

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Thursday 28 September 2006

JOINT SITTING TO ELECT A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 11.30 a.m. to elect a member of the Legislative Council in the place of the Hon. Patricia Forsythe, resigned.

The Clerk of the Parliaments read the message from the Governor convening the joint sitting.

The PRESIDENT: I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Patricia Forsythe.

Mr BARRY O'FARRELL: I propose that Matthew Ryan Mason-Cox is an eligible person to fill the vacant seat of the Hon. Patricia Forsythe in the Legislative Council, for which purpose this joint sitting was convened. I propose that Matthew Ryan Mason-Cox be elected as a member of the Legislative Council to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Patricia Forsythe. I indicate to the joint sitting that if Matthew Ryan Mason-Cox were a member of the Legislative Council, he would not be disqualified from sitting or voting as a member and that he is a member of the same party, the Liberal Party of Australia, New South Wales division, as the Hon. Patricia Forsythe was publicly recognised by as being an endorsed candidate of that party and who publicly represented herself to be such a candidate at the time of her election at the Seventh Periodic Council Election held on 27 March 1999. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

The Hon. MICHAEL GALLACHER: I second the nomination.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Matthew Ryan Mason-Cox is elected a member of the Legislative Council to fill the seat vacated by the Hon. Patricia Forsythe. I declare the joint sitting closed.

The joint sitting closed at 11.37 a.m.

LEGISLATIVE COUNCIL

Thursday 28 September 2006

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

The Clerk of the Parliament offered the Prayers.

ROAD TRANSPORT LEGISLATION AMENDMENT (DRUG TESTING) BILL

ROAD TRANSPORT (GENERAL) AMENDMENT (INTELLIGENT ACCESS PROGRAM) BILL

Bills received.

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

Motion by the Hon. Tony Kelly agreed to:

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

Bills read a first time and ordered to be printed.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT BILL

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

BANKSTOWN HANDICAPPED CHILDREN'S CENTRE

Production of Documents: Order

Motion by the Hon. John Ryan 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 any document relating to a review of the Bankstown Handicapped Children's Centre created since June 2004, in the possession, custody or control of the Minister for Disability Services or the Department of Ageing, Disability and Home Care, including any document which records or refers to the production of documents as a result of this order of the House.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 4 in the Order of Precedence withdrawn by the Hon. John Ryan.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Reference

Ms SYLVIA HALE: I inform the House that on 27 September 2006 General Purpose Standing Committee No. 4 resolved to adopt the following terms of reference:

1. That General Purpose Standing Committee No. 4 inquire into and report on the operations of the Home Building Service of the Office of Fair Trading, and in particular:
 - (a) the builder licensing system,
 - (b) the Home Warranty Insurance Scheme,

- (c) the resolution of complaints,
 - (d) the exercise of disciplinary powers,
 - (e) the enforcement of relevant legislative and regulatory provisions,
 - (f) the establishment of a Home Building Advice and Advocacy Centre, and
 - (g) any other relevant matters.
2. That the committee report by 26 February 2007.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The Hon. TONY KELLY: In view of the holding of a joint sitting at 11.30 a.m. today in this Chamber to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Patricia Forsythe, I suggest that the President do leave the chair until after the joint sitting and cause the bells to be rung in time for question time at midday.

The PRESIDENT: I shall now leave the chair until after the joint sitting and cause the bells to be rung for the House to resume for question time.

[The President left the chair at 11.12 a.m. The House resumed at 12.00 noon.]

The PRESIDENT: I report that at a joint sitting of the two Houses held this day Matthew Ryan Mason-Cox was elected to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Patricia Forsythe. I table the minutes of proceedings of the joint sitting.

Ordered to be printed.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

CRONULLA RIOTS REPORT

The Hon. MICHAEL GALLACHER: I direct my question without notice to the Leader of the Government. Can the Minister inform the House and the community when the report of the internal NSW Police review of the Cronulla riot will be released to the public, particularly as it had to be provided to Cabinet by the end of August?

The Hon. JOHN DELLA BOSCA: I thank the Leader of the Opposition for this important question. I was with the Premier earlier today when he indicated that the Government has taken the general view in this matter that nothing other than transparency is required. Obviously we need to send two messages in relation to all the matters arising out of the so-called Cronulla riots. Firstly, the Iemma Government will not tolerate the kind of antisocial behaviour we saw during that unfortunate week of the Cronulla riots and the associated events. Secondly, the lesson we want everybody to learn is that we will not tolerate that sort of behaviour in any circumstances.

As everybody is now aware, much of the subsequent police action regarding the investigation and prosecution has now taken place, as we are now nine months on. Importantly, we need to understand what we need to do from a policing point of view to learn from that experience, as we learn from all experiences. For that reason the Premier has made the general observation in respect of this matter that he wants complete transparency. As to the detail on the release of the report, he will leave that in the hands of the Minister for Police.

WORKERS COMPENSATION SCHEME VALUATION

The Hon. PETER PRIMROSE: I address my question to the Minister for Commerce. Can the Minister please inform the House about the latest valuation of the New South Wales workers compensation scheme?

The Hon. JOHN DELLA BOSCA: I certainly can.

The Hon. Dr Arthur Chesterfield-Evans: The insurance companies are doing very well, thank you!

The Hon. JOHN DELLA BOSCA: That is a very clever interjection—given that the insurance companies do not make any profits out of the WorkCover scheme at all! I thank the Hon. Peter Primrose for his question. It is with great pleasure that I can inform the House that the New South Wales workers compensation scheme is back in the black.

[Interruption]

Opposition members do not want to hear this because they were complicit in making sure the scheme got into trouble in the first place. PricewaterhouseCoopers estimates the New South Wales WorkCover scheme to be in surplus by \$85 million—down from a massive \$3.2 billion deficit several years ago. Sound financial management, improved claims handling and hard work have returned the scheme to surplus.

Back in the early nineties, irresponsible changes introduced by the Coalition resulted in WorkCover costs exceeding premium collected. For the benefit of members opposite, who do not understand basic financial accountability, if your costs exceed your revenue there will be a deficit. The shadow Treasurer ought to remember that equation; it will get him a long way. The scheme now pays its way. The scheme's return to good financial health has previously allowed an increase in benefits for back injuries and two cuts in premiums. Today I can inform the House of more good news for New South Wales—a further cut in premiums of 5 per cent, and a 10 per cent across-the-board increase in benefits for permanently impaired workers.

The latest reduction in premiums means the Iemma Government has cut workers compensation premiums by 20 per cent in one year. This will have a practical impact on New South Wales businesses. For example, it would save a building wholesaler in the south-east \$2,196 in premiums; a small bread shop in the Sutherland shire would save an additional \$300; and a large manufacturer in Sydney would save \$85,752. In just 12 months the New South Wales Government has twice increased benefits to injured workers and reduced premiums for business by \$560 million—and \$560 million is like cutting payroll tax from 6 to 5.4 per cent, or doubling the threshold from \$600,000 in payroll to \$1.25 million in payroll, except that payroll tax is only paid by the largest businesses. Workers compensation is paid by virtually every business, so this result benefits everybody. This is real progress, and it is estimated to create more than 8,000 jobs. The Government's changes to WorkCover were opposed by the Opposition.

The Hon. John Ryan: They were opposed by most in the Labor Party.

The Hon. JOHN DELLA BOSCA: The Hon. John Ryan does not want to hear this, but today I stood with the New South Wales businesses community and the Premier and Deputy Premier as we announced that the new apprenticeship scheme would increase the number of apprentices in New South Wales by 1,000 a year. Those business representatives know who broke the scheme, and they know who fixed it. The Government is delivering increased benefits to injured workers, lower premiums to business, and the scheme is back in the black, paying its way, financially stable, with lower legal costs, improved claims management, and delivering for employers and, most importantly, delivering for injured workers.

RURAL FINANCIAL COUNSELLORS FUNDING

The Hon. DUNCAN GAY: I direct my question to the Minister for Primary Industries. Did the Director General of the Department of Primary Industries indicate to the Federal Government during negotiations that New South Wales would pull out of all funding for New South Wales rural financial counsellors? Was this the Minister's idea, or was it the director general's? Is the Minister aware of a media release dated 9 May 2006 from Federal agriculture Minister Peter McGauran that says, "We are looking to State governments to continue to maintain their current commitment to this valuable initiative"? Will the Minister now admit that he assumed incorrectly that the Federal Government would cover all of his share of the

community funding? Further, how much money did the State Government recover from the Rural Assistance Authority contacting farmers and asking them to sign away their exceptional circumstances payments? When will the Minister reinstate funding to the program?

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition asked two questions dealing with different areas. Let me make the position very clear—as I have tried to do for the benefit of the honourable member over the past couple of days. In relation to consideration by the Commonwealth of its inquiry into the rural financial counsellors, I will quote again what the Minister said, because the Deputy Leader of the Opposition obviously did not listen yesterday to what I was saying. I will tell the Deputy Leader of the Opposition what Peter McGauran said to me in a letter dated 31 May, which I tried to deal with yesterday. But Opposition members were a bit animated yesterday. Maybe they are a bit calmer today. Mr McGauran said:

The recent Australian Government budget allocated an additional \$9.7 million over two years to replace the shortfall in community cash contributions and to fund the increased costs of governance.

The Hon. Rick Colless: "Community cash contributions", not State Government contributions.

The Hon. IAN MACDONALD: The Hon. Rick Colless should wait. This is where a little bit of knowledge reveals a lot of ignorance in his case.

The Hon. Duncan Gay: Are you going to roll out the line about us and the Rural Assistance Authority? Why not try that one again?

The Hon. IAN MACDONALD: I make it clear that in the negotiations between—

The Hon. Duncan Gay: You are lying.

The Hon. IAN MACDONALD: I am not lying. Let me make it very clear—

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

The Hon. IAN MACDONALD: Let me make it clear that in dealing with this, there has been considerable discussion between the Commonwealth and the State. The State's view was that they should not have been doing the review over the past couple of years. We were of the view that the current arrangements that are in place are the appropriate way to go, but the Commonwealth Government insisted on having its inquiry. It got rid of as much local content as possible and set up a new governance structure that is far more expensive than the previous one. In effect, the Commonwealth Government came in to rule the roost, and it was made clear that the Commonwealth Government would be picking up the community contribution.

How do we analyse the money that goes to the rural financial counsellors? It is broken up into three sections: the community contributions, State contributions, and Commonwealth contributions. We made it clear that we will continue our State contribution, and we do so. That is a contribution worth \$25,000 per counsellor across the State. Let me make it very clear that in the arrangements, the Commonwealth made it clear that it would do the community contribution section. That is quite clear. We are keeping to our State contribution but the Commonwealth, in big noting itself around the States, has upset the rural financial counsellors. I have a press release from the Chairman of the North East Riverina Rural Counselling Service, Bill Thompson, who resigned recently. It states:

Bill Thompson resigns as Chairman of the North East Riverina Rural Counselling Service, Vice-President of the State Rural Counselling Service, and Vice-President of the national association because of Minister McGauran and the department had been trying to blackmail rural financial counselling services into operating with insufficient funding and insufficient notice to get themselves organised for the new funding arrangements.

He is one of the leaders of the rural financial counselling services and he accuses the Federal Government of blackmailing them. The Deputy Leader of the Opposition's comments on this are absolutely outrageous. The New South Wales Government is honouring all the arrangements it has made with the Commonwealth on this matter. He should apologise to Bill Thompson.

BATEMANS MARINE PARK PRESS RELEASE

The Hon. JON JENKINS: My question without notice is addressed to the Minister for Primary Industries. Is it a fact that on 31 January 2005 he, in conjunction with the Minister of the Environment, issued statements concerning the creation of marine parks? Did he or did he not state in his press release, "We want to be clear. There is no immediate proposal for a marine park on the South Coast"? Did he not also say in that press release:

Finally, the local community should know that no marine park would ever be declared on the South Coast until a detailed socioeconomic assessment had been carried out into the possible impact on local businesses and industries.

Is it not also a fact that within a few months of making those statements, a marine park was declared on the South Coast in Batemans Bay? Why did he deceive the people of the South Coast by declaring that there would be no marine park before almost immediately declaring the marine park?

The Hon. IAN MACDONALD: There is no conflict in any statement in that press release. It states that we would not go ahead without a detailed socioeconomic assessment. The plain fact is that this matter is within the province of my colleague the Minister for the Environment, the Hon. Bob Debus. I will refer the matter to him for comment.

The Hon. JON JENKINS: I ask a supplementary question. In view of the Minister's answer to the previous question, did he or did he not, during an interview on ABC Radio on the North Coast on the morning of Wednesday 13 September, categorically deny that he had made the statements I have cited? Should he not apologise to Mr Rhett Smythe of the Nambucca Fishing Club for contradicting him on national radio?

The Hon. IAN MACDONALD: No.

PACIFIC HIGHWAY UPGRADE

The Hon. JAN BURNSWOODS: My question is addressed to the Minister for Roads, whom I welcome back to the Chamber. Will he provide the House with the latest information regarding the upgrade of the Pacific Highway?

The Hon. ERIC ROOZENDAAL: I did not get a single get-well card from the Coalition. I thank the Hon. Jan Burnswoods for her question and interest in this matter. The preferred routes for the final two sections of the Pacific Highway upgrade between Hexham and the Queensland border have been announced, which means that the entire 677-kilometre upgrade now has a designated route. The preferred routes, totalling 90 kilometres, are for the Tintenbar to Ewingsdale upgrade and the Wells Crossing to Iluka upgrade.

This is an historic milestone in the upgrade of this iconic route and is one of the biggest infrastructure projects ever undertaken in Australia. The preferred routes were selected after extensive community consultation and field investigations. Deciding where to build a major road is not an easy process. It is about getting the best balance between community needs, environmental protection and boosting the State's economy. The Tintenbar to Ewingsdale preferred route utilises as much of the existing highway as possible. It achieves high safety standards and provides a great outcome in terms of transport efficiency. It also retains the Macadamia Castle, a local landmark, and, compared to other options, will have minimum impact on wildlife corridors. The Wells Crossing to Iluka Road preferred route supports regional economic development by providing good access to Grafton, Grafton Airport, MacLean, Yamba and the villages of Tyndale and Harwood.

[Interruption]

I have been reading about the Hon. Rick Colless in the *Mudgee Guardian*. I would have thought he would have learned his lesson after his previous outburst. He should take his foot out of his mouth and sit quietly. I am advised the preferred route was also chosen as it avoids flood areas of the Clarence River around Ulmarra and the Coldstream River—important wildlife corridors and sensitive areas of known Aboriginal and European heritage and sensitive wetlands. In addition, it minimises the impact on the coastal emu population. The preferred routes are now on display for the community to comment on. As I said, these announcements are historic.

[Interruption]

I am really disappointed that the Coalition is not interested in the Pacific Highway. I am making important announcements about the Pacific Highway, and the behaviour of the Coalition reflects how The Nationals have become Sydney-centric and take no interest in matters concerning rural New South Wales. These historic announcements mean that the entire Pacific Highway upgrade either is under construction, has been approved for construction, or has a preferred upgrade route identified.

Over the past 10 years the New South Wales Labor Government has contributed \$1.66 billion to the Pacific Highway upgrade—more than double the Federal Government's \$660 million. There is more to do, but we are heading in the right direction with a further \$1.3 billion to be spent on the Pacific Highway over the next three years by the New South Wales and Australian governments. To date, 45 projects have been opened to traffic, with motorists now benefiting from 233 kilometres of four-lane highway. Since the upgrade program began, travel times between Sydney and Brisbane have been cut by one hour for motorists and by 80 minutes for truckies. Both New South Wales and Australian governments have invested millions of dollars in upgrading the Pacific Highway. The projects have made an enormous difference to the New South Wales economy, North Coast communities and New South Wales road users.

CROSS CITY AND LANE COVE TUNNELS FUNDING

Reverend the Hon. FRED NILE: I ask the Treasurer a question without notice. Is it a fact, as stated at a national conference yesterday by academic and planning expert Dr John Goldberg of the University of Sydney, that the two tunnel companies involved in the Cross City Tunnel and the Lane Cove Tunnel are virtually insolvent? Is it a fact that the Government, as he stated, is keeping these companies afloat through their bond scheme? Are the investments of superannuation funds at risk if these tunnel companies collapse?

The Hon. MICHAEL COSTA: I did read the reports yesterday. The gentleman referred to by Reverend the Hon. Fred Nile was interviewed on radio by Alan Jones either today or yesterday and commented on the tollways and their financial state. In answer to the first part of the question, these are matters for the toll companies, not the Government. As I understand it, the Government—

The Hon. Catherine Cusack: It will be a matter for you if they collapse.

The Hon. MICHAEL COSTA: The Hon. Catherine Cusack knows what happened in Victoria in the power sector. If a private company goes down—

The Hon. Dr Arthur Chesterfield-Evans: You buy it cheap.

The Hon. MICHAEL COSTA: That is right. Someone else comes in and buys it. The Government does not have a direct risk with the tollways. In answer to the second part of the question, the funding arrangements were a Commonwealth arrangement, not a State funding arrangement.

The Hon. Eric Roozendaal: Like the airport link.

