification I had ever heard.

**The Hon. Greg Pearce:** It's a bit like you answering most questions in the Chamber.

**The Hon. MICHAEL COSTA:** If the Hon. Greg Pearce were able to ask a decent question, he might get a response that warranted some effort. Honourable members should focus on the serious nature of the question. I hope I speak on behalf of all members when I say that it is outrageous. The James Hardie board must reconsider its decision on board fees. More importantly, it needs to finalise its arrangements with the victims and ensure that they have substantial security in terms of going forward and dealing with what are obviously tragic circumstances for those who are affected and their families.

**MONA VALE ROAD UPGRADE**

**The Hon. GREG PEARCE:** I direct my question to the Minister for Roads. What commitments has his Government made and what plans does he have to upgrade Mona Vale Road?

**The Hon. ERIC ROOZENDAAL:** The House would be aware that in the last budget the budget for the roads portfolio was increased to \$3.3 billion as part of the Government's ongoing commitment to improving roads and traffic flows throughout the State. We recently announced that the finalised road toll for the last period was the lowest since World War II, demonstrating that our road safety campaigns are vastly improving. This is part of our ongoing commitment to improving safety on the roads around the State. I note that the Auditor-General's report says that the state of our roads, particularly in the country, has vastly improved and is continuing to improve.

We are continuing with our vast improvements on the Pacific Highway. There was an increase in the budget of \$415 million or 14.4 per cent over last year's record budget for roads. We will see progress on major roads around the State, including Windsor Road, the Pacific Highway, the Princes Highway and the Great Western Highway. The sum of \$1.6 billion has been allocated for road construction and \$750 million for maintenance of the State's roads. Two-thirds of the roads capital and maintenance budget will be spent outside the Sydney metropolitan area, with \$1.84 billion or 65 per cent committed to work on regional and rural roads. As honourable members can see, we are continually improving the State's roads and improving the safety of the State's roads for the benefit of the community.

**The Hon. GREG PEARCE:** I ask a supplementary question. Will the Minister please elucidate his answer in relation to the Government's announcement and plans for Mona Vale Road?

**The Hon. Rick Colless:** Don't worry about the Great Western Highway and the Pacific Highway.



**The Hon. ERIC ROOZENDAAL:** There you have it: the Hon. Rick Colless just exposed himself. He said, "Don't worry about the Pacific Highway, don't worry about the Great Western Highway." The dunderhead of The Nationals inserts his foot straight into his mouth yet again. I am shocked, stunned and disappointed by that sort of ignoramus interjection from one of the dopiest members of The Nationals. What an insult that is to his constituents. No wonder he was removed as the local campaign director after that massive defeat—

**The Hon. Greg Pearce:** Point of order: There is not much time left for the Minister to address the answer to the question about the Government's policy on Mona Vale Road. What he is saying at the moment is not relevant. I ask you to ask him to be relevant.

**The PRESIDENT:** Order! I remind the Minister that interjections are disorderly at all times and he should ignore them.

**The Hon. ERIC ROOZENDAAL:** With a record \$3.3 billion budget on road spending in 2006-07, which is a \$415 million increase or 14.4 per cent increase over last year's record budget, we have numerous road projects. I am happy to take that part of the question on notice.

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

#### **SUB-ACUTE FAST TRACK ELDERLY CARE PROGRAM**

**The Hon. PENNY SHARPE:** I address my question to the Minister for Health. What is the New South Wales Government doing to minimise the need for older people to be admitted to hospital?

**The Hon. JOHN HATZISTERGOS:** In February of this year I announced a \$4 million program aimed at minimising the need for older people to be admitted to hospital. The Sub-Acute Fast Track Elderly [SAFTE] program is a year-long pilot program focusing on these older people in our community. It is initially being trialled in St George, Hornsby, Queanbeyan and John Hunter hospitals. Presently the group targeted by SAFTE accounts for 6.3 per cent of the New South Wales population, however in 2004-05 members of that group occupied 30 per cent of all acute hospital bed days. SAFTE is an interagency approach, providing integrated community care for frail older people who show the first signs of a looming crisis, which is precipitated by deterioration in their medical condition. The involvement of general practice, ambulance, home and community services, and health ensures a co-ordinated approach to supporting older people in the community. Australia's population is an ageing one, which is why the current challenge in service delivery is to better integrate services so that older people get the right care at the right time.

Difficulties in accessing appropriate services in the community to support and complement general practice care often lead to hospital admissions that are preventable. Research shows that if events such as declining mobility, falls or respiratory infection are identified and managed earlier in the community before an acute crisis requires emergency care, hospital admissions can be avoided. The SAFTE program fills the service provision gaps that may occur in the primary care setting when an older person in a subacute phase of illness or an emerging crisis requires prompt and effective health care intervention. As part of the SAFTE program people at risk are identified by their general practitioner, hospital staff or community service providers.

Early identification is a critical component of the SAFTE program as early and often subtle changes in the older person's condition are a prelude to health deterioration. These subtle changes may present as falls, deteriorating mobility, a change in the usual level of independence in activities of daily living and the onset or worsening of confusion. To date the model has successfully supported over 634 frail older people in their homes and prevented avoidable hospital presentations in 80 per cent of these cases. The ageing of the population is at the forefront of the future planning and delivery of health services in New South Wales and, as such, we asked the Federal Government to work with us in delivering this innovative program. The program involves primary care, which is a federally funded area. Unfortunately, there has been no commitment from the Federal Government on this issue. In the meantime, the dedicated doctors, nurses and community health staff will continue to provide care for older people in our community by developing partnerships between community and hospital sectors and reinforcing the positive aspect of the SAFTE model where older people are sustained in their own home environment.

## WATER RESOURCES

**The Hon. DAVID OLDFIELD:** I direct my question to the Minister for Natural Resources. Is the Minister concerned that regardless of this month's welcome rainfall Warragamba Dam levels remain at just above 40 per cent capacity? What steps is the Government taking to capture the massive amount of run-off that simply washes down our drains on its way to the sea? Is coastal New South Wales short of rainfall or short of mechanisms for capturing rainfall? Is the answer to water shortages rationing or appropriate water supply infrastructure? Does the Government have a plan for water other than passing the problem on to the next Government?

**The Hon. John Della Bosca:** That's a bit nasty.

**The Hon. IAN MACDONALD:** Yes, it was a bit disingenuous. The answer to the substance of the question is yes, we have been in discussions with Malcolm Turnbull, who runs water policy for the Federal Government. It is the first time in 70 years The Nationals have not had carriage of water. That is interesting. We have had discussions with him, and the Federal Government has looked at the Botany aquifer, particularly the northern section of it, for recharge values. The siting of the dams, and what have you, is very much a question for my colleague the Minister for Water Utilities, and I will get him to answer that part of the question for the honourable member. The coastal belt of New South Wales gets quite high rainfall: Sydney gets about 1,000 millimetres a year, or something of that order. The recent rain belted down around the suburbs but nothing occurred up in the hills.

I could not believe what happened in Goulburn recently. When the southern part of the State had about 20 millimetres, I looked up the weather zone web site, which I do every day, and it showed that Goulburn had received one millimetre. To some degree a curse must have been put on the area as consistently over the past five years it has missed out on rain, unlike Wellington which appears to get isolated rainfall much to the luck of my colleague, and an occasional flood in the Bell River. A lot of rainfall falls on the coast, and it is difficult to work out how to store it but the Commonwealth, through Malcolm Turnbull, has raised with us some aqua storage matters which are very much on the go, particularly in South Australia, our driest State.

## JUVENILE SEX OFFENDERS

**The Hon. CATHERINE CUSACK:** My question is directed to the Minister for Juvenile Justice. Is the Minister aware of the growing incidence of adolescent sex offences whereby adolescent boys are estimated to perpetrate between 30 and 50 per cent of all childhood sexual assaults? Is the Minister aware of the problem identified by the Australian Institute of Criminology of an almost total lack of residential facilities for treatment and rehabilitation of juvenile sex offenders? Will the Minister point to any initiatives that show he is interested in addressing this important issue?

**The Hon. TONY KELLY:** The Department of Juvenile Justice provides comprehensive assessment and treatment, in custodial and community settings, for adolescents convicted of sex offences. Juveniles found guilty of sexual offences are referred to specialist New South Wales Department of Juvenile Justice Sex Offender Program counsellors, who provide comprehensive assessment reports to assist the court in sentencing. The department has 10 specialist sex offender counsellors and a specialist supervisor. The Department of Juvenile Justice deals with sexual offenders who were under 18 years of age at the time of committing a sexual offence.

Juvenile sex offenders do not have the option of having their case dealt with by a Youth Justice Conference. The most serious juvenile sexual offences are usually dealt with "at law", which means they face trial and sentencing in the adult courts. Upon their conviction of such serious offences the court can exercise the discretion to name such offenders. Older serious juvenile sexual offenders are accommodated in the Kariong Juvenile Correctional facility, operated by the Department of Corrective Services.

**The Hon. John Hatzistergos:** A great achievement.

**The Hon. TONY KELLY:** It was a great achievement. The specialised Sex Offender Program is part of a co-ordinated set of psychological and specialist programs provided by specially trained and supervised counsellors. The Sex Offender Program counsellor assesses the risk to the community posed by the offender and the young person's suitability for treatment. Many issues are addressed by the program including understanding and taking responsibility for offending behaviour; personal strategies for controlling offending behaviour;

education in human sexuality; the development of social, coping and relapse prevention skills, and victim empathy; and individual casework.

Juvenile sex offenders may have intellectual disability and mental disorders. These are addressed by the Sex Offender Program counsellor, often in collaboration with other mental health professionals, including Department of Juvenile Justice psychologists and Justice Health psychiatrists for young people in custody. Intensive casework and supervision are co-ordinated for juvenile sex offenders in the community, including the joint investigation and response teams, the Department of Education and Training, the Department of Ageing, Disability and Home Care Behavioural Intervention Service, sexual assault, health and youth accommodation services, and the Department of Community Services.

**The Hon. CATHERINE CUSACK:** I ask a supplementary question. In view of the Minister's answer, does he rule out the establishment or funding of community-based residential programs for juvenile sex offenders?

**The Hon. TONY KELLY:** No, I am not ruling out what the Government might do in the future. The Iemma Government has a State Plan, though which it has asked the community what should be done in the next decade. That might produce suggestions about programs the Department of Juvenile Justice and the Department of Corrective Services should run to stop recidivism and help juveniles who commit these crimes. I am certainly not ruling them out. In fact, the Government's fantastic State Plan may well bring forward some great suggestions.

### ORGANIC FARMING

**The Hon. TONY CATANZARITI:** My question is addressed to the Minister for Primary Industries. Will the Minister inform the House of the latest developments in the State Government's investment in organic farming?

**The Hon. IAN MACDONALD:** Organic farming is a growth industry in New South Wales and nationally. Latest available figures show that the New South Wales organic farm gate value is approximately \$29 million and the national retail value is about \$300 million and growing. I am happy to say that the Iemma Government is supporting this new industry. In fact, just last week I visited the Bathurst Agricultural Research and Advisory Station to launch the State Government's organic industries initiative package. The package is a further \$250,000 investment in the New South Wales Centre for Organic Farming of the Department of Primary Industries [DPI]. A major component of the organic industries initiative is the creation of two new organic agriculture positions based at the Centre for Organic Farming. Those two new positions will take a proactive role in exploring market development opportunities to help the 350 certified organic farms in New South Wales see that market share grow.

The State's organic farmers, like conventional farmers, have many challenges to meet. They include finding solutions to supply chain issues for organic meat, continuing soil fertility improvement in organic systems and facilitating group marketing of organic produce. The two new positions will play a key role helping industry tackle these challenges. They will also work with the DPI network of extension and research staff across New South Wales to deliver the latest information, research and market development knowledge to the industry. This will ensure that our organic industries are in the best position possible to capitalise on market opportunities. Make no mistake: the New South Wales Department of Primary Industries is already a key player in organic research.

DPI staff are testing the suitability of different crop varieties, including strawberries, to organic farming systems. For example, DPI organic farming expert Karen O'Malley is about to begin a new varietal trial involving hazelnuts. This work will be undertaken at Bathurst. DPI is also working with the State's olive industry to investigate opportunities for an organic industry and potential for expansion into this area. Plus, the department is investigating the possibility of an organic vineyard trial at Bathurst, but this is in the very early stages.

**The Hon. John Della Bosca:** Can you sample the product?

**The Hon. IAN MACDONALD:** Certainly, when it is produced I am sure all honourable members might get the opportunity to test the product and provide opinions. I am interested in the Deputy Leader of the Opposition's view on organic wine. I think it will go over well. And all this work will complement organic

research already underway at Yanco Agricultural Institute. At Yanco, staff are looking at optimising the quality and yield of spelt and other specialty grains under organic production. Researchers are investigating the performance and processing quality of 63 lines of spelt. To maintain this momentum and ensure that our organic industries make the most of all opportunities, I have created the New South Wales Organic Ministerial Advisory Council. The council will advise me on important matters facing the New South Wales organic industries and help harness the full potential of prospering organics.

The Organics Council will provide recommendations to the New South Wales Department of Primary Industries and myself on strategic development priorities and assisting their implementation, which are the two key priorities of the council. The New South Wales organic retail market is a significant contributor to the national organic retail market. The key products are meat, dairy, fruit, nuts, vegetables, herbs, seed grains and cereals. However, there are still a number of impediments to faster expansion of the New South Wales organic farming industry. There is also a real need for import substitution. Members of the council are fully aware of the challenges for our organic industry and will work together to develop strategies and recommendations to overcome these. The council consists of organic industry experts, marketers, researchers and organic producers. With this significant investment, the State Government looks forward to seeing our organic industries continue to prosper and maximise all opportunities that lay ahead.

### **ROADS AND TRAFFIC AUTHORITY AND COMPLETE TRAFFIC SERVICES INC. CONTRACT**

**Ms LEE RHIANNON:** My question is directed to the Minister for Industrial Relations. Is the Minister aware that a traffic control company, Complete Traffic Services, that has won a 12-month contract with the Roads and Traffic Authority to control traffic on RTA sites, employed staff on Australian Workplace Agreements [AWA] which pay under-award rates, require all employees to be casuals, and impose a 24-hour week, and that prior to WorkChoices this AWA would not have met the no-disadvantage test? Is the Minister aware that this company breached the law by issuing traffic contractors tickets without the requisite construction industry occupational health and safety induction? Is he further aware that Complete Traffic Services pressures employees to resign from their union, the Australian Workers Union, by presenting them with prewritten resignation letters? Will the Minister amend the existing code of conduct for government procurement to protect workers from the worst excesses of WorkChoices and make it a condition of contract that the company comply with the State award?

**The Hon. JOHN DELLA BOSCA:** The honourable member has asked a pertinent question. With regard to the specifics of the first part of her question, the answer is no, I am not familiar with that particular company, although I have obviously heard reports about its activities. The second point to make in response to the honourable member's question is that the Treasurer and I are currently engaged in a review of procurement policy. We are concerned about some of the issues that have become more important and the fact that the Commonwealth has effectively deregulated labour standards to a point where there are no longer any decent minimum standards in the economy. That makes more complicated the procurement of goods and services for a State government wishing to procure goods and services in an ethical manner. Obviously we want to continue to get the best value for the taxpayer dollar but also maintain a proper standard of procurement in relation to the employment of contractors, or principal contractors, of services and goods for New South Wales. We are almost in a position to complete that review and I expect an announcement in the near future.

To underline my response to the honourable member's question, of deep concern is that in the end this will be just another example of more red tape and additional conditions imposed on the economy as a result of the Commonwealth mucking around with longstanding Australian institutions relating to the protection of employees. The fact that the national labour market is now in a state of deregulation whereby there are no reasonable minimum standards applicable to employers, of course, means that the occasional unscrupulous employer will participate in the race to the bottom, which Mr Howard is seeking to bring about. The New South Wales Government is determined not to be part of that process. Our determination relates not only to our own employment practices; we will not allow procurement practices. As I have said, we are on the verge of finalising and making satisfactory determinations about that matter.

The last point in the question, which related to traffic controllers and occupational health and safety, has been of great concern to the WorkCover Authority and to me as the relevant Minister. WorkCover has put in place a number of training packages. I was saddened and shocked when I learnt of the fatality statistics for traffic controllers—the so-called lollipop persons with whom members might be familiar. It is quite disturbing. We would not allow people with minimal training—as sometimes occurs in respect of road traffic control staff—anywhere near railway traffic under our safety regulations. Appropriate standards have to apply not only

to their occupational health and safety but also to the occupational health and safety of a gang or team of employees of 10 or 20 people whose lives might be dependent on traffic controllers having proper training.

We have put in place some proper training packages and will make those part of the relevant industry code. That has been by agreement between the Australian Workers Union and the relevant contractors, and I believe the Roads and Traffic Authority has been specifically involved in those discussions. If the honourable member requires further details about that, I will be happy to provide them to her. I am unaware of any practice of forced union busting or de-unionisation by the incoming government contractor. Clearly, if that were so, the Government would be most concerned. I will make my own inquiries about the matter and seek advice for the honourable member.

### QUEANBEYAN MENTAL HEALTH SUPPORT PROGRAM

**The Hon. MELINDA PAVEY:** My question without notice is directed to the Minister for Health, representing the Minister Assisting the Minister for Health (Mental Health). Is the Minister aware of a successful program run in Queanbeyan and the local region that provided transitional support to mental health patients coming back into the community? Is the Minister further aware that, following the awarding of a tender to the non-government schizophrenic foundation to continue the program, no-one has been appointed and the program has stalled?

**The Hon. JOHN HATZISTERGOS:** I answered a question on this matter that was asked of me by an Opposition member some time ago. It is a comprehensive answer and is available in *Hansard*, and I refer the honourable member to it. I will refer the defamatory comments of the honourable member about the schizophrenia foundation to that organisation and obtain an appropriate response.

### RURAL FIRE SERVICE AND CESSNOCK BUSHFIRE FATALITY INVESTIGATION

**The Hon. ROBYN PARKER:** My question without notice is directed to the Minister for Emergency Services. Given that the Government has stated that Opposition demands for an open investigation into claims of a Rural Fire Service cover-up of a fatal 2002 Cessnock bushfire were a beat up, how can he explain the fact that police have announced they will reopen this possible homicide investigation? Will the Minister ensure that all volunteers and the Rural Fire Service co-operate fully with police?

**The Hon. TONY KELLY:** I understand claims have been made to the Independent Commission Against Corruption [ICAC] alleging that some sort of possible cover-up has taken place in relation to the cause of a bushfire in the Abernethy area of the Hunter Valley that has become known as the racecourse fire. The fire, in October 2002, caused widespread damage to property and tragically resulted in the death of one man, Mr Ronald Gillett. Our thoughts, of course, go to his family, for whom these claims must be very upsetting. NSW Police carried out a thorough investigation into this fire with the full co-operation of the Rural Fire Service. It was also the subject of a coronial inquiry by Deputy State Coroner Milovanovich in February 2004.

The Coroner investigated not only the circumstances of Mr Gillett's death but also the cause and origin of the fire. In his findings, the Coroner reported that it "became apparent early in the investigation that this fire was deliberately lit". It was decided that a thorough investigation should be conducted into the activities of all persons who had been seen or who had been reported as being in the area at the time the fire commenced. The investigation centred around the movements of three individuals—one of whom came in for particular criticism from the Coroner—and also the Central Rural Fire Service brigade, which had held a field training exercise involving 21 members and new recruits on the morning of the fire.

**The Hon. Duncan Gay:** The commissioner was there, too.

**The Hon. TONY KELLY:** Not at the start. That is wrong. He came later.

**The Hon. Duncan Gay:** He was there; so I was right.

**The Hon. TONY KELLY:** He came later. He was not there at the time the fire started. The Coroner makes it clear in his report that a thorough and rigorous investigation into the cause of the fire was conducted. He specifically stated that he makes no apology for the approach taken and that witnesses had been cross-examined "to determine if there was a conspiracy of silence". The Coroner concluded:

I am satisfied on all the available evidence that the training day and the decision to conduct in-field training on the very day that the fire started is no more than coincidence. There is no evidence, even at the prima facie level, to suggest or support that any member of the RFS was involved in the lighting of the fire.

I am aware that a resident who suffered property damage in the fire has since made allegations to the ICAC that a Rural Fire Service officer has told him there was a cover-up but that the officer was not part of it. The resident was called as a witness at the coronial inquiry but raised no such allegations or concerns. For the sake of transparency and accountability, Commissioner Koperberg ordered an independent investigation by the Internal Audit Bureau into these new claims. However, in light of reports that NSW Police will now investigate the claims, the commissioner has put this process on hold. The former head investigator of Police Strike Force Tronto, which investigated the fire, is reported as saying that a thorough review of the police brief into the fire had failed to show any claims of a cover-up involving the Rural Fire Service or the fire's source. He said:

I have nothing to indicate that this matter was covered up but if someone out there thinks it is the case then we will investigate.

The shadow Minister's behaviour in this matter is reprehensible. He has a long and proven track record of attacking our volunteers. Given the Coroner's finding, this is a terrible slur on our volunteers and it is understandably causing them great distress. [*Time expired.*]

### SYDNEY TRAFFIC FLOW

**The Hon. KAYEE GRIFFIN:** I direct my question to the Minister for Roads. Can the Minister advise the House about the latest initiatives the Government has implemented to assist motorists and to improve traffic flow around Sydney?

**The Hon. Greg Pearce:** Point of order: The question is asking the Minister for a statement or an announcement of Government policy. That specifically is not permitted under the rules for questions. I refer to Standing Order No. 65 (2) (b).

**The PRESIDENT:** Order! The honourable member has the standing order right, for once. However, the question asked what the Minister was doing to assist; it did not ask him to announce policy.

**The Hon. Greg Pearce:** So he will not be making a statement or announcing a policy?

**The PRESIDENT:** Order! For honourable members' information, there are a number of rules relating to the form in which a question may be asked. However, in answering a question a Minister has two requirements: his answer must be relevant and he must not debate the question. So long as the Minister's response is relevant and he does not debate the question, he is in order.

**The Hon. ERIC ROOZENDAAL:** The honourable member should stick to his Local Court cases.

[*Interruption*]

We can take the lawyer out of the Local Court but we cannot take the Local Court out of the lawyer. Earlier this month I announced a number of initiatives aimed at making Sydney's motorways easier to use. Changes have been made to the toll plaza at the entrance to the Sydney Harbour Tunnel. Motorists with e-tags are now able to use all four lanes entering the tunnel and a second "e-tag only" lane is now operating. This is about improving electronic tolling facilities for the Sydney Harbour Tunnel and keeping Sydney moving. The left side booth is now e-tag only, and the second booth from the left remains e-tag and auto, accepting tags and exact money for the toll. The third booth is an e-tag and change lane, accepting tags as well as giving change for cash payments. The far right lane remains an e-tag only lane.

Electronic tags make it easier to use Sydney's motorways and improve traffic flow. We must increase the use of electronic tags for the Sydney Harbour Tunnel to go cashless. That is why the New South Wales Government introduced a \$30 toll bonus for new Roads and Traffic Authority [RTA] e-toll accounts that will continue until 28 October. In addition, a new online application has been set up called myE-Toll, which enables motorists to manage their tag accounts daily and to order their RTA tags online. The myE-Toll system aims to make ordering and using an RTA e-toll tag easy by allowing motorists to set up an account online, to update personal information, to check tag usage and even to report a stolen or lost tag.

A new infrequent user e-tag toll account has been set up for motorists who spend \$70 or less a month on tolls. For motorists who visit Sydney only occasionally, the new infrequent user tag option makes travel to the metropolitan area easier and more convenient. As honourable members are aware, this is well suited to rural and regional motorists, particularly given the \$30 credit available to new RTA account holders. This is an opportunity for rural and regional motorists to obtain a tag at a reasonable rate.

Ultimately we need a fully electronic motorway system. However, changing behaviour takes time, so we must move sensibly and steadily. We must work with the community. It is important to have a sensible discussion about this issue, particularly given the opening of the Lane Cove Tunnel, which will complete the Sydney orbital network. A modern city needs modern infrastructure and network tolling is a major initiative that needs to be implemented in a balanced manner. Taking the harbour tunnel cashless is the first step in the process.

Another initiative that is making real progress in keeping Sydney moving is the installation of 24 new cameras and an updated RTA website that will give road users access to more information about traffic conditions across the Sydney road network. The cameras have been installed across Sydney to provide a snapshot of traffic conditions at a particular location, including key locations such as the F3 Freeway, Sydney Harbour Bridge, Anzac Bridge and the M4. The camera images give road users access to real-time traffic information through the RTA website. That helps people to plan ahead for their trips and to pick alternative routes in the event of a traffic incident. These live reports provide information on any traffic delays, detours, roadwork or closures, and they are updated regularly. These are all measures the New South Wales Government and the RTA are implementing to improve traffic flow for motorists coming to and driving around Sydney.

#### **MONITORING OF SENIOR BUREAUCRATS**

**The Hon. Dr PETER WONG:** I direct my question to the Minister for Finance, representing the Premier. After reviewing the many interesting admissions made by the Government in the other House yesterday in relation to Mr Greg Smith, I would like to know how many other senior bureaucrats are being watched by the Labor Party in regard to their performance, their lack of judgment, their lack of calibre and their involvement in politics, and how many times has the Labor Party used such information to remove public servants from office?

**The Hon. JOHN DELLA BOSCA:** I am not sure whether it is accurate to describe Mr Smith as a senior bureaucrat. His position does not fit the characterisation of a bureaucratic position. However, as I understand the honourable members' question, it seems to be about the Government's monitoring of the political behaviour of senior Government officials. I will take the question on notice. In response to the honourable members' general inference—

**The Hon. Duncan Gay:** You are up to your armpits in it. You are grubby little people. Absolute grubs!

**The Hon. JOHN DELLA BOSCA:** Okay, get it all out and feel better about it.

**The Hon. Duncan Gay:** You have no defence.

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

**The Hon. Duncan Gay:** It is a badge of honour.

**The Hon. JOHN DELLA BOSCA:** The Hon. Peter Wong's assertion that the Government is monitoring officials in an improper manner is simply wrong.

#### **LIGHTNING RIDGE HOSPITAL**

**The Hon. JENNIFER GARDINER:** I direct my question to the Minister for Health. Has Lightning Ridge Hospital been without a doctor for three months? Have the hospital's four inpatient beds been closed down? Are patients' lives at risk due to the lack of even one doctor at the hospital? Are the hospital's registered nurses in an untenable position? How many Royal Flying Doctor Service flights have to go in and out of Lightning Ridge each week? When will a doctor be appointed to the hospital? Have other Lightning Ridge doctors declined to work at the hospital under the contractual arrangement applying to the hospital's last doctor? Given the stresses under which staff at the Dubbo hospital are working without having to deal with patients

flown in from places such as Lightning Ridge, will the Minister admit that this is another example of the rural health crisis in New South Wales?

**The Hon. JOHN HATZISTERGOS:** The last time a question was asked about Lightning Ridge was on 5 September and it was asked by the Hon. Rick Colless.

**The Hon. Jennifer Gardiner:** And the Minister still doesn't have an answer.

**The Hon. JOHN HATZISTERGOS:** I am going to provide an answer. The honourable member claimed that a patient arrived at the hospital needing treatment, that assistance was not available from Broken Hill and that a specialist had to be flown in from Sydney on a commercial flight to provide assistance. Following that question I had the opportunity to ask the Hon. Rick Colless for the exact date on which the alleged incident occurred. He told me during a division that it occurred on 3 September. I am now able to inform the House that a 64-year-old patient was treated by a registered nurse on that date.

**The Hon. Duncan Gay:** That is the answer to the question on notice. Why not answer today's question?

**The Hon. JOHN HATZISTERGOS:** I am providing this advice because it is important. The Royal Flying Doctor Service [RFDS] was contacted. All remote units in the Greater Western Area Health Service have an interagency policy on patient care, including working with referral hospitals. When they arrived, RFDS staff ordered a chest x-ray and ambulance assistance was provided in the event of possible degeneration of the patient's condition due to worsening emphysema. The RFDS staff then transported the patient to Dubbo. The other claims that were made in the question—the wildly inaccurate claims in relation to that patient, which were implicit in the question about Inverell—were inaccurate.

**The Hon. Jennifer Gardiner:** Inverell?

**The Hon. JOHN HATZISTERGOS:** I am sorry, not Inverell. Inverell was the subject of a question the Opposition asked me yesterday. That was also inaccurate. Yesterday—

**The Hon. Duncan Gay:** Point of order: My point of order relates to relevance. By the Minister's own admission, he is answering questions that were asked last week and yesterday, rather than answering the question he has been asked today. I request that you bring him back to the question that is before the House.

**The PRESIDENT:** Order! The Minister is reminded that, although he is allowed to make general comments, his answer must be relevant.

**The Hon. JOHN HATZISTERGOS:** I will come to Inverell later. I am able to inform the House that Dr Aalders, who was at the Lightning Ridge Hospital as members would be aware, advised on 1 September that he was retiring from general practice. I informed the House about this matter in response to the question the Hon. Rick Colless asked me on the last occasion.

**The Hon. Jennifer Gardiner:** When will a new doctor be appointed? There has been no doctor there for three months. Does the Royal Flying Doctor Service fly in and out every week?

**The Hon. JOHN HATZISTERGOS:** When you are following events at Lightning Ridge from the coffee houses of Glebe, you obviously get these things wrong. In fact, I am able to inform the House that the Chief Executive of the Greater Western Area Health Service has advised—

**The Hon. Duncan Gay:** We were in Lightning Ridge last week. Where were you? We were there last week.

**The Hon. JOHN HATZISTERGOS:** If the Deputy Leader of the Opposition was in Lightning Ridge last week, he would know what happened; he would not be asking silly questions and making inaccurate comments. If members opposite were in Lightning Ridge last week, they would know that there has in fact been a locum doctor at Lightning Ridge Hospital. The locum has already commenced duties at the Lightning Ridge Multipurpose Health Service. I do not know what members opposite were doing in Lightning Ridge. They should be refunded their airfare, because they obviously wasted their time there by not researching their questions accurately. I will come to Inverell later.



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

#### **GREATER SOUTHERN AREA HEALTH SERVICE FAMILY AND CARER SUPPORT PROGRAM**

**The Hon. JOHN HATZISTERGOS:** Earlier the Hon. Melinda Pavey asked me a question concerning the Family and Carers Program. I am advised that a Family and Carers Program co-ordinator has been employed for some time by the Greater Southern Area Health Service. I am further advised that the area health service is currently going through the process of recruiting six advocacy and support workers for the six mental health clusters in the area health service. I am advised there has been no loss of service during the transition of this program.

#### **INVERELL HOSPITAL RADIOLOGY SERVICES**

**The Hon. JOHN HATZISTERGOS:** Yesterday the Hon. Rick Colless asked me a question about the lack of radiology services at Inverell Hospital. I can advise that virtually every aspect of his question was inaccurate. There is a full-time permanent radiographer based at Inverell Hospital. The Hunter New England Area Health Service has advised me that the current radiographer has been there since November 1997. One would think the Hon. Rick Colless would know that, given that Inverell is his home town. The Hon. Rick Colless said that people had to travel to all the towns he mentioned. He said that people had to go as far as Queensland to get radiology services. He is wrong about that. But what is even more interesting is that there is not only a high-quality radiography service at Inverell but there also happens to be a private radiology service operating in Inverell to which many patients are able to be referred by their general practitioners. The service also carries out CT scans. I can understand the Hon. Rick Colless getting the facts wrong with regard to Lightning Ridge given that he had to fly in to Lightning Ridge, but I cannot understand him getting the facts wrong with regard to Inverell given that he lives in Inverell!

#### **THORNTON BRIDGE, MAITLAND**

**The Hon. ERIC ROOZENDAAL:** Yesterday the Hon. Robyn Parker asked me a question about Thornton Bridge. I am advised that Maitland City Council is currently progressing through a rezoning process that is intended to accommodate 5,000 residential lots in the proposed urban release area at Thornton North, near Maitland. I am advised that the bridge over the railway line referred to is on Thornton Road, which is a local road, and that the responsibility for maintenance and improvements to this road rests with Maitland City Council. The Rail Infrastructure Corporation is responsible for the bridge over the main northern railway line. I am advised that generally any infrastructure identified and required to service new urban release areas is funded by the developers through council's contribution plan or developer agreements. This is part of the normal process for providing and funding infrastructure.

#### **MONA VALE ROAD UPGRADE**

**The Hon. ERIC ROOZENDAAL:** Earlier in question time today the Hon. Greg Pearce asked me a question about Mona Vale Road. The honourable member has not raised any specific concerns. I can advise the House that in this year's record \$3.3 billion Roads budget \$1.53 million is allocated to maintenance work on Mona Vale Road, Pittwater, and Barrenjoey Road. In recent years the Government has completed improvement works at the Emma Street-Mona Vale Road junction.

Upgrading works between Addison Road and Manor Road were carried out in two stages. Stage one involved works between Addison Road and the Baha'i Temple, to widen the curve west of the Baha'i Temple and install a raised median barrier. Stage two works involved the construction of a new intersection and traffic signals at Powder Works Road, a new entry to the Baha'i Temple and future school, a new signalised intersection at Manor and Lane Cove roads, and a four-lane divided road between Powder Works Road and Manor Road. If the Hon. Greg Pearce has specific concerns about any of the 20,000 kilometres of road network managed by the Roads and Traffic Authority, I would be happy to investigate them.

**Questions without notice concluded.**

#### **PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT BILL**

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

**Motion by the Hon. John Della Bosca agreed to:**

That standing orders be suspended to allow the passage of the bill through all its remaining stages during the present or any one sitting of the House.

**Second reading ordered to stand as an order of the day.**

*[The President left the chair at 1.06 p.m. The House resumed at 2.45 p.m.]*

**JOINT STANDING COMMITTEE ON ELECTORAL MATTERS****Report: Inquiry into the Administration of the 2003 State Election and Related Matters****Debate resumed from 15 September 2006.**

**The Hon. AMANDA FAZIO** [2.46 p.m.]: The Joint Standing Committee on Electoral Matters was appointed in 2004 by both Houses to inquire into any aspect of the 2003 State election and the administration of electoral laws more generally. In October 2004 the committee resolved to conduct an inquiry into the administration of the 2003 State election and related matters. The committee advertised for submissions in December 2004. It also invited the State Electoral Office [SEO], all members of the New South Wales Parliament and all registered political parties in New South Wales to make a submission to the inquiry.

The committee received 14 submissions, which highlighted a range of issues including a need for more resources for the State Electoral Office [SEO] and an increased emphasis on training of staff; the need for consistency of procedures in relation to elections across polling places and districts and across State and Federal elections; the need for an overhaul of the Parliamentary Electorates and Elections Act 1912, particularly in relation to improving the lines of accountability between the Electoral Commissioner, the SEO and polling officials; problems with the computer system used to count the votes for the Legislative Council; and a need to change the method used to count and transfer surplus votes for the Legislative Council.

The committee held public hearings on 23 May and 6 June 2005. As a result of the committee's deliberations, 34 recommendations were put forward. As the House will hear a little later, there is general agreement about 33 of those recommendations, but recommendation No. 33 remains questionable. Running State elections is a complex and costly exercise. The 2003 State election was held on 22 March 2003 and cost \$33 million. Approximately 92 per cent of people enrolled to vote or four million voters cast votes at the election. A new method of voting for the Legislative Council applied for the first time at the 2003 election—this was after the tablecloth ballot paper debacle. This method enabled voters to preference groups when voting above the line. The new method made previous software that had been used by the State Electoral Office to count the votes for the Legislative Council redundant and also meant that manual counts could not be done with any degree of confidence in the legislative time frame.

The committee considered that both the legislation governing the conduct of State elections and the State Electoral Office should be brought up to date and that the State Electoral Office should be better resourced. Throughout the inquiry process many comments were made regarding the current legislation applying to elections in New South Wales, including the need for new electoral legislation that reflects the way elections are administered and conducted in the twenty-first century. The Parliamentary Electorates and Elections Act 1912 has been in place for almost 100 years. During this time it has not been comprehensively reviewed but has been amended substantially, which has resulted in a complex piece of legislation. A number of deficiencies in the Act were identified, including the need for the SEO to be placed on a statutory footing, as is the case with the SEO's counterparts in other Australian jurisdictions. Under the Act as it currently stands no mention is made of the SEO.

The Act also creates complex relationships and lines of accountability for those officials involved in the election process. The Electoral Commissioner has approached the Premier's Office and the Cabinet Office in relation to the need to review the Act. The committee believed that this review is necessary and provides an opportunity to identify deficiencies in the Act and consider ways to ensure that the legislation reflects current practices and standards of accountability.

A common theme throughout the inquiry process was the need for the SEO to be better resourced. The Council on the Cost and Quality of Government conducted a performance review, which was completed while the committee was still undertaking its inquiry. The council concluded that the SEO lacks resources in a number

of areas and recommended that the SEO be provided with additional funding to provide more staff and increased training. The SEO received additional funding for employee-related expenses in the 2005-06 New South Wales budget. The amount allocated increased from approximately \$1.9 million in 2004-05 to just under \$3.5 million in 2005-06. The committee is hopeful that the additional budgetary resources will help to alleviate the concerns that have been raised about the SEO's lack of resources.

The committee also noted that the SEO is in the process of restructuring and that the new structure provides for the SEO to research and develop policy on electoral matters and ensure that corporate and strategic planning are conducted—areas that were lacking under the former structure of the office. However, the committee considered that the staff of the SEO still require some experience in relation to how other electoral offices work and should be provided with opportunities to expose themselves to different procedures and ideas that could be utilised in New South Wales. The committee is of the view that it would be advantageous for the SEO to consult with the registered political parties, as major stakeholders, in relation to issues that affect the operations of the SEO and electoral issues that will impact on political parties.

The issue of electoral education was also raised in relation to the role of the SEO. The committee heard that the SEO conducts less education than its counterparts in other Australian jurisdictions. The committee considers that there is a need for the SEO to target those groups in society that are disfranchised due to a high level of informal voting or underenrolment and it is encouraged that under the new organisational structure for the SEO there is a dedicated education and research officer who will be able to assist in this area.

The committee considered a number of issues related to the administration of elections, including problems and difficulties that were experienced during the 2003 election campaign. The committee notes that under the current provisions of the Act the Governor appoints returning officers for each electoral district for the purposes of all elections. The Electoral Commissioner can recommend people for appointment but is unable to direct them in their work or dismiss them directly. That addresses some of the concerns that we have probably all encountered in relation to horror stories about individual returning officers who act as a law unto themselves and who do not engender any confidence in the way in which they conduct the electoral process in the electorates for which they are responsible.

Training and support are provided to returning officers during the election process but any guidelines issued to returning officers by the Electoral Commission have no standing under the Act and do not have to be complied with. This arrangement has resulted in a lack of accountability, which in turn has created inconsistency across polling places. The committee considered that the Electoral Commissioner needs to be empowered under the Act to direct returning officers and that it should be mandatory that returning officers follow relevant manuals or guidelines issued to them. A similar situation applies with the Australian Electoral Office.

The committee is also of the view that the Electoral Commissioner should have the power not only to appoint and direct returning officers but also to dismiss them without the need for the Governor's intervention. The issue of returning officers and staff of the SEO providing inconsistent advice to political parties and candidates, or applying procedures inconsistently, was raised in many contexts throughout the inquiry. While some of these inconsistencies may be overcome if the Electoral Commissioner is given the authority to direct returning officers, the amount of contradictory advice provided at the 2003 election points to the need to ensure that polling officials and staff of the SEO are provided with appropriate training.

The committee found that the SEO has recognised the need to ensure that returning officers are provided with an adequate support structure throughout the election process and that a system of quality control is in place to ensure that returning officers are provided with accurate advice. The committee was also pleased that the SEO has acknowledged the need for more appropriate training programs to be in place to ensure that returning officers are equipped with the right knowledge to perform their role. The committee notes that in preparation for the 2007 State election the SEO will concentrate on minimising risks at election time, including providing more appropriate training of key election officials.

The committee also heard that returning officers made many clerical errors, and one political party considered that this careless and sloppy work could lead to perceptions that the polling officials were not completely impartial. The committee is of the view that such clerical errors are inadvertent but that they highlight a lack of procedures to ensure that work is accurate and complete. In addition to problems with returning officers, it was indicated to the committee that the staff of the SEO often provided inconsistent advice to the political parties in relation to postal vote application forms and the registration of how-to-vote cards.

The committee is of the view that communication needs to improve across the SEO and that the SEO requires a better structure that provides staff support while ensuring accountability. The committee notes that a new structure for the SEO has been finalised that includes a dedicated client services area, which may assist in alleviating problems of inconsistent advice. The committee is of the view that there needs to be adequate training for both data entry operators and supervisors involved in processing votes to ensure that they are following best practice and to improve accountability. This was suggested in evidence from scrutineers at the central count for the Legislative Council.

The committee also identified the need for the SEO to put in place the appropriate risk management strategies in relation to the counting of votes. A number of issues that were raised in the committee's inquiry stemmed from the fact that there are different administrative requirements for Federal and State elections. The inconsistencies in the procedures and rules are a by-product of the different electoral laws. The differences relate to requirements for the distribution and display of electoral material at polling places, the criteria for a general registered postal voter, the criteria for declared institutions, and polling places.

The committee was of the view that, where appropriate, it would be beneficial for administrative procedures at State elections to be consistent with those that apply at Federal elections. This would assist people working for political parties, candidates and the general public as it will help to avoid the confusion that currently exists. A number of problems associated with postal voting were raised throughout the inquiry. The committee is particularly concerned about the difficulties that are faced by rural postal voters due to the short time frame for elections in New South Wales, which has resulted in voters in remote areas not receiving ballot papers prior to an election day or not being able to return ballot papers to the SEO within the specified time.

The SEO has acknowledged the problems facing rural postal voters. However, there appears to be little proactive thinking by the SEO to ensure that rural postal voters in remote areas of the State actually have a vote that counts. Rather, the SEO sees that the problem is the mail service provided to rural New South Wales by Australia Post. The Electoral Commissioner noted that encouraging more remote voters to become registered general postal voters may assist in ensuring that their votes are included in the counting process. This is because if people are registered for each election as a postal voter they will be issued with ballot papers as soon as they can be, whereas if they apply for an application to be a postal voter for each election they must ensure that the application is received as soon as possible after the issue of the writ to give them every chance of being able to vote.

The committee is of the view that the SEO should be proactively finding ways to ensure that remote voters who are located in rural New South Wales and overseas are not disfranchised merely because of their location. The committee noted that the criteria for registration as a general registered postal voter in New South Wales are not as wide as under the Commonwealth Electoral Act 1918, which provides three additional criteria under which voters can register for postal votes. It was considered by the SEO that this inconsistency in the legislation is problematic in that it may result in some people not voting at a New South Wales election as they presume they are registered for both jurisdictions. The committee has recommended that the criteria to be a general registered postal voter in New South Wales be brought into line with the Commonwealth legislation.

The Electoral Commissioner advised the committee that there is a need for a centralised postal voting operations centre for the Sydney, Newcastle and Wollongong areas. The committee sees merit in having a centralised postal voting operations centre for the heavily populated areas of the State that not only can process and distribute all postal voting material but also can provide advice to voters on postal voting issues throughout the election campaign. The committee is of the view that all campaign material that is registered with the Electoral Commissioner in accordance with the Act should be available to the public on request on election day and that a copy of it should be held at each polling place so that immediate action can be taken if unregistered material is being handed out.

The material that is given out on polling day was considered in great detail and changes to the way that polling booths are operated are included in recommendations Nos 13 to 22. Clear signage and adequate pre-poll facilities were recommended and the number of gates and entrances to be opened was specified. I alluded earlier to the counting procedures for the Legislative Council. There was considerable discussion during the inquiry about random sampling. Given that the current counting system includes data entry of all votes, which are then processed by a computer program, the committee considered that there should be no prohibition, apart from the legislative ones, in abolishing the provision for random sampling and having a full count and full distribution of preferences for the Legislative Council. The change would require a referendum as it affects the Constitution Act. This issue was the subject of dissent in the report. Recommendation No. 34 states:

That the issue of abolishing random sampling as the method for the counting and transferring of votes for the Legislative Council be considered by the government as part of the review of the Parliamentary Electorates and Elections Act 1912.

However, recommendation No. 33 states:

That a referendum be held with a view to transferring Part 2 of the Sixth Schedule of the Constitution Act 1902 to the Parliamentary Electorates and Elections Act 1912.

That is much broader than mere random sampling, which is where the current concern lies. We also looked at the problems with the software used for counting the Legislative Council votes, and we have made some recommendations along that line as well. We also recommended that the security procedures used for the collation, transportation and counting of the Legislative Council ballot papers at a central location be beefed up.

Indeed, some of the evidence we heard about the central count that occurred for the 2003 State election gave all committee members cause for concern in terms of not being happy with the way it appeared the staff had been trained, the way the ballot papers were being handled, and the difficulties people experienced in finding out where the votes being counted had come from and a lack of confidence that procedures being undertaken by the data processor operators were consistent across the entire count. We have made quite a few recommendations in that regard as well.

All in all, 34 recommendations have come out of this inquiry. The majority of them had the overwhelming support of the committee. The committee did not accept the proposition that there should be proportional representation for lower House seats. That was not within our terms of reference but it was raised consistently. Concern was also expressed about recommendation 33, and I understand the Hon. Don Harwin will refer to that. I urge all members to read the report and consider the constructive recommendations.

**The Hon. DON HARWIN** [3.01 p.m.]: Following this inquiry into the administration of the 2003 election, the Joint Standing Committee on Electoral Matters [JSCEM] tabled its report in September last year. The report makes reference to the standard review of elections conducted by the Commonwealth Parliament's JSCEM, as well as some areas of particular concern raised by the committee and other members. The report also refers to the problems with the computer count of the Legislative Council vote in 2003. Regrettably, I was unable to attend the meeting that settled the final draft report. The meeting coincided with the unfortunate circumstances surrounding the resignation of the former Liberal leader. I also had to contend with a personal difficulty: the flooding of my apartment on the actual day the meeting was held. Consequently, there are a number of aspects with which I am dissatisfied.

As the standing orders of the other place govern our committee, there was no capacity for my reservations and dissenting views to be formally recorded in a minority report. I will place my observations on the record now. As the time available is limited I will necessarily focus most of my remarks on them. However, I note that as a very large number of our recommendations are being taken up in the Parliamentary Electorates and Elections Amendment Bill that is before the other place and is shortly to come to us I will be able to speak about those recommendations and the other positive work of the committee on that occasion. I am unhappy with the fact that five recommendations that appeared in the committee's draft report were omitted from the final version. In the draft report recommendation numbered 2 in that version appeared between points 2.15 and 2.16. It read:

That section 68 of the *Parliamentary Electorates and Elections Act 1912* be amended to provide for the writs for the general election to be issued on the day that the Parliament expires.

This draft recommendation was the result of discussion prompted by the submission of Antony Green. Currently, the Act provides that the writs:

... shall be issued within four clear days after the publication in the Gazette of the proclamation dissolving the Assembly, or after the Assembly has been allowed to expire by the effluxion of time.

Mr Green argued that under a system of fixed-term parliaments it would be more appropriate for the writs to be issued on the same day as the expiration of the Parliament. He noted that in every other State and federally the writ and the dissolution are on the same day. It is unclear why the Government is not prepared to adopt this sensible suggestion. One of the consequences—and it is just one of them—is a shorter period for the formal campaign which, among other things, affects the time available for electors to cast postal votes.

Some committee members—I will not speak for all of them—were particularly interested in concerns about the need to get postal ballots back to the State Electoral Office [SEO] in the allotted time. The problems faced by rural postal voters were raised in a submission by Mr Scott McFarlane, the State Director of The Nationals. He explained that voters in remote areas where postal deliveries occur only once or twice a week received their postal voting material only a day or two before polling day. The committee noted that:

... allowing applications for postal votes to be sent to the SEO earlier than is currently the case will help to ensure that postal voters are issued with the postal voting material including the ballot papers as soon as possible. This will then give postal voters, particularly those in rural New South Wales, a greater chance of returning their votes by the due date and thereby having their vote count.

A recommendation, numbered 9 in the original draft and appearing ahead of section 3.59, read:

That postal vote applications can be forwarded to the SEO two months out from a General State Election.

The omission of this recommendation from the final version of the report is a disservice to the people of regional and rural New South Wales and those electors who rely on postal voting. By excluding this recommendation the Government members of the committee have shown disregard for electors in remote areas. It is hard to avoid the conclusion that a sensible solution that emerged from evidence presented to the committee was overridden. Two other draft recommendations were absent from the final version of the report. Between sections 3.102 and 3.103 of the report, the original draft included recommendations numbered 16 and 17. The first of these recommendations read:

Section 151G of the *Parliamentary Electorates and Elections Act 1912 (NSW)* should be modified to enable how-to-vote cards to be distributed recommending votes for both Houses of Parliament even if the candidates in both Houses are from different parties.

The second of this pair of recommendations read:

Any inclusion of candidates from different parties on how-to-vote cards must be subject to the candidates authorising such inclusion.

Both of the recommendations were worthy of greater consideration but sadly they were also deleted, and I think that is regrettable. I draw the attention of honourable members to the transcript—there is lengthy material from Mr McFarlane on this issue—and the rather unsatisfactory way this was handled by the SEO at the last State election as it related to, first, the Liberals and The Nationals and, secondly, Labor and Country Labor and the fact that the interpretation changed in the middle of the election campaign. Clearly, this needed to be cleared up, but it was deleted from the report. As the Hon. Amanda Fazio said, recommendation 33 on page 126 of the report does not reflect my views. I will not read the recommendation because it is on the record. However, I believe it is much wider in scope than was intended by the committee and that it was adopted in error. I think most committee members would agree with that. We certainly did not want it to go as far as transferring the entire part 2 of the sixth schedule; we only wanted to limit it to random sampling.

Random sampling is covered in recommendations 13 and 14, which appear on page 80 of the report. The committee formed the view that computer technology has rendered random sampling outdated as a counting methodology. The committee's report notes that while the statistical error of an unrepresentative sample is low, it is preferable for a full distribution of the preferences from all votes to be conducted. It also acknowledged that the random sampling method was abolished for Senate elections in 1984 following a recommendation of the Commonwealth Parliament's JSCEM. In my view random sampling should be abolished, but part 2 of the sixth schedule should remain entrenched in the Constitution Act. As fundamental matters relating to this House and its manner of elections are covered in the schedule, it is appropriate to add some important caveats to the take-note motion. I admit that this procedure is unusual—it should not set a precedent—but it is justified on this occasion. I do not think the House should merely take note of the report, and I will move an amendment to the motion.

In order to ensure that the amendment is moved with consensus among members, rather than its being a matter that must go to division, I will circulate my draft amendment to all members and give them time to think about whether they agree that it should be an amendment to the motion to take note of the report. I paid the Hon. Amanda Fazio the courtesy of doing that earlier today, shortly after I received it. To facilitate this and having given notice to Government members that I will do so, I propose to adjourn further discussion on this committee report until next week.

**The Hon. Dr Arthur Chesterfield-Evans:** No!

**The Hon. DON HARWIN:** In that case, if the honourable member does not want the debate adjourned, I move:

That the question be amended by inserting at the end:

2. That this House rejects recommendation 33 of the Committee to transfer Part 2 of the Sixth Schedule of the Constitution Act 1902 to the Parliamentary Electorates and Elections Act 1912, as this would remove the entrenchment provision which currently prevents the government of the day altering the system of counting of votes by legislation without approval by the people at a referendum.
3. That Part 2 of the Sixth Schedule of the Constitution Act 1902 be retained in the Act, and that any amendment of Part 2 to reflect the recommendation of the Committee be implemented by referendum of the people as presently required by section 7A (1) (b) of the Constitution Act 1902.

I have moved that amendment now because the Hon. Dr Arthur Chesterfield-Evans does not want the debate adjourned to give members time to think about it. Perhaps another honourable member will do that later in the debate, but I will not take the risk. I wanted to comment on a number of points in the report that I thought were good and required further attention, but my speaking time is limited to 10 minutes today so I will have to wait for another occasion when I might be able to bring them up in debate.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [3.11 p.m.]: I was elected to the Joint Standing Committee on Electoral Matters because of a tiff between the Liberals and the Hon. John Tingle, who had been a member of the committee. Of course, I have taken a greater interest, as the Australian Democrats do, in representative democracy in a broad sense. It is my opinion that the huge gerrymander that favours major parties in New South Wales—and, indeed, in Australia generally—is a disaster for democracy. The figures for the lower House in the 2003 election show that Labor received 42.59 per cent of the vote but gained 59.1 per cent of the seats. The Liberals and The Nationals got 34.64 per cent of the primary vote and 34.4 per cent of the seats. The non-major vote—that is, for anyone except Liberal and Labor—was 22.76 per cent of the primary vote, which returned only 6.5 per cent of the seats.

What it boils down to is that Labor received one seat for every 7.74 per cent of the vote; the Liberals received one seat for every 10.8 per cent of the vote; and a person from the non-major parties received 3.79 per cent of the vote for every person elected. This amounts to a large gerrymander in the lower House, immensely favourable to the major parties because of the two-party preferred basis, and exacerbated by the optional preferential system, which means huge amounts are exhausted leading to a first past the post consequence. This means, effectively, that the Government claims it has legitimacy and that it legitimately governs when it has 42.59 per cent of the primary vote, giving it an absolute majority. The lower House becomes a complete farce. Because a party has 59 per cent of the seats it wins 100 per cent of the votes. So 42.59 per cent is winner takes all!

This is the most important issue that the joint electoral committee should consider if it is considering the results of the 2003 election but, needless to say, the terms of reference were so defined that that was not even considered. We all looked at the upper House, where, although the figures are less favourable, the Labor Party in 1999 gained 37.3 per cent of the vote; the Liberal-Nationals, 27.4 per cent; and the non-major parties, 35.3 per cent. That gave Labor eight seats, the Liberal-Nationals six seats and the non-major parties seven seats. That meant that Labor gained a seat for every 4.67 per cent; the Liberal-Nationals one seat for every 4.57 per cent; and the non-major parties one seat for every 5.04 per cent. In the 2003 election Labor received 43.5 per cent—this is after the scare over the tablecloth ballot paper and the changes coming from that—the Liberal-Nationals, 33.2 per cent; and the non-major parties, 23.2 per cent. That gave Labor ten seats, the Liberal-Nationals seven seats and the non-majors four seats. Of course, the changes, with the optional preferential above the line, will further favour the major parties as time goes by. That will be exacerbated at the next election.