The Hon. MICHAEL COSTA: The airport link was an example of incompetence by the previous Coalition Government. They could not even write a contract to protect the State's position and we ended up wearing the risk on that. Fortunately, we have learned a lot since the bad old Greiner days, and we do not fall into that position. The financial arrangements are Federally based, not State based.

CROSS CITY TUNNEL PROJECT DEED CONDITIONS

The Hon. GREG PEARCE: My question without notice is directed to the Minister for Roads. Has the Roads and Traffic Authority [RTA] received any notice pursuant to clause 19.1 of the Cross City Tunnel Project Deed in relation to any event or circumstance that may constitute a material adverse effect? If so, when was the notice given? What were the events or circumstances noted? What were the consequences outlined in the notice? Has the RTA commenced negotiations with the trustee or company as required in accordance with clause 19.2 of the project deed?

The Hon. ERIC ROOZENDAAL: I always look forward to questions from the Hon. Greg Pearce. Because of the legal technicalities contained in the question and my commitment to all those involved, it is important that I come back with a precise answer. I will take the question on notice.

AMPHETAMINE USE

The Hon. IAN WEST: My question without notice is addressed to the Minister for Health. What is the latest information on the New South Wales Government's initiatives on targeting amphetamine use?

The Hon. JOHN HATZISTERGOS: This morning I was pleased to address the Inaugural Australasian Amphetamine Conference, which was attended by the Federal Parliamentary Secretary for Health and Ageing, the Hon. Chris Pyne.

The Hon. John Della Bosca: Not a bad bloke for a Lib.

The Hon. JOHN HATZISTERGOS: Yes, he is not a bad bloke. Also in attendance were representatives from the United States of America, the United Nations Office on Drugs and Crime and the Australian National Council on Drugs and a range of health professionals, police, community leaders and workers, researchers and staff in the drug and alcohol field. The use of amphetamines in our society is a very serious issue. Recent statistics from the National Drug and Alcohol Research Centre and the National Drug Household Survey show that amphetamines were the second most commonly used illicit drug after cannabis. The statistics show that 9 per cent of Australians have tried amphetamines; there were 36,900 regular methamphetamine users in New South Wales; and only one in 10 users had reported receiving treatment for their methamphetamine use in the past year.

Research shows also that heavy use of methamphetamines is associated with increased incidence of psychosis, violence, health problems and crime, and the rates of psychosis for regular methamphetamine users are up to 11 times higher than in the general population. The Government is concerned about this emerging issue and that is why it is working to reduce the supply of these drugs, to stop associated criminal activity, to provide better care and treatment and to inform and educate the community.

In this context I was pleased to announce this morning that the Government will provide \$600,000 per annum for the next four years to establish for the first time, on a pilot basis, two methamphetamine treatment clinics at Sydney's St Vincent's Hospital and at the Royal Newcastle Centre in the Hunter. The objectives of the treatment clinics will be to boost services already provided in hospital emergency departments and to improve the co-ordination between drug and alcohol services and mental health services. We will trial new approaches for dealing with some of the problems often associated with treatment of methamphetamine users.

The clinics will provide a range of services within a stepped care framework with treatment options including withdrawal management and counselling programs. The clinics will provide peer support, education and referral to other appropriate health and ancillary services. The St Vincent's clinic will have access to the 20-bed detoxification unit at Gorman House as well as the six-bed psychiatric emergency care unit at St Vincent's. The Newcastle clinic will have access to 12 beds at the Lakeview detoxification facility, eight beds at the James Fletcher Unit and four beds at the Mater Hospital.

The Government's two methamphetamine clinics will be up and running by the end of the year, with commencement due in October, and will operate in a similar way to our four cannabis clinics and will accept referrals from health workers, general practitioners, and government and non-government agencies. In addition, people can self-refer. We have established a Psychostimulants Steering Group, with representatives from NSW Health, the two area health services, the National Drug and Alcohol Research Centre and the Network of Alcohol and other Drug Agencies. This highly qualified steering group is responsible for planning and overseeing the methamphetamine clinic pilot, as well as its evaluation, and for guiding the development of best practice models of treatment in this extremely difficult area.

The Government hopes to offer a range of treatment services that target users of methamphetamines. We recognise the magnitude of the problems associated with the use of amphetamines and will continue to evolve our policy and program directions. We will continue to co-ordinate our efforts to address this emerging problem.

UPPER HUNTER COAL DUST AIR POLLUTION

Ms LEE RHIANNON: My question without notice is directed to the Minister for Mineral Resources. Is he aware that the large winds last weekend whipped up huge plumes of coal dust from coalmines in the upper Hunter Valley? Will the Minister acknowledge that that coal dust is a serious public health concern for

communities in surrounding areas, such as Muswellbrook, who are at risk of serious respiratory disease and other illnesses from the dust?

The Hon. Michael Costa: You have got to be kidding.

Ms LEE RHIANNON: I acknowledge that interjection. So the Government is kidding when people have respiratory problems! Will the Minister take action to investigate whether BHP Billiton and other coal companies mining in the Hunter failed to comply with conditions of operation that require coal companies to use water sprays to dampen coal dust?

The Hon. IAN MACDONALD: I would be tempted to engage in discussion with Ms Lee Rhiannon on this issue; however, as I understand it, air pollution is the province of my colleague the Minister for the Environment, Mr Bob Debus.

Ms Lee Rhiannon: I just ask you to acknowledge its importance.

The Hon. IAN MACDONALD: Just calm down. I hope the honourable member has removed all those sea bream from her web site, on which she claimed the dead fish were from some inland waterway. The question concerned the winds of last Sunday, and she commented on that in the media on Monday. That was certainly the worst September day I can recall. There were high winds, gusting around 100 kilometres an hour as well as very high temperatures of 30-odd degrees. There is no doubt that would have created dust. If the honourable member has a complaint, she should refer it to the appropriate authority, the Environment Protection Authority, which will investigate and make a determination.

Ms Lee Rhiannon: Are you not concerned that this is a major health problem?

The Hon. IAN MACDONALD: The honourable member should refer that part of her question to the Minister for Health.

MARSDEN CENTRE, RYDE, ASSAULT OF RESIDENTS ALLEGATION

The Hon. JOHN RYAN: My question without notice is directed to the Minister for Disability Services. Has one of the prosecutions arising out of the allegations of resident abuse at the Tarrio Unit in the Marsden Centre now been completed? Was a Department of Ageing, Disability and Home Care employee convicted for abusing clients? If so, what circumstances led to that conviction?

The Hon. JOHN DELLA BOSCA: I am aware of the situation. As the honourable member indicated, apparently this matter has been brought to a conclusion. It is deeply distressing to hear of allegations of abuse and prosecutions in regard to such matters in any area of society, let alone for the most vulnerable. The department has set procedures for dealing with matters such as these and bringing them to a conclusion, and those procedures have been put in place.

BRIGALOW TIMBER COMPANIES

The Hon. CHRISTINE ROBERTSON: My question without notice is directed to the Minister for Primary Industries. What is the State Government doing to honour its commitments to timber companies in the Brigalow area?

The Hon. IAN MACDONALD: I thank the honourable member for her question and commend her for her long-term interest in this area. As members on this side of the House would know, last year the Government made a pledge to give industry development assistance to the Brigalow area. Today I am pleased to announce the first tranche of more than \$1 million in funding for the Brigalow area.

The Hon. Duncan Gay: It is a bit late.

The Hon. IAN MACDONALD: No, it is not too late. Funding includes \$292,000 for Gulargambone Cypress, \$636,000 to Gulargambone Sawmilling, \$110,000 to Grants Holdings at Condobolin, and a further \$6,000 to the Cypress Industry Strategic Plan Group. For the benefit of Opposition members, that adds up to just over \$1 million. This funding fulfils an important Government commitment but it does more than that: it helps those communities that need it most. That is what the Iemma Government is all about. This builds on our

initiative in signing historic 20-year wood supply agreements with all sawmills in the Brigalow area and a major cypress thinning initiative to promote resource growth and further sustainability.

Earlier this year I announced the release of guidelines for a \$15 million industry development fund to help timber mills invest in value adding and upgrades to their operations. Under the Brigalow development industry assistance initiative the New South Wales Government is contributing \$2 for every \$1 invested by industry to help upgrade mill equipment, processing techniques, and business and market development activities. This means that the State Government and the local mills are working together to create a world-class timber industry in the region. An important part of this commitment included a provision that allowed applicants to seek funding for important value-adding projects that had been recently completed. These significant projects underpin the future security of these mills and give them a leg-up in investing in the future of the Brigalow area.

Today's funding will be used for a range of projects, including a major mill upgrade for Gulargambone Cypress; a frame saw and loader-docker for Gulargambone Sawmilling—which improves recovery from timber through more accurate cutting along a thinner kerf; a significant value-adding capability—upgrades to logging and haulage capacity and further processing upgrades for Grants Holdings at Condobolin, including a mill tally system and a small log processing line; and funding for the Cypress Industry Strategic Planning Group for its work in export development to the Japanese market. On the issue of Gulargambone Cypress, I received vigorous representations from Independent members of Parliament, including Peter Draper, Dawn Fardell and Richard Torbay. I was also contacted by Tim Horan, the Independent candidate for Barwon, and Meryl Dillon, the Country Labor candidate for the same seat. All are to be congratulated on their hard work for the people of this area.

George and Patrick Paul's sawmilling operations at Gunnedah and Baradine will shortly receive approval for their first stage of industry development assistance funding. We are awaiting some confirmation from their accountants and we will soon be in a position to offer funding for a major mill upgrade at Gunnedah and a skid loader in Baradine. In addition to the payment of industry development assistance, Forests NSW is working closely with the Gulargambone mill to ensure that the flow of wood to the mill is tailored to meet current market demand under the terms of the recently signed 20-year wood supply agreements. This important \$1 million in investment in the Brigalow area is the first step towards an accelerated program of industry development assistance in the Brigalow area.

Industry has sought \$28 million in government funding for a total \$42 million in investment in the Brigalow area. In other words, it has taken into account the ratio of two government dollars for one industry dollar and has therefore indicated its willingness to dig deep into its own pockets—to the value of \$14 million—to invest in the future of the Brigalow timber industry. That is the degree of confidence industry has in the new wood supply agreements and the sustainability of wood supply agreements. [*Time expired.*]

MUSLIM COMMUNITY AND AUSTRALIAN VALUES

The Hon. Dr PETER WONG: My question without notice is directed to the Minister representing the Premier. Is the Government aware of a statement by Gough Whitlam, as reported in the *Australian* today, in which he draws a parallel between Chinese migrants in the past and the Muslim community in Australia today, and the racist treatment that these communities have faced to win their rights and respect in the face of prejudice, intolerance and politically contrived racism? In view of this stinging and appropriate criticism by Gough Whitlam, does the New South Wales Government endorse Kim Beazley's dogged attitude of following John Howard all the way? What strategy or plan does this Government have to uphold the Australian value of non-discrimination and a fair go for the Australian Muslim community?

The Hon. JOHN DELLA BOSCA: The Iemma Government, all the parties to which the Hon. Dr Peter Wong referred, and even the current Federal Government uphold the basic principle of equal treatment of people, regardless of their race or religion. Talk about politically contrived racism! I think this is the reverse of politically contrived racism. It is part of a national consensus that people come to Australia as migrants or visitors. What we construe as multiculturalism—and some of us see it a little differently from time to time—is now properly part of a national consensus, strongly supported by this Government and this Premier. Generally speaking, although there are sometimes shaky signs, I believe it is strongly supported by all the major political parties and all the intelligent minor parties, which is a bit of a qualification.

I am sure that a few people from migrant backgrounds in this Chamber can attest to their own experiences and the experiences of their relatives. The first migrants to arrive in Australia—they were selected

courtesy of the King's finest judges—were not terribly welcome or terribly happy about it. However, each wave of migrants has made its own contribution and has gradually become accepted as a part of our society. Migrants have added their elements of religion and culture to our society. Instead of continuously running down people we ought to celebrate the fact that, on the whole, apart from occasional blemishes such as the disturbing incidents in Cronulla nine months ago and other instances of racism, as a culture and a society we have done pretty well in relation to racial tolerance, religious tolerance and other aspects of which the Iemma Government is a proud and strong supporter.

As I said earlier, in spite of the fact that comments are sometimes taken out of context—sometimes deliberately by the media or sometimes by activists for their own purposes—the Chinese community and the Muslim community in Australia have made significant contributions and are highly regarded by most people. Unfortunately, in all communities there are extremists and people who have values that are difficult to assimilate or that will never be assimilated. That is part of equal treatment. We must judge everyone by similar standards. I think the community has a right to be critical of extremists and of people who want to import inappropriate attitudes to Australia—an issue about which the Premier has been quite strong.

I think it is offensive to suggest that Kim Beazley has a dogged attitude of following John Howard all the way. That is ludicrous and it is an insult both to John Howard and to Kim Beazley. Kim Beazley has been very strong on the issue of continued multiculturalism. As I said earlier, despite occasional differences of opinion that I have with the Prime Minister, the general thrust of Commonwealth policy remains favourable to multiculturalism.

The Hon. Dr PETER WONG: I ask a supplementary question. The words to which I referred earlier, "prejudice, intolerance and politically contrived racism", were words that were used by Gough Whitlam. Would the Minister say that he was wrong?

The Hon. JOHN DELLA BOSCA: Gough Whitlam is a very distinguished former Prime Minister.

The Hon. Duncan Gay: No, he is not.

The Hon. JOHN DELLA BOSCA: Yes, he is, and he deserves to be regarded as a very distinguished former Prime Minister.

The PRESIDENT: Order! I call the Treasurer to order for the first time.

The Hon. JOHN DELLA BOSCA: I have the privilege of counting Gough Whitlam and a number of members of his family among some of my closest personal friends.

The Hon. Duncan Gay: Do you hold hands with him?

The Hon. JOHN DELLA BOSCA: No, I do not hold hands, but that is a matter of my own particular puritanism. As I said in my substantive answer, the media and various activists construe people's comments in various ways to suit their convenience. Gough Whitlam is entitled to his opinion and, like all Australians, he is entitled to promote his opinions. He is entitled to make his points of view clear. I suggest that, as often occurs with the great E. G. Whitlam's public statements, his comment has been subject to considerable distortion. I suggest that the Hon. Dr Peter Wong should strive to quote people like E. G. Whitlam in context.

PORT STEPHENS GREAT LAKES MARINE PARK

The Hon. ROBYN PARKER: My question is directed to the Minister for Primary Industries. Now that the consultation period for the Port Stephens Great Lakes Marine Park draft zoning plan is closed, will the Minister advise the House of the time line for the release of the final zoning plan and eventual declaration of the marine park? Why is the Marine Parks Authority silent on these matters when questioned by the local community? Is the Minister trying to delay the release of this information until after the election in order to decrease the public backlash?

The Hon. Rick Colless: You would not do that, would you, Macca?

The Hon. IAN MACDONALD: No. I would never delay any matter for a political purpose. It is clear that the Government has made a commitment to the Port Stephens Great Lakes Marine Park. It announced the

park boundaries late last year and over the past few months has been engaged in the process of settling its zoning. As at 23 September we had received about 4,200 submissions, many of them much longer than those received in connection with previous marine parks. Some of them extended to up to 100 pages, which is completely different from the submissions received concerning Cape Byron Marine Park, for which 5,000 of the 6,000 submission received were form letters.

It will take a little while for the Marine Parks Authority to consider the issues that have been raised by the many people who have made submissions in good faith. I have to consult with colleagues, such as the Minister for Lands. It will take a little while to assess those 4,200 submissions. When that process is completed, the authority will propose certain boundaries within the zone that will in due course be forwarded to me and my colleague the Hon. Bob Debus. We will then consider the opinion of the Marine Parks Authority. If the Hon. Robyn Parker thinks I am going to put a date on that process, she is deluding herself.

ORAL HEALTH FEE FOR SERVICE SCHEME

The Hon. KAYEE GRIFFIN: What is the latest information on the New South Wales Government's Oral Health Fee for Service Scheme?

The Hon. JOHN HATZISTERGOS: I am pleased to inform the House that as part of the budget boost that we gave to oral health in the recent budget, we are going to enhance—

The Hon. Melinda Pavey: How much was it? Four million dollars?

The Hon. JOHN HATZISTERGOS: Actually, it is \$40 million over four years. We are going to enhance the New South Wales Oral Health Fee for Service Scheme, commonly known as the dental voucher scheme. This enhancement will see the provision of dentures benchmarked against the Australian Government Department of Veterans Affairs [DVA] schedule. This funding was made available in the 2006-07 budget and is an important move that will improve access to dental care. The lack of parity with the DVA schedule for denture services has led some dentists and dental prosthetists to withdraw from the voucher scheme. By making these additional funds available to area health services, we anticipate that those private providers—

The Hon. Robyn Parker: How many on the waiting list?