Therefore, I asked to change the committee's terms of reference. The outcome of the election should be that the composition of Parliament represents as closely as possible the voting intentions of the population. This must be enshrined as a principle in electoral law and an attempt made to have indices of it. Exhausting voters is inconsistent with this. There should be compulsory preferential voting in the lower House. Tickets should be allowed again in the upper House or compulsory preferential voting above the line. Restrictions on registration of parties should stay. The Hare-Clark system should apply in the lower House, with five members per seat being suggested.

In addition, political advertising should be limited. There should be transparency for all briefings and all spending. All material should be vetted by either the State Electoral Office [SEO] or a parliamentary committee. Political advertising should be restricted in the pre-election six months to the mean level of the past three years. The voting procedure should be that the SEO should be better funded and should check a certain percentage of enrolled voters every year, concentrating on seats where demographic change is most significant. Voters should have designated booths and should notify whether they vote at a different booth. Voters should show identification when they vote.

Electoral funding should be reported quarterly and before elections if possible and there should be transparency so that bodies cannot collect donations, making donors opaque. We should investigate computerised drawing of electoral boundaries so that they cannot influence outcomes by concentration of voters of one persuasion. Some of the political funding should go to the SEO rather than to political parties so that things such as the "Just Vote 1" campaign, which was run in the Auburn by-election, are not seen as coming from the SEO. Civics should be taught in schools, including how Parliament works. All of these measures would have strengthened the democratic process and taken it out of the hands of the small cliques that run the Liberal Party and Labor Party and who then believe they have the right to divide the power in this State between them.

Needless to say, my motion did not have a seconder—which it did not need under the terms of reference of the committee—and was subsequently voted down. The much more limited terms of reference, which looked at problems in the upper House voting—the gerrymander is much worse in the lower House—were agreed by the committee, which is dominated by Liberal and Labor, with me as the only crossbench member. This committee is an epitome of the way Liberal and Labor divide up power as if they are born to rule. They effectively trample on democracy in New South Wales—and indeed at the Federal level by the same method. Needless to say, the committee and I did not see eye to eye on most things, but it did fine on the limited things it looked at in the interests of the major parties. Many other honourable members have given speeches about that and will give speeches about that today as the subject is dealt with.

The committee went on a trip to look at the situation in Ireland, Malta and the United States. The interesting thing that came out of that trip was electronic voting, which is being looked at thoroughly by Sean Dunne, a United Nations expert on electronic voting. We visited him at the UN. The capital cost of voting machines is only about 25 per cent of the cost of e-voting. People are sceptical about e-voting, but my impression of e-voting as seen in Ireland is that it lessens the chance of informal votes because the computerised voting system will not accept them. The computer will give a person an error message until he or she votes correctly.

We already use computers to count the votes that have been cast on paper. Therefore, if the computer wants to fiddle the results, it is already possible for it to do so. There are two components to electronic voting: the collection of the vote—in other words, replacing the ballot paper—and the counting process. We already undertake the counting process electronically in Australia. Therefore, the process of collecting the vote, which lessens the possibility of an informal vote, is not necessarily a bad thing or likely to be wrong.

The other aspect that emerges clearly from the report is the need to strengthen the SEO against party political funding. I refer, in particular, to the political education scheme, which is really a scam for propaganda. The SEO ought to provide, through the teaching of civics in schools, a better educational model that looks at the system far more neutrally. Jean-Pierre Kingley of Elections Canada apparently has a good model for SEO funding, and civics is taught in schools in Canada.

**The Hon. Duncan Gay:** Did you go to Canada?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** This information was provided by Sean Dunne in the United Nations. He suggested that the SEO should conduct open consultations and forums to build trust and transparency. There is a program entitled, "Building Resources in Democracy, Governance and Elections", which is a 10 manual course on electoral administration written by the United Nations. Fundamentally, there is a problem in the way the electoral system runs in Australia and we need to reform it. Unfortunately, this committee did not look at those aspects. [*Time expired.*]

**The Hon. JENNIFER GARDINER** [3.21 p.m.]: I am pleased to speak in the take-note debate on the first report of the Joint Standing Committee on Electoral Matters. The Nationals are happy to have been associated with the instigation of the Joint Standing Committee on Electoral Matters. For very many years the



Commonwealth Parliament has had a Joint Standing Committee on Electoral Matters. Such a committee was long overdue in the New South Wales Parliament. As other members have said, considerable concern has been expressed about underresourcing in the conduct of various elections under the existing State Electoral Office and the Parliamentary Electorates and Elections Act in this State. The committee noted that the Parliamentary Electorates and Elections Act has for decades been worthy of a major rewrite so that it can be brought into the twenty-first century. It is pleasing that, as a result of this committee's work and the work of two other inquiries that have been conducted into the management and conduct of the State Electoral Office, we are shortly to debate in this House an amended Parliamentary Electorates and Elections Act. I will not go through the provisions of that Act, but many of them have been drawn from the work of this joint standing committee.

The previous speaker, the Hon. Dr Arthur Chesterfield-Evans, mentioned that he was unsuccessful in having the terms of reference of this first inquiry rewritten to consider irrelevant matters. The Parliament, of course, set the broad terms of reference for the committee. The committee then received the reference from the Premier, to which my colleague the Hon. Don Harwin referred, in relation to the very important question of Legislative Council voting and the random voting issue. I endorse the comments of the Hon. Don Harwin and I support his amendment. But, unlike the Hon. Dr Arthur Chesterfield-Evans, I was successful in getting the terms of reference of the first inquiry of the committee broadened to look at the general conduct of the last State election—which is in accordance with the work of the joint standing committee in the Federal Parliament. After every Federal general election the committee looks at the conduct of the election and makes recommendations to Parliament as to procedures and laws that might be updated in the Commonwealth Electoral Act. I thank the Government members of the joint standing committee for their support for my proposal that this committee also take that line in the work on this first report. No doubt we would like to see that continue after the conduct of the 2007 election.

**The Hon. Duncan Gay:** At least you won't have ACE on the committee after the next election.

**The Hon. JENNIFER GARDINER:** I suspect that the Australian Democrats will not be represented on the committee after the next election. The committee proceeded with the reference from the Premier and the reference from The Nationals to review many aspects of the conduct of the last State election. The committee was able to look at the role of the State Electoral Office, the consistency of procedures used and rulings made by district returning officers. I endorse the comments by the Hon. Amanda Fazio that many of us who are members of this House have had a lot of exposure to the conduct of elections in various general elections and by-elections. From time to time I have been concerned about inconsistent rulings from one electorate to another. The committee had the opportunity to highlight some of those issues. Some of those issues are mentioned in the report and, I have no doubt, will be further exposed in debate on the bill that will shortly be before the House.

The Nationals have generally found the State Electoral Office to be very helpful over the years. We have had a good working relationship with the electoral office. However, we unanimously agreed—as did the new commissioner who appeared before us—that the electoral office has been underresourced and has been lagging behind the resources of electoral offices in other jurisdictions around Australia. It is pleasing that, to a certain extent, the electoral office has been better resourced for the forthcoming election. From time to time some incidents have caused The Nationals great concern and have led to questions being asked by people in our party about possible partiality on the part of the electoral commissioner and some staff. One incident that we referred to during the inquiry related to the infamous counting of a general election outcome in the seat of Dubbo. During a break in the count—a sensational count—then Deputy Commissioner Mr Wasson actually opened a garbage bag full of ballot papers without any scrutineers being present and checked the ballot papers for a possible error in the count.

**The Hon. Duncan Gay:** And he miraculously found a number!

**The Hon. JENNIFER GARDINER:** He did. That was such an extraordinary event that when I contacted the Electoral Commissioner, Mr Dixon, from the Dubbo courthouse to advise him of what had happened, he at first thought that that could not possibly have happened. It was simply such an extraordinary event that he thought I must have been telling him something that could not have happened. Then, of course, he was absolutely horrified to discover that that is exactly what had happened. The procedures at the count in Dubbo were chaotic for days. The bags in which the ballot papers were contained were stored in the entranceway to the Dubbo courthouse—members of the public were trooping in and out, day after day, past the garbage bags full of ballot papers. Commonsense tells us that that should not have happened in a properly run election in any seat, let alone a closely contested seat. However, that was par for the course. I recall another election in the seat of Bathurst in which the count was conducted at the back of a Chinese restaurant. Again,

despite the fact that it was a closely contested election, people could walk in off the street. It was like a Chinese laundry.

**The Hon. Duncan Gay:** What about the changes to the how-to-vote card rules at the last election?

**The Hon. JENNIFER GARDINER:** The Deputy Leader of the Opposition mentions that inconsistency again. I knew Mr Wasson for years and had a good working relationship with him. However, in the final stages of an election campaign he made a ruling overturning a situation that had prevailed in previous elections. The Liberal Party and The Nationals had a registered joint ticket for the Legislative Council and were precluded from issuing state-wide how-to-vote cards for our respective candidates. When Mr Wasson discovered—courtesy of submissions from the Australian Labor Party—that that would now apply to Country Labor and the ALP, he suddenly found a way to overturn the procedure, despite the fact that it had applied to the Coalition in previous elections. Of course, our state-wide how-to-vote card had already gone to the printer.

It was a rather belated change of mind, but one that naturally led to members of the Liberal Party and The Nationals calling the State Electoral Office's impartiality into question. That office should possess a level of integrity that can never be called into question. We all know that mistakes are sometimes made, but if we had a fundamental regard for the independence and integrity of the State Electoral Office we would find it easier to accept them when they occurred. I have many other things I would like to say, particularly about remote voting, which is a specific concern, and I am disappointed that no significant improvements are planned in that area of the electoral law. I will have more to say about that in a later debate.

**Debated adjourned on motion by the Hon. Jennifer Gardiner.**

## STANDING COMMITTEE ON SOCIAL ISSUES

### Report: Recruitment and Training of Teachers

**Debate resumed from 6 September 2006.**

**The Hon. ROBYN PARKER** [3.33 p.m.]: I acknowledge the work of the many people who have contributed to this inquiry. This field is often over-surveyed, but people still provided the Standing Committee on Social Issues with information and contributed with enthusiasm because of their belief in education. In particular, I acknowledge the work of Dr Gregor Ramsey and Professor Tony Vinson, whose reports were invaluable to the committee and to educational development in this State. I also acknowledge the work of other committee participants, and particularly the secretariat, including Victoria Pymm, for its assistance with this inquiry. [*Time expired.*]

**The Hon. KAYEE GRIFFIN** [3.34 p.m.]: The Standing Committee on Social Issues released its report entitled "Recruitment and Training of Teachers" in October 2005. The report contains 15 recommendations, including:

#### Recommendation 13

That the Department of Education and Training evaluate the effectiveness of the employment waiting list, taking into account the recommendations of the Ramsey Review and that the Department make the results of the evaluation public.

#### Recommendation 14

That the Department of Education and Training provide a specific funding allocation to schools for teacher induction and review the efficacy of its current induction resources.

#### Recommendation 15

That the Government expand the Teacher Mentor Program to ensure that all schools have adequate mentoring support for their beginning teachers and commit necessary funds to support the expanded program.

Chapter 6 deals extensively with supporting and retaining teachers. It states that the evidence suggests the number of new teachers leaving the profession early could be substantially reduced through the expansion of a number of support programs. Concern was expressed during the inquiry that not much support is available when newly graduated teachers move out into the public school system. That was clearly evident when the discussion turned to hard-to-staff schools and teaching assignments for people who come from rural or metropolitan areas. Many new teachers from rural New South Wales would like to go back there to teach and new teachers from

metropolitan areas probably want to stay in those areas. Lengthy discussions were held about whether that was appropriate. The majority of evidence presented supported the teacher mentor program and strategies that could be used not only to support and mentor new teachers but also to examine initiatives to encourage them to stay in the system rather than leave after only a few years.

Chapter 6 also refers to the teacher selection and appointment process of the Department of Education and Training and its impact on teaching graduates. A great deal of evidence was taken about that issue and it was discussed at length. The department's submission noted that a key priority will be to re-survey the people on the employment list in 2005 and review the effectiveness of the list to ensure that it remains up to date. Evidence was presented that approximately 1,200 to 1,600 teachers are employed from that list each year. School principals requiring a teacher are provided with the names of the first five people on the employment list who meet the school's criteria, and those candidates are interviewed. The committee took evidence about and discussed whether it was appropriate for people who had come from rural New South Wales to go back. Associate Professor Rodney Francis, the co-ordinator of the AAT course at Charles Sturt University, made mention of that and stated:

...you get silly situations arising where someone from my institution, for example, who wants to teach in rural areas ends up being placed in Sydney, and someone from Sydney ends up being placed in Griffith. Both of them hate it. Both of them sever the system because the system does not include, in terms of its measures of what we want, context. That is just as important as being on the system. It says "I am a principal from a rural school who wants these kinds of codes and someone who understands this kind of community and this kind of context and is actually willing to teach in this sort of place." If in some way that was included in the way in which people were appointed we would get a much closer match.

Of course, the problem for the Department of Education and Training is that every school must be staffed, and the wishes of the graduates cannot necessarily be taken into account. The committee recognised throughout the inquiry that the newly graduated teachers require quality mentoring if they are to be retained in the public school system. As we all know, in any working environment when staff are not retained the experience that people gain in the first few years of their working life is lost. It certainly does not make it easier for the next group of beginning teachers who come along, and it certainly does not make it easier for people who are looking for teaching staff willing to teach in hard-to-staff schools.

Chapter 6 of the report also addressed support for beginning teachers in rural schools, the induction and mentoring programs, the teacher mentor program, and the role of the New South Wales Institute of Teachers in providing professional support. Everyone agreed that professional support for teachers is extremely important, that it should not be limited to beginning teachers and graduates, and that it should be provided to teachers on an ongoing basis. As with most other professions, it is important that teachers have the opportunity to discuss with other professionals, on a one-to-one basis, any problems they may encounter in their work. The teaching profession certainly needs such support, particularly given some of the problems experienced, whether in rural, regional or metropolitan schools. Teachers also need career flexibility in relation to schools that are hard to staff. The inquiry also addressed in detail the aspect of returning to teaching and casual teachers.

I take this opportunity to thank members of the committee for their input during the inquiry. Every member had a great deal of input in terms of expressing concerns about the teaching profession, and in addressing the issues teachers face, and the support they need, when they move into the public school system. I wish to thank also the committee secretariat, who not only did a wonderful job in supporting the committee but also provided assistance at the forums that were held, during which we had the opportunity to speak face-to-face with a number of teachers currently in the school system. They expressed their views on a range of issues, including recruitment and retention and the importance of training and mentoring in the future. Once again I place on record my thanks to the committee secretariat for their hard work in enabling us to produce a report that I believe is extremely important in terms of what will happen with teacher recruitment and training in the future.

**The Hon. IAN WEST** [3.43 p.m.]: I am pleased to join with others in this take-note debate on the important issue of the recruitment and training of teachers. I thank the former Deputy Premier and Minister for Education, Andrew Refshauge, for referring the matter to the Standing Committee on Social Issues. His commitment to this vital aspect of education is well known and well recognised in New South Wales and beyond. The multitude of programs that seek to address the current and future recruitment needs of the education system show considerable potential. Despite the large number of reports relating to the education sector, participants in the inquiry made their contributions with great enthusiasm and foresight, and displayed an appreciation of the importance of the recruitment and training of teachers.

The committee raised a number of important issues in its 15 recommendations, including funding. It was noted that the Federal Government has a vital role to play in funding education. It is very difficult for State governments to adequately resource education without a full and enthusiastic commitment from the Federal Government. At this time such a commitment is sadly lacking. The funding of public education has been vital in so many areas of social interaction.

**Pursuant to standing orders business interrupted.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Government Business Notices of Motions Nos 3 and 4 postponed on motion by the Hon. Henry Tsang.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2006-2007**

**Debate resumed from 7 June 2006.**

**The Hon. AMANDA FAZIO** [3.47 p.m.]: I take great pleasure in participating in this debate. As members will be aware, the Parliament was prorogued to facilitate an official opening to celebrate the sesquicentenary of responsible government in New South Wales on 22 May 2006. On 22 May 1856 the first sitting of a bicameral Parliament took place in New South Wales. What does responsible government mean? Responsible government is the term for the system of government adopted throughout Australia whereby the Executive—the Premier and Ministers—are also members of Parliament and therefore "responsible" to Parliament. Under such a system the Executive can only govern if it has the majority support of the lower House of Parliament. This contrasts, for example, with the American system of representative government in which the President, who is the Executive, and Congress, which is the equivalent of the Parliament or Legislature, are each elected separately and the President is not a member of the Legislature and need not have majority support in Congress.

What did we have before we had responsible government in New South Wales? With the arrival of the First Fleet in 1788 Australia began as a penal colony under the authority of a military Governor. The early military governors of the new convict colony had little restraint on their power, with their British Government superiors 20,000 kilometres away—six months by ship. The last of the governors to have such authority was Lachlan Macquarie, from 1810 to 1821. In 1824 a Legislative Council was created to advise the Governor and in 1829 the Council began meeting in part of the old Rum Hospital building in Macquarie Street, now part of Parliament House.

In 1843 the Council was enlarged and, for the first time, partly elected. The newly elected Council met in a new chamber added to the former hospital building. However, executive authority in government remained with the Governor. But New South Wales was changing. By the 1840s, transportation of British convicts to Sydney had ceased and free settlers greatly outnumbered the convicts that remained. A free press, elected representatives, a rich agricultural industry and, from 1851, the gold rushes, brought increasing population and prosperity to the colony. These developments contributed to demands for a more democratic and responsible system of representative government.

In the early 1850s a new constitution was drawn up for a Parliament of two houses—a Legislative Assembly and a Legislative Council—operating under a system of responsible government similar to that which existed in Britain. This constitution was accepted by the British Government, greatly increasing the independence and authority of the elected government in the colony of New South Wales. The first Constitution for New South Wales was passed by the British Parliament in 1842, but the foundation of the current Constitution was drawn up in the 1850s by a parliamentary committee chaired by William Charles Wentworth. This Constitution came into effect in 1856. In 1902, after Federation, it was completely updated as the Constitution Act 1902 (New South Wales). The Act sets out the powers and functions of the Governor, both houses of Parliament, the Executive and the Judiciary. It also provides for local government and outlines several other matters such as budgetary powers and the establishment of government departments. Unlike the Australian

Constitution, most of the Constitution of New South Wales can be changed by ordinary Act of Parliament, and has been many times.

When I was sworn in as a member of the Legislative Council I chose to make an affirmation, which was bound into a copy of the Constitution of New South Wales. Many people ask why I chose to do that rather than take the oath. My response is this: I was selected by the Australian Labor Party to represent the people of New South Wales in this House. I felt that by making an affirmation I was demonstrating that duty more clearly. Also, I had plenty of Bibles at home but did not have a copy of the Constitution.

In order to commemorate the sesquicentenary of responsible government in New South Wales the Presiding Officers established a committee that I co-chaired along with the Deputy Speaker of the Legislative Assembly. The other members who participated on that committee included Reverend the Hon. Fred Nile and the Hon. Don Harwin, from this House, as well as the members for Wagga Wagga and Port Macquarie, from the other House. A number of parliamentary staff also served on the committee: David Blunt, and later Steven Reynolds, as Ushers of the Black Rod from the Legislative Council; Ronda Miller, Clerk-Assistant (Procedure) and Serjeant-at-Arms from the Legislative Assembly; Dr David Clune, Manager, Research Services, Parliamentary Library; Graham Spindler, Manager, Parliamentary Education and Community Relations; and Robert Lawrie, Manager, Parliamentary Archives, who acted as the Secretary to the Committee. I would like to thank the other members of the Parliamentary Committee for the Sesquicentenary of Responsible Government in New South Wales and the parliamentary staff for their contributions towards making the celebrations such a success.

The committee was responsible for organising the open weekend, the ecumenical church service and the official opening. The open weekend was a great success and the Behind the Scenes of Parliament tours were very popular with members of the public. Tours ran every half hour on Saturday 20 May and those participating included interested citizens, family groups and tourists. When I was here on the Saturday I saw a number of tours being taken around and I also dropped in on the Seminar on Writing Party History, which was organised by the Committee on the Sesquicentenary of Responsible Government in New South Wales, which was chaired by the Hon. Rodney Cavalier and on which the Hon. Don Harwin served.

A number of projects have been commissioned and undertaken to celebrate the sesquicentenary and these have included the writing of several books on aspects of political and parliamentary history, the development of a former members section on the parliamentary web site, the development of a set of maps showing every redistribution that has taken place, and the hosting of Antony Green's electoral database, which shows election results for every general election and by-election since the inception of responsible government.

The works and projects commissioned by the Committee on the Sesquicentenary of Responsible Government in New South Wales will leave a lasting legacy and contribute greatly to the understanding of the political and electoral processes that have helped to ensure that we enjoy such a strong parliamentary democracy. The ecumenical service was held at 11 a.m. on Monday 22 May at St Stephen's Uniting Church, which is across the road from Parliament House. The service was co-ordinated by Reverend the Hon. Fred Nile and the Reverend Dr Matthew Jack, both of whom I would like to thank for their efforts. The service was addressed by the Lieutenant Governor, Justice J. J. Spigelman, AC, the Venerable Dr Geoffrey Huard, representing the Anglican Archbishop of Sydney, His Eminence Cardinal Pell, Reverend Jack and the Speaker of the Legislative Assembly. The service was well attended and prayers were offered for the ongoing good governance of the State of New South Wales.

Of course, the service was followed by the official opening of the Parliament and the reception for members and guests. Both events were enjoyed by all those present. I sometimes think that we take the Parliament, our workplace, for granted, but when we see the way in which guests respond to being in the Parliament we realise that we hold truly privileged positions.

In response to the issues raised in the Lieutenant Governor's Speech, I would like to say the following. The economy of New South Wales has been strengthened by the policies of the Labor Government since 1995. The plans that the Iemma Government has will ensure the ongoing economic strength of the State. This is being done by improving business confidence through measures such as the abolition of stamp duties on a range of transactions, reducing payroll tax, cutting workers compensation premiums and providing for an effective exchange of ideas between government and business leaders. And, of course, the Government will continue its campaign for a more equitable distribution of GST revenue by the Commonwealth. I can only say, "Shame on the members of the Opposition for not standing up for the rights of the people of New South Wales instead of

toadying and acting in a servile and subservient manner to their Federal colleagues." Not one of them has ever argued that New South Wales should get its fair share of the GST take. They stand condemned by their inaction.

Even though the New South Wales Government has been robbed of around \$3 billion every year since the introduction of the GST, we have still found more money than the Commonwealth Government to put towards upgrading the Pacific Highway. The New South Wales Government has contributed \$1.66 billion over the past 10 years to that project, compared with the Commonwealth's measly \$600 million. The Government will back its commitment to upgrading this vital national project with a further investment of \$160 million—an amount that will be matched by the Commonwealth.

I could detail many other examples of the Iemma Labor Government's commitment to improving the standards of health, education, disability and aged care, and refer to the many other important areas in which we are making a real difference, but I am sure that my colleagues on the Government benches will speak to those matters. Here in New South Wales we take far too many things for granted. The rights bestowed on us by our system of parliamentary democracy are remarkable. Every day when we read the international news we see examples of people fighting and dying for the right to hold free and democratic elections and to live in democratic countries, not under military dictatorships; people fighting and dying for privileges that some people in the community regard as an imposition—the not very onerous requirement to turn out to vote at State elections once every four years.

We should never underestimate our good fortune to be able to celebrate 150 years of unbroken responsible government in New South Wales. I consider myself to be especially fortunate to be a member of the Legislative Council for the sesquicentenary of responsible government in New South Wales. As many members who have listened with great interest to my speeches in the past will be aware, I also have responsibility for four non-government-held seats in the lower House for which I am the duty member of the Legislative Council. I would like to inform the House what the New South Wales government invests in each of those electorates to show to the people of New South Wales, and particularly the people of rural New South Wales, that this is a government for all the people of New South Wales regardless of where they live.

In the roads portfolio, \$128 million has been allocated towards upgrading the Pacific Highway. This includes \$20 million for detailed planning and preconstruction for the Ballina bypass; \$100 million for the continued construction of the upgrade to a dual carriageway between Brunswick Heads and Yelgun; \$220,000 to continue planning for the Woodburn to Ballina upgrade; \$3.5 million for the Tintenbar to Ewingsdale upgrade; and \$4.4 million for the construction of noise walls along the Pacific Highway at Ewingsdale and Newrybar. Other highlights include \$650,000 for shoulder widening and delineation on Mullumbimby Road east of Mullumbimby; \$150,000 for intersection improvements on Coast Road and Skinners Head Road and \$40,000 for the Pacific Highway, River Street and Kerr Street intersection at Ballina; \$200,000 for new north and southbound truck parking bays at Tintenbar; \$75,000 to upgrade a bus stop on Coral Street, Alstonville; \$60,000 towards improving pedestrian access in high-volume pedestrian areas in Byron and Ballina; \$50,000 to install cycleways at Tincogan Street, Mullumbimby, and Simpson Avenue, Wollongbar, to provide a continuation of the cycleway network in these areas. In addition, \$1.4 million has been allocated to Tweed, Ballina and Byron councils under the repair program and the block grant scheme for regional roads.

With regard to energy, \$5.5 million has been allocated for a new electricity substation at Lennox Head, and over the next five years Country Energy plans to spend \$44 million upgrading its infrastructure in the Lismore, Ballina, Lennox Head, Ewingsdale and Byron Bay areas. With respect to education, public schools in the electorate of Ballina are to receive an estimated \$84.8 million in recurrent funding over the next financial year. In addition, the Education and Training budget will provide a toilet upgrade for Alstonville Public School and \$4.9 million to continue work on the stage three upgrade to Mullumbimby High School. I had the privilege of inspecting some of the work done to date at Mullumbimby High School, which has greatly improved the educational opportunities for children at that school.

In housing, the Government has committed \$6.45 million to commence construction of 24 new pensioner units, 16 of which will be in Ballina, 4 in Byron Bay and another 4 in Richmond River; \$270,000 is being invested on planning works for future construction; and \$655,000 has been allocated for major upgrades to existing homes, including improvements to kitchens, bathrooms, fire safety and security. In addition, \$2.18 million has been allocated for the redevelopment of the rehabilitation unit at Ballina Hospital.

In Burrinjuck, another of my duty electorates, \$82.5 million has been allocated for roads infrastructure. This includes \$8 million to complete the construction of the Bowning deviation, \$1.3 million for reconstructing

the Snowy Mountains Highway between 28 and 29.2 kilometres west of Tumut, \$1 million to reconstruct Lachlan Valley Way in the main street of Boorowa, \$1 million to widen and reconstruct Gocup Road, \$750,000 for initial sealing of the Goulburn to Bathurst Road, \$440,000 to reconstruct the four-way intersection of Burley Griffin Way and Bouyeo-Galong Road, and \$300,000 for hazard removal along Lachlan Valley Road. In addition, more than \$8.3 million has been allocated to Goulburn, Mulwaree, Upper Lachlan, Yass Valley, Tumut, Boorowa, Gundagai, Harden and Wingecarribee councils under the repair program and the block grant scheme for regional roads. An allocation of \$3.6 million has been provided for rail bridge renewal to be undertaken by the Rail Infrastructure Corporation. In the Housing portfolio \$240,000 will be invested in 2006-07 to provide housing assistance and to support the ongoing implementation of the Government's Reshaping Public Housing reforms.

Burrinjuck is part of the southern and western New South Wales division of the Department of Housing, which is planning to spend \$240,000 on major upgrading works on public housing in the local area. In the Emergency Services portfolio, subsidies totalling \$20,000 have been allocated towards the cost of four emergency response vehicles for the Bigga, Crookwell, Goulburn and Gunning State Emergency Services units. A share of the \$168 million Rural Fire Fighting Fund among Rural Fire Service brigades will be allocated around the State in the coming months.

Public schools in the electorate of Burrinjuck are to receive an estimated \$73.9 million in recurrent funding over the next financial year. In addition, the Education and Training budget will provide for a security fence at the Crescent School, a security fence at Wollondilly Public School, and a toilet upgrade at Goulburn North Public School. In addition, \$6.2 million will be spent on local water infrastructure as part of the Metropolitan Water Plan.

In the electorate of Orange, a beautiful part of the State, \$23.8 million has been allocated from the Roads portfolio to improve local roads and traffic facilities. That includes \$3.5 million to provide additional lanes on the Mitchell Highway at Lucknow, \$600,000 for the continued planning and construction of the Northern Distributor, \$3.2 million to replace Coombing Creek Bridge on the Mid Western Highway, \$1.5 million to reconstruct Lachlan Valley Way at Merriganowry Hill, \$1.5 million to reconstruct the Orange to Parkes Road east of Manildra, \$1.1 million to replace Grubbenbun Creek Bridge on the Mid Western Highway, \$500,000 for intersection improvements, including widening and installation of turning bays on the Mitchell Highway at Dunkeld and Evans Plains Road, \$176,000 to upgrade intersections on Lachlan Valley Way between Cowra and Forbes, and \$80,000 for cycleways around Sir Jack Brabham Park and along Huntley Road, Orange, and in the Eugowra area. In addition, more than \$4.9 million has been allocated to Blayney, Cabonne, Cowra, Orange, Wellington and Young councils under the repair program and block grant scheme for regional roads.

Public schools in Orange are to receive an estimated \$81.8 million in recurrent funding over the coming financial year. The Education and Training budget will provide also for a security fence at Glenroi Heights Public School and a toilet upgrade at Calare Public School. Also, \$624,000 will be invested in 2006-07 to provide more affordable housing for those most in need in Orange. This funding will be directed to major upgrades to existing homes, including improvements to bathrooms, kitchens, fire safety and security. Families in Canowindra and Eugowra will see the immediate benefits of the Iemma Government's \$85.2 million investment in New South Wales preschools, with two preschools being offered \$30,800 in funding.

The electorate of the South Coast has for the last four years had the misfortune to be represented by someone who is not from that Labor Party. However, the Iemma Government has allocated \$33.8 million for the Nowra to Nerriga upgrade and a further \$19.8 million will continue the first stage of the Nowra to Nerriga—Main Road 92—upgrade, which involves upgrading 24 kilometres of the total 54 kilometres from Hames Road to Morton National Park. The work involves widening, strengthening and sealing the existing road, reconfiguring Turpentine Junction, and realigning four kilometres at Georges Yard, 18 kilometres south-west of Nowra.

The electorate of South Coast will also receive \$2.43 million for shoulder improvements on the Princes Highway between Jervis Bay Road and Hawken Road, \$2.2 million to replace the bridge over Croobyar Creek on the Princes Highway, \$1.2 million to resurface and repair the Princes Highway, \$1 million for shoulder improvements near Bowong and the installation of a turning lane on the Princes Highway at Wandandian, \$700,000 to install an overtaking lane on the Princes Highway near Croobyar Creek and \$500,000 for planning the Princes Highway Conjola Mountain deviation. In addition, \$1.71 million has been allocated to Shoalhaven City Council under the repair program and block grant scheme for regional roads.

Public schools in the South Coast electorate are to receive an estimated \$96.7 million in recurrent funding over the current financial year. The Education and Training budget will provide also for a major new project to provide permanent facilities for students with special needs at Vincentia High School, a security fence at Bomaderry High School and a security fence at Nowra Technology High School. Also, \$1.36 million will be invested in 2006-07 to provide housing assistance and to support the ongoing implementation of the Government's reshaping public housing reforms. The South Coast is in the southern and western New South Wales division of the Department of Housing, which is planning to spend \$500,000 to commence the construction of two new family homes in Nowra, \$220,000 to complete the construction of a further five pensioner units at Milton, and \$640,000 on major upgrading works on public housing in the local area. As well, \$5.1 million has been allocated to continue work on Nowra courthouse and \$85,000 has been allocated for local preschools.

As I travel around my duty electorates I find it very heartening that people tell me they are genuinely pleased that the Iemma Government has continued the tradition of the Carr Government of allocating funds and services to areas in which they are needed, regardless of whether the seats are held by the Government. The Government responds to the needs of local communities, regardless of the poor representation they might receive from their lower House Coalition members. Whenever I visit my duty electorates people talk to me as a representative of the Government because they know that the Government will respond to their local needs.

I have referred to specific amounts that have been allocated in this budget to my duty electorates. But the Government has not stopped there; it is looking ahead. The Government has a new direction for New South Wales, and I shall refer to the overarching issues that affect everybody in New South Wales, not just those who have the good fortune to live in my four duty electorates. The Iemma Government is committed to a \$1 billion plan to bring new hope and new opportunities to the thousands of New South Wales citizens who live with a disability and to the parents and families who live with them and look after them. The initiative will change the lives of thousands of people, giving them back hope, dignity and a sense of inclusion.

The Government has launched a \$700 million plan to transform mental health that will fix the mistakes of the past and build community care facilities. The mental health plan will help families shattered when mental illness hits our teenagers. As a Government we are extending the hand of hope, real hope along with new funding and new services. People with a mental illness have been left out in the cold for long enough. It is time we brought them home, and the Premier has made a very strong commitment to ensuring that we do just that. The Government remains deeply concerned about a crime that brings harm and fear into our homes—domestic violence. Domestic violence is a problem for the whole community and a special challenge for some Aboriginal communities. The Premier has committed the Government to a new drive against domestic violence, and new measures will be announced before the end of the year.

Average class sizes in kindergarten are down from 24 to 19 and in year one from 25 to 21. The State Government has hired 1,200 teachers and built 500 classrooms to make it happen. The Government is investing an extra \$120 million to wipe out the school maintenance backlog, and it has announced an \$85 million preschool package, which will mean universal preschooling will be available for every family, guaranteeing two days a week for all New South Wales four-year-olds. Vocational training is important for young people. In the next financial year the New South Wales Government will employ more than 400 apprentices and open 10 new trade schools. I am pleased to report that the first of three new trade schools has been established in Ballina, which is one of my duty electorates. The other two will be established in Colyton and Campbelltown, and the next two will be located in St George and in Glendale in the Hunter.

Hospital waiting lists longer than 12 months are down by an incredible 77 per cent in one year. The Government has announced an \$800 million funding boost to health. For families this means there will be new after-hours clinics in our hospitals to treat minor injuries and conditions, a place to turn when the general practice is closed late at night. Our Government reforms will also mean that 10 new community health care services will be established across the State. Over the past four years we have hired 5,600 nurses and opened 1,300 beds—there will be another 420 in the next financial year—and we are providing 700 scholarships to train mental health nurses.

The Government will create 12 job compacts across regional New South Wales—local agreements between the Government, councils, business and unions to build Aboriginal employment, targeting young school leavers and getting them into jobs and training before unemployment drags them down. We will also work with the Aboriginal Land Council to create jobs for indigenous Australians in tree planting projects to create carbon sinks on Aboriginal land and offset greenhouse gas emissions.



The Government stands by senior citizens. That is why it will build 3,000 new public housing units for the elderly and renew thousands more. It is the first instalment of the Government's \$2.7 billion plan to transform public housing. The elderly are at the head of the queue and after a lifetime of sacrifice that is exactly where they should be. We will place them in public housing as soon as those 3,000 new units are built. I am proud of what the State Government has been doing and of the funding that has been given to my duty electorates in this budget. I look forward to the benefits that the next budget, to be brought down by the Iemma Government next year, will also bring to the people of New South Wales.

**The Hon. JAN BURNSWOODS** [4.12 p.m.]: Like the Hon. Amanda Fazio, I have great pleasure in speaking on the New South Wales budget that was handed down in June this year. Of course, it was the first budget of the Iemma Government, and I congratulate the Premier, Morris Iemma, on it. I, too, will also go into some detail in relation to some of the seats I look after. Members opposite are a little confused today because apparently they did not realise that this debate was coming on, although it has been on the notice paper for some considerable time. Today's notice paper informs us that the Leader of the Opposition had the call when the debate was adjourned previously, but he was not in the Chamber when the debate was called on. Apparently he and his colleagues are unaware of the important role he might have in relation to the State budget. I am pleased that my colleague the Hon. Amanda Fazio was here to step into the breach and make an excellent speech on the budget as it relates to the seats she looks after.

Since the Treasurer delivered the budget and the Minister for Finance started the debate in this House we have had considerable discussion in the estimates committees over a couple of weeks in late August and September. As honourable members may know, several estimates committees may soon hold supplementary hearings. What was most noticeable about the estimates committees this year, and what struck me the most, was summed up by the *Sydney Morning Herald* journalist Anne Davies, a fine journalist, who said that it was unbelievable to the media that during the two weeks of the estimates hearings the New South Wales Opposition did not manage to get one story in the media for each portfolio area.

**The Hon. Charlie Lynn:** If the media had been here at 8 o'clock on Friday night when the Government scheduled the hearings they might have got a story.

**The Hon. JAN BURNSWOODS:** It has often been said that for democracy to work best we need a competent Opposition, and that is true. At the moment New South Wales conspicuously lacks a competent Opposition. I note that the Hon. Charlie Lynn is whinging and complaining that hearings were held at 8 o'clock at night. I certainly did not hear Government members complaining about that. The Hon. Charlie Lynn may not know that the timetable and the structure of the estimates committees were decided by the Opposition and a few crossbench members, including the Greens. So I do not know what the honourable member has to whinge about.

**The Hon. Charlie Lynn:** Point of order: The honourable member is misleading the House. I commented on the fact that the media were not covering the sittings at 8 o'clock on a Friday night. I was not whingeing about the hearings. Indeed, we were looking forward to them. We would have continued later into Friday night except the Government stopped the hearings at 10.30 p.m.

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! There is no point of order.

**The Hon. JAN BURNSWOODS:** The Hon. Charlie Lynn, that well-known member of the right-wing extremists in the Liberal Party, has just informed us that the Opposition cannot get any stories into the media because the media are not interested in what the Opposition is doing at 8 o'clock at night. All I can say is: Thank you, Charlie, that adds to what I was saying about the utter incompetence and irrelevance of the New South Wales Opposition. If he thinks that the media does not cover the Opposition only because its scintillatingly witty remarks are made at 8.00 p.m. he has problems. It is a pity that some members of the moderate wing of the Liberal Party are leaving this place and members such as the Hon. Charlie Lynn are staying to represent the Opposition.

In terms of the budget detail, I shall highlight some of the things the Premier highlighted when the budget was delivered. I shall refer to some specific things from different portfolio areas that are included not only in the 2006-07 budget but also in the forward plans for spending over the next four years on infrastructure and services for the people of New South Wales. One highlight is 750 new police so that more officers can be put on the beat. For instance, the Gladesville and Eastwood commands have each been allocated four new constables following the recent attestation in Goulburn. I congratulate the Government on that activity to ensure the safety and security of our communities.

I am delighted with the announcement relating to the establishment of after-hours general practice clinics as a corollary to emergency departments in public hospitals. It is notable that the different actions of the Federal Government over the past few years relating to bulk-billing, rebates and so on have effectively made it more difficult for general practices to bulk-bill and, in particular, to operate after hours and on weekends.

Again to use the area of Ryde as an example, only a few years ago a general practice was located very close to Ryde Hospital. That practice was forced to close. For families in the Ryde area, particularly when the fine emergency department at the Ryde Hospital was busy, that left a handful of medical centres. However, they were not open late at night or on the weekends and their fees were considerably higher. The commitment to introduce after-hours general practitioner clinics co-located with our public hospitals will provide a very important service to our community and particularly to families.

I congratulate the Hon. John Della Bosca, as I have before in this House, on the \$2 billion package for people with disabilities and for people who have a mental illness. The differences the packages are making in both those areas will bring huge benefits to the people of New South Wales. When Morris Iemma became Premier of New South Wales he made commitments to people with particular needs, including the disabled and the mentally ill. It is good to see those services being delivered.

The other thing I particularly want to mention—I have mentioned it in most budget speeches I have delivered over the years—is education. I pick out two particular areas. One is the allocation of \$120 million to provide our schools with new buildings and with a large variety of maintenance and upgrade projects so that our public primary and high schools will have the buildings to match the fine services delivered by our teachers. The improvements in services delivered in the early years of primary school by the reduction in class sizes from kindergarten to year 2 and the increase in the number of teachers have brought with them the need for extra classrooms. The need in many areas to provide extra classrooms has been quite urgent. I congratulate the Government on the schools package.

I mention as well the new trade schools that are being established to help train older students and that work in conjunction with apprentices. The State Government is doing something about work force training and skills development, unlike the Federal Government, which has—criminally, I think—neglected skills development and work force training, apparently under the delusion that the granting of special visas to bring people from overseas will take their place. Earlier in the debate my colleague the Hon. Kayee Griffin touched on the recruitment and training of teachers where the failure of the Federal Government to address university funding and attention to areas of workplace shortage have created great difficulties. It is pleasing to see the State stepping in.

Finally, among the highlights of the budget that the Premier has stressed, I mention the commitment to produce more than 700 new rail carriages and new, better rolling stock, both on the suburban and urban system and on the intercity system. It is good to see those rolling out. I mention also the huge investment currently under way in new buses. It is good to see the bendy buses operating along Victoria Road, for instance, and in numerous other areas. There are a lot more new buses to be delivered and, under the new programs, those buses will be delivered to private bus services, for instance, in the western part of Sydney as well as to the government bus services in Sydney and Newcastle.

I mention now a couple of specific parts of the budget that relate to a couple of electorates. I have already mentioned the Ryde area. I turn now to the broader area of the seats of Epping and Lane Cove, for which I have some responsibility but where many of the facilities relate also to the electorate of Ryde, which is held by the Deputy Premier. Over the past few years there has been a huge investment in those areas in the form of the Epping-Chatswood rail link. That is well on track to be opened in 2008. More particularly to the electorate of Epping, I draw attention to the upgrades going on at Cheltenham Girls High School, a massive building project that is about to be started, and smaller projects in relation to Carlingford High School and Roselea Public School. I told the House of my pleasure in recently opening new facilities at Pennant Hills High School and at Pennant Hills West Public School, both in the electorate of Epping.

In general, to aggregate these figures, in this financial year public schools in the Epping electorate will receive an estimated \$85 million extra in recurrent funding, and I have already mentioned the major capital works projects. In the electorate of Epping as well, large sums have been allocated to road maintenance and development. Some of these are in the form of grants to local councils. In the case of the Epping electorate that includes grants for maintenance of regional and local roads, and the councils include Hornsby, Parramatta, Ryde and Baulkham Hills. There is also an additional sum in relation to things such as the maintenance of Pennant

Hills Road. There is some \$750,000 for the provision of affordable housing in the Epping electorate. I am pleased to see that sort of sum going into other electorates as well.

I turn now to some of the schools in the Lane Cove electorate. Only last week the new facilities at Hunters Hill High School were opened, which I was glad to see. Among new projects, a great deal of work is to be carried out at Lane Cove West Public School and major works are under way at North Sydney College of Technical and Further Education, particularly in relation to the film and television facilities. People often do not realise that the major public hospital facility of Royal North Shore Hospital is located in the Lane Cove electorate. People tend to assume it is in North Sydney.

Honourable members would probably know just how much work has been going on and is still to go on at the Royal North Shore Hospital. This year's budget includes some \$30 million for work on the comprehensive \$700 million stage two redevelopment of Royal North Shore Hospital. Separate money is also made available for the breast screening facilities, the high-dependency care area and the day surgery facilities. The Royal North Shore Hospital and its associated hospitals such as Ryde, Mona Vale, Manly and Hornsby have received considerable upgrades from the work of the Iemma Government.

I mentioned schools in Lane Cove, and I want to also refer to the major expenditure on health, education and transport in the Ryde electorate, the seat held by the Deputy Premier, John Watkins. Over the past couple of years a considerable amount of money has been spent on facilities at Ryde Hospital, including wonderful new operating theatres. This budget and statements by the Minister for Health have included announcements of expenditure of \$750,000 for various pieces of new high-tech equipment and various infrastructure upgrades. That is in addition to the more than \$1 million being spent on the refurbishment of the emergency department and the perioperative unit. Ryde Hospital has for some 80 years been a much-loved and valued institution, not only by people in the electorate of Ryde but also those in the neighbouring electorates of Epping and Lane Cove. It is good to see that local hospital continuing to go from strength to strength.

Other major work in the electorate of Ryde includes the Easy Access upgrade at Meadowbank railway station, where work is now well under way. It is a difficult site, given the slope, and the lifts and ramps will be valued by people who previously had to struggle up a considerable hill to get to the station. As I said, that work is well under way and the Easy Access upgrade at Eastwood will follow shortly. That is in addition to the work carried out a little while ago at West Ryde station. I congratulate the Government on the amount of work that is being done on the main northern line. I mentioned the buses, and it is pleasing to see so many new buses, including the bendy buses, coming to Ryde bus depot to add to the train and ferry services in that area.

In relation to schools in the Ryde area, in addition to the tremendous ongoing differences being made by the class size reductions in K-2 classes, major upgrades have been completed at Eastwood Heights Public School, work on a new library is under way at Truscott Street Public School, work will be undertaken at West Ryde Public School in the near future and, very importantly, a large number of new classrooms at Ryde Public School will replace the old infants department. I am pleased to be able to report on a variety of works across the area of Sydney that I know very well. I said earlier that the Government had delivered a great deal of extra money for the areas of disability and mental illness. In that connection I note that \$7 million has been earmarked for redevelopment of the Lachlan Centre, which is located in the grounds adjacent to Macquarie Hospital at North Ryde, and specific funding has been allocated for Macquarie Hospital to provide assistance for people with mental illness.

The Government has paid attention to the needs of almost all groups in the local communities. Before I finish I want to mention a couple of things in relation to my duty electorate of Myall Lakes. I endorse what the Hon. Amanda Fazio said earlier in relation to the huge difference that has been made in the gradual upgrade of the Pacific Highway. People in the electorate of Myall Lakes keep telling me just what a difference that has made. Recently I was pleased to open the new interchange where the Lakes Way joins the Pacific Highway a few kilometres south of Taree. Every time I travel to Taree, Forster, Tuncurry or Port Macquarie I see just how much work is going on there.

In addition to the work on the Pacific Highway in the electorate of Myall Lakes, a considerable amount of money has been allocated for local roads. But the Pacific Highway work is by far the most important, and the budget includes an allocation of \$40 million to start work on sections two and three between Karuah and Bulahdelah, \$10 million to complete the section between Karuah and Bulahdelah, \$10 million for the section from Bundacree Creek to Possum Brush, \$6 million for planning of the Bulahdelah bypass, and an allocation for the planning of that important connection of Failand Road, which is an alternative route from the highway to

Forster and Tuncurry. I also highlight some of the spending on education in the Myall Lakes electorate, in particular the work on Bulahdelah Central School, where the stage one facilities upgrade is being completed, at a cost of \$5 million, and work is to commence this year on the stage two upgrade project. There has also been other welcome expenditure on schools in the Myall Lakes electorate.

I conclude by saying how good it is to see funding being made available for the redevelopment of Manning Base Hospital in Taree. In that area, of course, hospitals remind people of the absolute scandal and shame of the Greiner Government's redevelopment of Port Macquarie Hospital as a private hospital. Time and again we quote the Auditor-General's comment that the Greiner-Fahey Government paid for it twice over and then gave it away. The Iemma Government has brought Port Macquarie Hospital back into public hands and work is currently being undertaken in relation to badly needed mental health facilities there. As I said, in terms of the electorate that I have a hand in, I am really pleased to see the amount set aside for the redevelopment of Manning Base Hospital. I also look forward to seeing some work done in the growing Forster-Tuncurry area.

I could go on for quite a bit longer, but I think I will leave it there. As I said, this was a budget to be proud of and I congratulate the Premier again on his first budget. I look forward very much to Premier Morris Iemma's future budgets and to his being in charge of the budget next year and the year after and so on into the future. I also look forward to joining with the Opposition in some of the estimates committee hearings so that we can celebrate some of the detailed provisions of this fine budget.

**The Hon. DON HARWIN** [4.40 p.m.]: I am pleased to have the opportunity to comment on the budget at length. The Iemma Government has been in office for one year. However, as everyone knows, this is the eleventh year of Labor's misrule in this State. The connection between Morris Iemma and his Ministers and their record in ignoring a range of the State's infrastructure needs and service delivery problems is obvious in this budget. That, more than anything else, links Morris Iemma to what has happened in the past. This budget has well and truly ignored the concerns of the people of New South Wales. Not only has the Labor Government failed to address the issues that matter, but it has also put the budget \$696 million into deficit, and it will rack up a massive \$7.6 billion in debt, which future generations will have to repay.

This budget is no different from the budget delivered four years ago, which focused on spin rather than substance. That is true of many of the budgets handed down by the Labor Government. We are seeing the same cynical Labor Party program focusing on fixing the headlines rather than fixing the problems facing the residents of the cities, towns and rural districts of New South Wales. It is important that people understand just what this budget means for them, and I am delighted to have the opportunity to explain that this afternoon. This budget is the Government's re-election plan, but what we really need is an economic rescue plan. The Government has taken New South Wales from the top of the economic ladder to the bottom.

Our State economy, once the powerhouse of the national economy, grew by just 1.1 per cent during 2004-05, by far the worst economic performance of any State in Australia. Our unemployment rate also continues to be tragically above the national average. New South Wales is the highest taxing State in Australia, with land tax, payroll tax and stamp duty more than 20 per cent higher than in Queensland. The Labor Government likes to claim that it is cutting taxes. In fact, it will receive a record \$42.2 billion in taxes next financial year, including a record amount of payroll tax and land tax. In his 10 months as Premier, Morris Iemma has imposed \$70 million worth of new taxes.

**The Hon. Amanda Fazio:** Ten months? This must be an old speech.

**The Hon. DON HARWIN:** It was written when the budget was brought down.

**The Hon. Amanda Fazio:** You should have updated it.

**The Hon. DON HARWIN:** The honourable member is correct; I should have. It is now more than 10 months. I will digress and refer to the point that the Hon. Jan Burnswoods made about the way the budget estimates are debated. It is some time since the budget was brought down, but there has been a totally haphazard approach to this debate. I apologise for saying 10 months, but the way the Government runs the House is the problem. Over the past 12 years the Labor Government has reaped record property taxes and billions of dollars in unexpected revenues, but it has nothing to show for it except a string of broken promises and crumbling infrastructure all over New South Wales. Everywhere I go people ask me, "Where has all the money gone?" We have had a series of failed projects such as the desalination plant, and taxpayers are also paying for thousands of dollars of backroom bureaucrats and spin doctors. This massive debt will have to be repaid with higher taxes. That is the legacy of Labor's waste and mismanagement over 12 years.

A number of Government members who have contributed to this debate—two of them this afternoon, the Hon. Amanda Fazio and the Hon. Jan Burnswoods—mentioned the budget's effect on a number of the seats in which they have an interest. The Hon. Amanda Fazio referred to the South Coast. Apparently she is the duty member for that area. I live there and spend a great deal of time there and that was news to me. Nevertheless, she did mention a large number of projects. However, she was simply referring to the extremely effective work of the honourable member for South Coast, Shelley Hancock. She is a hard worker for her electorate. The record of achievement referred to by the Hon. Amanda Fazio is a testament to Mrs Hancock and demonstrates what a hardworking member can achieve for her electorate regardless of whether she is in opposition or in government. It puts to the lie some of the so-called Independents holding country electorates, and even a few metropolitan electorates. They say that electorates must have a Government backbencher to achieve anything. That is absolute nonsense. We have the words of the Hon. Amanda Fazio on the record this afternoon to prove it.

**The Hon. Amanda Fazio:** I never mentioned a member's name.

**The Hon. DON HARWIN:** I look forward to quoting them back to people in the Northern Tablelands, Port Macquarie, Pittwater, Manly, Tamworth and Dubbo, and wherever else counterfeit Independents stick up their head. There are plenty of them.

**The Hon. Eric Roozendaal:** Because you keep losing seats to them!

**The Hon. DON HARWIN:** No. We have held a number of seats where people the Labor Party was funding fell flat on their face. Given that the Minister has raised the issue, I will refer to the electorate of Bega. Chris Vardon, an Independent, was encouraged into the field by Premier Carr. In fact, he detailed the discussions he was having with Chris Vardon to encourage him into the field. It is all in *Hansard*.

**The Hon. Eric Roozendaal:** Point of order: I raise the issue of relevance. I thought we were having budget estimates speeches. The Hon. Don Harwin is wandering down memory lane about something that happened in Bega and preselections. I do not understand the relevance. We could discuss the recent Pittwater by-election or the Dubbo by-election if we wanted to get into it. Mr Deputy-President, I ask you to draw the honourable member back to a more relevant line of discussion.

**The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile):** Order! There is no point of order.

**The Hon. DON HARWIN:** Thank you, Mr Deputy-President. I congratulate you on the approach you are taking in the chair, which is not necessarily waiting for honourable members to give verbose contributions on the point of order when the position is clear and making a decision. That is what the Chair should do. We have not seen much of that, particularly over the past eight years. In response to the interjection from the Minister and the comments of the Hon. Amanda Fazio, an Independent candidate in the electorate of Bega went around claiming that Opposition members could not secure facilities, infrastructure and services for their constituents.

Interestingly, the member for Northern Tablelands came down to Bega to spruik for Chris Vardon. Strangely, he flew straight over the top of Monaro and South Coast, where there are Independents in the field. He did not do anything to support the Independents in Monaro and South Coast. I cannot believe that that was for any other reason than the fact that Labor looked like it was going to win those two seats, which certainly would not have suited the member for Northern Tablelands. However, as we know, that did not come to pass.

I was lauding the excellent work that Shelley Hancock, the member for South Coast, has done in her seat. I will not detain the House by going through the other members that the Hon. Amanda Fazio referred to. The Nationals member for Ballina, Mr Page, The Nationals member for Orange, Mr Turner, and The Nationals member for Burrinjuck, Ms Hodgkinson, all do an excellent job in their seats. I commend them for the work they have done. Their constituents need only look at the contribution of the Hon. Amanda Fazio this afternoon to see what excellent and hardworking members they are. The same could not be said of a number of other seats, which I will now turn to. It is certainly the case that the Costa-Iemma budget has delivered very little for the Sutherland shire, particularly for the residents of Miranda.

This year's budget confirms that desalination remains high on the Iemma Labor Government's agenda, with an additional \$43.1 million to be provided in the coming financial year. That funding is in addition to the \$58.8 million spent on desalination last year, bringing the Labor Government's total spending on desalination to more than \$100 million in just two years. Yet, this funding is apparently for a facility that is unlikely to be used.

The Liberal Party is strongly opposed to the Labor Government's fixation on desalination. We believe that by embracing rainwater and stormwater harvesting, along with large-scale water recycling, we can cut the proportion of water from our dams and from the Shoalhaven River being used for non-drinking purposes and thus safeguard our water supply.