The Hon. JOHN HATZISTERGOS: I will come to the Hon. Robyn Parker in a moment. We anticipate that those private providers, especially the dental prosthetists in rural areas, will increase their participation in the scheme and enable the area health services to provide more effective and efficient dental care. As the Hon. Robyn Parker has interjected, I draw her attention to a policy that has been floating around called Good Teeth, Good Health, which is apparently one of the few policies that the Opposition has released in the run-up to the State election. That policy effectively xeroxed the policy that has been articulated by a dental health lobby group—

The Hon. Robyn Parker: No, no.

The Hon. JOHN HATZISTERGOS: Yes, yes. But of course the Opposition will not endorse the abolition of the private voucher scheme, for which that lobby group has argued. The group has consistently called on the Government to abolish the private voucher scheme. This is the same policy that the Opposition appears set to take to the next election.

In 2005-06 the voucher scheme, which this Government introduced in 2001, saw some 42,000 patients in rural and regional areas access a private dentist for free at a cost of \$20.3 million. I want to know what the Hon. Robyn Parker and her people will do with those 42,000 patients who access this scheme, which the Opposition intends to abolish to fund and implement its articulated policy. Dr Nick Stanley, a dentist on the North Coast, called on the Opposition to save the voucher scheme, which he cited as providing relief to "people in serious pain". In the *Port Macquarie News* of 7 August Dr Stanley was reported as saying that this is a "very important service for those who are disadvantaged". The Coalition may not be aware that these vouchers are an important safety net for people who live in rural and regional areas, where dental work force availability is a serious issue.

The Hon. Robyn Parker: So how many are on the waiting list, did you say?

The Hon. JOHN HATZISTERGOS: It is interesting that the Hon. Robyn Parker seems intent upon interjecting during my response to a question about dental care because the report of the dental inquiry conducted by the Standing Committee on Social Issues proposed:

... that the NSW Government urge the Federal Government to extend Medicare to cover dental services to special needs groups and children up to the age of 16 years.

That is the recommendation of the upper House committee. But guess what? The Hon. Robyn Parker opposed it. She actually moved that that recommendation be deleted from the report. She does not want to give people hope; she does not want the Federal Government to fund the dental needs of special groups. It would have helped to have Liberal Party support for this recommendation.

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

The Hon. JOHN HATZISTERGOS: I note, out of interest— [*Time expired.*]

AMBULANCE SERVICE INTERSTATE TRANSPORT FEES

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is directed to the Minister for Health. Will the Minister advise whether the action he detailed in response to a question I asked him yesterday regarding the reciprocal ambulance fee agreement between New South Wales and Queensland will be of immediate assistance to Mr Eric Aitken, a blind veteran, and Mrs Dorothy Aitken, both of Bawley Point, New South Wales and both in their mid-80s, who found an \$860 ambulance bill in their mailbox upon their return from Queensland in July 2006? What does the Minister advise that Mr and Mrs Aitken should do with the bill they received?

The Hon. JOHN HATZISTERGOS: The point I made yesterday is that New South Wales does not have a reciprocal ambulance agreement with Queensland because Queensland pulled out of that agreement. We have reciprocal agreements with every State and Territory except South Australia and Queensland. Those States have pulled out of the agreement because their ambulance fees are not subsidised in the way that ours are. They charge community levies. Ambulance fees in Queensland are up to four times more expensive. Rather than have a reciprocal agreement, those States would prefer to charge inflated fees and access our subsidised fees. That is the reason we do not have a reciprocal agreement with those two jurisdictions.

I made the point yesterday that the Independent Pricing and Regulatory Tribunal specifically indicated in a report about which it issued a press release earlier in the year that the payment of fees between jurisdictions on the basis that Queensland proposed should not continue. There was a dispute between the ambulance services in relation to the billing. Queensland now sends bills out to all ambulance users, unless the service has been specifically requested by a government.

If the Ambulance Service of New South Wales requests a service, for example for someone living in border areas, and the Queensland Ambulance Service responds, it will be paid for by the New South Wales Government. The situation that currently exists between Queensland and New South Wales is analogous to that which exists in other jurisdictions. In Tasmania, for example, it is identical. In the Australian Capital Territory and Victoria the only invoices paid are those covered by private health insurance or a subscription to the Ambulance Service. Similarly, in the Northern Territory, if you do not subscribe to the St John Ambulance Fund, you are not covered. The only exceptions are those covered by Veterans Affairs. I have written to the Queensland Minister asking him to rejoin the reciprocal agreements. I have written on behalf of a number of people who have had invoices similar to the one referred to by the honourable member, and I would be happy to include that in my next letter to him in relation to this matter. I have asked that this matter go before the ministerial council.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I ask a supplementary question. What will the Aitkens do with their bill?

The Hon. JOHN HATZISTERGOS: That is an issue they can take up with the Queensland Ambulance Service. If they wish me to take it up on their behalf, I am happy to do so.

WATER ENTITLEMENTS TEMPORARY TRANSFER

The Hon. RICK COLLESS: My question is directed to the Minister for Natural Resources. What is the acceptable period of time to approve the temporary transfer of water entitlements along the Murray-Darling rivers? What is the average time taken to transfer these entitlements? Is the Minister aware that approximately 12,000 megalitres of temporary trades were electronically lodged with the department on 15 August, but were not approved until 12 September? Is he further aware that this water was purchased by irrigators to irrigate canola and cereal crops, and dairy pastures in severely drought-affected areas of the western Riverina, and that the delay has cost the farmers hundreds of thousands of dollars in crop losses? What action will be taken to ensure the immediate completion of outstanding temporary water trades, and the prompt transfer of future trades to allow the timely irrigation of drought-affected crops and pastures?

The Hon. IAN MACDONALD: I will take the question on notice. I do not know what happened with the department on 12 or 14 August, in September, or whenever it was that these temporary trades were to be finalised. I suggest the question should have been asked on notice. I will take the question on board and have a reply for the honourable member as quickly as possible.

SAFER COMMUNITIES AWARDS

The Hon. PENNY SHARPE: My question is addressed to the Minister for Emergency Services. Will the Minister advise the House on the 2006 Safer Communities Awards?

The Hon. TONY KELLY: Early this morning I had the pleasure of announcing the seventh annual Safer Communities Awards, which are a great way of recognising the very best of Australia's talent in preventing, planning for, and responding to emergencies and disasters. It is appropriate that the awards were presented only half an hour after I launched the State Emergency Service StormSafe Week in Parliament. StormSafe Week marks the start of the summer storm season. The wild weather last weekend was a timely reminder; the State Emergency Service received more than 3,300 calls and had more than 500 volunteers in the field. The volunteers came from all over the State from 19 different units, including one from my home town of Wellington. During these times it is the wonderful men and women who make up the 10,000-strong State Emergency Service who are there helping families and businesses during and after the storm. The State Emergency Service is one of many emergency management organisations that work together in times of natural disaster. In a large-scale emergency, support can always be called upon from other districts, a range of other agencies, and from our interstate colleagues.

We saw this in action last Sunday and earlier this year with the response to Cyclone Larry in north Queensland. The State Emergency Service provided assistance to Queensland in the aftermath of Cyclone Larry. It has also helped out in major international incidents, like the Boxing Day tsunami and the Pakistan earthquake. It is a source of great pride that our expertise and willingness to help when and where needed is recognised around the world. In the past month the United States of America has sought three deployments of Australian and New Zealand firefighters to help manage its severe and prolonged forest fire season.

Our emergency management organisations rely on the invaluable assistance they receive from community agencies and private sector organisations. This morning I accepted a storm trailer from O'Brien Glass, worth \$15,000, on behalf of the State Emergency Service. It is a wonderful sponsorship, particularly when one realises that the storm trailer gives information to people about what they should do in a storm. For example, people should make sure that their garden furniture or any object that is likely to be blown around and become a missile, and perhaps go through a window, is put away. In effect, O'Brien Glass is doing itself out of business by promoting such information. It put its community views ahead of its profit.

This year three New South Wales organisations received Safer Communities Awards and now go on to become finalists in the national awards, which will be announced in December. Camden, Campbelltown and Liverpool councils received an award for their Where Are Your Kids? driveway safety project. The Department of Natural Resources received an award for its development guidelines for flood-prone land. Janellis Australia, a private company, received an award for its Sydney central business district emergency business guidelines and forum. Another three projects were highly commended. The State Emergency Service was commended for its request for assistance online operational management system. The Baulkham Hills Rural Fire Service was commended for its Firewise Fuel Management Program. I note that many of the volunteers of the Baulkham Hills Rural Fire Service were involved in battling the fires on Sunday. New South Wales Fire Brigades received a commendation for its Be Safe Not Sorry campaign. I know that everyone in the House joins with me in

congratulating the eight organisations on their impressive and ongoing work to educate and protect the community, and to support emergency management in the State. I hope that one of them wins nationally.

GOOLAWAH AND GRASSY HEAD RESERVE LAND

Mr IAN COHEN: My question is directed to the Minister for Lands. I again refer to the transfer of crown lands around Kempsey to the national park estate. Kempsey shire council meeting minutes of 18 July 2006 state:

The matter was discussed with the Minister for Lands, the Hon. Tony Kelly MLC, during his visit to Kempsey on Thursday 22 June 2006. The Minister indicated that the Department of Lands would not be transferring the lands (both Goolawah and the reserve lands around Grassy Head/Stuarts Point), to the Department of Environment and Conservation.

I put it to the Minister that his interference in the matter is inappropriate and that his payment of \$100,000 might be construed as an inducement to get council to act as he saw fit. I ask whether he will now urgently contact Kempsey Shire Council and retract his advice in relation to the Goolawah and Grassy Head plans so that council can decide the issue on its merits without inappropriate influence from him.

The Hon. TONY KELLY: I remind honourable members that embedded within the Crown Lands Act is the responsibility to protect the environment. The extreme Greens fail to understand that the environment can be protected under a number of tenures, ranging from freehold through to the national park estate. The reason the land is still in pristine condition is that the Department of Lands has managed it for 200 years. During negotiations between the former National Parks and Wildlife Service and the former Department of Land and Water Conservation on the North East Regional Forest Agreement process, protocols were established to deal with cases where transfer of reserve lands under the control of reserve trust was proposed.

The agreed procedure was that the National Parks and Wildlife Service, now the Department of Environment and Conservation, would secure the agreement of the reserve trust prior to any transfer. Kempsey Shire Council is the corporation appointed to manage the affairs of the trust, which was established in respect of a reserve 63879. After considering its position and responsibilities at Goolawah and Grassy Head, the council has now fully indicated that it wishes to retain management responsibility for the reserve. In terms of the agreed protocols with the Department of Environment and Conservation I take the view that the land should remain as Crown land. The Department of Lands, in partnership with Kempsey Shire Council, will seek to maximise the potential of a number of recreational areas and camping areas on Crown reserves managed by council.

It should be noted that the department has a far greater interest in the management of these types of reserve than previously was the case under the Department of Water, Land and Conservation. In that spirit, I recently provided funding to move these issues forward. An amount of \$100,000 has been made available to prepare plans of management for the reserve. This will provide a strategic approach to the future use, protection and rehabilitation of the reserve. This will ensure the protection of environmental values while at the same time meeting other community needs.

The Department of Lands has a proud track record in balancing the environmental, social and economic needs of the people of New South Wales. It has done so for the past 150 years. The Department of Lands is the steward of many parcels of environmentally sensitive land from coastal caravan parks, State parks through to recreation reserves and thousands of rural leases across the State, which amount to something like 30,000. Rather than a one-size-fits-all approach, I challenge the extreme Greens movement to get out of their old mentality of green versus brown, and to support the Government in its more realistic, much more sensible approach of protecting environmental values, regardless of tenure or whether it is on government, freehold or national parks land.

RURAL FINANCIAL COUNSELLORS FUNDING

The Hon. CHARLIE LYNN: My question is directed to the Minister for Primary Industries.

The Hon. Rick Colless: Where has he gone? He has left the Chamber early. Come back Macka!

The Hon. CHARLIE LYNN: I can understand why the Minister wants to bolt on this one, but he will have to come back. Is the Minister aware that during the 2003-04 and 2004-05 financial years the Nature Conservation Council received more than \$1.2 million in funding, including \$90,000 for rent and office support, \$23,000 from NSW Fisheries for a project officer three days a week, and \$85,000 through Bob Debus for

special assistance from a number of government departments, including the Minister's? Is that the real reason behind the Minister's heartless cut of funding for rural financial counsellors by almost 50 per cent? Is that funding yet another sacrifice by farmers for Greens preferences?

The Hon. IAN MACDONALD: This is a marvellous moment! I think it is the first question the Hon. Charlie Lynn has ever asked me. He has dragged himself away from his computer, where he has been stacking some Liberal Party branch somewhere with the help of the Hon. David Clarke—stacking the branch with some right-wing religious unknown sect designed to chase after the few remaining moderates that are left in this Chamber from the old Pickering group. The Hon. Charlie Lynn has finally been motivated to leave his computer, to stop stacking those branches.

The Hon. Charlie Lynn: Point of order: I was an alter boy at St Josephs School in Orbost, but I was never considered extreme.

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

The Hon. IAN MACDONALD: That is true. For many years I did not expect him to be anything but a moderate, until he teamed up with the Hon. David Clarke. Since that teaming has occurred we have seen the Hon. Charlie Lynn on the computer. That is why he sits in this Chamber all day with that computer: he is stacking various members of various little unknown groups all over the State and pulling them into—

The Hon. Don Harwin: Point of order: The Hon. Charlie Lynn asked an important question about rural financial counsellors and the Minister's answer is not in any way relevant. I ask you, Madam President, to draw the attention of the Minister to the standing orders.

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

The Hon. Amanda Fazio: To the point of order: It should be a member of The Nationals who asks a question about rural financial counsellors and not a Liberal Party branch-stacking member.

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

The Hon. Charlie Lynn: Point of order: I am very proud that I spent my youth in the area of Gippsland, Orbost and on the Snowy River—most of my life has been spent in rural parts of Australia. I feel worthy to ask such a question. Greens preferences took out the timber industry in Orbost and they are destroying the Brigalow. What is the Minister going to do about it?

The PRESIDENT: Order! Members should be aware of the standing orders relating to personal explanations.

The Hon. IAN MACDONALD: The Hon. Charlie Lynn sits in this Chamber stacking Liberal Party branches. I know the Hon. Don Harwin will race around with *Hansard* to show how he is trying to bring him into line. He will have that in his curriculum vitae. The Hon. David Clarke is the one who is laughing the most because he has somehow got this wonderful moderate named the Hon. Charlie Lynn to transfer into what they call the "neo uglies". I recommend this publication to all honourable members because it lays bare the Liberal Party. The Leader of the Opposition should certainly read it. I will take the question on notice. [*Time expired.*]

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

Questions without notice concluded.

[*The President left the chair at 1.10 p.m. The House resumed at 2.45 p.m.*]

HEALTH LEGISLATION AMENDMENT (UNREGISTERED HEALTH PRACTITIONERS) BILL

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

Motion by the Hon. Tony Kelly agreed to:

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

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

SMOKE-FREE ENVIRONMENT AMENDMENT (REMOVAL OF EXEMPTIONS) BILL**Second Reading**

Debate called on, and adjourned on motion by the Hon. Dr Arthur Chesterfield-Evans.

FREEDOM OF INFORMATION AMENDMENT (IMPROVING PUBLIC ACCESS TO INFORMATION) BILL

Ms LEE RHIANNON [2.50 p.m.]: I seek the leave of the House to amend Private Members' Business item No. 2 in the order of precedence by omitting all words after "1989" and inserting instead "to require an independent review of that Act to be carried out to improve public access to information and for other purposes."

Leave granted.

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

Second Reading

Ms LEE RHIANNON [2.52 p.m.]: I move:

That this bill be now read a second time.

I am very proud to introduce the Freedom of Information Amendment (Improving Public Access to Information) Bill on behalf of the Greens today. The Freedom of Information Act is an important cornerstone of democracy in New South Wales. However, the Act is far from perfect. As the Act currently stands, it is outdated, laden with loopholes and vulnerable to an increasing culture of secrecy within the Government. Requests for information are becoming costly, lengthy and adversarial. This is clearly not good enough.

This bill provides for a comprehensive and independent review of the Freedom of Information Act with a view to improving access to information in New South Wales. I urge members to support this bill. Freedom of information laws are key to open and accountable government. James Madison, a founder of democracy in America, wrote of "the power which knowledge gives". This is very true. This bill is about ensuring that citizens of New South Wales have the power to access and independently scrutinise government-held information. It is about ensuring that citizens have sufficient information to participate meaningfully in government decision making and in holding representatives to account. It is about preserving and ensuring our democratic rights. Justice Michael McHugh in the High Court case of *Stephens v West Australian Newspapers Limited* pointed out:

... each member of the Australian community has in interest in disseminating and receiving information, opinions and arguments concerning government and political matters that affect the people of Australia ... The common convenience and welfare of Australian society are advanced by discussion—the giving and receiving of information—about government and political matters.

I particularly mention the media and the importance of a properly functioning freedom of information [FOI] system for journalists. Media scrutiny of government information is essential in a robust democracy. In the New South Wales Ombudsman's annual report he notes that there has been a threefold increase in the number of complaints about FOI applications made by journalists from 2001-02 to 2004-05. This is a disturbing trend. In these times of government spin doctoring and public relations, it is vital that we have an effective FOI system so that the media and the public can see behind the Government's news management. For the Greens, the importance of freedom of information goes beyond the role it plays in democratic accountability. We believe that information held by the Government is an important public resource—a resource that should be freely available for the social and environmental advancement of New South Wales.