Today I saw statistics relating to large-scale water transfers from the Shoalhaven River to Sydney to supply its water needs. The statistics show that for one year the energy requirement to bring water from Tallowa Dam, up the hill to the Fitzroy Falls transfer station and along the various pipelines into Sydney is 40 per cent of the energy requirement for the desalination plant for one year. We know about the greenhouse disaster and about the level of concern in the community regarding the electricity-intensive desalination plant. The energy required for the Shoalhaven water transfers, even in the form they are taking at the moment, is the equivalent of 40 per cent of what would be required for a desalination plant. It simply underlines the fact that the Government has a Metropolitan Water Plan that is in absolute tatters.

The \$125 million budget blow-out on the duplication of the Cronulla rail line is enough to finance the entire State's \$116 million school maintenance backlog, as well as more police officers for the underresourced Sutherland shire and nurses at Sutherland hospital. They are two issues of great concern in the Sutherland shire that I wish to highlight. In the inner west, there are a number of issues of concern about the budget. The budget has not provided adequate expenditure for wharves, and commuters in Drummoyne have been betrayed by the local Labor member and the State Government. Despite Angela D'Amore and Joe Tripodi promising a \$9 million wharf upgrade package earlier this year, there is no sign of such funding in the budget. Not one cent has been allocated for Drummoyne or Birkenhead wharves.

There are no assurances in this year's budget that the long-suffering commuters of Drummoyne will not have a repeat of last year's experiences when they had to endure months of cancelled ferry services because the wharves were not up to scratch. I understand that the Government Whip at this point would like to deal with Government legislation. I always try to meet his convenience when he has been reasonable and appropriate. I certainly have plenty of remarks I would like to continue with. However, I will save those remarks for another day.

**Debate adjourned on motion by the Hon. Don Harwin.**

## **TRANSPORT ADMINISTRATION AMENDMENT (TRAVEL CONCESSION) BILL**

### **Second Reading**

**Debate resumed from an earlier hour.**

**The Hon. Dr PETER WONG** [4.57 p.m.]: As I said earlier, the Government claims that providing half-fare concessions to international students is costing New South Wales taxpayers an estimated \$13 million annually. This, I suspect, is a blatant untruth. Since 1989 it has not cost New South Wales taxpayers a single cent. In fact, by breaching its own anti-discrimination legislation, the New South Wales Government has unlawfully reaped tens of millions of dollars, if not more, from full fare paying international students. The Government claims that New South Wales taxpayers would be subsidising international students through travel concessions to the tune of an estimated \$13 million annually.

What the Government fails to acknowledge is that these international students inject an estimated \$1.2 billion into the New South Wales economy annually through their expenditure on rent, transport, food, goods and services, and tuition fees. In fact, New South Wales accounts for approximately 39 per cent of all international students in Australia, many of whom are entitled to work up to 20 hours a week and are taxed at a much higher rate than anyone else. Student representative bodies and the university vice-chancellors have called on the New South Wales Government to reinstate concession fares for international students. To date, New South Wales and Victoria, the two States that attract more international students than any other State, continue to discriminate against international students in this regard. Although I do not suspect that many international students will leave the State because they cannot obtain half-fare concessions, one loss is one loss too many. More importantly, it is the principle that matters and our State's reputation as an international student destination.

I have received a lot of correspondence from international students who are deeply concerned about this bill. They are grateful for the experience of studying in Australia, but feel that they are being discriminated

against here in New South Wales. They are also quite surprised and disappointed at the Government's lack of respect for its own courts and tribunals. Given the clear findings handed down by the Administrative Decisions Tribunal, I believe that international students should now be entitled to the same access to concession fares as local students. As most of us are aware, travel in Sydney can be very expensive. Many of the international students who have contacted me have pointed out that saving a little bit of money through student travel concessions is one of the few avenues for savings left for many international students facing increasingly higher living and studying costs, especially those students who do not work at all. The Government should do everything to attract overseas students and keep them here. The benefits derived far outweigh the \$13 million that is mentioned by the Government. I regret that the Government found the need to introduce such a bill.

**Reverend the Hon. Dr GORDON MOYES** [5.00 p.m.]: The object of the Transport Administration Amendment (Travel Concession) Bill is to amend the Transport Administration Act 1988 to remove transport concessions available to full fee paying overseas students. I am confident that many members of this Chamber are aware of the strong opposition in the student community to the intent and outworking of this bill. My office has been flooded with letters from local and international students concerned that the bill is discriminatory in nature and unfairly prejudices full fee paying overseas students.

Before I make any particular comments on the bill I draw the attention of the House to the findings of the New South Wales Administrative Decisions Tribunal in a case in 2006—*Sydney University Postgraduate Representative Association (SUPRA) v Minister for Transport Services and Others*. This case is highly relevant because it provides the impetus for the bill. On 26 July 2002, SUPRA, on behalf of its members and a number of international students, initiated complaints against the Minister for Transport Services and other relevant entities, such as the State Rail Authority and the State Transit Authority. The applicants alleged that the respondents discriminated against them on the ground of race in relation to the provision of public transport services. I found this an intriguing argument and an innovative approach.

Specifically, it was claimed by the applicants that the New South Wales Government's longstanding policy of not providing full fee paying overseas university students with concessional travel on public transport services contravenes the Anti-Discrimination Act 1977 (New South Wales) because it amounts to unlawful discrimination on the basis of nationality, which is one of the sub-categories of discrimination on the ground of race. During an earlier contribution I heard interjections that it was discrimination on the basis of nationality and it was not racism. But the fact is that the ground of race is one of the sub-categories of discrimination.

Since July 1989 the New South Wales Department of Transport has had a policy that travel concession cards to full fee paying overseas students should not be renewed or issued anew. That stance was taken as a result of a review of student travel concessions. The main reason for that stance was based on Commonwealth Government policy that full-time full fee paying overseas students entering Australia on visas for study purposes did not qualify for government financial assistance. As the Hon. Catherine Cusack said earlier in an interjection, they were not citizens and, therefore, they could not even be second-class citizens. However, overseas students studying in Australia as part of an international program or other subsidised study program continued to be eligible for student travel concessions. I will mention some of those students a little later—students, for example, who come to Australia on study exchange programs. The tribunal considered the terms of the relevant provision of the Anti-Discrimination Act 1977, section 19, which provides that:

It is unlawful for a person who provides (whether or not for payment) goods or services to discriminate against another person on the ground of race:

- (a) by refusing to provide the person with those goods or services; or
- (b) in the terms on which the other person is provided with those goods or services.

The Act provides that the term "services" includes services relating to transport or travel. The respondents argued that section 19 was not applicable to their circumstances because the decision had been made pursuant to the exercise of the Minister's statutory power. Section 88 (1) of the Transport Administration Act 1988 gives the Minister the power to "determine the classes of persons who are entitled to be issued with a free travel pass or a concessional travel pass by an authority". However, after analysing various cases that dealt with restraints on the exercise of statutory power, the tribunal found that there was no impediment to the application of the Anti-Discrimination Act 1977 to the Minister's decision.

Amongst other things, the respondents also asserted that their intention was not to discriminate against full fee paying overseas students on the basis of their nationality. Relying on the decision of *Purvis v New South Wales*, the tribunal found that the absence of a discriminatory motive or intention is not relevant when

considering whether differential treatment occurred because of nationality. Thus it was held that the reason why the international students were denied concessional travel was because they were "full fee paying overseas students", and that phrase is a categorisation that ultimately turns upon nationality. In sum, the tribunal held that:

The STA [State Transit Authority] and the SRA [State Rail Authority] discriminated against the applicants on the ground of their race (in this case, their nationality) in the terms which they were provided with public transport services because they were charged higher fares than similarly placed people of Australian nationality.

It was also found that:

... the Minister [for Transport] both caused and instructed the STA and the SRA to contravene s.19 of the Act and that the Director General aided the STA and the SRA in their contravention of the Act.

An appeal against the decision of the tribunal is currently pending. The bill seeks to legitimise the actions of the Minister for Transport and other related entities, thus effectively quashing the decision of the Administrative Decisions Tribunal before the appeal against the tribunal's decision is determined. Of relevance is the fact that in the tribunal's decision, attention was drawn to the fact that there is no provision which "authorises the Minister to ignore the prohibitions contained in the Anti-Discrimination Act when exercising his or her discretionary powers under the Transport Administration Act". In view of that, the bill seeks to make clear that the policy on full fee paying international students not being entitled to travel concessions is statutorily entrenched regardless of the application of the Anti-Discrimination Act 1977.

The current amendment to the Transport Administration Act 1988 seeks to legalise the Government's discrimination against international students. The second reading speech in the other place indicates that New South Wales spent close to \$800 million to support transport concessions in 2004-05. Further, it has been stated that providing full-fare international students with half-fare concessions will cost an estimated \$13 million per year, apart from associated administrative costs and the threat of retrospective claims. In every sense that \$13 million would be well spent in supporting international students by granting them the concessions. It is said that these funds would be better spent providing benefits to New South Wales' families in priority areas of service. As stated in the second reading speech :

This is money that could otherwise be directed to providing increased transport options to those in the community with greater need—such as pensioners, isolated families, veterans or people with low incomes.

An argument will always be made that resources could be distributed in a better or more effective manner. An opportunity cost will always exist for every dollar that the New South Wales Government allocates to one project over another. With that in mind, members should note the following from Volume 2 of the Auditor-General's 2006 report to Parliament:

Revenue from fee-paying overseas students increased by \$58.7 million to \$712 million in 2005. This represents 59.4 per cent of total fees and charges ... and 16.6 per cent of total operating revenue (16.7 per cent in 2004) ...

For individual universities, revenue from fee-paying overseas students as a percentage of total operating revenue ranged from 4.5 per cent for Charles Sturt University ... to 31.1 per cent at the University of Technology Sydney.

Notably, education for overseas students brings in \$7.5 billion a year, making it the fourth largest export industry in Australia. Figures from the Australian Bureau of Statistics indicate that in 2000 overseas students spent \$1.9 billion on goods and services while they were studying here in Australia. These statistics are surely a reminder that our universities depend, in a large way, on the revenue that overseas students bring to this nation. According to his speech in this House, the Minister does not believe "that the legislation will not have a detrimental effect on the number of international students coming to Australia, and specifically, to New South Wales, to study". Further, in his second reading speech in the other place the Minister said:

Despite not being granted transport concessions in New South Wales, international tertiary students are definitely not being deterred from our higher education institutions.

The trends and statistics do not support the Minister in these statements. However, the Auditor-General's report found that "the trend of increasing international student numbers appears to be changing and numbers are starting to fall", indicating that "universities should consider the financial risks of relying on the overseas market and the need for alternative sources of revenue". On that basis, it would seem that the removal of travel concessions may add to the list of reasons why international students should not come to study in New South Wales. Currently, according to the Department of Science, Education and Training, there are almost 250,000 overseas students enrolled at universities in Australia, including TAFE and private training organisations. The lion's share of those students is enrolled in New South Wales educational facilities. Further, the notion that



overseas students have abundant resources to enable them to live and study in Australia is ill informed. The Minister said further:

In obtaining the requisite visa to study here, full fee paying international students have already indicated to the Federal Government that they are fully self-sufficient and able to meet their own living expenses while in Australia.

However, Ms Song Yee Ng of the National Liaison Committee for International Students in Australia stated:

Many international students come from developing countries, with very little money and are living well below the poverty line in Australia, just like most other full time university students. They are only allowed to do paid work for 20 hours per week and must study full time while in Australia. They are not all studying at prestigious universities; most are studying in small TAFEs, colleges and regional universities to gain a qualification to improve their lives when they return home. International students pay tax, just like any other person living here and considering international students contribute over 8 billion dollars to the Australian economy each year, it is not really too much to ask that they get something in return for this in the way of public transport concession like their Australian counterparts.

If the New South Wales Government is keen to develop the nexus between overseas students and universities, it is imperative that it considers the plight of these students in a holistic manner. Further, this student committee noted that only New South Wales and Victoria do not provide transport concessions to international students. Ms Ng said:

The New South Wales Government does not include in any advertising material that they don't give travel concession rates to full time students because they are not Australian citizens—and it is widely assumed that this is one concession given worldwide to all students, as all other Australian states and territories give this concession.

The Hon. Dr Arthur Chesterfield-Evans stated that these concessions were given in other countries around the world. I would urge honourable members to bear these considerations in mind and vote for this bill.

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.15 p.m.], in reply: I thank honourable members for their contributions to the debate. The amendment being put to Parliament seeks only to preserve the status quo. At the moment full fee paying international students cannot ride on our transport system on a concession card and the Government simply seeks to maintain that situation. We do not believe that New South Wales taxpayers should foot the bill for subsidised travel for full fee paying tertiary students from overseas. The Federal Government does not provide such students with Newstart, Austudy or Medicare benefits and it should not fall to New South Wales to subsidise their transport costs.

Furthermore, figures show that this policy has not deterred students from coming to study in New South Wales tertiary institutions, as has been alleged. On the contrary, the Ministry of Transport advises that the number of international tertiary students in New South Wales grew by 11 per cent between 2004 and 2005, with the majority of States and Territories experiencing lower rates of growth. New South Wales has over 40 per cent for international students studying at Australian tertiary education institutions while it has only 33.5 per cent of Australia's overall population. Currently, these students are not eligible for half-fare concessions and that does not appear to be discouraging them from studying here.

It should be noted also that Victoria does not provide transport concessions to international students, and there has been a 25 per cent growth in the number of vocational education and training students from overseas in the same period. Using the current cost of providing tertiary student transport concessions as a base it has been estimated that if the majority of the 90,000 international students in New South Wales applied for and received a transport concession, it would cost the New South Wales Government \$13 million per year. That could buy 13 lifts to make our railway stations more accessible.

New South Wales already provides the most generous transport concessions in Australia, with \$800 million spent in 2004-05 to ensure that pensioners, veterans, schoolchildren and isolated families have access to some form of transport support. The Iemma Government prefers to direct its limited financial resources to provide concessions to those groups it determines as having a higher need. Overseas students have signed a declaration to the effect that they can provide for their own living expenses, including transport, while in Australia and do not have the same need. I commend the bill to the House.

**Question—That the amendment be agreed to—put.**

**The House divided.**

**Ayes, 6**

Mr Breen  
Mr Cohen  
Ms Hale

Ms Rhiannon  
*Tellers,*  
Dr Chesterfield-Evans  
Dr Wong

**Noes, 23**

Ms Burnswoods  
Mr Catanzariti  
Mr Clarke  
Mr Colless  
Ms Cusack  
Mr Donnelly  
Mrs Forsythe  
Miss Gardiner

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

Mr Pearce  
Mr Ryan  
Ms Sharpe  
Mr Tsang  
Mr West  
*Tellers,*  
Mr Harwin  
Mr Primrose

**Question resolved in the negative.**

**Amendment negatived.**

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

**The House divided.**

**Ayes, 23**

Ms Burnswoods  
Mr Catanzariti  
Mr Clarke  
Mr Colless  
Ms Cusack  
Mr Donnelly  
Mrs Forsythe  
Miss Gardiner

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

Mrs Pavey  
Mr Pearce  
Mr Ryan  
Ms Sharpe  
Mr West  
*Tellers,*  
Mr Harwin  
Mr Primrose

**Noes, 6**

Mr Breen  
Dr Chesterfield-Evans

Ms Rhiannon  
Dr Wong

*Tellers,*  
Mr Cohen  
Ms Hale

**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

**EDUCATION AMENDMENT (FINANCIAL ASSISTANCE TO NON-GOVERNMENT SCHOOLS)  
BILL**

**Second Reading**

**The Hon. HENRY TSANG** (Parliamentary Secretary) [5.31 p.m.], on behalf of the Hon. John Hatzistergos: I move:

That this bill be now read a second time.

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

### **Leave granted.**

This bill is about protecting the community interest in our schools. It is about making clear that our collective investment in schools is solely for the benefit of students and it is about making clear what we expect from those schools that seek taxpayer support. The Government has a strong track record when it comes to policy for non-government schools. It is this Government that acted on behalf of parents and the community to raise standards and accountability. Two years ago we reformed the requirements for school registration. Due to the changes that we

introduced, the focus is now on the things at schools that make for a quality education every day. We were the first government in Australia to mandate annual reporting by non-government schools to their communities.

Our reforms mean that all schools now give parents meaningful information about how they are performing. We also broke new ground in asking non-government schools to certify annually that they are using their State funding for educational purposes. The basic driver for these reforms has been accountability, not just to parents but to the wider community. The community as a whole has a very significant stake in non-government schools—almost \$733 million annually in 2005-06—and has a right to know how schools are using this investment. In particular, it has a right to know that schools that get taxpayer funding are using it with the best interests of children and young people as their number one priority.

I want to make it clear that this bill is not about restricting choice, nor about restricting the capacity of non-government schools to meet the needs and expectations of their communities. The Government recognises that non-government schools are part of the educational landscape in New South Wales and will continue to be an important element of our system. This bill is about providing clarity and getting the settings right for the future. The bill makes clear what the community's investment in schools is for. It makes clear that the State Government will not provide funding for schools that operate for profit. The basic principle underpinning our State funding framework is addressing school need. We do not and should not fund non-government schools with a view to improving an investor's bottom line.

Our purpose is to assist schools to deliver quality education and to respond to the educational needs of their students. We should do this only if we can be sure that a school is using its resources to further its educational aims. There must be no question that a school that gets public funding will always put these aims first. Running a school is a very significant undertaking, requiring an unwavering, long-term commitment and the input of very substantial resources. Schools have to meet an array of accountabilities and they are exposed to a lot of scrutiny. This bill takes these factors into account. It represents a sensible approach by requiring schools that receive funding from the taxpayer to be not for profit. As a further safeguard, it requires that transactions between schools and their suppliers or service providers are at no more than reasonable market value in supporting a not-for-profit intent.

The New South Wales Government is simply not in the business of dictating which businesses schools should be allowed to deal with. We will not be setting up new bureaucratic obstacles for schools and we will not be adding to regulatory measures that eventually put pressure on fees. It has been suggested that the way a school is organised could, in some situations, give rise to the potential for profit taking. Similarly, the entities that a school deals with could, in some cases, call into question the non-profit status of a school. But at the heart of the issue is how schools conduct their transactions. The New South Wales Government supports school choice. While our first responsibility will always be to sustain a strong and vital system of public education, we acknowledge the right of parents to select schools outside that system.

As a matter of principle, the Government has no intention of preventing the establishment of profit-making schools if they do not intend to seek funding from the public purse. These schools will still have to meet the full range of standards and requirements for school registration. Parents are the ones who ultimately will decide if this type of school has a role and future in our education system. I can assure the House that there will be no difference at all between the standards expected of these schools and any other non-government school in New South Wales.

I turn now to the specific provisions of the bill. Subsection (1) of new section 21A stipulates that financial assistance may not be paid to a school that operates for profit. This sets out in unambiguous terms our aims and intentions in providing taxpayer funding. It will prevent the State Government from funding schools that are set up for the express purpose of returning a profit to investors. Subsection (2) sets out what "for profit" means in the schools context. Firstly, it clarifies that the bill is targeted at school proprietors. Under the reforms we introduced in 2004, every non-government school must have a proprietor. The proprietor is the legal entity that owns the school. Since the proprietor is legally able to enter into contracts for the school and be accountable for the contract obligations, it is only logical that the provision focus on them.

Subsection (2) states that if any part of a proprietor's assets or income—those that relate to the school—is made over to any other person, the school will be regarded as operating for profit. The use of "person" is intentional and is meant to cast a wide net, since at law a person can also be a corporation or any other entity that can enter into a contract. Subsection (3) sets out some necessary exceptions. Subsection (3) (a) provides for the payment of honoraria or sitting fees to members of a school governing body or the payment of out-of-pocket expenses. Most non-government schools in the independent sector are controlled by governing councils or boards. It is not unusual for the members or directors of a controlling board to receive sitting fees and expenses. This is no different to practice in the government sector.

Many board members put in a lot of hard work, volunteer their expertise and give up much of their time to managing a school. Ultimately, it is a matter for the school community to decide what a director or board member's time and contribution are worth. Subsection (3) (b) ensures that scholarships and prizes that a school awards to students can continue. There is, of course, no intention of targeting this aspect of a school's operations, but we want there to be no doubt that we do not consider scholarships and the like to be "payments" within the meaning of the bill. Subsection (3) (c) specifies that a school can make payments for the provision of property, goods and services in relation to the running of a school, but its transactions must be at no more than reasonable market value.

In effect, this subsection prevents situations where proprietors manipulate or otherwise distort a school's commercial arrangements to derive a benefit for themselves or someone with whom they have a connection. The most common scenario alleged in relation to for-profit schooling is when a school leases land or pays for services at markedly inflated prices.

Somewhere at the bottom of the arrangement is a connection or relationship of some kind between the proprietor and that entity or service provider. Clearly under these circumstances it is incumbent on a government to act to protect the taxpayer interest. There is also a consumer dimension—I believe most parents who pay fees would want to know if school money is being siphoned off in this way.

Monitoring is best focused on the prices schools are paying, with reasonable market value as the yardstick. Subsection (3) (d) seeks to ensure that schools that are run by bona fide not-for-profit organisations, such as churches, can continue to trade with other entities that are part of the same organisation. Schools that are run by religious organisations commonly get services from other church organisations. To use an obvious example, the Catholic Education Commission provides a range of services to schools that make up the Catholic community of schools, or dioceses may have arrangements with religious congregations regarding the use of land or the provision of services, or may pay rent for a school that is on land owned by one of the Catholic congregations. What matters is that there is no "profit" in any of this because they all have charitable ends; there is no person being enriched at the end of the chain.

Religious organisations perform many vital services in our community. Running schools is one of these. It is not our intention to disrupt the financial arrangements they have put in place to further their aims in their schools. Subsection (4) provides the Minister with the power to call in information if he or she is of the opinion that a school may be operating for profit. It is appropriate that the Minister have the power to monitor and, if necessary, enforce compliance with the Government's conditions for granting financial assistance to schools, but it is not the intention of the Government that this power be used capriciously or arbitrarily. I want to put on record that the intention of this subsection is to delineate the discretion of the Minister to investigate when specific concerns come to light about a school. It is not intended to provide a licence for general fishing expeditions.

The provisions will be monitored in two ways. First, we will use the existing annual financial certification process to require schools to declare their not-for-profit status and, second, we will set up a process of sample audits, involving a percentage of schools each year. For existing schools, the provisions will come into force from 1 January next year. For new schools, the amendment comes into effect from when the school is registered. New South Wales has a long tradition of excellence in education and we acknowledge that the non-government sector has made a significant contribution to this tradition. The achievements of all schools, however, are made possible through policy and regulatory frameworks that are established by governments, taking into account the interests of the community as a whole. This bill is an important step on behalf of those interests. I commend the bill to the House.

**The Hon. ROBYN PARKER** [5.31 p.m.]: As the Opposition Parliamentary Secretary for School Education I lead for the Opposition in debate on the Education Amendment (Financial Assistance to Non-Government Schools) Bill, the object of which is to protect our community's interest in schools. It is about quality education, it is about choice, it is about accountability, and it is about transparency. Those ethics and values in education are paramount to all of us, as is the manner in which taxpayers' funds are spent and how education generally is administered.

The Coalition supports the bill, although we have some concerns about the way it has been brought about. We certainly have concerns about the Government's overall management of education in New South Wales. The Coalition will not oppose the bill, because its objective is to ensure that State Government and public funding does not go to profit-making operations that provide education for profit. It is important that we all support that position.

There is nothing more important than the education of our young people, the quality of education, the standard of teaching, and the imparting of values to our students through the education system. I reiterate my respect and high regard for the fantastic and wonderful teachers providing outstanding quality education in both the government sector and the non-government sector. In the schools I have visited across the State I have seen some outstanding results. If we do anything about education, it will be to reinforce quality in the transfer of knowledge and wisdom to young people. Education changes lives.

We are fortunate in this country to have a Federal Government that values education. The Coalition supports strong public sector education but also the philosophy of choice. Parents and students should have choice and that choice should be freely available. And, whatever the choice, the quality of education offered should be guaranteed. If public funds are expended towards providing education in the non-government sector, standards must be put in place to ensure that quality is maintained. Public funding must be provided in a way that is consistent with the values under which we want our education system to operate, and it must be distributed in a manner that meets the expectations of the community.

The Coalition is committed to ensuring the best educational outcomes for our students. There are approximately 750,000 students in the government sector and approximately one-third that number in the non-government sector. The objective of a Liberal-Nationals government will always be to deliver the best possible educational opportunities to students in both the government sector and the non-government sector. As the party of choice, we recognise the entitlement of parents to choose a school system that suits them and to feel confident that the best opportunities are given to all students, regardless of the system of education they choose. Schools have a duty to provide outstanding outcomes to all students in their care.

While we value the role of the non-government sector and the contribution it makes, the core focus of a Liberal-Nationals government will be to ensure that the government education sector works as well as possible and that it reaches its maximum capacity. The Coalition believes that the government education sector is not achieving those goals under this Labor Government. In terms of standards, accountability and transparency, the Government is letting down public schools and young students in the public education system. Our society values education so highly it is no wonder students are drifting away from the public sector to the non-government sector.

The New South Wales Government has had almost 12 years in office, during which time there has been a dramatic decrease in the number of students attending public schools. Each year the numbers are reducing. Under the Labor Government, school enrolments have nosedived approximately 0.5 per cent each year, with a 5 per cent reduction from 1995 to 2004. Parents are voting with their feet. As the number of public school enrolments has decreased, the number of students attending non-government schools has increased substantially. Catholic schools, independent schools and small Christian schools have received substantial parent support and their student numbers have increased. This is all about quality education, and parents are choosing to make sacrifices so they can send their children to schools that will provide them with quality education.

The bill does not restrict choice and it will not restrict the non-government sector. It will ensure that schools meet the needs and expectations of their communities. The Minister for Education and Training said the Government recognises that non-government schools are part of the educational landscape in New South Wales and will continue to be an important component of the education system. Those statements do not stack up. Often we see interest rate subsidies, for example, cut for category 1, 2 and 3 schools without any evaluation of the impact of those changes. That is particularly unfortunate for the less wealthy school communities in rural and regional areas that are struggling, some of which are boarding schools.

The bill is about accountability and providing that schools are accountable for the public funding they receive. In 2006-07, public funding for non-government schools in New South Wales will total almost \$733 million. That is a huge investment. No-one would deny that schools should have to say how money allocated to them will be spent. But if they are in receipt of public funds the public has the right to know how that money is going to be spent. They want to know that it is properly invested with children as the number one priority. Certainly the expectation is that government funding will be used to provide quality education and not simply to provide a profit, which may well be the case with a for-profit school.

The bill makes it clear that for-profit schools may be established, but that government funding for such schools is inappropriate. It is important that government funding be directed at providing better services and good quality education for children. All schools now provide parents with information on their performance, and non-government schools have to certify the manner in which they are using State Government funding and the fact that it is being used for educational purposes.

The bill makes clear what the community's investment in schools is to be used for. It is vital that all schools use their resources to provide quality education, responding to the needs of all students. Government funding should be provided only to schools that will use those resources to further their educational aims. It is essential that a school that receives public funding is made accountable. It is essential that we put schools under a certain amount of scrutiny in regard to how that money will be spent.

The bill requires that schools that receive funding from the taxpayer be not for profit and that transactions between schools and suppliers or service providers are at no more than reasonable market value. It really is about clarifying where money is spent and on which entities. Some independent schools have other entities that they exchange with—for example, a Catholic school may share the same grounds as a church—and some of those institutions have similar goals and aims.

The Minister said in her second reading speech that she would not set up bureaucratic obstacles for schools or extra regulatory measures. The Opposition hopes that is the case because we know that the establishment of bureaucracy is a favourite pastime of this Government. The level of bureaucracy surrounding other non-government education providers in the New South Wales post-school sector is quite inhibiting and makes investment in the post-school sector in other States an attractive proposition.

It has been suggested that the way in which a school is organised could in some situations give rise to the potential for profit taking, so it is important that the entities with which a school has dealings should also be non-profit, and that strong accountability measures are in place in that regard. Parents need to be informed that

the schools they choose will provide appropriate educational outcomes for their children, and they may choose a school that is established on a for-profit basis. The bill simply clarifies where taxpayer funds should be directed.

The bill will assist already established non-government schools, make them more accountable, and provide them with an understanding of how taxpayer dollars are distributed. The bill provides that financial assistance will not be paid to non-government schools operating for profit. A non-government school is taken to operate for profit if any part of its proprietor's assets or income is paid to any other person. A non-government school is not taken to operate for profit as a result of certain kinds of payments that are made to other persons, such as payments not exceeding reasonable market value. For example, it could not be an entity that receives an exorbitant fee in return for providing services to a school, recognising that there are exchanges between various entities within a school.

The Minister has some discretion in administering the Act and the ability to assess how funds are being used, and may ask for additional information or clarification. She may investigate contracts or other arrangements established within the school. The bill contains sections relating to monitoring but it is vital that we ensure that other non-government schools are not caught by some of these amendments if they have profit-making enterprises. For example, they might raise funds through the parents and citizens organisation for the church or other congregations, or use land that has been provided by the church. So they need to be careful that they are not inadvertently caught up by the provisions of the bill. As I said, we have to ensure that at all times the funds provided are used to further the educational aims of schools. The auditing process must be as transparent as possible. Schools should be made aware of the requirements and the regulatory framework. The Government must make it clear whose interests it is protecting.

When elected to office in March next year the Coalition will certainly ensure that taxpayer dollars are applied carefully and appropriately to enrich the lives of students. Funding at appropriate levels is critical to both government and non-government schools. With regard to transparency and quality in education, the Coalition believes this Government has a long way to go. With regard to accountability and choice in education, there is certainly a lot that could be done to improve the public sector and public schools. For example, the Government could do something about the \$116 million dollar maintenance backlog that is responsible for teachers and parents choosing an option other than the public school system. The Coalition will provide transparency in the provision of education. There will be transparency in maintenance and there will be a school assets register. Schools will know where they are on the list and when maintenance is likely to occur.

At the moment schools have no idea when maintenance will be done and there is no transparency. The Government is also failing with regard to quality of education in other areas. The student to teacher ratio in New South Wales is the worst in Australia. In 2005 the student to teacher ratio in government primary schools was 16.7:1 and in secondary schools it was 12.4:1; and one in four year 7 students failed to obtain national benchmark standards for numeracy. In addition, fewer students advance through the government school system, and fewer students attain national literacy benchmark standards.

Mention was made earlier today of teacher retention, training and induction and the need to mentor and support new teachers. The Standing Committee on Social Issues conducted an inquiry into teacher retention and training. The committee's report addressed these issues and stated that the non-government sector was attracting quality graduates because it recognised excellence and provided mentoring and support that should be provided in the public education system, and because it offered a more attractive physical environment.

This Government has a long way to go in providing quality education and transparency to ensure that the public education system is the best available. While it fails in that regard, the drift to the non-government sector will continue. While teachers do not receive the support and mentoring they need, they also will drift to the non-government sector. A Coalition government will reward teachers for excellence. It will also support teachers in the public education system. It will ensure that they have the best possible environment in which to work and that students have an optimal learning environment. It will also ensure transparency.

The Coalition supports the bill, but it wants clear guidance about how taxpayers' funds are expended. It will ensure that parents have the choice they should have and that non-government schools are supported and encouraged to establish. However, taxpayers' funds should not be used for profit-making ventures and all schools should be accountable. The buck stops with the Government in terms of accountability for education and expenditure of public funds. Honourable members on this side of the House do not think the Government is doing well enough. It has a long way to go with accountability and transparency. The Coalition supports the bill.

**The Hon. Dr PETER WONG** [5.54 p.m.]: The Unity Party supports the Education Amendment (Financial Assistance to Non-Government Schools) Bill, which amends the Education Act 1990. The bill will prohibit non-government schools that operate for profit from receiving financial assistance from the State. From the outset I wish to make clear my commitment to choice in education, whether parents choose to enrol their children in the public system or in other sectors that provide private education. As the Minister said in the other place, the bill is not about restricting choice, nor about restricting the capacity of non-government schools to meet the needs and expectations of their communities. I recognise that there has been a significant increase in the cost to parents of educating their children, both in government and non-government schools, despite increased government funding.

We are informed that in 2005-06 the Government funded non-government schools to the tune of almost \$733 million. While this figure represents less than 10 per cent of the funding allocated to government schools, it still represents a significant amount of taxpayers' money by any measure. Given the scarce resources available, it is incumbent on the Government to ensure that taxpayer funding in education is used in the best interests of children and young people. It is clear that the bill will ensure that non-government schools that operate on a non-profit basis will continue to receive government funding. I commend the bill to the House.

**Reverend the Hon. Dr GORDON MOYES** [5.55 p.m.]: I speak on behalf of the Christian Democratic Party on the Education Amendment (Financial Assistance to Non-Government Schools) Bill. The object of the bill is to amend the Education Act 1990 to prohibit non-government schools that operate for profit from receiving financial assistance from the State Government. Companies are generally fuelled by one motive—to make a profit for shareholders. In fulfilling this mandate it is inevitable that those in charge will seek to maximise income and minimise costs. If the bottom line becomes the guiding philosophy of an entity, sacrifices will be made to ensure that shareholders are happy and the business remains not only afloat but also productive.

However, an element of risk is attached to applying this philosophy to the provision of educational services. Although companies and their directors may pledge to serve the best interests of students, it may be said that a company will not set aside its profit motive to uphold the interests of students at all costs. An apparent conflict of interest exists. Due to this conflict of interest it is clear that the Government, in assessing the allocation of taxpayers' funds to government and non-government schools, should restrict these funds to not-for-profit entities.

It is only right that profit-driven entities should not be entitled to government funding to assist their operations. Economic stewardship of taxpayers' funds demands that any risk of funds being distributed to private individuals for inappropriate purposes is eliminated. The bill eliminates that risk. However, importantly, it does not prevent the accreditation and operation of for-profit schools in New South Wales. Not-for-profit non-government schools will not be affected by this proposed legislation.

The prospect of profit-making schools in Australia is not novel, neither is it a new. In my work entitled *The Makers of Australia*, chapter 8, headed "The Educators", traces how many of the first schools in Australia were private, for-profit, institutes, colleges and grammar schools. *The Age* reported that the founder of ABC Learning Centres has considered establishing a for-profit primary school in Victoria. He had also applied for accreditation for such a school in Queensland. Such moves have met with opposition to varying degrees in these States.

In Victoria, Education Minister Lynne Kosky indicated that the Victorian law would be changed to prevent for-profit schools from registering. In Queensland, legislation was introduced last year preventing private companies receiving taxpayer funding if they intended to make a profit from running schools. Federal laws already prevent Commonwealth funds being used to support for-profit schools.

There are some salient distinguishing factors between the enacted legislation in Queensland, the proposed legislation in Victoria, and the legislation we are considering today. First, the Victorian Government is looking to prohibit the registration of for-profit schools in that State. Under legislation in Queensland and this legislation, for-profit schools will still be able to be run. Secondly, in Queensland, the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Bill 2005 appears to be more restrictive in nature, disallowing any arrangement deemed prohibitive under its terms.

Under that legislation, a "prohibitive arrangement" is an arrangement or contract entered into between parties not dealing with each other at arm's length. The definition of "prohibitive arrangement" is further qualified to ensure that the mere fact that a non-profit entity, such as a religious institute, has the power to

appoint and remove directors of a governing body does not of itself mean that an arrangement between the school and the non-profit entity is a prohibited arrangement.

This bill does not legislate to that extent. In essence, it provides that financial assistance under the Education Act may not be paid to or for the benefit of a non-government school that operates for profit. The Association of Independent Schools Queensland remained opposed to the proposed legislation in that State. However, one clear and unifying factor in the intention of the legislation introduced in Queensland, Victoria and New South Wales is that government funding should not go to the governing body of a non-state school if the school is being used as a vehicle for making and distributing profits to shareholders. In this we are all agreed.

In considering the merits of this bill it should be noted that the Association of Independent Schools in New South Wales supports it. My office contacted the association, which is the peak representative organisation for non-government schools in this State, to adduce its position on the bill. In its initial dialogue with the Minister for Education and Training, the association expressed some concerns about the bill. One concern is that any school with an appropriate business-financial relationship with a for-profit company must be allowed to continue to conduct that business without undue interference. In the association's view, where a relationship involves purchasing goods or services at market rates, whether it be from an exclusive or non-exclusive supplier, the relationship should be allowed to continue unhindered. This stance is merit worthy, given that appropriate commercial transactions between schools and other entities are without harm.

The Catholic Education Commission was also consulted in the process of drafting the bill. In one of its reports the commission said "it does not see problems for Catholic schools but school owners will need to ensure that they are compliant with the provisions of the legislation when it is passed and comes into force". The bill inserts new section 21A, which provides that State financial assistance may not be paid to schools that operate for profit, and defines what is meant by "for profit". A school will not be eligible for government funding if a proprietor's assets or income, as they relate to the school, are paid to any other person.

However, some necessary exceptions are made to this definition. The payment of honoraria is not to be regarded as the payment of income to a person; a school can still treat commercially with other entities, but only as long as its transactions are at no more than reasonable market value; and schools can continue to deal commercially with organisations that are related but are not for profit. All these exceptions are well grounded. An example of the latter exception would be Catholic schools obtaining services such as professional development from the Catholic Education Commission. Importantly, under proposed section 21 (4), the Minister is empowered to call in information if he or she is of the opinion that a school may be operating for profit. It is relevant to turn to the Minister's second reading speech in this regard. She said:

I want to put on the record that the intention of this subsection is to delineate the discretion of the Minister to investigate when specific concerns come to light about a school. It is not intended to provide a licence for general fishing expeditions.

This proposal is important because it will allow the Minister, if he or she thinks it necessary, to monitor whether a school is operating for profit and thus becomes exempt from government funding. It is a discretion requiring wisdom in its use and application. For schools currently registered under the Act the bill will take effect from 1 January 2007, and for new schools it will take effect at the time of registration. The Christian Democratic Party is committed to the education of students in the State, in both private and State schools, and commends the bill to the House.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [6.02 p.m.]: The key purpose of the Education Amendment (Financial Assistance to Non-Government Schools) Bill is to prohibit State Government grants being issued to non-government schools that operate for profit. If the suggestion from ABC Learning Centres is that it intends to start having for-profit schools, it might be good to have this bill in the bag just in case. The bill amends part 4 of the Education Act, which outlines the Minister's functions. Under section 21 the Minister may provide financial assistance or other assistance to non-government schools. According to the Minister's second reading speech on 7 June this year, almost \$733 million of taxpayers' money went into grants for non-government schools in 2005-06.

The bill inserts into the Act a new section 21A, which specifies that financial assistance will not be paid to non-government schools operating for profit. Section 21A (2) specifies that a non-government school is "taken to operate for profit if any part of its proprietor's assets (in so far as they relate to the school) or income (in so far as it arises from the running of the school) is paid to any other person". Despite section 21A (2), a non-government school is not taken to operate for profit as a result of certain kinds of payments being made to other persons, such as payments not exceeding reasonable market value for property, goods or services required in



relation to the running of the school. The Minister may require a non-government school that receives financial assistance to furnish the Minister with information as to its contracts and other arrangements for the provision of goods and services.

Section 21A applies to new non-government schools immediately, and to existing non-government schools as from 1 January 2007. However, I wonder how many schools the bill will apply to. If a non-government school has money that could be seen as profit it would be very easy for the school to put that money into constructing new buildings or purchasing land within the relevant tax year. I know there was a big fuss about The King's School having built impressive gates at the front of the school.

The bill seems to be a somewhat watered-down version of the Education Amendment (Reduction of Financial Assistance to Wealthy Non-Government Schools) Bill, which was introduced by Ms Lee Rhiannon in 2001. That bill proposed to limit per capita funding to non-government schools that charge annual fees of more than \$7,000 and non-government secondary schools that charge more than \$8,000. It provided a formula to be used in allocating per capita grants to non-government schools. I supported that bill but the Government and the Opposition voted against it. During debate on that bill I considered that the key problem with funding education is that the cake is too small. Australia is not spending enough money on education. Five years later, sadly, this remains the case. If you think education is expensive, see how you go with ignorance!

The Australian Democrats policy states that fees should be taken into account when determining a school's grant funding. However, we believe it is not realistic to withdraw the subsidy to private education at present as almost one-third of students attend non-government schools that have received some form of government subsidy for a considerable time. The funding formula should be changed and the private sector should be weened off the grants systems. These days the Government is trying to avoid its responsibilities by funding the private sector to a lesser amount per capita than it funds the public sector. In effect, it does not care who pays for education so long as it does not have to do so. The desire to avoid expenditure rather than take responsibility for education has led to that attitude.

It is the right of every parent to choose the type of schooling they want for their children, whether it be public, private, selective or religious. However, if the Government is to provide financial assistance to non-government schools it should not be at the expense of public education. Choice should not mean that some students have the best while others, because their parents cannot afford better, have something inferior and thus receive a totally inadequate education. Governments in Australia have led us to that situation. Choice seems to be an option in itself, rather than managing to a standard, which is the alternative. If we ensured that all schools got to a certain standard and were funded accordingly, choice would have far more meaning instead of the choice being between quality and lack of quality, which is the default choice. This aspect was examined by, I think, Adele Horan in the *Sydney Morning Herald*.

Public education still suffers under the policies of the Howard Government and Federal-State bickering over funding. Since being elected in 1996 the Howard Government has continued to show contempt towards parents and the 70 per cent of children who attend public schools by systematically underfunding public education and increasing funding to private schools. The Schools Resource Taskforce of the Ministerial Council for Education, Employment, Training and Youth Affairs identified that a further \$2.4 billion per year, in 2003 prices, was necessary for schools to reach the national schools resourcing standard, in order to meet the national goals of schooling. Such contempt for the standard will only widen the divide between the poor and the prosperous, and will hold Australia back from achieving even greater intellectual, economic and cultural wealth for the future of our nation.

On 9 August 2006 the New South Wales Teachers Federation criticised the Federal education Minister, Julie Bishop, for the secrecy surrounding the review into private school funding, and called for the open public inquiry that the Minister had originally promised. The President of the New South Wales Teachers Federation, Marie O'Halloran, said that a primary commitment to public education must be the absolute priority of all governments. The Government needs to release the terms of reference so there can be a publicly accountable inquiry into the funding of private schools. A commitment should also be made to the Australian Education Union's additional \$2.9 billion claim, which represents the current annual funding shortfall to public schools. The Federation of Parents and Citizens Associations agrees with this.

I have been conducting research into the pecuniary benefits conferred upon religious and charitable bodies. The relationship between private schools, state schools and religious schools, and their associated sources of funding, is a controversial issue. In 2005 there were 3,348,139 full-time students in Australia. The

proportion of those attending government schools was 67.1 per cent, down from 71 per cent in 1995. From 1995 to 2005 the number of full-time students attending government schools grew by 1.7 per cent, while the number attending non-government schools increased by 22 per cent. Of the independent schools, approximately 60 per cent are Catholic.

There are several issues with regard to funding of independent and religious schools. The first is government-sourced funding and whether more of this money should be distributed to public schools. The second is the concern regarding external sources of funding, with many people pointing out that the religious bodies should increase the funding. Finally, some of these schools offer an inappropriate environment and should not receive funds at all. The case of St Joseph's School near Cambewarra in New South Wales provides a clear example of the danger that faces religious schools. St Joseph's was part of the community of Gethsemane, the motherhouse of a religious order headed by William Kamm, alias the "Little Pebble". William Kamm was found guilty on five counts of indecent assault and gaoled for a maximum of five years at the end of 2005. He will be eligible for parole in 2009.

The school had 31 students and taught from stages one to three of the primary education curriculum, covering mandatory education post-kindergarten and pre-secondary. Many were concerned about the relationship between the community and the school and questioned its continued operation. The Board of Studies is the body charged with evaluating the performance of all schools in New South Wales. Its main criterion for registering non-government schools is adherence to the Education Act 1990. This stipulates requirements relating to both the quality of teaching and the welfare of students. The Board of Studies produces a manual detailing these requirements at great length. St Joseph's School had previously passed these guidelines, which were still in accordance with the Education Act prior to the incarceration of William Kamm. The school was found to have "appropriate procedures relating to child protection legislation, security and pastoral care for students". Despite the dubious relationship between the community and the school, William Kamm was found to have played no part in the school's day-to-day affairs.

The Board of Studies conducted an investigation into the school in late 2004 before deciding to renew its registration. A similar investigation undertaken at the end of 2005 reported that the school should not reopen. The most influential factor was the departure of the school's principal, David Williams, and the departure of a "considerable" number of students. A substitute teacher was hired, but had not taught at primary level and was therefore found to have insufficient experience. As an aside to the Board of Studies actions, it is interesting to note the prospects of the community as a whole.

It is reported that many of Kamm's followers have left the community and more are likely to do so. It also seems unlikely that Kamm will be able to resume his post on release. The Child Protection (Prohibited Employment) Act 1998 prohibits sexual offenders from the performance of work as a minister of religion or other member of a religious organisation. There is concern that St Joseph's may not be an isolated case. For instance, William Kamm founded four other Australian communities himself.

Both public and private schools receive funding from State and Commonwealth governments. The State and Territory governments contribute the bulk of funding to public schools—88 per cent of the total in 2003. For private schools, that figure is much less. Private sources of funding represent 43 per cent of the total, with State governments making up 17 per cent and the Commonwealth Government contributing the remaining 40 per cent. In total this provides a disproportionate level of funding per capita. A public school student can expect approximately \$8,360 to be spent on their education whilst a private school student would receive \$10,300 annually. This disparity has been criticised by unions.

This funding disparity is not helped by the Commonwealth Government's use of the Socio-economic Status [SES] model, introduced in 2001. The SES model is used to calculate the level of funding each school receives. This calculation is based upon income levels from the census data collected in the school's geographic area. Hence, for schools where students travel long distances to attend—that is, most private schools—this data is of little use and provides a warped perspective. A school could have the richest students in the world but if it were based in a poor area it would still receive large amounts of funding. If under SES a school would receive less funding than it had previously, it is allowed to continue at its prior rate until inflation catches up.

The New South Wales Government continues to use an older model, the Education Resources Index [ERI]. This places each school in a band from 1 to 12, with 1 being the least needy and 12 the most needy. The system is based on the capacity of the school and its community to provide funding. It has been criticised for placing too much emphasis on historical data and not reflecting the current capacity of the school to raise funds.

The New South Wales Government has been investigating various alternatives to ERI but at present it still uses the old system. Further criticism has been levelled at Catholic schools, which make up the bulk of the independent system. Using the New South Wales ERI system, the majority of needy schools—that is those in bands 10 to 12—are from the Catholic sector.

The criticism from the Australian Education Union is that this should no longer be the case. Catholic Schools have received extra "betterment" funding since 1990, in common with all needy schools, to bring their standards into line with the rest of Australia. The Average Government School Recurrent Cost is the measure of relative funding of Australian schools and a widely used benchmark. It is claimed that in 1972 Catholic schools were funded at a level 20 per cent below government schools. By 1990 this figure had reduced to 13 per cent. It was at this point that increased subsidies were introduced to help redress the balance.

However, in 2003 the National Catholic Education Committee claimed that Catholic schools were once more receiving funding at a level 20 per cent less than government schools, reverting to 1972 levels. The Australian Education Union claims this to be problematic, suggesting "the Catholics appear to be skilled at both diverting the money to other school expenditure and at producing calculations which show they are poor". They suggest an inquiry into Catholic school funding and greater accountability. The Catholics suggest that under SES they would have been due for even greater increases in funding and that by only having joined in 2005 they have actually saved the Government money.

Controversies surrounding funding of religious schools are not unique to Australia. In America there is little or no public funding for religiously sponsored schools. This is due to the principle of the "separation of Church and State", part of the Establishment clause of the First Amendment of the United States Constitution. The separation of religion and state is dealt with in greater detail in part 4. Some religious schools do not want government funding, as they believe it will mean reliance on the State and a subsequent loss of control.

A Vatican education official recently cited the American situation as an "incredible anomaly". The Vatican claims that Catholic schooling contributes a great deal to society and should therefore receive public recognition. It has been suggested by Dr Max Wallace, a researcher at the Australian National University, that perhaps the Vatican should fund schools because it is so wealthy. The church could be seen to be indirectly funding schools as some are sponsored by a diocese or religious order, many of which will receive funds from the Vatican.

In Canada the system of funding is radically different. There, both religious and public schools receive state funding. All parents decide whether they want their taxes to support either a public school or a "separate"—private—school; their children are then educated under the relevant system. This method of funding has drawn condemnation from the United Nations, however, because funding can be elected only for Catholic or Protestant schools and no other religions.

The situation is even further removed from Australia in the United Kingdom. In the UK there is far greater tolerance for religion in schools and as such many religious schools are maintained by the state. It is a rarity to find a private Catholic school. Religious schools receive most of their day-to-day costs from the UK Government. It seems that currently the Howard Government is planning to increase the number of "faith" schools, despite the majority of the public being opposed to the plan. An ICM poll in August 2005 showed that nearly two-thirds of the public were against the increase. In the case of true private schools—called public or independent schools in the UK—most or all funding will come from non-government sources.

One other aspect that has received a good deal of publicity this week is the Organisation for Economic Co-operation and Development [OECD] report on preschool education. It is very disturbing that Australia has been found not to place enough importance on education in the crucial formative years of our children's development. The OECD report, entitled "Starting Strong II", shows that Australia spends 0.1 per cent of gross domestic product on formal preschool education—the least of any of the 20 industrialised countries surveyed. Barely half the workers in Australia's childcare centres and private kindergartens have formal qualifications—a low percentage by OECD standards. The 445-page report is based on six years of research across 20 nations in the OECD. In an article printed in *The Australian* on 18 September, entitled "Preschool spending lowest in OECD", Natasha Bitá quoted the report, stating:

It was felt that the low pay, low status and training levels of (early childhood) staff undermine quality, and may counterbalance the investments governments are making in the sector, despite state regulation and national monitoring of quality.

The OECD suggests that firmer regulations about the numbers of trained staff to be employed by long-day centres and family daycare would help to improve the quality of these services, and that comprehensive in-staff training at a range of levels for staff in this sector is a necessity.

The report notes that preschools overseen by Australia's State education departments must employ fully trained teachers but only 57 per cent of staff working in private kindergartens held a teaching degree. In child care centres only 55 per cent of workers hold a diploma and just a quarter of family day care workers are formally qualified in child care. According to the OECD report, Australian children have no legal right to child care and no right to formal education until they turn five or six years. I can attest to the difficulties of obtaining good preschool and day care at reasonable prices in Sydney.

I state in conclusion that I am worried about the future of public sector education in New South Wales and Australia. Although I do not oppose the bill, I think this so-called Labor Government could do a lot better. I suspect that the bill is tokenism. It stops money going into schools for profit but it defines "profit" so that it is likely that schools will make profits unless there is some major change, perhaps from ABC Learning Centres or a group that actually states it is for profit. The bill is a step in the right direction, but a very small step indeed.

**Ms LEE RHIANNON** [6.21 p.m.]: The Education Amendment (Financial Assistance to Non-Government Schools) Bill is not good enough. It is flawed. It contains a number of significant loopholes and in its current form will not achieve its supposed objective. The bill will not stop private for-profit schools using tricky accounting and corporate structures to set up not-for-profit arms to access public funding. It will not stop for-profit corporations milking the public purse.

I will move three important amendments in Committee to seek to close the loopholes in the bill and to ensure that the Government does not subsidise for-profit education providers with public funds. I urge honourable members to support them. If the Government were committed to its stated objective in the bill it would take them on board.

The Greens support a strong and socially inclusive public school system. We believe that the provision of quality public education is a key plank of a cohesive and successful society. Under the Carr-Iemma Government there has been an increasing flow of public funds to private schools. State grants to private education providers have been growing at 5.2 per cent each year. The Government has shown a persistent lack of political will to rectify this inequitable flow of funding. Now it seems that this bill may not stop for-profit education providers from getting a slice of the Government's funding pie. It is vital that we get this bill right.

To understand the flaws in the bill I shall give the background to it, which did not come out during the Minister's second reading speech. The bill was announced in response to a proposal by Independent Colleges of Australia [ICA] to open a new \$25 million private school in the Hunter. ICA is a not-for-profit company that is closely related to corporate child care giant ABC Learning Centres. Funds from ABC Learning set up ICA, and ABC Learning and ICA share two directors in common, including the founder of ABC Learning, Le Neve Groves.

ABC Learning is looking to make the move from child care into primary and secondary schools. In the past five years ABC Learning has raised \$2 billion to buy 1,500 child care centres in Australia and the United States of America. On 28 August ABC Learning reported an 86 per cent increase in annual profit to \$81 million. ICA's proposal to open a private school in the Hunter became public late last year. In response there was a large community outcry led by the Coalfields Community Education Coalition. Minister Tebbutt responded by promising to change the law to stop ABC Learning, or any other corporation, making a profit out of public funding of private schools.

The interesting twist in this story is that ICA, with the backing of ABC Learning, had already tried, and failed, to open a similar school in Brisbane. In response to a strong community campaign in Brisbane the Queensland Government passed the Education (Accreditation of Non-State Schools) and Other Legislation Amendment Act. This Act forces private schools receiving government subsidies to ensure that their dealings with for-profit entities are at arm's length. Putting the Queensland bill and the New South Wales bill side by side, it becomes obvious that the New South Wales bill is the weaker—and I am not the only one to notice this. The Chief Executive of ICA, Tom Mould, has been quoted as saying that he was confident that ICA would get funding from the New South Wales Government for its private school in the Hunter despite this bill. He said:

We have no issue with the NSW legislation at all. The Qld legislation is a different kettle of fish.

That is very telling indeed. The New South Wales bill leaves a loophole large enough to drive a for-profit private truck through. Proposed section 21A (2) provides a loophole that would allow unrestricted payments to go to members of the governing body of a not-for-profit school—and those members could include for-profit corporations—without affecting the school's eligibility to receive public funds. This loophole means that ICA could set up in the Hunter, and as a not for-profit school it could access annual funding per student from the New South Wales Government. section 21A (2) would allow ABC Learning, or a nominee of ABC Learning, to sit on the board of ICA's school. This bill would not stop the proprietor of ICA from paying large fees to ABC Learning as a member of the ICA's governing board.