The Government holds vast stockpiles of valuable information, such as research, statistical data, maps of natural resources and surveys of health, education and environmental standards. The Government does not own this information. It is not a gift that government departments can bestow upon a waiting public at their discretion. Government information is an important public asset that is created and collected in the public interest and with public money. It should be accessible for all people and used and re-used for the betterment of society. The Greens believe that a comprehensive review of this Act is well overdue. The health of democracy in New South Wales is suffering from the inadequacies in the current Act and the culture of secrecy in the current Government.

The Freedom of Information Act came into force in July 1989. When the Act was introduced the Greiner Government promised a full review of the legislation after two years. Seventeen years have passed since then, but there has been no comprehensive review of the Act. It is hard to credit that 17 years has passed and there has not been a review of the Act, and that reflects no credit on this Government. For over a decade, the New South Wales Ombudsman has repeatedly called for a review of the Freedom of Information Act, yet nothing happened. The Act became a patchwork of piecemeal amendments and it sits uncomfortably alongside several separate and sometimes inconsistent Acts in New South Wales under which members of the public seek to access information. These different schemes confuse the public and government agencies alike.

Other Acts in New South Wales are routinely reviewed, so why not the Freedom of Information Act? I asked the Premier, Mr Morris Iemma, about the need for a review in the recent budget estimates hearings. The answer he gave was far from clear. The debate was amusing but I cannot say it was enlightening. So what do we have from this Government? We have no report, no recommendations and no call for public submissions. We need more than a Clayton's review of this important Act. I note that the New South Wales Law Reform Commission is currently undertaking a review of privacy protection in New South Wales. That review will examine any inconsistencies between laws on privacy and the Freedom of Information Act. The Greens do not believe this review is sufficient.

In the 17 years since the Act came into force the context of government in New South Wales has changed dramatically. Our FOI procedures are struggling—and are often failing—to keep up. In the last decade in New South Wales we have seen a huge shift to privatisation, corporatisation and the rise of the ubiquitous public-private partnership. Many agencies and corporate entities that fulfil government duties are now no longer covered by the Freedom of Information Act. Information about important public services and infrastructure is now often held by the private sector and shrouded from the public gaze by commercial-in-confidence exemptions. This is akin to information theft and a direct deception of the New South Wales public.

The Cross City Tunnel debacle is just one example of that. Community groups had an almost impossible struggle to access information from a private consortium about this key piece of infrastructure affecting their community. The contract between the Cross City Tunnel Consortium and the Government became public only after pressure from the Greens and a ruling by Sir Laurence Street. There have also been major developments in information and communications technology since 1989. The world has turned to digital recording, and information is collected, stored and disseminated in a very different way now than the way it was done in 1989. The Greens believe that these information technology developments are an exciting opportunity to rework FOI procedures in New South Wales.

No longer are we dependent on someone standing in front of a photocopier in a windowless room copying documents for hours on end to distribute. Should we not now move to a system of proactive disclosure where all documents are automatically publicly available from the Internet? The Freedom of Information Act in the United States of America established what is known as reading room access to information. In the reading room agencies must make categories of documents routinely available for inspection and copying. Those records must be available in electronic form, usually on the Internet. In comparison, the New South Wales procedures are languishing in the dark ages. It is clear that the Act in its current form is not working and that it is open to manipulation by an increasingly secretive Government.

Freedom of information applications have almost doubled in the past decade. The Annual Report of the NSW Ombudsman shows that applications have increased from 8,328 in 1995-96 to 15,791 in 2003-04. Despite that increase, the percentage of applications where all documents have been released in full has dramatically decreased to only 63 per cent in 2001-02, down from 81 per cent in 1995-96. The number of applications refused in part has more than tripled in that time. The New South Wales Ombudsman is blunt in naming this as a "significant and disturbing downward trend" in the release of information.

My office is awash with stories from disgruntled freedom of information applicants. The efforts of many community groups, journalists and members of the public are being frustrated by exorbitant application costs and lengthy delays in processing. Since 1995-96 the number of applications refused on the basis that advanced deposits were not paid has increased almost four-fold. The Ombudsman has received complaints that some agencies are charging up to \$1,000 as an advanced deposit to release information. That is beyond the means of many community groups and individuals. The obvious conclusion is that unrealistic fees are being used to discourage freedom of information applicants. Clearly there is a culture of secrecy in this Government. Freedom of information is not meant to be adversarial—that is against the spirit of the Act. The objects of the Act make it clear that the Act is to be interpreted in favour of disclosing information.

As noted in the parliamentary briefing paper on Freedom of Information and Open Government, agencies are going to considerable lengths to prevent disclosure of contentious information. There are claims of direct political interference where information is contentious; anecdotal evidence that some public servants avoid placing matters in writing in order to avoid material being sought under freedom of information; and reports that agencies have not followed the requirements of freedom of information legislation, because the information would be embarrassing for the Government. There are also reports that government agencies are overusing and misusing exemption clauses to deny access to information. Section 25 (1) of the Act gives agencies some discretion to refuse access to a document if it is classified as an "exempt document". In 2005 the New South Wales Ombudsman noted a marked increase in agencies claiming Cabinet confidentiality as a reason to refuse access to a document.

There are legitimate reasons that some information should not be publicly disclosed, such as national security and personal privacy. But this Government is hiding behind defences, such as commercial in confidence and Cabinet in confidence protections, to block access to information. This is reprehensible. Rather than FOI facilitating access to information, the system is being used—or, I should say, abused—to protect the partisan interest of the Government. The most recent example of this government-sanctioned secrecy was under the Minister for Health. In this case the Opposition made an FOI request for incidents of medical errors in New South Wales hospitals. Rather than release the information on what is clearly an important public health issue, the Minister instead moved to amend laws to allow gaol terms for people who release information relating to reportable incidents in hospitals.

Does that sound like an open government revelling in the free flow of information? It certainly indicates that we have massive problems with this Government and its whole realm of secrecy. Greens members of Parliament have made use of a parliamentary call for papers to uncover information on the Cross City Tunnel, the Lane Cove Tunnel and other major projects. As members of Parliament we have the privilege to use Parliament to make a call for papers. Community groups, journalists and members of the public do not have that privilege. We must ensure that any member of the public, not just members of Parliament, can uncover information that should rightly be in the public domain.

I will now explain the details of the bill. The bill adds two new sections to the Freedom of Information Act, sections 70 and 71. Section 70 requires that the Government appoint an independent reviewer to conduct a review of the Freedom of Information Act. The bill stipulates that the reviewer is not to be a government department or a member of government staff. Here, the Greens envisage an organisation, such as the New South Wales Law Reform Commission, conducting the review. Alternatively, the New South Wales Ombudsman has a review be conducted by a judicial officer. The broad aim of the review, as set out in proposed section 71 (1), is to determine whether the policy objects of the Freedom of Information Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

Proposed section 70 (3) lists a number of issues that the review must consider. This is not an exhaustive list, but raises key concerns about the operation of the Freedom of Information Act. The bill requires that the reviewer consider whether the right to access information is being adequately supported by the provisions and practical operation of the Act. That includes examining any trends in the determination of applications under this Act. The reviewer must consider whether the objects of the Act would be more appropriately served by establishing an independent body to manage FOI applications and provide independent oversight of the Act.

The reviewer must consider also whether the objects of the Act would be more appropriately served by a presumption that any document to which access is sought is not an exempt document. FOI expert Rick Snell warns that various Australian freedom of information Acts effectively allow government agencies to shift the burden of proof to the applicant to demonstrate why it is in the public interest to release information. The reviewer must also consider the use of exempt bodies and exempt documents, the impact of technological

change, the interaction of the Act with other legislation in New South Wales and the impact of piecemeal amendment of the Act, the costs of lodging and processing applications, and the timeliness of the processing and determination of applications.

The issues for consideration listed in the bill have been repeatedly raised by the New South Wales Ombudsman, by academics, by the media and by members of the public. I note that the issues we have detailed primarily relate to access to public information, rather than access to personal information. The Greens note that the review is not exhaustive and, therefore, would also consider personal privacy. Proposed section 70 (4) specifies that the review is to commence as soon as possible after the reviewer is appointed and that a report of the review will be tabled in each House of Parliament within 18 months after the commencement of this section.

The bill specifies also that the reviewer will hold public hearings at locations across New South Wales and consider public submissions. Proposed section 71 inserts a clause that requires a review of the Act every five years. This is standard in most new legislation and will hopefully in the future avoid the situation we are currently in, where this vitally important piece of legislation has not been reviewed for 17 years. Today, 28 September, is International Right to Know Day. On this day every year, FOI advocates around the world join together—

The Hon. Rick Colless: Who said that? You made it up.

Ms LEE RHIANNON: I most definitely did not. I acknowledge all the guffawing that is going on. Today is most definitely International Right to Know Day. I have been most fortunate to have the opportunity to make my speech on such a day. I heard someone say "International Legal Rights Day".

The Hon. Tony Kelly: League of Rights day.

Ms LEE RHIANNON: League of Rights. I hope that the members' guffawing does not indicate an attitude to the bill. FOI advocates around the world join together to promote the importance of freedom of information as a basis for open and accountable government on this day each year. In 2005, civil society organisations in more than 30 countries celebrated the Right to Know Day. On this day, I urge members to support the bill. Freedom of information is a key plank in a participatory and robust democracy. It is a plank that is under threat by the Government. The Greens believe that this bill can begin a process to improve the quality of democracy in New South Wales. It is incumbent on us to ensure that the community gets the open and accountable government that it so rightly deserves. The responsibility lies with the members of this House. I look forward to the debate.

Debate adjourned on motion by the Hon. Peter Primrose.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 2 in the Order of Precedence postponed on motion by the Hon. Christine Robertson.

NATIONAL PARKS AND WILDLIFE AMENDMENT (NATIONAL PARKS VOLUNTEER SERVICE) BILL

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

Second Reading

The Hon. JON JENKINS [3.10 p.m.]: I move:

That this bill be now read a second time.

I acknowledge the co-operation of Opposition members and Government members to enable me to put this bill on the table for a few days. The National Parks and Wildlife Amendment (National Parks Volunteer Service) Bill was drafted in response to the need for the Department of Environment and Conservation [DEC], the National Parks and Wildlife Service [NPWS] and the Department of Primary Industries [DPI] to respond with greater efficiency to the current difficulties posed by the problem of managing the vast areas of land under their control.

There are two diametrically opposed views in this respect. The first is the wilderness concept which is founded in a quasi-religious belief that humans are inherently evil and should be excluded as much as possible from the environment, and nature should be allowed to continue to evolve in the absence of human interference. The alternative is a pragmatic approach based upon the acceptance that man is and always has been an intrinsic part of the environment. The problem with the concept of wilderness is twofold. Firstly, since European settlement of Australia, literally hundreds of invasive weeds and feral animals have been introduced into the environment. These foreign invaders usually have no natural predators and, when combined with a high reproductive rate, have effectively obliterated our native flora and fauna.

In order to save many of our native species we need to intervene to control these feral pests until such time as our native species either adapt to reach equilibrium or we eradicate the feral species completely, the latter being a highly unlikely scenario. However, even neglecting the relatively recent interference in Australia's native ecosystems by European settlement, it is apparent that human beings in the form of the original indigenous inhabitants, had, over many thousands of generations, affected the ecosystem irreversibly. Whether this was by hunting of the mega-fauna or by continuous burning of the various ecosystems, Australia had adapted to a specific environment largely influenced by human behaviour. No true wilderness devoid of human activity has existed in Australia for at least 50,000 years and any attempt to reintroduce wilderness now, in the presence of overwhelming feral animals and weeds and in the absence of the traditional firestick behaviour of the Aboriginal people, will result in the extinction of many of our most precious native species.

The alternative pragmatic approach accepts the fundamental proposition that human beings have shaped the various Australian ecosystems in two stages: firstly, the arrival of the indigenous people with their hunting and burning techniques approximately 50,000 years ago; and, secondly, by the arrival of Europeans a few hundred years ago and the subsequent interruption of indigenous hunting and burning activities combined with the introduction of a whole host of feral plants and animals. Stated simply, the pragmatic approach is an acceptance that we cannot restore either the flora or fauna that pre-dated the arrival of the indigenous peoples. However, we can attempt to preserve the existing flora and fauna species as best we can to protect them from the threats presented by feral pests and by restoring the environment to as close a facsimile as possible to the one that existed prior to European settlement.

The first part is achieved by a combination of manpower in the form of weed and animal control and the second part is achieved by restoring the effect of the original firestick regime implemented by the Aboriginal people. Once we have accepted a pragmatic approach to managing our environment to preserve as much as possible of the current species the overall management strategy for our national parks becomes self-evident. When we further add in almost 50 per cent of the coastline of New South Wales and almost 10 per cent of the State overall it is equally evident that preservation and protection cannot be achieved without the willing co-operation of the community.

The cost to the community of maintaining this amount of estate by a professional paid service is simply unfeasible. The cost to maintain and manage our national parks estate to control feral animals and noxious weeds, proper bushfire management and the need for efficient management of an expanding reserve of marine parks and national parks in New South Wales would consume the whole of the budget for New South Wales. This bill proposes the creation of a volunteer service to assist the National Parks and Wildlife Service in its role as manager and caretaker of the national parks estate. I find it incredulous that no such service already exists. Almost every branch of government that interacts with the community has a professionally managed volunteer service—every branch, that is, other than the National Parks and Wildlife Service. I suggest to honourable members that this is not accidental and that this policy of exclusion has been deliberately implemented or promoted at the behest of fundamentalist and extremist green ideologues under the guise of conservation when in fact it is a wilderness concept.

The establishment of volunteerism in our country will help forge a stronger sense of national identity and strengthen our national solidarity. A report by the National Opinion Centre entitled "National Pride in Cross and Temporal Perspective" has found that of the 33 nations surveyed Americans and Venezuelans lead the world in national pride, with the United States of America as the nation with the leading score. It is no coincidence that America also has the highest rate of volunteerism in the world. While some countries have forged their national identities through conflicts, which have served to bind people together, I suggest it is also a result of the American way of volunteering that has contributed to its strong national identity. "Take Pride in America and the National Park Service" is a national campaign to encourage Federal, State and local public and private partnerships, and volunteer service organisations, to protect public parks, recreation areas and natural and cultural resources.

The United States National Park Service has an active role in this initiative to encourage citizens to dedicate time and service to support and protect the resources and facilities in national parks. The slogan used is, "It's your land lend a hand". Some 45 million Americans participate in volunteer activities each year. I repeat that number so that its significance sinks in: 45 million Americans participate in volunteer activities each year. In the 2005 fiscal year about 140,000 volunteers donated over five million hours of volunteer service to the United States National Park Service. The Volunteers in Parks [VIP] program was authorised by Public Law 91-357 and enacted in 1970. So 30 years ago the United States of America Government had a formalised volunteer service for its national parks. The United States of America Government recognises that the expanding use of national and State parks exceeds the capability and budget of allocated park personnel.

There are 376 units in the national park system, including national trails and rivers, which use volunteers to help accomplish the goals of the National Park Service. As I said earlier, this extremely well-established process is known as the Volunteers in Parks program, which was established under United States of America law. The VIP program includes a web page with general information on volunteering, a list of current volunteer opportunities and a volunteer application form. The volunteer programs within the National Park Service are managed at the local level but training and structural organisations are maintained at a government level. Pest animals and weeds are the greatest threat to biodiversity and conservation in national parks and conservation reserves throughout Australia. Pest animals have also had an impact on agriculture and Aboriginal and historic sites.

Under the National Parks and Wildlife Act 1974 the DEC has a statutory responsibility to manage these areas as well as conserve native plants and animals and cultural heritage. The Act requires the control of the impact of pest animals and weeds but at the same time there are constraints on the management practices that can be used. The Government's solution appears to be to keep on adding new areas of reserves into the system. One hundred and twenty-five years after the establishment of the first national park in New South Wales, the park system has grown to 661 parks in 2004 and a total area of almost six million hectares. Rapid growth occurred in recent years with two million hectares being added to the park system since 1995. The allocation per hectare has increased over a nine-year period to approximately 211 million in the park system over that period. As at 31 December 2004 there had been an increase of 22 parks since 30 June 2003, bringing the total to 639 parks. As part of the DEC's strategy to build the reserve system, approximately 120,000 hectares were formally added to it during 2004-05. In that year approximately the six millionth hectare was added. Since then there have been other significant additions, including the Brigalow and Yanga areas.

The Brigalow and Nandewar Community Conservation Area Bill, which was assented to in 2005, introduced a new form of land management tenure known as a community conservation area. More than 350,000 hectares of land were reserved for conservation in the Brigalow Belt and Nandewar Conservation Area. But when the bill was drafted one small thing was forgotten: the community was left out of the community conservation area. The community was returned to the management principles of the bill only via an amendment. On 26 May 2005 the Minister for Natural Resources, the Hon. Ian Macdonald, said in debate that up to 50 workers would be employed in the major white cypress thinning programs and that the number of field personnel on hand to respond to fires would be even greater than before.

But that exemplifies the very problem. Before this land was managed by the National Parks and Wildlife Service it was owned and managed by NSW Forests and a significant proportion of the income from timber-getting was returned to assist with management and maintenance costs. Now that this area is no longer income earning, the complete maintenance and management recurrent costs must be borne by the people of New South Wales. In order to cover these costs the Government has taken the astonishing step of diverting funds that were specifically collected for recycling—the Waste Fund—into the Environmental Trust Fund. In case people do not get it, I should explain that this is an indirect form of taxation that is required in order to maintain our national parks.

I note in passing that these costs are additional to the loss of income in towns in the areas surrounding national parks. The Government has shown complete disregard for the economic displacement of the communities affected by this legislation. How many times can we introduce new taxes and divert to the Department of Environment and Conservation millions of dollars intended for another purpose to cover these costs, and how can we continue to do this on a recurrent basis? In 2005-06 the total expenditure of the Department of Environment and Conservation was approximately \$500 million. This amount included funding for the creation of three new national parks and reserves in 2004-05, which increased the number of new national parks and reserves to nearly 350 since 1995-96.

In 2004-05 the DEC completed assessments of five wild rivers, the Kowmung, Upper Brogo, Upper Hastings and Forbes rivers and Washpool Creek. Flora and fauna surveys, marine park planning and mapping, and land wilderness assessments within the Brigalow Belt South and Nandewar bioregions were conducted as part of the western region assessment. Aboriginal cultural heritage regional assessments were also conducted in 2004-05. The "State of the Parks 2004" report is a public report based on a survey of all aspects of the New South Wales parks system. That report of the NPWS concluded that it had failed to achieve almost all its goals in terms of feral animal control, weed control and fuel reduction burns.

The regulations in New South Wales exclude low-intensity burning from the majority of the landscape, including wilderness, old-growth and rare ecosystems, habitats of rare plants and animals, and drainage lines. However, these regulations do not require an assessment of the consequences of not burning or not reducing the fuel load. The lack of low-intensity prescribed burns is also a common problem in other States. For example, the Wonnangatta River flats in the Alpine National Park are now looking more like a weed theme park, and Parks Victoria has let fuel loads build up to the point where there is now an impending fire disaster. It appears that the intense fire in 2003 and the 1998 fires in the Caledonia Range were but minor eco disasters compared with the potential disaster looming in the high country now. Two bushfire experts, David Peckham, a bushfire scientist for more than 40 years, and Rod Incoll, who was previously the Chief Fire Officer with the Department of Sustainability and Environment in Victoria, have come to similar conclusions. In their report, they state:

With these fuel loads a fire in the prevailing conditions was totally unsurvivable for anyone trapped in the fire front, even in vehicles.

This year the Government reached less than 40 per cent of its prescribed burn-off targets—and those targets are less than one-twentieth of what is required to keep the fuel loads below catastrophic levels. I will explain the dangers of fire because I do not think people understand that fire can kill three times. It is a simple fact of physics that the higher the fuel load, the higher the fire temperature. The relationship between fuel load and fire temperature is well characterised by scientific experiments. We also know that different species of trees and seeds can withstand certain temperatures for certain periods before they, too, are killed or destroyed.

The inevitable conclusion is that we know exactly what fuel load will result in the healthy regeneration of the forest and what fuel load will result in cataclysmic destruction of every living thing, animals included. Bear in mind that we also know that many animals retreat into the canopy during fires. They have adapted to do this over tens of thousands of years of relatively low-temperature fires. By so doing they escape the more severe heat at ground level. However, when fuel loads increase to a critical point the fire will no longer stay on the ground and will become an all-consuming crowning wildfire, which consumes every plant and animal in its path. That is the first way that fires kill.

Let us consider the second way that fires kill. If the fire has not been overly intense new shoots will sprout from the ground and trees and new grasses will sprout from seeds in the ground. This provides a healthy food source for animals that may be in distress after a fire. However, if the fire has been overly intense and has killed the trees or sterilised the seeds in the upper part of the soil, any animals that have managed to escape the initial fire will starve to death. Alternatively, animals that are desperate for food will be preyed upon by both feral and natural predators in the now-denuded forest, which provides little or no camouflage or cover. So the fire has killed a second generation of animals. Fires also kill in a third way. After the initial fire has died down there will remain vast quantities of lightweight ash that can, in combination with the now denuded and eroded soil, be washed into local streams and creeks, causing massive fish kills and other aquatic devastation. I hope honourable members understand that the single most important strategy for conserving our native wildlife is to manage fire temperatures properly by maintaining fuel loads at levels that do not result in cataclysmic wildfires.

I will present a hypothetical situation. The national parks system covers approximately 10 per cent of the State of New South Wales and the cost to the community of maintaining this land is already extraordinary. Although some may enjoy the ideologically satisfying feeling that they are maintaining some mythical shrine, for many people this expense delivers no tangible benefit and, in the vast majority of cases, they are prevented from any meaningful interaction with the land. This process presents a very real and immediate problem for any government—whether conservative or Labor. We currently appear to be experiencing the end of a bit of a financial boom. However, that may be about to change. The combination of higher house prices and increasing fuel costs, both direct and indirect, recent increases in interest rates and even things such as the road toll may be starting to have an effect on the metropolitan populace.

Today the *Sydney Morning Herald* reports that the jobless rate in Western Sydney has begun to skyrocket as a direct result of the current financial distress that people are feeling. This has the potential to snowball in a financial sense and to affect the confidence of the general populace, which is so important to maintaining a thriving economy. What will happen if the economy crashes and the State's revenue is dramatically reduced? Which services will be cut first? Will we reduce the number of doctors and nurses in our hospitals? Will we cut funding disability and community services? Will we start to sack teachers and close our schools? The simple answer is no.

The most likely department to suffer the effects of a recession will be the Department of Environment and Conservation, and for that reason alone it is absolutely imperative that we have a system of management in place for our national parks estate that is less reliant upon the economic health of the State. I am suggesting a paradigm shift in the management of our diverse resources and public lands. The use of volunteers to meet these challenges will require us to re-evaluate the current mind-set of "lock it up and leave it". Our citizens who love the environment can make a difference to our ability to look after these lands. This will help to overcome the difficulties faced by the Department of Primary Industries and DEC in managing effectively the vast tracts of New South Wales that are protected areas.

That is why I have introduced the National Parks and Wildlife Amendment (National Parks Volunteer Service) Bill. The bill is quite simple: It establishes some principles and aims to assist with issues such as feral animal control, weed control, the maintenance of trails and tracks that are part of the fire management regime, the removal of rubbish and the carrying out of other public relations activities, such as guided tours or working in a gift shop. In the United States entire national parks are run by volunteers. People pay money to holiday in a national park and volunteer their services. If we have a pool of volunteers who perform daily tasks in our national parks such as removing rubbish, conducting guided tours and maintaining facilities, this will free up resources to tackle the more confronting park issues.

The need for a force of volunteers is evident given the statistic that 50 per cent of the coast of New South Wales has been declared national park or wilderness area. Yet the list of threatened species continues to increase. With all the land locked up in national parks and wilderness areas the number of threatened and endangered species continues to climb, even with 50 per cent of the land effectively protected. New South Wales has the highest level of national parks and protected areas of any country in the world, and we also have the highest level of threatened and endangered species in the world. Those two things are intrinsically linked. Whatever we are doing, it is not working. We are not tackling the real problems. Feral animals—cats, dogs, foxes and even pigs—are eating our native flora and fauna into extinction. We do not see it because they are nocturnal and most of us visit the parks during the daytime.

Invasive weeds—lantana, blackberry and alligator weed—are obliterating huge tracts of land. Fierce and unnaturally intense fires consume every living thing—plant and animal—leaving our streams clogged with ash and silt to kill at other times. Our trained and equipped volunteer service could contribute significantly to attacking each of these problems. It is the only way in which the community can afford to maintain our natural environment in a pre-European state. I will deal with three objections that may be raised during the debate. The first objection will be that volunteers do more damage than good. In the first instance this is a complete and utter denigration of the many volunteers that support our modern society. Who would dare say that members of the Rural Fire Service or the State Emergency Service do more damage than good? Who would say that our surf-lifesavers do more damage than good? Who would say that wildlife carer groups, such as WIRES, do more damage than good?

The Hon. Robert Brown: Or our conservation hunters.

The Hon. JON JENKINS: Or conservation hunters. The simple fact is that with a small amount of training and fairly meagre equipment the average person can be trained to recognise the difference between bindii, blackberry and bitou bush. They can be trained to recognise the difference between a cane toad and the native frog. They can be trained to do basic fuel load surveys and flora and fauna assessments. There is ample evidence that they can also be trained for more complex tasks such as feral animal control. The current ad hoc system, which is poorly organised and unstructured, is not being utilised, simply because the vast majority of people have no formal training or qualifications that allow them to be used in an efficient and effective manner. A structured and formalised organisation would allow the creation of training courses and formal assessment of skills by volunteers so that rangers could assemble a team, knowing their skill levels, and set them a task.

The second objection might be health and safety. As with the previous issue this is simply a no-brainer. Other volunteer services, such as those already mentioned—the Rural Fire Service, the State Emergency Service, the Volunteer Rescue Association, the Surf Life Saving Association, et cetera—operate in very dangerous environments with complete professionalism, and that will continue. It is simply a furphy to raise this issue at all. The final pre-emptive objection revolves around industrial issues. It may be contended that the use of volunteers will somehow reduce the number of available full-time employees. It is extraordinarily disingenuous to raise this objection. Would the same objection be raised with regard to fire services? Would it be said that we should not have a Rural Fire Service because we employ fewer professional metropolitan fire service personnel? The same applies to rescue organisations, such as the State Emergency Service, the Volunteer Rescue Association or the Surf Life Saving Association. Would it be said that we could employ more full-time police or fire rescue personnel if we did not have these volunteer services? I conclude with two quotes. The first is from Leo Tolstoy, who, while contemplating the things that are required for human happiness, said:

One of the first conditions of happiness is that the link between man and nature shall not be broken.

The second quote is from a much more modern philosopher and environmentalist named David Suzuki, who said:

Involving the community in science-based conservation is the only way to save the planet.

Debate adjourned on motion by the Hon. Peter Primrose.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS WORKCHOICES LEGISLATION AND WORKPLACE CONDITIONS

The Hon. CHRISTINE ROBERTSON [3.34 p.m.] I move:

That this House:

- (a) notes that the New South Wales Liberal/National Party Coalition supports the Howard Government's destruction of workplace conditions,
- (b) notes that the behaviour of the Federal Government is scurrilous,
- (c) notes that there was no mandate at the last election to put Australian workers into perpetual poverty with American working conditions,
- (d) condemns the conservative parties in this State for supporting these actions, and
- (e) applauds the Federal Leader of the Opposition, the Honourable Kim Beazley, MP, and the Premier of New South Wales, the Honourable Morris Iemma MP, for their strong stance against the proposed workplace laws.

Before the winter break the House debated this same motion and a number of interesting contributions were made. It is an indication of the impact this horrific so-called WorkChoices legislation will have that we could debate such laws for far longer than the time allowed to debate this motion. In moving this motion for a second time—I moved it first on 6 April and it lapsed on the prorogation of the Parliament in May—I have a unique opportunity to speak further about these destructive laws and how they will put Australian workers into perpetual poverty. I seek leave to incorporate the debate on the motion I moved on 6 April 2006.

Leave not granted.

I seek leave to table *Hansard* of that debate.

Leave not granted.

The Hon. Greg Pearce: It's a public document. You don't have to table it.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I asked whether leave was granted for the member to table *Hansard* of that debate, I did not ask for an explanation from the Hon. Greg Pearce. If he continues to interject, I will be forced to call him to order.

The Hon. CHRISTINE ROBERTSON: Since that time much has happened in Australian workplaces. Workers have been sacked as a result of these unfair laws, and the posturing of the Federal Government has indicated that things are going to be made even worse for ordinary working Australians. Up to the last week in September the New South Wales Office of Industrial Relations had received more than 110,000 calls from workers and businesses that have been hurt by these changes. In late July the Prime Minister was reported in the *Sydney Morning Herald* as having said that more changes to industrial relations laws were on the way. This follows comments last year by Federal Treasurer Peter Costello that he thought exemptions from unfair dismissal laws should extend to all employers and not just to those with fewer than 100 employees. In March the Federal Minister for Finance and Administration and close confidant of John Howard, Nick Minchin, told a meeting of the H. R. Nicholls Society that the Federal Government's industrial relations changes had a long way to go before being complete. When questioned about his comments Senator Minchin acknowledged that a great majority of Australians violently disagreed with the changes already announced, and he responded that he thought the remarks he made to the H. R. Nicholls Society were confidential.

When I spoke to the motion I moved on 6 April 2006 I discussed at some length the scurrilous behaviour of the Federal Government in introducing these laws in the first place. Why did it not take them to the Australian people at the last election, rather than tell lies about interest rates and a scandalous consultation process that made a mockery of Australian democracy? To describe the consultation process as window-dressing would be very generous. Not only were the draft legislation and supporting regulations released only at the last minute under the cloak of the Commonwealth Games; the consultation period was kept to a minimum and attempts by non-Government members at the Commonwealth Parliament were routinely stymied. As I said when I spoke to the motion I moved on 6 April 2006, the laws are always going to pass the Senate with the Government's majority. By restricting the public's opportunity for scrutiny, the Howard Government has shown that it clearly has something to hide, or that it is embarrassed by something. More recently, the Department of the Prime Minister and Cabinet refused to allow access to industrial relations reform documents that would have explained the reform agenda of the Federal Government. The excuse given by the department is that releasing the documents could lead to speculation about future workplace reform.

Surely, in a democracy like Australia, the public are entitled to speculate about future reform, and to know exactly what their Government has on the agenda. The time has come for honourable members opposite to declare where they stand on this issue. Do they care about the working people of New South Wales? Do they want to protect the rights of employees at work, or will they sell them out to this extreme Government in Canberra? At the most recent Senate estimates hearings, the head of the Federal Government's Office of the Employment Advocate [OEA], Peter McIlwain, admitted that workers are worse off under these laws, in a number of ways. Speaking about the Australian Workplace Agreements [AWAs] that have been lodged, Mr McIlwain said that every AWA lodged under the new industrial relations laws has dropped at least one protected award condition.

As part of its scrutiny of these individual contracts, the OEA has found that annual leave loading has been erased in 64 per cent of AWAs lodged under the new laws; penalty rates have disappeared in 63 per cent of individual contracts; shift allowances have been removed in 52 per cent of agreements; in 16 per cent of AWAs, all award conditions have been dropped, replaced with the Government's five minimum conditions; 40 per cent of agreements have dropped gazetted public holidays, whilst 44 per cent have not retained substitute public holidays; overtime loading is modified in 31 per cent of agreements, with 29 per cent changing rest breaks and 27 per cent altering public holiday payments; and more than one in five new workplace agreements—22 per cent to be exact—contain no pay increases over the life of the agreement.

The lost conditions that these terms represent are unfortunately just the beginning of a very slippery slope that will see the erosion of workers rights that were won over the past 100 years or so. The fact is that John Howard can talk as much as he wants about helping the economy, but any reforms that force working people to give up their holidays, to work overtime without additional compensation or to work without any prospect of a pay rise, are not changes that make Australia a better place in which to live. If anything, this will lead to a rapid widening of the gap between the rich and the poor, and will see many Australians move into poverty, perhaps for generations.

Besides working conditions, other key areas affected by this legislation are job security and levels of pay. Minimum wage cases have long been a fixture of the industrial relations landscape in Australia, ensuring that our lowest paid members of society are paid enough to avoid Australia following the United States of America into creating a class of "working poor"—people who work long and hard, but are paid so little that their incomes still do not keep them above the poverty line, or allow them to eat properly or be adequately

housed or clothed. John Howard keeps telling everyone how proud he is that real wages have increased during his term of office. What he does not tell people is that his Government has opposed every single application to the Industrial Relations Commission to increase the minimum wage, and following these changes to industrial relations laws the mechanism to increase the minimum wage has been severely impaired, as fairness is no longer a requirement for consideration by the new, Orwellian named, Fair Pay Commission.

What is more, the Federal Minister for Employment and Workplace Relations claimed recently that the minimum wage across Australia is \$70 too high, whilst he also criticised the \$20 gained by 55,000 retail employees from the New South Wales State Wage Case in June for those workers covered and protected by New South Wales law. Clearly, John Howard's pride has as much truth and integrity to it as his "never-ever" promise on the GST. What is more, it can only put great concerns in our mind about what will happen in the future to the rates of pensions in our society to ensure that all people have a right to eat, given that pensions are aligned to wage case decisions. It is possible that pension rates could decline even further, despite people already experiencing difficulty living on the pension.