With some tricky accounting public money will end up as private profit in the hands of ABC Learning. This is clearly not good enough. We have been led to believe this cannot happen but it clearly can. To address this loophole I will move my foreshadowed amendments in Committee. I thank and congratulate Tim Plater and the other members of the Coalfields Community Education Coalition on its ongoing campaign against the expansion of ABC Learning in the Hunter. It is a broad coalition that represents child care, preschool and school groups in the Hunter. In a letter to Minister Tebbutt the coalition wrote:

Opening up schools for private profit will compromise educational standards and will draw resources from the high quality educational institutions that already exist in the community.

Allowing government funding to flow to for-profit providers is inequitable and unfair. Education experts Jane Caro and Lindsay Connors warn that "for-profit schools will further stratify education on the basis of parental and community wealth". We need to clearly and unambiguously shut down for-profit education providers from access to public funds, and this bill does not do that. The issue is too important and we must get the bill right. Private companies such as ABC Learning see education as a potentially million-dollar market and they are keen to cash in on the Government's generous subsidisation of private schools.

I hope that no person in New South Wales—and certainly no member of Parliament—would want to see public money going to a corporation that just announced a record profit of \$81 million. While the public school down the road is holding a lamington drive to fund a few computers, do we want to risk our public funds going to an operator that makes an annual profit of \$81 million? We need to protect public funds from clever corporations that employ clever accountants to get money out of the not-so-clever New South Wales Government. This bill is either very poorly drafted or the Government has rolled over to pressure from ABC Learning. If Government members do not support the foreshadowed amendments it is clearly the latter and the Greens are appalled. Either way, the bill needs to be amended to ensure that it meets its purpose.

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

*[The Deputy-President (The Hon. Penny Sharpe) left the chair at 6.29 p.m. The House resumed at 8.00 p.m.]*

## **SPECIAL ADJOURNMENT**

### **Resignation of the Honourable Patricia Forsythe**

**The Hon. TONY KELLY** (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [8.00 p.m.]: I move:

That this House at its rising today do adjourn until Thursday 21 September 2006 at 11.00 a.m.

**The Hon. PATRICIA FORSYTHE** [8.00 p.m.]: I support the motion. I shall open this my final speech in the Legislative Council where I ended my first—with a tribute to my husband, David, and my two now adult children, Kate and Jonathan. They have given me boundless love and support through all my 15 years as a member of this place, and I thank them very much. Their love and support has enabled me to give my all to serving the people of New South Wales and the Liberal Party. I do not recall a single complaint from any of them because they were sharing me with my job. Kate and Jonathan were aged 12 and 10 when I was elected; today they are confident, independent, interesting adults with fine values, of whom David and I are very proud.

Jono missed my first speech as he and David were in outback Queensland; today he is in Brazil. But despite the early hour there, he may be watching us via the world wide web. I thank all my family. My late father and his mother were probably the two strongest motivators in my ambition to be a politician. I owe much to many people: those who were my role models and mentors on my journey to this place and who I acknowledged in my first speech, and those who have supported me over the past 15 years. Singling out

individuals, I know, runs the risk of offending others by omission. I will take that risk. I pay tribute to three close, special friends: Senator Marise Payne, Chris McDiven, the Liberal Party's current and first female federal president, and Robyn Kerr; and two fine Liberal leaders: the Hon. Robert Hill and the Hon. John Hannaford.

We are all the products of the people we have known, and my brand of liberalism is shaped in part by their thoughts and ideas, by our endless discussions and by their suggestions. Joining the Liberal Party at the age of 16 was probably the single most important decision I have ever made. I hope I have served it well. I am very grateful for the opportunities that have flowed from that membership. I thank the party and its members who selected me first in 1991 and again for the 1999 election, where I led the Coalition ticket. Next Monday it will be 15 years since I gave my first speech in this House, the first of the class of 1991 to do so. We were expected to wait a little longer than has become the tradition of this House in recent years.

I recall the day well. Midway through the morning the whip, John Jobling, generally offered all new members in the House the chance to speak that night prior to a two-week break. An industrial relations bill was expected to be in our House for two to three weeks and some Labor members made their first speeches on it. I well recall saying to the whip that David and Jono were away but that he was giving me both an opportunity and a challenge and I would confirm in two hours whether I would take up the offer, but I hated missing an opportunity. I did indeed write my first speech in the two hours and I changed not a word. I read it today with a sense that in the issues I identified and the goals I set I have acted according to my principles, and even in small ways I have acted to make a difference to the lives of many people. I was clear in my vision.

It was a privilege to be here while Nick Greiner was Premier. It has been said that he was not a great politician, but if that was so he was a great leader, a great thinker and a great Liberal, and his philosophical position that his Government would be warm and dry has, along with the others I have already mentioned, shaped me as a Liberal with a clear belief in economic reform and a clear belief that in our policies and actions we must be caring and tolerant.

I am as strong in my belief in the Liberal Party as I was when I joined as a 16-year-old school student. Much has been written about the Liberal Party of today. I will add just a few more words. There are two strong, robust streams of thought and ideas within the Liberal Party. There always has been. But I say to my colleagues: Although there has been this philosophical division within the party, you must never give up the tradition of the party room working as one and being independent. I hope that in all you do you act on the merit of the case and never be bound by external forces. The Liberal Party is at its strongest when both streams are represented in Parliament and in the party. The value of a broad church is that it enables the party to reach out to a broad cross-section of the community. When the balance is tipped, you fall over. Enough said.

The tradition in Australian parliaments, unlike many parliaments, including Westminster, is for a party vote on almost every issue. I wonder whether it is not time for examination as to whether we serve our constituents well with that approach; indeed, whether the cynicism that defines much of the media and public view of us collectively as parliamentarians would be eased if there were a greater acceptance of members voting according to their own attitude to an issue or its impact on their electorates without being perceived as disloyal. Surely it would at least enhance the quality of debate and ensure the Cabinet of the day had thought through proposals. I have always found the times when we were given free votes—sometimes called conscience votes—the most challenging. But I have found also that the level of debate on those occasions was generally of a higher order.

I said in this Chamber a few months ago that we must never take for granted what we do in this place, as people around the world die for the right to be members of Parliament. I look back over the past 15 years with a sense of appreciation for the wonderful honour and privilege I have had as a member of the New South Wales Parliament. Soon after I was elected, a woman wrote to me, and in her letter she described me as a leader of women. As a new backbencher I did not feel like a leader, but the reality is that we, as members of Parliament, are all leaders and we carry a responsibility to provide a vision to our community where everyone can feel included and we all have opportunities to flourish and succeed.

There are many highlights and many memories. To have been a member through the bid process for the Olympics and then the Games was a highlight because it epitomised the consequence of what can be achieved when one has a vision and strives for excellence. I have always seen my political philosophy in those terms. My favourite aspect of the job, besides the wonderful interaction it affords us with so many people from so many backgrounds, is the work we do here in Parliament.

We should be serious in what we do, but my fondest memories are of the lighter moments. There is a place for humour in this place. Michael Egan with his many stories was the best exponent. I count Michael amongst the eclectic group of friends I have acquired in this place. The funniest story that I recall, though, and one that will stay with me for a long time was told by Michael Costa last year about the microbats on the Millfield Bridge. I regret, however, that debating is a dying art in this Chamber.

I enjoyed very much the committee work, which is in many ways the bread and butter work of upper Houses. For those of us not in government, committee work presents an opportunity to be constructive and enables us, where appropriate, to call the Government to account for its actions. It is in the evolution of the committee system over the years that I have seen a greater clarity in the work of the Legislative Council. I am sure the Government is not fond of the system but there is good evidence in the nature of the reports produced that the process of government is enhanced because of it.

I chaired many committees and in doing so tried at all times to be fair. Some of my colleagues probably thought I was too fair. I chaired the Standing Committee on State Development from 1993 to 1995. The work that committee did at that time on regional business development is still valid today. We recommended policies to grow our regions with good strategies that focused on the strengths of an area rather than policies that encourage firms to relocate to areas in relation to which there were no valid locational factors.

Committee work enables us to work with members in other parties in a way that our time spent in the House does not. You make friends with some unlikely people—Ian Macdonald, Tony Burke, Christine Robertson, Tony Catanzariti, Gordon Moyes, Ian Cohen, Arthur Chesterfield-Evans. I said my friends belonged to an eclectic group!

I will leave Parliament before the Select Committee on Public Ownership of Snowy Hydro Limited—of which I am a member—reports. I wish the other members of that committee well in their deliberations. It has been a most interesting inquiry and highlighted to me the importance to the Government of getting facts to the community in a clear, unambiguous manner. The failure to do so created an opportunity lost.

My eight years as a shadow Minister were most intellectually rewarding. They were also incredibly hard work, as few would appreciate. That shadow Ministers, especially from this House, are expected to match Ministers and the Government with the support of one just staff member is a sad reflection on how Governments have treated Oppositions in this State. The Community Services and Disability Services portfolio that I held for three years opened my eyes to issues that from my comfortable, middle-class existence I had never had to face. I took the issues to the Government in a way that ensured the issues, the Minister, and I were never out of the media. It bore fruit. I am sure that without such sustained pressure the Government would not have felt as compelled to find additional budget money. I claimed a ministerial scalp, and while to do so is said to be a badge of honour for a shadow Minister, I always hoped that the Minister concerned understood that I was just doing my job.

I made many friends in that portfolio. I have the highest admiration for the work of people in the disability sector and those dealing with abused young people. I met many saints. Father Chris Riley stands tall amongst them. Much is written in the media about what we do. My greatest satisfaction came from an article written by Adele Horin in the *Sydney Morning Herald* on the Saturday before the 1999 election. A copy of it remains pinned on my noticeboard. Under the heading, "Do us a favour and pinch their policies" the article states:

It is the Coalition that has produced the most creative social policies.

Being shadow Minister for Disability Services afforded me the opportunity to become associated with the Paralympics and, in particular, the Sydney organising committee for those games. It was one of my most satisfying experiences in my 15 years as a member of this place. For me, a former teacher, the education portfolio was a passion, and I know that in my advocacy on a number of education issues I made a difference. Had it not been for the Coalition's commitment to smaller class sizes for years K to 2 and our willingness to stand with the Teachers Federation and the parents and citizens associations in a sustained manner, and our promise prior to the election, the Government may never have acted. Enhancing the professional status of teachers was another policy in relation to which the Coalition was on the front foot. Whilst the Government has received public accolade for creating the Institute of Teachers, letters I received at the time showed me that our role in that regard had not gone unnoticed by the education profession.

My time as a shadow Minister was, as I said, most intellectually rewarding, but it also exposed me to some of the most intellectually bereft arguments relating to the cost-shifting debate, which flows from our Constitution. I am an ardent federalist, but the cost-shifting debate serves no-one well. Of course, one does not have to be a shadow Minister to make a difference, and achieving results for individuals always gave me great satisfaction throughout my years here. I well recall the mother who wrote to me thanking me for action I had taken on behalf of her son a few years earlier, saying that at 18 years of age her son had two jobs and worked 60 hours a week. As she said, "Not bad for someone his school said would amount to nothing!" That is what makes the job worthwhile.

I tried, in many speeches in this place and at other times, to highlight the philosophical position in which my actions and ideas were grounded. I advocated for programs that focus on early intervention rather than picking up the pieces of shattered lives and shattered hopes. This always seemed to me to be the smart approach. The approach taken by the Coalition in this House while in Opposition to give all members the responsibility to lead on portfolios has ensured that, in addition to those portfolios in relation to which I was the shadow Minister, I was able to focus on other areas of interest, notably State development, planning, and Treasury. I was pleased to have that opportunity. Local government legislation, especially that pertaining to the city of Sydney, was always of great interest. I have a sense that I will be maintaining that interest.

In my first speech in Parliament I said I would be an ambassador and advocate for the city of Newcastle, the city of my birth and the place where I grew up and was educated. I have been pleased to do that. But this month marks 20 years since I and my family moved to Sydney, and in recent years I have used speeches and questions in this place to be a strong advocate for Sydney. I am delighted that in my new career I will be able to take forward that advocacy to ensure that Sydney as a global city is strong and vibrant. Some things change but some things may stay the same.

I want to acknowledge some of the groups that are essential to our role in this place. I have been well served by dedicated personal staff. I thank them all. I have remained close to the three who were the longest serving—Joanie Waterford, Charlie Butcher and Penny Andrews. I tried to be a positive role model for my staff and to mentor each as they moved to other careers. Political staff are, generally speaking, young, well educated and ambitious, and I was fortunate to find staff with talent as well. I also want to thank and acknowledge all those who make the Parliament function and help to make sense of our words and actions.

I thank the Clerk, John Evans, for his infinite wisdom, and thank also all who have assisted him, but notably Lyn Lovelock and David Blunt. I thank the staff of our parliamentary committees, who take our ideas and turn them into interesting reports. Thanks to Hansard, who must be relieved that tonight I am breaking my normal practice and actually using notes. I thank our wonderful attendants, for whom nothing seems to be too much trouble. I thank the library staff, information technology support staff, our cleaners, catering staff and all who have given support. I have tried in my approach to everyone in the building to be friendly and to treat all as I expect to be treated. I wish to acknowledge the wider government, the bureaucrats, who for the most part are faceless, even to us in Parliament. It has been a privilege to work with many of the senior officers of various departments.

One could not sum up one's life in this place without noting the press gallery. I always felt it important to have a positive relationship with the gallery. My attitude has been that working with the press gallery is a two-way street. I was tempted to acknowledge a few members of that gallery, but for once I will exercise some prudence. However, I want to take issue with the press gallery on one point. Many in the press gallery have maintained a sustained campaign about members of Parliament travelling overseas. That is regrettable. I am certain that the fountain of all wisdom is not necessarily in New South Wales—and not even in our daily newspapers!

For my part, I was privileged to make a number of trips overseas as a member of Parliament. The value of such trips is not only in the ideas one develops but also in understanding the culture and society of countries that are the source of many of our citizens and much of our trade, and with whom we interact daily in our global village. It is right to expect migrants to this country to adopt the mores of our society, but for my part I know that I have a better understanding of our Lebanese migrants because of the opportunity the Lebanese community gave me in 1998 to visit Lebanon, to meet its leaders and to talk with community representatives. It is not possible to bridge divides, as we as leaders should do, without an understanding of the backgrounds of our migrants. The French Government generously gave me a wonderful two-week study trip to France in 1993. In me the French community in Australia has a strong friend and ally. My two trips to China, five years apart, highlighted to me the growth and rate of change of one of the most important countries to the economic future of Australia.



I will leave here with a sense of achievement, with many memories and many friends. I will not bite the hand that has fed me but will be willing to defend the role and place of upper Houses. I have tried to be a role model for women aspiring to a parliamentary career, and to be a friend and mentor to my Liberal women colleagues. When I leave this week I will pass the mantle of longest serving woman in the parliamentary Liberal Party to Jillian Skinner, who has been a good friend. The debate about women in Parliament has come a long way since 1991. In my first speech I referred to "women's issues". The reality is that what a woman brings to Parliament is a woman's perspective on every issue.

I want to thank those who by their friendship have made my life in this place enjoyable: my mates from The Nationals, Duncan Gay, George Souris, Ian Armstrong and Don Page, and former members Richard Bull and Robert Webster; all of the women currently serving in the Liberal and National parties; Barry O'Farrell, Brad Hazzard, Andrew Tink, Daryl Maguire and Wayne Merton, former members of the other place, John Brogden, Kerry Chikarovski, Ron Phillips and Michael Photios; and former members of this place Ted Pickering, Virginia Chadwick, John Jobling and Brian Pezzutti. Finally, to all my Liberal colleagues in this place—my leader Mike Gallacher, but especially Greg Pearce, Don Harwin and my mate and good friend who arrived with me in 1991, John Ryan—I thank you and wish you all well. In John's case I also wish him a happy fiftieth birthday.

In all that we do, a measure of our success is what we leave behind. Gladys Berejiklian and Andrew Constance represent the bright future that is the Liberal Party, and I feel privileged to have played a small part in the development of their careers. I wish all members well. Madam Deputy-President, I thank you and ask you to convey to the President my thanks for all that you do and have done on my behalf and on behalf of all members. There are good people on all sides of politics and, whilst we may not always agree, I believe that each of us is here not for self-serving ambition but because we believe in service and in the institutions that underpin our way of life. I particularly wish my successor, Matthew Mason Cox, and his family well.

Politics is not a career for everyone and from time to time it can be a hard slog. But given the quality of people we meet, the breadth of our experiences and the contributions we can make, I can think of no more rewarding career. I leave with nothing but goodwill to all in the House, and with a sense that I have made a difference—however small—and as sure as ever that in democracy we have the best opportunity for strong stable government. I conclude with the words of Eleanor Roosevelt:

There is no more exhilarating experience than to determine one's position, state it bravely and then act boldly.

I thank the House.

**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) [8.30 p.m.]: I place on record the appreciation of the Government members of this Chamber for the fine parliamentary record of the Hon. Patricia Forsythe, who entered this Chamber in May 1991 as a government member in the Greiner administration. Of course, the advent of that administration was the augur of hard times for my party and me; I was the Labor Party's deputy campaign director for the election that led to the Liberal Party's success. I concede that our dark times were a golden era for the Liberal Party, especially the stream of thinking that Patricia Forsythe best represents.

She was not new to politics, having been, as she said in her remarks, an active member of the Liberal Party since 1968, holding numerous positions at local branch level and also serving for 11 years on the party's State executive. A Labor party friend of mine has often commented that many of us in politics—certainly those of us in the major parties—in some ways have more in common as party activists than we do with the general community. Anyone who has been through the mill of party activism and a career as extensive as Patricia's would acknowledge the importance of that level of contribution.

Patricia worked as an executive officer to the Minister for Local Government and Minister for Planning, the Hon David Hay, which gave her an insight into the day-to-day workings of a Government Minister. That experience was put to good use as a very effective Government backbencher. With the change of government in 1995, Patricia Forsythe again showed her talents as a tenacious Opposition member and one of the most capable and respected shadow Ministers.

I think I have heard her say in this Chamber a number of times that her mentor was Virginia Chadwick, who, like herself, was a Novocastrian. Patricia Forsythe has always been proud of her Newcastle roots, and when elected in 1991 declared herself a new ambassador for the Hunter region. In her inaugural speech she

described Newcastle as "a city I will be proud to serve". She spoke of herself as part of what Virginia Chadwick described as "the long lost tribe of Liberals in Newcastle". At that time she was one of a trio of Newcastle-born Liberal members in the Chamber; namely Virginia Chadwick, Ted Pickering and herself. Patricia Forsythe has indeed been an excellent representative, not only for Newcastle but also for the people of New South Wales. She has been a most hardworking member and a parliamentarian with great loyalty to her colleagues, this Chamber and its traditions.

The circumstances of the Hon. Patricia Forsythe's departure have been the subject of some public comment. However, the position she has attained with the State Chamber of Commerce guarantees that she will continue to play a substantial part in public affairs in this State and will allow her to use her significant and many talents for the benefit of the people of New South Wales. It is a great loss to the Liberal Party, this Parliament and the people of New South Wales that Patricia Forsythe will not be continuing in this Chamber. I am sure we all wish her well and acknowledge and know that she will do her best in the same way that she has in this Chamber to continue to serve the people of New South Wales well after the 2007 election has come, gone, been won and done.

The Hon. Patricia Forsythe has been a most capable politician, a vigorous and determined advocate and, for those of us on the Government benches, an insightful and clever opponent. She has been a credit to this Chamber and the traditions of this Parliament. Of course, she is a lady in every sense of the word and a worthy inheritor of the best traditions of the Liberal Party. Even though I normally do not like political diarists, Patricia, please write a book!

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [8.35 p.m.]: Patricia, on behalf of the Liberal Party, a party you have served for many years with, great distinction, I express my appreciation of your service to this House, my regret at your leaving and my good wishes and the good wishes of all of our colleagues in your future career. In your inaugural speech, given exactly 15 years ago, you quoted the following words of Sir Robert Menzies, words that you adopted as your own:

In a vision of the future, I see the individual and his encouragement and recognition as the prime motive force for the building of a better world.

All of us can attest to your commitment to that vision over the past 15 years. You have sought to serve the community as a representative of the people and you have sought to serve this Parliament as an articulate and conscientious legislator. On occasions such as these, one can easily simply recount a list of offices held and causes espoused as a tribute to the retiring member. However, they rarely capture the person, and in your case they would not capture your commitment or your determination—two qualities that have characterised you over the years.

At the young age of 16 you joined the Liberal Party—the Newcastle Young Liberals. The Liberal Party gave you not only a political career but also an introduction to your husband, David. By the age of 20 you were written up in the *Newcastle Herald* as a woman who wanted to make a career in politics with the proud quote, "Women with intelligence can handle any job a male can do." Your early career as a teacher at government and non-government schools gave you a strong commitment to education, and you served as shadow Minister for Education under Kerry Chikarovski.

However, politics continued to call you and with the encouragement of your great friend and former President of this House, Virginia Chadwick, you came to Sydney to work with the then Minister for Local Government and Planning, David Hay. You quickly made your mark and many stories—some of them even true—circulated about your role. One of the memorable legacies that found its way into the "Stay in Touch" section of the *Sydney Morning Herald* was the famous memo that went out prior to your taking holidays, which stated:

In my absence, letters requiring the Minister's signature can now be submitted to the Minister.

On another famous occasion, Ted Pickering, who as Minister for Police was with a delegation concerned about local government closure of a blue light disco, uttered the famous phrase, "I'll fix this at once. I'll get onto the Local Government Minister straight away." He then picked up the phone and said to the operator, "Get me Pat Forsythe." Everyone knew who the boss was.

Patricia, in your inaugural speech you not only referred to your affection for the Hunter but also acknowledged your debt to your parents, Jack and Peg Wingrove, and to the many friends in the Liberal Party

who had supported your candidature. Many of those friends and family are from your birthplace, the Hunter-Newcastle region. Though a resident of Sydney for the past 20 years, you have always taken enormous pride in your roots in the great city of Newcastle. You expressed that pride in the House when, as we have heard, you undertook to become an ambassador for the city.

As Leader I have always found you an excellent and hardworking colleague and a strong team player. In your future career, you will undoubtedly share the same verve and enthusiasm in advocating the cause of business as you have in advocating the causes of the Liberal Party and the welfare of the people of New South Wales. In a memorable interview with the *Sydney Morning Herald*, you attributed your competitiveness and ambition to being an identical twin and you closed the interview with a quotation:

Virginia Chadwick once told me that if somebody ever offered you the opportunity to be the Minister or Shadow Minister for Dog Catching, you'd take it.

In other words, you take what you are given at the time and you get on with it.

And, make your mark in everything you do and hope somebody notices.

Patricia, we are pleased to acknowledge that you did make your mark and we are pleased to say that we most certainly did take notice. We wish you, your husband, David, and your two children, Kate and Jonathan, a continued happy life, and we look forward to hearing more about you as you make your mark in the challenging world of Sydney business.

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [8.38 p.m.]: As Leader of The Nationals and the former shadow Minister for dog-catching—one who took the role—I pay tribute to the Hon. Patricia Forsythe. Trish came from the Hunter and she and David have not strayed far from that part of the State. They have had a sojourn in Sydney and they are heading back to the Hunter part time—they have bought a weekend in the region.

The Hon. Ian Macdonald and I, as the fathers of the House—although he is a bit older than I am; he was one step ahead when signing in—could say that we were pleased to be here when you arrived and will be pleased to be when you leave. But that would not be true. We saw you arrive and we saw the work that you did with the Hon. David Hay. We were present when you made your maiden speech and we are here for your departure. Our feelings are a mix of joy and sadness. However, the bit in between has been terrific. We do not often speak about what goes on in the party room, but it was said in that place that there was a depth of integrity, a depth of intelligence and a depth of decency in Patricia Forsythe's contributions. That is what made her special. That is the legacy she has left us and that is the legacy she will take to the State Chamber of Commerce.

I wish I could speak French. Je suis Australien. I would like to travel, and I concur with Patricia's sentiments. Patricia was a role model not only for women but for all decent people. She was another bloody Liberal. She was a proud Liberal, and she worked very hard at being a Liberal. When she was out in the field working for the Liberal Party you knew she was there, because she believed in the party and she worked hard.

Patricia was also a great Coalitionist, as our former leader George Souris said in a statement this week. She believed that at the end of it there was something better than what we have at the moment, which we on this side believe very strongly. She will be a great role model. She will probably be another bloody Chamber of Commerce person at the end of this, and give us hell from the Chamber of Commerce, because that is the way she operates. She came with style, and she leaves us with style. Thanks, Trish.

**The Hon. JOHN RYAN** [8.41 p.m.]: This week the curtain will come down on a distinguished career in politics and public office that extends over many decades. I have had the pleasure of working with Patricia since 1991, as we were both elected to Parliament on the same day. But our paths crossed many times, and in a few ways, before that. We were both ministerial staff during the Greiner Government's term of office. We were both on the Liberal Party State Executive for a couple of years during the late 1980s, but Patricia for a great deal longer than I was.

One of my memories of meeting Pat is that in the preselection we contested a month before the 1991 election Pat and I were lucky enough to fill a couple of vacancies that had been left on the ticket after the Hon. Ted Pickering and the Hon. Max Willis left. Patricia's credentials and the esteem in which she was held in the party were demonstrated by the fact that she was elected in one ballot. That was a remarkable achievement in the exhaustive preferential ballot used by the Liberal Party at that time to select candidates for someone who

was not an incumbent member. In my case, it took many, many ballots to be successful. I was the next person elected after Patricia. She was, and continues today to be, considered by the Liberal Party to be outstanding.

Patricia has been a remarkable mentor for many people in the Liberal Party, both men and women, and she has been enormously loyal to the party which has nurtured her. As has been said, she previously worked for David Hay, the Minister for Local Government, and had significant input into public planning policy. She was a member of the Liberal Party State Executive for nine years, from 1982 to 1991. My friend Patricia was very keen on the virtues of medium-density housing when the concept was in its infancy. At that time I was living in the western suburbs, and I still live in the western suburbs. One of the reasons people move out to the western suburbs is to have a bit more space around them. I therefore considered the concept of medium-density housing to be enormously strange. I recall listening with some annoyance to the lecture Patricia would quickly launch into whenever someone made the mistake of mentioning medium-density housing within her earshot.

Patricia was a respected member of the Government, and her views were taken into consideration by Ministers and ministerial staff alike. She was an enormously respected ministerial staffer. I am sure that one of her proudest achievements was helping former Government Whip John Jobling pull a fast one on an unfortunate Government Whip over legislation involving Sydney City Council. It involved a complex strategy of capturing an Opposition member in the President's chair, and resulted in our gaining an extra vote. We tried to assist Kathryn Greiner in her quest to become the mayor of Sydney. That was not to be, but certainly Patricia played her role.

Patricia has been enormously respected by businesspeople and people who have been serious Liberals over the time she has been a member of Parliament. One of the things I know Patricia always defended, and defended with great passion, was jobs. I recall that when on various occasions in the party room we were tempted to go on some sort of excursion into some issue that could be compromised, Patricia would bring us back to jobs. The economy was a great passion of hers, and I think it is an enormous tribute to her that she will be to some extent responsible for the health of Sydney's economy in the future by taking this role with the Sydney Chamber of Commerce. If you ever have half an hour to kill, just ask Patricia to explain how she was successful with that Sydney City Council bill, because she will tell you.

I can guarantee three words that will get Patricia going at any time: container deposit legislation. I must confess that I mentioned them on odd occasions. It got Patricia riled instantly, and she would immediately launch into the reasons why you should not charge 5¢ to have a deposit on a bottle. I think I could just about give the lecture now, I have heard it so many times.

**The Hon. Patricia Forsythe:** You might have to, because I won't be here.

**The Hon. JOHN RYAN:** I have to say, I only heard it a couple of times but I am utterly converted. I can tell you, Patricia, I would be happy to give the same speech. Patricia had an enormous passion for business. Patricia's passion for container deposit legislation obviously harks back to her days with the organisation that was amusingly referred to as the soft drink association. I do not know why anyone would want to work for an organisation with a name like that.

Patricia was a serious politician. But, let me tell you, she was a serious politician and mentor for women who was armed with a lipstick. I will bet dollars she has got that lipstick on her now, somewhere in her pocket. I have rescued that lipstick on a number of occasions when it has been left behind on the seats in the Chamber. I enjoyed my enormous friendship with Patricia, and enjoyed and respected her contributions to public debate.

Patricia's maiden speech has been quoted a number of times. I suspect, with great respect to members, they probably went back and read bits of it. But I have to say there was one part of her maiden speech, the conclusion, which I had the pleasure of listening to and have never forgotten. In concluding your maiden speech, she said, "I hope to contribute to the vitality of this place—a vitality where the energy is of light, not the energy of heat." I consider that to be a wonderful benchmark by which to judge anything I have ever done in this place or she has ever done in this place.

There would not be a member of this House who served with Patricia, present or past, who would not know that that was what she always strove to achieve: the energy of light. Patricia, you debated issues, not people. Everything you did was enormously classy. I do not think I remember a time when you—unlike me—ever uttered a bitter word or any sort of personal invective. Sadly, I am too much of an Irishman not to have

failed in that area. In any event, I think all of us would concur that the Hon. Patricia Forsythe was an enormously classy act who pursued issues rather than people, in every respect.

Even when some of us in Opposition were inclined to get a little bit excited about public servants, I recall that on many occasions it would be Patricia Forsythe who would remind us that they are servants of the public, that it is all very well to attack the Opposition but you must never, unless it is absolutely necessary, attack public servants, because they are only serving their political masters. It is something I have always had in the back of my head whenever I have been inclined to act in that way.

Patricia, you have been a magnificent ambassador for Newcastle. I know you set that as one of your objectives and that it has been an area in which you have been enormously respected. I am sure we will have something to do with each other in the future, although perhaps we will not have the opportunity to yarn as often. But I will miss being trumped by Patricia every time I tell a story. Anyone who ever tells a story with Patricia will know that no matter what story it is, Patricia will be able to tell an even better and more exciting story. But I have no doubt that Patricia will have more exciting stories to tell in her future life with the Sydney Chamber of Commerce.

All of us know the circumstances in which Patricia departs and, of course, it is not entirely voluntary. But all of us would concur that Patricia has handled the ups and downs of a political career with enormous class. If ever I face the same situation I only hope I can meet the benchmark of that classiness myself. I have not heard one word of bitterness from Patricia; she has wished only the best for those who have been successful in her place, and I know that personally. That is an enormous benchmark to meet. As my wife, Alexandra, and I were discussing this evening, Patricia is an enormously classy act and will be hard to follow. We are all the better for having worked with her. I for one have enjoyed the opportunity to work with her in this place and I wish her the very best for the future. Thank you and well done, Patricia Forsythe.

**The Hon. IAN MACDONALD** (Minister for Natural Resources, Minister for Primary Industries, and Minister for Mineral Resources) [8.50 p.m.]: As one of Patricia's eclectic friends here on the other side of the House I just want to say a few words on her departure. Patricia has taken this Chamber very seriously over the years. I remember the times when there were some people who did not quite see eye to eye with a number of us on a cross-party basis in regard to the value of this Chamber. Patricia has been a great defender of the Chamber all through her years here. Even though as a Minister I find it difficult at times coping with committee reports they are very necessary for the functioning of democracy and transparency in this State.

Patricia rightly took this Chamber very seriously. Recently I was wondering how I could change a particular way of interpreting a clause in a bill. I had to seek advice from the Crown Solicitor, who said, "I do not think your approach is quite right on this bill because in 1901 in the Legislative Council someone on a second reading said that this was the intent of the bill." So I got knocked over on interpretation of the clause by the very words that were said in this Chamber. Patricia, you can rest assured that other people in the future will take this place seriously and it will continue to have quite a long-term impact on good governance.

I just want to say, Patricia, you were very capable. I am glad you were not my shadow Minister in any of my portfolios. You were always very moderate—although that is not saying anything about Duncan; he is a fine shadow Minister, as is Adrian Piccoli and as is Andrew Fraser. You have always been moderate in the way you have gone about things. You have always tried to find the middle course and a good way through some very difficult topics. I served as deputy chair with you on the Standing Committee on State Development on inquiries into a number of quite important issues. You were always inclusive and you always listened—the ultimate references for a good politician and a good person to work within this framework.

I do not want to be political but I just cannot believe that you were not preselected. I find that very difficult to comprehend. I am not going to go into it other than to say that I do find it difficult. In your new role you can rest assured that my department, wherever it intersects with the Chamber of Commerce—which is probably rarely—will co-operate with you in whatever area it be, because if we have a well-functioning Sydney the rest of New South Wales does pretty well out of it also. I am looking forward to lunch under some of those portraits in Machiavelli's in the not too distant future. I wish you and the rest of your close friends every success.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [8.53 p.m.]: I just want to thank Patricia for being here with us and for doing such a wonderful job over the years. I was not here in her earlier days during the time of the Greiner Government but since I came here I have always found her to be extremely courteous and pleasant in her dealings with me. She has been confident and thorough. We have done a lot of work on

social issues, education, disability and health, and she has been a tower of strength. She is very conscientious and she has done a wonderful job. I think she has been a credit to her party and to the Parliament. I think the party will miss her more than it knows, and certainly this Parliament will miss her contribution as well. I wish her well in her future endeavours.

**Motion agreed to.**

## **ADJOURNMENT**

**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) [8.55 p.m.]: I move:

That this House do now adjourn.

## **DOMESTIC VIOLENCE**

**The Hon. ROBYN PARKER** [8.55 p.m.]: I speak tonight as a woman from the Hunter to acknowledge Patricia Forsythe, one of my great mentors, who contributed a great deal to my being in this place. She was one of the people who approached me regarding my interest in politics and suggested I go along to something called the New South Wales Women's Council. Some other members of the New South Wales Women's Council are here tonight, together with other mentors of Patricia's and mine. I admire her greatly and I am very proud to be another woman from the Hunter and member of this place following Patricia's legacy. I wish her all the very best.

Tonight I address issues in relation to domestic violence, which is widespread and understandably of public concern. Last Friday I had the honour of attending the "United Against Violence" Maitland community forum. The event was organised by Carrie's Place, Carrie's on High, a women's and children's refuge. The speakers brought to the forum their different perspectives and expertise in the field of domestic violence. Jane Withers, a Carrie's Place support worker, who hosted the event, read those assembled this pledge:

Let us gather our collective strength. Let us work together today to raise power and strength in the fight against violence. Let us unite today all of our skills, energy, experience, voices and knowledge in saying No to violence in Maitland. Let Maitland say No to domestic violence in all the forms it takes and all the places it happens.

It is my firm belief that this pledge should resonate beyond the Maitland forum across this State. Domestic violence takes many forms in our community: some of them are hidden, others stand out like fresh bruises. According to the recent Australian Bureau of Statistics's personal safety survey 5.8 per cent of Australian women—almost half a million—were victims of violence in the 12 months ending August 2006. It seems New South Wales bears the brunt of this ugly trend. For the 12 months ending 30 June 2006, 44,800 criminal incidents of domestic violence related assaults were recorded by police. This figure does not include cases in which the victim does not contact police or support agencies. Support workers place the rate of reporting of domestic violence at around 20 per cent.

In the Hunter, where I am from and where this forum was held, there have been almost 60,000 incidents of domestic violence related assaults since 2001, representing 10.8 per cent of all New South Wales domestic violence incidents. In the last quarter of statistical reportage a trend of incremental increase revealed itself in the Hunter's domestic violence assault figures of 12.8 per cent over two years. These figures are not very intimidating on paper, but in real terms that number represents 327 more incidents over the reporting period. Each incident represented a person in a relationship suffering from abuse. Five women were murdered by their partners in the Hunter during this reporting period. Yet, for all this damning evidence, the response from the Government is lacklustre.

Domestic violence liaison officers are a vital link in the support network that weaves from the victim through law enforcement and to an eventual resolution. In the Lower Hunter Local Area Command there are just two such positions, and they cover some 7,000 square kilometres. In view of the sheer volume of cases this area has to deal with it is clearly underresourced. Of course, it will be expensive to divert more funds to combat this problem, but consider the cost to our community and society as a whole. Women who are the victims of domestic violence—and I should state women are not the only victims of domestic violence—are three times more likely than non-abused women overall to be diagnosed with depression. Domestic violence is a leading contributor to death, disability and illness in women aged 15 to 44.

Government funding and attention could not be more urgent. I praise the organisers of this event. It was a great day: it raised awareness and involved a collection of wonderful workers, including community workers, police and workers in the housing industry who highlighted the shortage of low-cost housing. I pay tribute also to those from Carrie's Place, who do a marvellous job by continually raising the need for more emergency places, more low-cost housing and more resources from the Government so that the deaths of the 12 women and 2 children who have died from domestic violence this year will not be in vain. We must face the ugly reality of domestic violence head on and take strong action. [*Time expired.*]

## **TWENTY-FIFTH ANNIVERSARY OF THE ELECTION OF REVEREND THE HON. FRED NILE TO THE LEGISLATIVE COUNCIL**

**Reverend the Hon. FRED NILE** [9.00 p.m.]: I take this opportunity to give thanks to Almighty God, to the voters of the State of New South Wales, and to members of this House for the opportunity to serve in the upper House of Parliament for 25 years. I was first elected on 19 September 1981 with a record primary vote of 9.2 per cent, approximately 225,000 primary votes, the equivalent of almost 1½ seats. It went to preferences as to who would get the second seat and the party almost won two seats. I stood then as a Call to Australia candidate but the party changed its name in 1997 to the Christian Democratic Party. Our policies were based on the biblical teachings of Romans 13, that the Government is the minister of God, which is why people holding Government portfolios are called Ministers. The moral code is laid down in Romans 13:8-14.

I was sitting at home that night in 1981, not following the election results because I did not expect to be elected. Therefore, it came as a shock when at about 8.15 p.m. I received a phone call from Malcolm Mackerras, who said, "I believe you have been elected to the New South Wales upper House. They have counted 300,000 votes and you are getting about 10 per cent of the vote. Normally percentages do not change." He was correct: after 3.5 million votes were counted I still had 9.2 per cent of the vote. In spite of the boast of then Premier Neville Wran that "Fred Nile will not last", I still thank Mr Wran for his reform of the upper House that made it possible for me to be elected and for electoral funding, which paid for my election campaign expenses, although on that occasion because of technicalities over the name of the party I only received 50 per cent of the amount I could have been eligible for. However, in 1988 at an Opera House celebration Mr Wran walked up to me and gave me a warm reconciliatory handshake as I sat in my seat, which I appreciated.

The next Premier, Barrie Unsworth, was completely different. He was a breath of fresh air. On one occasion he invited me to his office and offered me his complete co-operation in my parliamentary role. Each re-election has been a challenge; it has not been an easy achievement to be re-elected. During one election our party had a breakaway group that ran an upper House team against me, yet I was still re-elected. On another occasion the number of political parties jumped from about 18 to 80, with more than 276 candidates for the upper House. In spite of this I was still re-elected. Even some of my friends said that they could not find my name on the ballot paper. With the reforms of the upper House electoral system I hope that only about 18 registered parties, including the Christian Democratic Party, will contest the next election. I have been asked to stand again as the candidate and to lead our team on Saturday 24 March 2007.

It has been a privilege to serve Almighty God and the people of the State of New South Wales for 25 years. I have sought to be constructive not obstructive. I do not see myself as a member of the Opposition. I have always understood my role, because of that teaching in Romans 13, to respect the mandate of the elected Government, whether it is a Liberal-Nationals Coalition or the Australian Labor Party. I have endeavoured also to remain in the Chamber at the start of the Christian prayers each day, based on Romans 13, where we ask for God's guidance and direction, following which we say aloud together *The Lord's Prayer*. The words "Thy will be done on earth as it is in Heaven" are a challenge to us as legislators as we try, with God's help, to have our earthly society as close to Heaven as possible, even with the constant war against sin and evil.

I thank Almighty God for the support I had for my Tobacco Advertising Prohibition Bill. The Clerk told me that it was the first time in 70 years that a non-government bill had been passed by both Houses of Parliament, although the bill put me offside with the media, which lost \$200 million of advertising income each year. I thank God for the opportunity to serve the people of this State. I will endeavour to persevere with my bills on drugs, abortion, gambling, alcohol and hopefully be successful in due course, in the tradition of William Wilberforce, who campaigned to free the slaves in the British Empire and who succeeded after 20 years. [*Time expired.*]

## NEW SOUTH WALES-ASIA BUSINESS ADVISORY COUNCIL DINNER

**The Hon. HENRY TSANG** (Parliamentary Secretary) [9.05 p.m.]: The New South Wales-Asia Business Advisory Council hosted its major dinner on 25 July 2006 attended by the business community. Premier Iemma addressed the annual gathering for the first time and articulated the Government's position on our trade ties with Asia. The Premier impressed on everyone his message that New South Wales was open for business and that he would strengthen business ties between New South Wales and Asia. The business dinner attracted companies and bilateral chambers of commerce that do business in Asia. More than 400 guests packed the Strangers Dining Room to hear the Premier speak and to have the chance to network with like-minded business leaders. VIP guests included the Malaysia High Commissioner, members of the consular corps and trade representatives.

The Premier spoke of the importance of trade with Asia and reminded us that 53 per cent of New South Wales' total bilateral merchandise trade, worth \$44 billion in 2004-05, was with the region. In the same period New South Wales exported \$14 billion worth of goods to 26 markets in Asia. This represents an 18 per cent increase over the previous year. The Premier announced that the Government would support major business events to promote business opportunities and to forge closer ties with our trading partners in Asia. This is the approach that Paul Keating called engagement with the region. With China and India emerging as regional economic powers, the Premier noted:

... if our engagement was originally borne out of economic and strategic necessity, it is now firmly based on co-operation, convergence and mutual respect.

Of significant interest is the upcoming joint economic meeting between New South Wales and Guangdong province in December this year. The joint economic meeting forms the backbone of the sister-state relationship between New South Wales and Guangdong, a relationship established by Premier Neville Wran in 1979. Guangdong's delegation of business and government officials is expected to be led by Governor Huang Huahua, a previous visitor to New South Wales. This large delegation will be here to attend talks with the Government and, more importantly, provide an ideal forum for a business-matching program for New South Wales companies to explore talks with potential partners in Guangdong, China.

It is through such events, as well as trade missions and market visits, that the New South Wales Government is working with other governments and businesses in Asia to ensure that local companies are able to capitalise on available opportunities. Trade missions are important because they show our partners that New South Wales is serious about doing business with Asia and the region. The Premier's message at the Asia business dinner was important, as New South Wales will host a variety of Asia-Pacific Economic Co-operation [APEC] related events next year, including the APEC Heads of Government Meeting in September. Sydney will be the focus of the region and the business world as the host city during those events.

APEC will present a unique and wonderful opportunity to showcase New South Wales business and our economy to Asia-Pacific nations, and to build trade and investment links. The Premier recognises that the New South Wales-Asia Business Advisory Council has a vital role to play in promoting these events while continuing its work building ties with the Asian business community. To this end, the Premier will request the advisory council to help develop a comprehensive business program to coincide with APEC activities. The announcement was met with an enthusiastic response from council members, who are looking forward to contributing to APEC's success in 2007.

The dinner was a wonderful success, and I thank the members of the advisory council for contributing to it. They ensured that a wide cross-section of guests were present, making for a better networking opportunity. I thank my parliamentary staff and the Department of State and Regional Development [DSRD], in particular Ellen Lintjens and Alexandra Geddes who worked hard to make the dinner a great success. Organising such a large event is never easy, but their co-ordination of the logistics and attention to detail ensured the dinner's smooth running.

In a previous speech I reported on the advisory council's contribution to the New South Wales Government's submission to the joint Commonwealth-State Business Skills Visa Program. Following this co-operation, the DSRD and the Community Relations Commission are supporting the Department of Immigration and Multicultural Affairs to host a migration expo in Sydney this weekend. The Australia Needs Skills Expo, with more than 60 exhibitors from business and industry participating, will target prospective skilled migrants currently in Australia on temporary visas, including overseas students, working holidaymakers and long-term temporary business visa holders. The expo is one initiative under the Government's Drive for



Talent Program to attract highly skilled migrants to Sydney and regional New South Wales in a range of sectors. The program is designed to meet the continuing needs of our economy by supplementing the work force with skilled migrants who bring talent and investment to New South Wales. [*Time expired.*]

## TRIBUTE TO MRS MARGARET HOLMES

### NATIONAL ART SCHOOL

### ENVIRONMENTAL POLICIES

**Ms LEE RHIANNON** [9.10 p.m.]: Margaret Holmes is 97 years old. She has led a compassionate life of conviction, working for peace and social justice. At university Margaret became active in women's and peace groups. In 1959, at 50 years of age, Margaret was further radicalised when she embarked on a six-month journey of peace. She was constantly open to experiences that challenged her, and saw for herself the effects of economic injustice, racism, nationalism and colonisation. The journey revealed to Margaret the truth behind the Cold War propaganda, and on her return she was invited to speak at many Sydney peace groups.

Margaret was now a fully committed activist, participating in many protests and vigils against conscription, arms expenditure and the Vietnam War from its earliest days. She was present at the famous protest in response to then Prime Minister Menzies' introduction of conscription, when a group of women wearing black veils silently left the room, knowing too well what war would bring. At that time, in the 1960s, protests were rare, making this an act of great courage. Margaret was also present outside Bill White's home when Bill became the first young man arrested for refusing to be conscripted. I remember that historic day well, with protests rolling across Sydney from the White's house to the Watsons Bay naval base.

As a member of the Women's International League for Peace and Freedom, Margaret was involved in campaigns for reconciliation and the anti-apartheid movement, and against chemical and biological weapons, and the French atomic tests in the Pacific. In 2001 Margaret was awarded the medal of the Order of Australia in recognition of her life commitment to campaigning for peace and justice. Always encouraged by fellow women activists, Margaret's dedication and energy means that she is now an inspiration for many who follow in her footsteps. She was one of a group of women who greatly inspired me in my early work in the women's and peace movements. I recommend to honourable members the book about Margaret Holmes life by Michelle Cavanagh. I thank Margaret for her years of hard work for a safer, more peaceful and a just world.

Today in question time the House heard great noise coming from Macquarie Street. The noise was coming from a protest by students from the National Art School who have taken up an important issue—an issue that the Government would be wise to listen to and on which it should adjust its policy fast. It is one issue on which Minister Tebbutt has clearly got it wrong. The National Art School should not be taken over by the University of New South Wales. The message is simple. The National Art School has made a huge contribution to Australian culture, it is unique, and it must not be diluted and compromised.

The idea is that the National Art School will simply be taken over by the University of New South Wales. The Minister has assured us that there will be two independent art schools, the National Art School and the College of Fine Arts. That is rubbish. We know that under the administration of the University of New South Wales, particularly with Mr Hilmer as the Vice-Chancellor, that will not happen. Very quickly the National Art School will be judged in economic terms: We need to cut corners here, we need to compromise, we need to amalgamate the schools. That is how the issue will be resolved, and it will be a tragedy. Indeed, it will be a great crime, at a time when the arts need to be developed, fostered and supported. Cutting corners and pushing the National Art School into the belly of the University of New South Wales is deeply wrong. I urge Minister Tebbutt to do the right thing. The National Art School should be given Federal status and Federal funding, and Minister Tebbutt would be wise to add her voice to that. I congratulate everybody who was at the protest today.

On another matter, together with many Greens and people in the community, I continue to be disappointed with the environmental commitment of Premier Iemma. He has made a couple of speeches on this issue but during the last term of the New South Wales Labor Government he has presided over the systematic dismantling of environmental planning, assessment and licensing for major developments; irrigators have been given property rights over water that was owned by the whole community; road freight transport has grown, instead of rail, causing major environmental impacts and contributing to global warming; we have deplorable draft regional planning strategies which do little to protect the environment; the Government has initiated a fire sale of 3.4 million hectares of Crown leases without any assessment of the environmental impact; and more than

one million hectares of State forests have been turned into shooter zones. Clearly, we have a problem with this Government. We will be watching it closely over the next six months.

### MANDAEAN PERSECUTION

**The Hon. CHARLIE LYNN** [9.16 p.m.]: Tonight I voice the concerns of the Sabian Mandaean Association of Australia about the current genocide of Mandaeans currently being perpetrated by Muslims in Iraq. Mandaism is the oldest surviving Gnostic religion. The religion's precise date of origin is still disputed by religious academics. John the Baptist is a central figure in the Mandaean religion; he is the religion's prophet. However, the religion itself predates John the Baptist. It has a similar creation story to the Judeao-Christian one, identifying Adam and Eve as the first man and woman, and holding baptism to be most sacred. Because of this they live in fear from Al-Jehadia and other militant Islamic organisations that are determined to exterminate the Mandaeans and their way of life in Iraq today.

Over the course of their history the Mandaeans have often suffered persecution by Muslims, and have been driven from their places of settlement. Unlike Christians and Jews, the Mandaeans are not considered by Muslims to belong to the Religions of the Book to which the Quran refers, and are not considered to come under the protection of Islam. Their religion is not respected by Christians either. Portuguese missionaries attempted to resettle the Mandaean community from Iraq to Muscat, Goa or Ceylon, where it was thought they might more easily be converted to Catholicism. After Saddam Hussein assumed power in 1979, the Mandaeans faced increasing hostility in Iraq.

Between 1991 and 1993 the Mandaeans living in the low-lying marshlands in the south of Iraq were the target of another campaign of extermination. Hussein's Government took harsh and brutal action against the population of the marshlands between Basra, Amara and Nasiriya. The Marsh Arabs, who had lived in the marshlands for 5,000 years, were specifically targeted. Following the armed uprising of the Shi'ites after the second Gulf War in 1991, many insurgents and deserters fled to this remote region, which is about 150,000 square kilometres in area. Hussein used this as an excuse to destroy the region and its inhabitants. He drained the marshlands. The Marsh Arabs are Shi'ites, like the majority of the Iraqi population, and suffered severe repression during the 1970s and 1980s. The area's geographical proximity to Iran meant that they were also seen as constituting a potential threat to security.

The draining, clearance and wholesale destruction of the marshlands affected the Mandaeans as well. Many were killed, and the Mandaean community in the marshlands was reduced from between 5,000 and 7,000 to between 1,000 and 2,000. The centres of their culture were destroyed, and they were forced to abandon the place where they had lived since at least the fifth century. The survivors fled to the major cities and towns of Iraq, such as Baghdad. The liberation of Iraq by President George Bush and the Coalition of the Willing has not resulted in the liberation of the Mandaean people. It is a sad fact that, although Saddam Hussein's dictatorship was ended with the liberation, his dictates of fear, death and hatred against the Mandaeans live on.

Last week I received a letter from the Sabian Mandaean Association of Australia asking for help to bring to the attention of the people of New South Wales the suffering and persecution they are receiving in Iraq today. This involves barbaric acts such as eye gouging, kidnapping, torture, intimidation, rape and, last but certainly not least, sacrificial murder. This is what the Mandaeans in Iraq face every single day. They have asked me to bring this to the notice of Parliament. On 23 June 2006 the association stated that 10 Mandaeans had been mutilated and killed in Basra in the past week. All other Mandaeans living in the area received warning notices ordering them to leave Iraq or be killed. It is a simple choice for them: convert, leave or die. There are about 13,000 Mandaeans remaining in Iraq. There is a small community of Sabian Mandaeans here in Australia. They are wonderful citizens. They do not have a home. I hope by bringing to the notice of Parliament the persecution they are facing in Iraq we will assist them to ensure their people survive in Iraq.

### AUSTRALIAN WORKPLACE AGREEMENTS

**The Hon. PETER PRIMROSE** [9.20 p.m.]: Since John Howard introduced his now infamous WorkChoices legislation, he has mocked Australian workers. He has told the community that unions were scaremongering and that his new legislation would be good for working people; that it would give them flexibility and choice. Tonight I want to tell the House about workers who have spoken to me and who are employed by two companies that are implementing John Howard's new legislation. Australian chewing gum giant Wrigley's has issued maintenance workers at its Asquith plant with Australian workplace agreements [AWAs] after walking away from negotiations with their union.

The workers at Wrigley's who have raised this issue with me are represented by the Australian Manufacturing Workers Union [AMWU]. The AMWU official who has been negotiating on behalf of the workers at Wrigley's is Michelle Burgess. Ms Burgess told me that Wrigley's simply walked away from the negotiating table when her members would not agree to a massive wages cut proposed by the company. She told me that the company claimed it needed to reduce costs to stay competitive and be more flexible. There is a problem with this proposition: Wrigley's does not have any competitors in Australia—it controls the market.

What exactly did the workers at Wrigley's reject? They rejected the company's demands for reduced weekend penalty rates, no more toilet and wash-up breaks, halving shift penalty rates, and reduced annual leave for shift workers. The workers at Wrigley's told me that the company gave them the choice—either sign the AWA or keep their current agreement. But if they keep their current agreement they will never get another pay rise. If that is what John Howard means by his so-called WorkChoices legislation, then I say, along with the workers, the facts show that he offers no choice. Wrigley's relies on a family-friendly corporate image to support its sales of sugary sweets to children and their families. The truth about what it really thinks about families can be seen in the way it treats its own workers and their families. So much for the corporate icon.

The second company I want to talk about is also one that all of us would be familiar with—OPSM—the manufacture of the glasses that many of us in this House are probably wearing tonight. I should point out to those who may read this at a later date that while I am giving this speech this evening Peter Debnam's Liberals and Nationals are shouting out and seeking to interject. We can see what would happen if they were elected on 24 March next year. They would simply hand over our industrial relations system to John Howard.

OPSM is part of Luxottica, an Italian multinational company that now dominates the Australian optical industry, including OPSM, Budget Eyewear, the Sunglass Hut and Watch Station, among others. The company employs more than 2,000 people in its retail stores Australia wide. It also owns an optical laboratory in Chipping Norton, called Eyebiz, which employs more than 200 local workers. Again, these workers are represented by the Australian Manufacturing Workers Union. The workers are paid below standard wages, below award rates on overtime, and no annual leave loading. In the new enterprise agreement due to come into effect in January next year the company is proposing that no worker will ever again receive a pay rise unless they pass a secret test—a so-called quality appraisal—that the company has refused to even discuss with the union.

While honourable members are being fitted with their new multifocal access lenses over the Christmas holidays at their local OPSM or Budget Eyewear store, they should remember that the people helping them to choose their new fashion frames will be working throughout the Christmas period. They will receive no holiday leave loading and no overtime rates, and they will be forced to work a minimum of 152 hours per four-week period. In other words, total flexibility for the company but absolutely no certainty for the workers. That is pretty tough if people are trying to arrange childcare, school pickups or anything else for which parents have responsibility.

**Motion agreed to.**

**The House adjourned at 9.25 p.m. until Thursday 21 September 2006 at 11.00 a.m.**

---