Even at this early point, we can see that the protection that this Government has provided to workers is making a difference, and for that the Iemma Government should be commended. The extra \$20 per week in the pocket of low paid workers will make a difference, and a range of other benefits now flow to those covered by the New South Wales Industrial Relations system. For example, the WorkChoices legislation denies families access to the New South Wales Industrial Relations Commission to hear cases of unfair dismissal, and it also prevents the Office of Industrial Relations from recovering thousands of dollars in wages and entitlements that were not properly paid. In fact, in 2005, almost half a million dollars were recovered in this manner on behalf of shop employees from more than 300 retailers.

As Minister Della Bosca asked at the time of the New South Wales decision, "Who is going to take up the fight on behalf of these workers now?" Certainly not the Federal Government or anyone that supports its war on workers. If the Opposition in this place were to get its hands on government, its leader has pledged to hand over to Canberra the New South Wales system of industrial relations, the last protection available to workers in this State. I also point out that if the Federal Government were serious about wanting to create a harmonised national system, rather than subsuming the various State systems, it would consult with the State and Territory governments to further unify laws, rather than take the States head on.

When our system of industrial relations was first established, it aimed to provide a fair system to resolve disputes—a system that did not overly favour either workers or employers. However, these WorkChoices changes tip the balance firmly and squarely in favour of bosses. This has led to situations such as that seen in the Hunter Valley in July, when Lorissa Stevens, a qualified mineworker who had spent five years training to work in the mining industry, was sacked for refusing to sign an individual contract. The reasons Ms Stevens refused to sign this AWA reflect exactly what is wrong with the Federal Government's legislation. The agreement that was presented to Ms Stevens contained a clause that required her to give 12 hours notice for being sick or else she would lose a day's pay and also be fined a further \$200. How that condition can be classified as reasonable is anyone's guess; I mean, one does not always know that one is going to be sick 12 hours in advance! I certainly would be an advantage to be able to plan sickness!

Because individual contracts are presented on a take it or leave it basis, little opportunity is given for workers to negotiate the terms of the contract. In fact, many workers are offered individual contracts in such a way that they are not even able to properly examine the terms of the contract, and are left to sign away their rights. AWAs have a fundamental problem in that they do not reflect the value that each individual worker provides to his or her employer, but they rather reflect the bargaining power of each individual party to the contract. In most cases, this means that employers are able to out bargain most workers, and emphasises the need for union involvement in the negotiating process. However, perhaps the most important element is the concept of a safety net to prevent unreasonable deals being brokered. The WorkChoices legislation has ripped away that safety net from under working people of Australia, and no longer is there any protection for workers being forced on to individual contracts, in relation to which their bargaining power is dwarfed by that of their employers.

What happened to Lorissa Stevens was able to happen because there was no longer a safety net to protect her from such an unreasonable condition in her AWA. But I can guarantee that other workers have been put in a similar situation and have signed the agreement, as their refusal to do so would simply have resulted in them no longer having a job, as was the case for Lorissa Stevens. For the 150,000 young people in New South Wales under the age of 18 there are further problems posed by the so-called WorkChoices legislation. First and

foremost, the pay and conditions of young people may be set to a level below the minimum State and Federal awards. Young people also are disproportionately disadvantaged by the system of individual contracts, and not having some safeguards built in to protect the most disadvantaged people will disproportionately affect younger workers.

For example, many younger people will not be aware of their right to join a union, or even of the existence of unions. These same people will be placed at a disadvantage when it comes to negotiating with their boss, and they are less likely to be aware of the various conditions they have historically had and on which they may be missing out. This will lead to many young people losing out on the most basic conditions, such as penalty or overtime rates of pay, meal allowances, base rates of pay, roster protections and allowances for training. Put simply, an unscrupulous employer is now able to force down pay, strip conditions away from young workers, and good employers will be forced to follow in order to remain competitive. This happened recently with Amber Oswald, a 16-year-old who worked for Pulp Juices in Warriewood. Her employer tried to force her to sign an AWA that paid her 40 per cent less than is paid to others doing the same work—a decrease in the hourly wage from \$9.52 to \$8.57.

To its immense credit, the Iemma Government has acted to protect the State's youngest and most vulnerable workers. New South Wales legislation recently announced by the Premier will ensure that wages and conditions for young people—whether employed under a State or Federal award—will have to be at least at the level set out in New South Wales awards and legislation, and this legislation will also protect young people from having to bargain individually to maintain their existing conditions. In addition, the New South Wales Office of Industrial Relations will be available to provide young people with information about their rights at work and with assistance to enforce these rights. This of course is in addition to other measures taken to protect New South Wales workers, such as the High Court challenge to these unfair laws, and introducing other protections for New South Wales public servants.

Following the announcement of this legislation the response of the Federal Minister, Kevin Andrews, was to dismiss the New South Wales actions as unnecessary by claiming that there are already adequate protections for young people in the WorkChoices legislation. This, of course, is completely misleading. WorkChoices contains just five basic protections for workers, and in the case of young workers this number is reduced to four as there is no requirement for a minimum rate of pay for junior employees under section 194 of the Federal legislation. Whilst this fact affects all workers, young workers will be hit hardest. It is a sad indictment on the Howard Government and on these laws in particular that we have been forced to introduce child labour laws. Once again, I lay down the challenge to members of the Opposition to declare their opposition to these extreme industrial laws, and to show that they care about the working people of New South Wales.

Another aspect of workplace conditions that will suffer from these laws is safety conditions for workers and the level of protection afforded to injured workers. Following the Beaconsfield mine disaster earlier this year, the miners from that small town released the following statement:

We believe every worker has the right to return home from work safely every day. And we believe that the right to occupational health and safety is a direct result of union involvement in the workplace.

Unions and union training improve workplace safety. We are concerned that the Federal Government's new industrial laws attack the role of unions in our workplace, and other workplaces around Australia, and in so doing will make workplaces less safe.

We believe that Occupational Health and Safety laws are too important to be politicised and should not become vehicles for attacking the role of unions in the workplace.

Today, therefore, we call on Prime Minister John Howard and his Workplace Minister Kevin Andrews to lift their ban on workplace agreements that give miners, and millions of other working Australians, access to union OH&S training and work-time meetings.

Our union, the AWU, is presently negotiating with our employer new union workplace OH&S training for our mine. We have paid union meetings about safety.

But under the Government's new IR laws we cannot have that agreement legally recognised. If we even ask for that agreement to be registered and legally enforceable, our union can be fined \$33,000 and each of us as miners could face government fines of \$6,600.

So we say to the Federal government—repeal these laws that criminalise our efforts to ensure our union and our voices are heard in protecting safety at our workplace.

In other words, the WorkChoices legislation is so severe that it does not just impact on job security, pay and conditions, but it also affects the most fundamental of workplace rights—the right to a safe workplace. Union training, particularly in the mining sector, plays an integral role in workplace safety, and historically unions have played a key role in ensuring that appropriate occupational health and safety laws have been observed. To restrict the right of unions to train their members and to enter a workplace to ensure that it is safe is a serious backward step in making Australian workplaces safer.

Unfortunately, John Howard has shown that although he is only too keen to be photographed together with the two miners who survived the Anzac Day rock fall at Beaconsfield, workplace safety is simply something that is not his priority. In July the Federal Government reneged on an agreement made with the State governments on national workplace safety laws that would have maintained existing safety standards and ensured consensus from all sides in the debate. It is not just the protection against injury in the workplace that is being eroded; also slipping away is the protection given to workers after they are injured. Under the new Federal legislation there is a very real risk that injured workers could be sacked, as there is no provision in the WorkChoices legislation that replicates the protections afforded by New South Wales laws. In New South Wales these laws protect injured workers from the sack, and also provide a program that gets them back to work without suffering unduly along the way—something that is fundamental to the rehabilitation of an injured worker. Again, the New South Wales Government has taken action to preserve these provisions as best as possible for injured workers by transferring them into workers compensation legislation. And of course, unlike the Commonwealth Government, the New South Wales Government opened up this process for comment to ensure that the final outcome is fair to all parties and that the democratic process is not abused.

It is a sad indictment on the Federal Government that it is willing to risk workplace safety, as well as other rights of working people, in order to pursue its ideological agenda, thinly disguised under the veil of economic growth. Much of the Howard Government's bluster about productivity and how individual contracts have been the rock on which the economy is built is simply false. The Australian Council of Trade Unions points out that since 1996 productivity per person in the unionised coal industry has grown by 6.6 per cent, which is 15 times more than the productivity growth experienced in the AWA-dominated iron ore and gold mining sectors in Western Australia. In fact, it is worth pointing out that whilst these changes are ostensibly being implemented to help business, in many cases they are actually just making life harder as some businesses drown in a sea of red tape, and without much understanding of exactly what their situation is.

A small business survey at the beginning of August found that 40 per cent of respondents had a poor understanding of the legislation, another 40 per cent believed it was unfair to employees, and only 10 per cent—a mere 10 per cent of small businesses—thought that these laws would improve business productivity. In fact, when New Zealand introduced similar laws in the 1990s its productivity increased by just 5 per cent compared with a 23 per cent productivity increase in Australia over the same period. The fact is that reduced wages and conditions simply encourage businesses to compete on wages costs, rather than by improving their quality or innovation. This reduces productivity at the workplace level as well as nationally. What is more, calls received by the New South Wales Office of Industrial Relations have included many businesses that are confused and frustrated by the new requirements of these laws, and the extra costs they will place on them.

It is true that these laws will hurt small business. Prior to WorkChoices, businesses in New South Wales could choose the industrial relations system that best suited their needs. Two out of three businesses chose to operate within the simple and easy State system. Under the new laws these businesses are now forced to compete in the Federal system on the same terms as large, multinational businesses with dedicated human resources and industrial relations expertise. The laws will make conditions tougher for business in other ways. Employers will need to spend large amounts of time to negotiate with each and every employee for their wages and employment conditions, and whilst doing so must have detailed knowledge of the five legislated minimal award conditions. There may be further costs incurred in tailoring payroll and human resource functions to individual agreements. This is bound to hurt those businesses without human resources expertise, or even a designated human resources section.

The prospect for businesses with fewer than 100 employees of having to defend unlawful termination claims also promises to be costly. These claims must be heard in the Federal Court and employers need legal representation. Some recent cases have taken up to three years to be finalised. There is also the likelihood that red tape is going to increase, as many small businesses will be forced to incorporate or return to the state system after three years. There is one more thing that the Howard Government did not think of when it implemented these laws: businesses with less than 100 staff members will find it difficult to attract and retain skilled

employees, as larger companies that are not exempt from unfair dismissal laws will be a much more attractive proposition. This means that all the best workers will head to the larger businesses, and small business will suffer further.

The contrast between the actions taken by the New South Wales Government and the silence of the Opposition on this issue is stark. The Iemma Government has fought tooth and nail for the working people of New South Wales, and to date has rejected requests by the Federal Government for New South Wales to hand over our industrial powers. The Iemma Government is challenging the constitutional validity of the new Federal laws in the High Court of Australia. It has shielded 189,000 public sector workers, including front-line workers like nurses, ambulance officers, TAFE teachers and bus drivers, from this imbalanced legislation, whilst also committing State-owned corporations not to use WorkChoices to cut pay and conditions.

The Iemma Government has amended the State Industrial Relations Act to allow the Industrial Relations Commission of New South Wales to conciliate and arbitrate disputes where unions and employers agree. The Government has announced the proposals I referred to earlier that aim to protect in excess of 150,000 young people under the age of 18 years from the risk of having no minimum wage. There have been proposals announced to permit the Industrial Relations Commission to provide alternative dispute resolution services to employees and employers in the Federal system and to allow the Industrial Relations Commission to sit jointly with the industrial tribunals of other States. This will go a small way to implementing a fairness requirement that was removed by the WorkChoices legislation.

New South Wales has established a parliamentary inquiry into the impact of the Federal Government's WorkChoices legislation on the people of New South Wales. The Fair Go Advisory Service has played an important role in helping employees in New South Wales understand the effects of the Federal laws on their pay and conditions and has advised them about their choices. The service has assisted more than 110,000 callers since the legislation came into effect. Meanwhile, the Compare What's Fair web site has assisted 12,000 workers since March 2006 to assess the terms of an Australian Workplace Agreement against the fair and reasonable standards of the relevant State award, so that they can overcome the problems that I spoke about in negotiating individual contracts.

The Iemma Government has also supported the increase applied for in the New South Wales State Wage Case 2006 and has opposed the Federal Government's attempt to have the matter delayed until after the Australian Fair Pay Commission determination. In addition, the State Government has opposed the Federal Government's Independent Contractors Bill 2006. The bill is another attempt by the Howard Government to remove legitimate employment protections by overriding State laws. Finally, the New South Wales Government is seeking the urgent commencement of the improved parental and family leave test case standards set in the New South Wales Family Provisions Test Case in August 2005 to ensure that award entitlements secured prior to the commencement of WorkChoices are retained. This is a long list of protections, and the Coalition's plans if it gets elected are a scary prospect indeed for the people of New South Wales. The member for Vacluse, Peter Debnam, agrees with the Federal legislation and has stated that he "will transfer the bulk of our IR powers to Canberra". He stated on *Stateline* in June:

There is no point for the Iemma government to continue to hold onto New South Wales industrial relations system (except for public sector—opposition commitment). The High Court has confirmed that this is a federal government matter and New South Wales has no meaningful role to play in the area.

If members of the Opposition are genuine about protecting our public sector workers, they would lobby their Federal counterparts to have WorkChoices thrown out. But, with their promise to sack 29,000 public servants, everyone knows that people who will lose their jobs are far from the concerns of the member for Vacluse. Peter Debnam's Liberal colleagues in other States have said that they do not support WorkChoices, but either he does not have the guts to stand up to Canberra or, more likely, he supports this ideological agenda that will destroy the working conditions of Australians. If the member for Vacluse had any compassion he would stand up to John Howard and say, "We are not going to cop your laws and we will maintain the fair New South Wales industrial relations system that has been fought for, and has served workers and employers well for over 100 years."

Everyone in our work force deserves the real protection of the fair and proved New South Wales industrial relations system, not just a favoured few. The New South Wales Government can be proud of its actions to protect New South Wales workers, whereas members of the Opposition should hang their heads in shame. As I stated in my last speech on this subject, these Federal laws are not about fairness or about helping the economy. They are simply about John Howard's ideological obsession of the last 30 years—to destroy unions and all that they have done for working people. The Howard Government has been able to realise an

ideological dream, one that it never thought would be possible. Through its Senate majority, it has been given the green light to declare war on unions and the working people that unions represent.

The Hon. Charlie Lynn: Who gave him a Senate majority?

The Hon. CHRISTINE ROBERTSON: The Federal Government's industrial relations laws will result in a loss of pay and conditions that were hard won over many years. They will result in the gains made in workplace safety over recent years falling away. They will bring about a dog-eats-dog environment whereby the most powerful parties win industrial disputes through force, rather than by ensuring a fair outcome for all parties. They will not see an increase in productivity, as economists line up to condemn the economic basis of these laws. Indeed, experiences elsewhere show that. These laws are a damning indictment on the Federal Government as they will put workers into perpetual poverty. The Iemma Labor Government should be congratulated for fighting these unfair laws. Coalition members are to be condemned for their acquiescence.

Before I conclude my speech, I recognise an interjection made by the Hon. Charlie Lynn asking who voted for a majority in the Senate. The people of Australia did—the workers who were not told in any way what would happen to them. I commend my motion to the House.

The Hon. TONY CATANZARITI [4.03 p.m.]: I will briefly address my remarks to the Federal Government's WorkChoices—or no choices for workers—legislation. Employers and employees have struggled enormously for six months following the implementation of WorkChoices in what has been a very challenging industrial climate. I regret to say that it is unlikely that employees and employers will enjoy any relief over the next six months as the gloss of the WorkChoices sales blitz becomes further tarnished by prolonged confusion and added complications. The immediate challenge for New South Wales businesses—beginning this week, in fact—will be the laborious new record-keeping requirements that come into play after a six-month honeymoon period.

However, last week the Federal Government released another round of amendments to the WorkChoices package to extend the transitional phase by an additional six months. Six months ago when the record-keeping obligations were first unveiled, business groups predicted that there would be widespread compliance chaos. In the lead-up to the planned implementation, business leaders candidly admitted that businesses remained unprepared for the added burden of red tape. They were facing hefty financial penalties for non-compliance, ranging from \$550 for individuals and \$2,750 for companies. The amendments acknowledge that the new and onerous record-keeping requirements are a major concern for employers and are a dead weight on business productivity.

As the impact of WorkChoices is fully realised, businesses will face mounting confusion, increased complexity and a very uncertain industrial climate. The results of the MYOB Australian Small Business Survey released in early August found that 40 per cent of those surveyed had a poor understanding of the legislation. The New South Wales Government believes that effective compliance and enforcement is necessary to ensure that workers receive their fair entitlements and that businesses compete on a level playing field.

The Federal Government removed the Australian Industrial Relations Commission from the role of determining fair wages that are adjusted to incorporate cost of living increases. And why? Because the Federal Government consistently opposed pay increases that were granted by the commission over the previous decade. The Federal Government believes that the incomes of working families are too high. Australian workers on minimum rates of pay would have received at least \$70 per week less if the Federal Government had been successful. The Federal Minister for Employment and Workplace Relations, Kevin Andrews, is on record as having made that observation. Clearly, the intention of the Australian Fair Pay Commission is to reduce real wages. How will the new process operate? From the point of view of people who live on the South Coast, with utter contempt!

The Australian Fair Pay Commission conducted public consultation sessions across the country to capture a cross-section of views about setting of the minimum wage. On Thursday 17 August a community consultation meeting was held in Wollongong. Not one of the five Australian Fair Pay Commissioners turned up to hear submissions at the Wollongong meeting. The failure of the Australian Fair Pay Commissioners to attend and to listen to the submissions of the South Coast communities indicates it was not a genuine attempt to undertake public consultation. The Wollongong meeting was conducted by a public relations consultant who asked registered participants to sit in small groups of three to four people and jot down answers to five carefully scripted questions.

To attend the sessions, people had to register seven days prior to the meeting and agree to be the subject of a personal check—or agree to be Googled, as a senior communications adviser of the Australian Fair Pay Commission suggested. Apparently this was to be done so that the commission would know to whom it was talking. Such consultation meetings are also closed to the media and other scrutiny. Apparently no undertaking was given by the Australian Fair Pay Commissioners that they would attend every community consultation session. Given that the community has made the effort to be involved in the process, that is poor form. The Australian Fair Pay Commission has claimed that it wants to hear from "every Australian" in relation to this matter, yet it appears to prefer to use public relations companies to filter the message from the people.

The Shoalhaven City Council was one of the first councils to advertise a position with an Australian workplace agreement [AWA]. The council advertised for casual lifeguard positions at the council's pool, despite the total lack of certainty about whether councils bear the status of a corporation and may utilise the WorkChoices law in accordance with the Commonwealth Constitution.

It now appears that Shoalhaven council has revoked those AWAs and I would encourage it to take up the common law referral arrangements put in place by the New South Wales Government. I have a story to tell, of which I was alerted only last night. I spoke to a friend who has been working for a business for the past three years. He told me that he has now lost his job, and the reason given was that his employer was no longer prepared to pay him his current wage and had offered him a lower one. I will come back to the House with the next episode of this story on another occasion.

The Hon. GREG PEARCE [4.10 p.m.]: There is an expression that many of us know: There are lies, lies and damn statistics. That expression is sometimes used when talking about the manipulation of numbers. The only thing that is worse than that is a Labor Party scare campaign, which honourable members heard from the previous two speakers, which is: distortion, lies and just plain rubbish. The fact that the Hon. Christine Robertson has come back to the House with this load of rubbish, which she has already raised in the House, does her no credit whatsoever. In fact, it is a shame that she has been encouraged by someone to put forward that sort of rubbish.

The Labor Party is really concerned about WorkChoices, because that has an adverse effect on the jobs of the greatest bunch of leeches in Australia: the unions. That is all she is concerned about, and she is fighting it because she is concerned that her union mates will be done out of a job. The true facts about WorkChoices are that 175,000 new jobs have been created since WorkChoices began, of which 85 per cent were full-time jobs. In addition, industrial disputes are at the lowest levels ever recorded, as a result of WorkChoices, and real wages are continuing to rise. What has been the reaction of the Labor Party? As I said earlier, it has been distortion, lies and just plain rubbish.

Leading all of that has been jolly Kim Beazley. I will address a couple of his pronouncements of the past couple of months. He is rather confused: first, he claimed that workers engaged in industrial action at Boeing, Newcastle, had faced "devastating consequences" because of WorkChoices. He said they were some of the casualties of reforms. Unfortunately for Mr Beazley, the Boeing dispute began and ended before the WorkChoices laws became operational. Mr Beazley is not only confused but he is trying to mislead us. Mr Beazley has been engaged in an ongoing scare campaign in concert with his mates at the Australian Council of Trade Unions [ACTU]. His mates at the ACTU are the ones who have something to lose—they have been featherbedding their lovely offices, their business-class travel, their meal allowances, and jobs for their mums, sisters, girlfriends, boyfriends and friends of friends.

I remember one story about one of those great Labor leaders, Paul Keating, who took up an apprenticeship for about three weeks. He discovered that there was another breed of people, union officials. After three weeks of being asked to do some work, off he went and joined the rest of the Labor movement, sponging off the workers of Australia. The Labor leader, jolly Kim Beazley, was caught out being confused and misleading, and that followed the scurrilous—to use a word favoured by the Hon. Christine Robertson—campaign by the ACTU, running television advertisements. He used workers' funds to run a series of scurrilous television advertisements that were found by the Office of Workplace Services to be misleading. Several questions have been asked in Parliament based on that misleading information.

I could go through the examples in each of those advertisements, but there is no need to embarrass the Labor Party further—it has been found out and has been shown to have no scruples whatsoever when it comes to wasting the funds of the workers that it says it represents, but whom it sponges off. In addition, jolly Kim Beazley made pronouncements at his party meeting. Earlier this month he confirmed that the Australian Labor

Party will go to the 2007 Federal election with a policy to reinstate collective bargaining in Australian workplaces. Labor's policy on collective bargaining is bad for the Australian economy, because it will simply deprive employers and employees of freedom of choice. Mr Beazley's new policy would undo the benefits of WorkChoices and return the workplace relations system to the rigidity of the Keating era, which saw more than one million Australians out of work.

That is the key to this: when the Labor Party was given its head, and was in charge of industrial relations at a national level, all it did was create recession and unemployment, and it put more than one million Australians out of work. It is only since the Howard Coalition Government has been in power that the Australian economy has recovered. Labor's idea is a reduction in the prosperity of our country, and that is what this is all about. Labor does not want to see prosperous workers, it simply wants to feather its nest, and the nests of its mates, and give the unions as much power as they need. Labor wants to run national television advertising campaigns, false and misleading campaigns, with no concern about the waste of funds that have been stolen, in many cases, from hardworking workers who do not know what the unions are up to.

Despite all of the prophecies of gloom and disruption from Labor and the unions, the reality is that 175,000 new jobs have been created since WorkChoices became law—that cannot be disputed. Industrial disputes are now at a record low and Labor members want to put the nation's prosperity at risk to feather their nests, to save their own privileged position as union members, and to give themselves the opportunity to hand from one union official to another seats in this House and in other Australian parliaments. Earlier this month the *West Australian* reported that Mr Beazley's office had confirmed that under a Labor Government unions would be allowed to call on the Australian Industrial Relations Commission to subject all existing individual agreements to change, to fit a new set of yet to be announced minimum standards, even if neither party in the agreement wanted to change. Not surprisingly, Mr Beazley's plan to reinstate collective bargaining in Australian workplaces is meeting strong criticism from key business groups. The peak New South Wales industrial group, Australian Business Limited—

The Hon. Greg Donnelly: Only from the employers, not the workers of Australia.

The Hon. GREG PEARCE: The Hon. Greg Donnelly would not know the workers of Australia, because he just spends his time with his mates and ripping off the workers. He is featherbedding himself, setting up his own featherbedded mates in the unions, and ripping off the workers, taking out compulsory levies, forcing people to join unions when they do not want to—

The Hon. Charlie Lynn: Point of order: I am trying to listen to the wonderful contribution of the Hon. Greg Pearce. However, because of the interjections I am not able to hear everything he is saying.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind all honourable members that interjections are disorderly at all times. The Hon. Greg Pearce has the call. I am sure he would like to give his contribution to a silent Chamber.

The Hon. GREG PEARCE: Thank you, Madam Deputy-President. Government members are hysterical about what will happen to them. I was referring to Mr Beazley's plan to reinstate collective bargaining and I said that there had been strong criticism. On 9 September Kevin MacDonald from the New South Wales State Chamber of Australian Business Ltd, a peak industry group, said:

The Beazley plan is about stripping away the right of every worker to negotiate directly with an employer ... if workers in a mine in Western Australia want to negotiate for a greater clothing allowance, or longer shifts, and shorter working weeks, they won't be allowed to unless the office workers who might be based in Sydney agree.

Kevin MacDonald was talking about workers being entitled to negotiate for their conditions without having to answer to union officials—the mates of Government members—in their ivory towers or in the Chinese restaurant located on Sussex Street. On 12 September Heather Ridout, chief executive of the Australian Industry Group, is reported in the *West Australian* as labelling Mr Beazley's plan as:

one of the most extreme industrial steps ever taken by the Labor Party. It's a retrograde step, a backward step and it will give unions a leg-up.

The West Australian Chamber of Commerce and Industry said that some Australian businesses would struggle to survive if dominated by unions to the extent proposed by Mr Beazley. The Australian Mines and Metals Association said:

The ballot to determine support for collective bargaining would turn wage negotiations into expensive and time-consuming mini-elections.

Since 1996 the Howard Government has created more than 1.9 million jobs—a fantastic effort—with 175,000 new jobs created since WorkChoices became law in March. Yet Mr Beazley, desperate now to try to save his leadership, has chosen to put the demands of his union bosses before the interests of Australian employers and employees.

The Hon. Charlie Lynn: There is no-one else in the Labor Party to take his place.

The HON. GREG PEARCE: That is why Government members panicked and are hysterical about it.

The Hon. Rick Colless: That is it. They are leaderless, rudderless and they have no direction.

The Hon. GREG PEARCE: They are leaderless, rudderless and they have no direction. They know that the bludgers in the unions will lose their preferred positions. They will have to go out and get a job and do something instead of sitting there, bludging on the workers of Australia. I found interesting the editorial in the *West Australian* of 12 September, which states:

The Opposition Leader needs to be able to whistle more than one tune if he is to convince voters that he has the economic and social policy credentials to run the country ... such a campaign is clearly based not so much on the workplace experience of the effects of the laws as on the union movement's perceptions of them, and the views of industrial relations are no longer identical in Australian society—if they ever were.

The editorial goes on to state:

... [Mr Beazley] would deny employees and employers alike freedom of choice in IR practices for what are essentially ideological rather than practical reasons. The effect would be to shackle workplaces with a one-size-fits-all regime that would be out of kilter with contemporary market demands.

The editorial also states:

The industrial straitjacket would be applied just as the economy needs more flexibility and innovation in industrial relations. The effect would be to hand to the unions, which represent a fraction of the workforce, significant control over the economy.

That is what it is all about. Union membership is now down to about 3 per cent of the work force; a minuscule number. If people had a choice whether or not to join a union they would disappear. They would run away like rats because they know what it is like to be caught by the unions and to be in the hands of union officials. They are there only to line their pockets and to ensure their privilege and enjoyment at the expense of good, hardworking Australians. The Hon. Christine Robertson talked about mandates. Workplace reform has been on the Coalition's agenda for a long time. It has been on the agenda since the Liberal-Nationals Coalition was elected in 1996. Mr Howard referred to exploring reforms in accordance with his workplace agenda virtually as soon as he was elected. What has been the judgment of the Australian people? Goodness gracious, they have been re-elected, re-elected and re-elected, and each time by the workers of Australia.

The Hon. Charlie Lynn: By an increased majority.

The Hon. GREG PEARCE: The Howard Government improved its majority. At the last election it got a majority in the Senate.

The Hon. Charlie Lynn: Howard's battlers.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind all members, particularly those on the Coalition benches, that interjections are disorderly at all times. The member should be heard in silence.

The Hon. GREG PEARCE: Guess what—that majority in the Senate was achieved at the expense of a couple of Labor Party union hacks who did not get a spot in the Senate. No wonder they are squawking and

squealing again! They keep missing out on their privileged positions. The Hon. Christine Robertson seemed to make great play of the fact that the State Government's Helpline received 110,000 calls. Fine, but let us analyse what those calls were. The Hon. Christine Robertson implied that they were complaints, or something negative. My understanding is that the vast majority of them were to applaud the Federal Government's efforts in introducing WorkChoices.

The vast majority of them were just checking to ensure that workers understood the greater freedoms that they now have. They were just asking to check on the state of Australia's prosperity. They were checking to establish whether the figures that they had heard were true—that since WorkChoices has been introduced an additional 175,000 jobs have been created. They were just ringing to check whether Australia's prosperity was likely to continue. They were assured that, if they kept voting for John Howard and his Government, Australia's prosperity would definitely continue. If Government members want to quote these figures they should analyse what the calls were all about and they should admit that the vast majority of them were made to applaud the action of the Federal Government and to express great gratitude to the Federal Government for the reforms and the prosperity that followed.

As I said earlier, another salient point is that the number of working days lost due to industrial disputation has fallen to the lowest levels for about 30 years as a result of the introduction of WorkChoices. It is interesting to see the effort being made by Labor apparatchiks to fight this when New South Wales is the worst bastion of everything that is wrong in the Australian economy and workplace. In the June quarter of 1996, 386,000 working days were lost. Since then industrial disputation has fallen to its lowest level on record. As I said earlier, the number of jobs has increased. If we take it down to a daily figure we find that it is 1,350 new jobs every day.

When we analyse the numbers of working days lost we find that New South Wales features as the dominant place. New South Wales had the highest number of industrial disputes because this is where the union movement has the greatest stranglehold on the economy. It insists on trying to destroy the prosperity that we now have. Comments were made in earlier speeches about the need to hand over our industrial relations system to the Commonwealth Government. Victoria, which has operated under a single system for many years, accounted for only 28 per cent of industrial disputation in recent times. This Government ought to be ashamed about the scurrilous case it is running in the High Court. Once again, it has no qualms whatsoever about wasting taxpayers' hard-earned dollars on campaigns and on mounting a case in the High Court that has no prospects.

It is an extraordinary attempt by those opposite to maintain their featherbed existence. They are prepared to whip off and spend taxpayers' hard-earned money with no concern for the consequences. That is the truth of the matter. Since WorkChoices was introduced—as a result of the Australian people voting repeatedly for the Howard Coalition Government—175,000 new jobs have been created, disputes are at their lowest level for about 30 years and we have prosperity in this country. We must not let those characters opposite loose to try to destroy it.

Ms LEE RHIANNON [4.30 p.m.]: I support the sentiments of the motion but it needs to be amended. Therefore, I move:

That the question be amended by omitting paragraph (e) and inserting instead::

- (e) congratulates the working people of New South Wales who have stood up against the Federal Government's extremist laws.
- (f) calls on the NSW government to support additional legislative action to protect the rights of the working people of New South Wales, including the following:
 - (i) amend the Local Government Act and the State Owned Corporations Act to remove workers in local councils and State owned corporations from coverage by WorkChoices regime;
 - (ii) explicitly remove industrial relations from any referral of powers to the Commonwealth; and
 - (iii) require that any successful tenderer for Government services pays its employees no less than the comparable rate for State award workers.

WorkChoices is the key element of a four-pronged attack by the Coalition Government on working rights, Australian democracy and Australian values. The idea is to attack working rights from both the top and the bottom. The four prongs are: one, a targeted attack on the most successful and progressive unions in the construction industry by way of the Orwellian-named Building and Construction Industry Improvement Act

2005; two, a general attack on employment conditions, the award system, collective bargaining and unions in the form of WorkChoices; three, a proposal to strip employment protection from people forced into subcontracting arrangements by way of the Independent Contractor Bill; and, four, forcing vulnerable workers onto the lowest rungs of the work force ladder via welfare to work legislation that is aimed at filling the marginal employment positions created by the WorkChoices legislation.

The WorkChoices regime attacks working rights at the top by equating unionists with terrorists under the Building and Construction Industry Improvement Act. This Act creates a secretive inspectorate called the Office of the Australian Building and Construction [ABC] Commissioner, which has ABC inspectors who can compulsorily examine any employee on a building site. The Act strips away a building worker's right to silence and allows the ABC commissioner to drag workers in from any building site for secretive questioning in a closed court. If in the course of a secretive examination the building worker does not answer every question asked—even if the answer would incriminate him or her, fellow workers or a union—the worker faces six months in gaol. At present 107 building workers in Western Australia are being personally prosecuted by an ABC inspector for supporting their union delegate. Each worker faces fines of up to \$28,000 on top of their Federal Court costs.

These laws are aimed at stripping the pay and conditions from the construction industry, which is one of the best organised and most unionised sectors in the work force. The union effort in the construction industry is essential for many reasons—for example, occupational health and safety is a primary focus. The Howard Government's regime attacks working rights at the bottom by forcing single mothers and marginally disabled pensioners back into the work force through welfare to work. These people are given the mock choice of taking low-pay and low-condition "WorkChoiced" jobs or losing their meagre government pensions. These workers have no bargaining power. They are not organised. Welfare to work is designed specifically to create a pool of working poor, who will fill the poor-quality jobs that WorkChoices creates. These laws are designed to attack working rights and conditions from below by dragging down conditions in the least organised and least unionised sectors of the work force, such as services, retail and cleaning. Remember that when conditions are dragged down in the construction or hospitality industries, for example, it means more profits for the big employers—and that is the main intention of the WorkChoices legislation.

The Howard Government's industrial relations regime also attacks working rights across the board through WorkChoices, destroying the award system and thereby taking away basic minimum standards for working hours, wages and entitlements in all industries. WorkChoices makes unfair dismissals legal in workplaces where there are fewer than 100 employees and in every workplace if an employer says that an employee is sacked for reasons that include economic reasons. It is a case of, "You're sacked because you have red hair, I don't like you and I pay you too much." WorkChoices makes it illegal for a union and an employer to agree on "prohibited content", such as paid union safety training, paying union dues from a wage packet or preventing jobs being contracted out to so-called "independent contractors".

WorkChoices has set a new low standard of two weeks annual leave per year—the same as in the United States of America—rather than Australia's traditional four weeks leave. It sets minimum wages through the secretive, closed-door Fair Pay Commission rather than the open and public Australian Industrial Relations Commission. The Fair Pay Commission is called the Low Pay Commission in the United Kingdom—at least there they have the guts to call it what it is! WorkChoices aims to remove historic employment protection from individuals by taking statutory employment rights from independent contractors through the proposed Independent Contractors Bill 2006.

This proposed law encourages employers to engage people as "independent contractors" rather than as employees by taking away the protection of employment laws from so-called independent contractors. It takes away annual leave rights from independent contractors who have traditionally been deemed to be employees by State laws and removes the right of independent contractors to access State industrial laws to remedy unfair contracts that they have entered into. But let us put aside for a moment questions of equity and fairness. One of the tests of a good law is that people can understand and follow it. Only lawyers and charlatans benefit from confusion and complexity in our laws.

The Hon. Greg Pearce: And unions.

Ms LEE RHIANNON: The member should listen to this. Looked at through this prism, how good is WorkChoices? WorkChoices is so complex that even those who want to use it cannot. The main body of the Act is spread over two printed volumes and has more than 900 sections, most of which have multiple subsections.

The index to the Act in the official government publication runs to 62 pages—that is the index alone! Rather usefully, it is paginated with Roman numerals. In addition to the body of the Act, there are 10 extensive schedules to the Act. Each of the schedules has multiple chapters, parts, divisions, subdivisions and sections. For example, schedule 1 of the Act, which deals with the "Registration and Accountability of Organisations", has more than 360 sections divided into 11 chapters, each of which contains multiple parts, divisions and sections. I believe not one member of the State Opposition has read the Act—for that matter, I bet not too many members of the Federal Government have read it either!

Then there are the regulations. The regulation-making power given to the Minister under this Act is nigh on unprecedented. Therefore, to understand the actual operation of WorkChoices we need to read it in conjunction with the regulations. Again, the regulations contain hundreds of sections with multiple subsections and yet another eight dense schedules. One might think that would be enough to have to digest and understand in order to know the details of the Prime Minister's industrial relations regime. But wait, of course there is more! Do not forget the additional transitional provisions in the original WorkChoices Act that have not found their way into the final consolidated version. Participants in the new industrial relations experiment need to cross-reference to these transitional provisions in order to understand how the new laws affect existing rights and proceedings.

Interpreting these transitional provisions in light of the complexity of the new laws can create mental and legal gymnastics of a whole new order. For example, a recent unfair dismissal case required consideration of the costs rules under section 658 of the Act. One part of the correspondence exchanged between the lawyers in that matter included this analysis:

As you would be aware, item 131 of Schedule 1 (being the proposed s. 658(4)) came into force on 27 March 2006 by reason of the fact that item 131 of Schedule 1 is not included in clause 7(2) of Division 3, Part 2 of Schedule 4 and pursuant to s. 2 thereof.

Is that not wonderful! Do honourable members understand it? It is absolutely wonderful. I particularly like the reference to "as you would be aware".

The Hon. Don Harwin: You should get a job as a scriptwriter on *Yes Minister*.

Ms LEE RHIANNON: It is the script of the honourable member's Federal Government that is bringing great joy to so many lawyers. These laws are a feast for lawyers and a trap for the unwary. You would have to hope that somebody would protect you if you entered into this new industrial relations regime without senior counsel, a team of solicitors and some pretty deep pockets. It is hard to see how you could design a better scheme to assist the well-heeled and cow the protected. I thank David Shoebridge for that analysis. I would not have got through the many pages of WorkChoices to work out all those sections, schedules and transitional parts. I will run through the reasons I moved an amendment to the motion. The Greens congratulate the New South Wales Government on much of the protection it has put in place for New South Wales workers. But I know it is aware more can be done. Amending the motion would provide important suggestions from the upper House to the New South Wales Labor Government on additional measures that should be put in place.

My final point had four suggestions. One is that the Corporations (Commonwealth Powers) Act 2001 be amended to explicitly exclude any and all reference of powers whether incidentally or expressly to the Commonwealth over the employer-employee relations of a corporation or the industrial workplace relations of corporation entities. Two is that the Local Government Act be amended to explicitly provide that all staff are to be employed by the general manager and not by the corporate entity. Further, the corporate entity must, on direction of the general manager, pay all employee entitlements when they are due and payable and is to indemnify and keep indemnified the general manager in respect of liability issues.

The Hon. Greg Pearce: That sounds like a bit of legalese.

Ms LEE RHIANNON: Yes, it absolutely is.

The Hon. GREG PEARCE: It sounds more like legalese than what you just criticised.

Ms LEE RHIANNON: Yes. Obviously, we have to use the law to provide protection. But this is clear and understandable, unlike what has been dished up from the Federal Parliament. Three is that the State Owned Corporations Act 1989 be amended to explicitly provide that all staff are to be employed by the chief executive officer and not by the corporate entity. Further, that the corporate entity must, on direction of the chief executive officer, pay all entitlements when they are due and payable, and indemnify and keep indemnified the chief

executive officer in respect of any liability issues. The final point is that there be separate legislative requirements for the State Government to be satisfied that any successful tenderer for Government services pay its employees at a standard remuneration, and provide working conditions that are no less than comparable to State award workers. That is an outline of the amendment I moved to the motion. As I said, the Greens will support the motion, but clearly it can be improved. Putting those suggestions in place provides a very good guide to the New South Wales Government as to what it can do to provide further protection for workers in New South Wales.

Ms SYLVIA HALE [4.43 p.m.]: I support the motion of condemnation of the conservative parties in New South Wales for their support of the Howard Government's extremist attack on the constitutional underpinnings of industrial relations in this country. It is ironic that it is the conservative parties that are so driven to discard the principles of conciliation and arbitration as laid down by the nation's founders in section 51 (35) of the Australian Constitution. The Howard legislation is one of the most radical attacks on the social cohesion of this society enacted by any Federal Government since the creation of the Commonwealth. It abolishes the concept of a fair go in the workplace for millions of Australians and prioritises the wellbeing of corporations over the wellbeing of people. This drive to discard century-old successful industrial relations that has delivered unparalleled unity and prosperity to this nation comes from two sources: one ideological and one deeply pragmatic. On an ideological level it reflects John Howard's personal obsession with individualism. For John Howard anything that involves collective effort is, in some way, a threat to what he considers the more important and legitimate rights of the individual. Under the Howard ideology a powerful individual has the right to exploit others for his or her personal benefit, but those who are being exploited may not join together to defend their collective interest.

The Howard ideology places the rights of the powerful individual above those of the less powerful. It makes illegitimate, if not criminal, most actions that may be taken by the powerless to fight back against the powerful, including withdrawing their labour. The pragmatic source of this drive to throw out a proven, successful industrial relations system, for one that has previously failed, comes from the Liberal Party's fundraisers and backers in big business. The workplace laws for them are about removing the ability of working people to join together to meet peak business on an equal footing and to demand a fair share of our national wealth. For the Liberal's big business backers the Federal legislation is simply about delivering more profits by making its workforce cheaper, more insecure and more compliant. The limiting of the right to collectively bargain is severe and fundamentally undemocratic. Even if the work force overwhelmingly votes in favour of collective bargaining, there is no obligation on an employer to enter into negotiations with the employees' union. But this is not just a return to unregulated labour relations based on survival of the fittest. The Howard system so completely tilts the rules against employees that employers will inevitably win any dispute, no matter how incompetent or malicious their actions may be.

The effective removal of the employee's right to strike is not only a repudiation of Australia's obligations under international treaty; it is the ultimate disempowerment of working people leaving them subject to the vagaries of corporate objectives or individual management whim. I must comment on the statement by the Hon. Greg Pearce impugning the integrity of the workers who have appeared in the Australian Council of Trade Unions advertisements. The attack on those workers by the Government's Office of Workplace Services is very revealing. Before these laws were introduced an unfair dismissal case was heard in open court by a commission or court that tested the evidence and where witnesses could be cross-examined. Having weighed the evidence, the independent commissioners or judges would publish their decision on a public web site and give their reasons. What happens now? The Office of Workplace Services rings employers for their side of the story, finds in the employer's favour and publishes its findings by leaking the report to the Government's friends at the *Daily Telegraph*.

That is workplace justice under WorkChoices. Secret hearings, secret investigations and your reputation attacked by a leak to a friendly journalist. The Office of Workplace Services has exposed itself as nothing more than a propaganda arm of the Howard Government. The Conservative parties deserve to be condemned for this attack on working Australians. At the same time as they lecture our immigrant communities on showing their commitment to so-called Australian values, through this legislation they attack the value of a fair go that has underpinned Australian workplaces for nearly a century. The values that are represented in this legislation from the Conservatives are the values of every person for themselves, and might is right. Their support for the Federal Government's WorkChoices regime exposes the State Coalition parties. It demonstrates that they are willing to sacrifice the interests of New South Wales workers for the interests of their big business backers. They deserve to be condemned for their support of these extremist laws. I refer now to the amendment moved by my colleague Ms Lee Rhiannon.

The Hon. Greg Pearce: Are you going to support it?

Ms SYLVIA HALE: Indeed I am. This amendment has the effect of deleting a self-congratulatory nonsense about Kim Beazley and Morris Iemma and replacing it—

The Hon. Greg Pearce: I agree with that.

Ms SYLVIA HALE: I am sure many people do. Many working people would, too. The amendment has the effect of deleting the self-congratulatory nonsense about Kim Beazley and Morris Iemma, and replacing it with congratulations for those who are genuinely showing courage under the harsh attack of this legislation—the workers of New South Wales who have turned out in their tens of thousands to march and rally against it.

It is important for Labor to understand that the campaign against WorkChoices is, and must remain, a broad-based community campaign. For it to succeed it must not be seen to be serving only the narrow political interests of the Australian Labor Party [ALP]. Many of those who oppose the WorkChoices regime and are campaigning against it are not members of the ALP or Labor voters and will be alienated by motions like this one that seek to congratulate the ALP's parliamentary leaders but ignore everyone else who is working in support of the campaign. The campaign against WorkChoices is, and must be, bigger than the ALP. It is not in the interests of New South Wales workers that the ALP puts up motions that include self-defeating party-political aggrandisement like this one.

As always, the real heroes of this struggle are those who live it everyday in their workplaces; those who muster the courage to stand up for their rights knowing that the Howard Government has given their employer the power to sack them virtually at will. It is those workers who are the real leaders of this struggle. They deserve our support and congratulations much more than any politician sitting in Federal or State Parliament, insulated from the effects of the new regime. The second part of the amendment deals with specific legislative steps that the Government should support to further protect workers in New South Wales. I applaud the Government for the steps it has taken so far to protect New South Wales workers. This motion then encourages the Government to continue the process of finding innovative ways to protect workers in this State from these laws.

It suggests two further ways to protect the workers of this State. One involves moving more workers out of the reach of the WorkChoices regime, and the second involves ensuring that employees who deliver government services but are not Crown employees be paid no less than the comparable rate for State-award workers. These are innovative measures that the Government should support. I commend the amendment to the House.

The Hon. PENNY SHARPE [4.52 p.m.]: I support the motion moved by the Hon. Christine Robertson. WorkChoices is one of the most draconian pieces of legislation that Australia has ever seen. We hear a lot about Australian values. We debate what they are and what they mean. This debate will always continue but one of those values we can unanimously agree on is that Australians believe in a fair go. WorkChoices rips at the heart of this fundamental Australian value and, unless defeated, will have an enduring effect on Australian workers and their families: an effect that means lower wages and fewer conditions; an effect that pits worker against worker; an effect where the individual is the only consideration in a system with no balance and no fairness. Importantly, we will leave a legacy of working conditions that are for the first time worse than what we have today.

I support this motion because the impact of WorkChoices will be extremely detrimental to women. We have to look no further than what the Sex Discrimination Commissioner, Pru Goward, the Liberal candidate for Goulburn, has said about the difficulties for women. She lays it all out. In March in a speech to the 2006 Australian Centre for Industrial Relations Research and Training conference, the candidate for Goulburn noted:

In terms of the paid work force people's key concerns revolve around increasing insecurity of employment, intensification of work, access to support services, in particular child care, and concerns about the impact of WorkChoices reform.

She continued:

While family-friendly entitlements have started to improve for women, it is difficult to see how these can be promoted further in workplaces without collective agreements. Sixty per cent of the top 200 employees now have paid maternity leave programs, for instance, but it seems this trend is less likely for those on individual agreements. Only 8 per cent of AWAs currently contain paid maternity leave clauses, for example.

She continued:

The difficulty with entitlements like paid maternity leave, moving out of awards and collective agreements and into individual agreements is that in the context of collective bargaining employers are able to offset the cost of the paid leave provision against other entitlements sought, including wage rises. As employees move to AWAs, however, there is no opportunity for offsetting through collectivisation. Employers will require women negotiating the leave provision to offset this against the salary she will receive. Not to do so will result in employers paying women of child bearing age more than other employees. Some employers may choose to do this, considering these provisions to be one-offs, but others may not.

She further stated:

Entitlements like paid maternity leave are already spread very unevenly across the work force. While around 65 per cent of managers, and 54 per cent of professional women have access to paid maternity leave, only 18 per cent of clerical, sales and service workers and 0.8 per cent of casual workers have an entitlement to maternity leave.

I turn now to what she said about work and family balance.

The ability of families to balance their paid work and family responsibilities arise from arrangements about hours of work. How many, how flexible and at what rate?

She went on to say:

We know that currently AWAs are often used by employers to increase hours' flexibility, that is, to increase the ordinary operating hours of a business. A recent analysis by David Peetz of working hours in AWAs demonstrates that while AWAs generally provide for longer working hours than collective agreements, they were normally paid at single, ordinary time rates, not overtime rates.

She went on to look at 500 AWAs:

A study of 500 AWAs found that around one quarter provided for a fixed hourly, weekly or annual wage, regardless of how much overtime was worked; over one-third permitted the employer unilaterally to require additional hours to be worked; and more than one-quarter provided no set ordinary hours of work.

The Coalition's own recruit understands these issues; It is a pity that those opposite do not. I support the motion of the Hon. Christine Robertson because the system of awards is the only system of protection that our lowest paid workers have. This motion exposes the unwillingness of the New South Wales Coalition to stand up for the people of New South Wales against their masters in Canberra. Today, the Hon. John Ryan sheepishly withdrew his motion regarding the Social and Community Services [SACS] Award. Why did he have to withdraw it? Because this Government has guaranteed that workers in New South Wales will be paid under the award. The motion of the Hon. John Ryan stated that this House "expresses its concerns that some of the most vulnerable and disadvantaged people in our community, including people with disabilities will be affected ..."—

The Hon. Greg Pearce: Point of order: I know the Hon. Penny Sharpe is only new to the House but she should understand that she needs to speak on the motion before the House, not on a motion that is not before the House. I ask you to indicate that she should speak to the motion before the House.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! The contribution of the member was relevant to the debate. There is no point of order.

The Hon. PENNY SHARPE: It is his Federal counterparts that are not paying their contribution to this award. The Australian Services Union and the Council of Social Service of New South Wales said this about the masters in Canberra of the Hon. John Ryan:

The Commonwealth Government has so far refused to spend an extra cent on meeting the award. This leaves joint funded programs still under threat. While Mr Costello sits on a budget surplus of \$10.8 billion, community organisations that provide help to people with disability will be struggling to meet legal obligations to their workers. Homeless services, women's refuges and free legal services will all face the same fate. For the Home and Community Care Program, the Commonwealth need only put in an extra \$3.5 million per year to top off a \$450 million-funded program. Mr Costello is happy to fund the huge superannuation payouts and tax cuts for high-income earners, but he won't give front-line services the money they need to help the frail and elderly.

The Minister for Community Services, Ms Reba Meagher, wrote to her Federal counterpart to try to seek some redress. The response of the Hon. John Cobb stated:

Stamp duties, land tax revenues and GST are now delivering windfall revenues to the State and Territory governments. These windfalls have brought billions of dollars. This income could be used to meet any additional costs associated with housing

programs, like the immediate and project pay increases of staff engaged in the New South Wales Social and Community Services Award 2006.

That would be good if this Government were not already missing \$3 billion. The GST rip-off continues and the Commonwealth continues to try to underpay some of the most important workers in our community.

The Hon. John Ryan: Point of order: The motion before the House relates to WorkChoices and working conditions. The motion notes the Howard Government's destruction of workplace conditions—

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! There is no need for the member to read the whole motion.

The Hon. John Ryan: The member is now arguing the distribution of GST revenue. That clearly has nothing to do with workplace conditions. I ask you to bring the honourable member to order.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind the Hon. Penny Sharpe that her remarks should be relevant to the motion.

The Hon. PENNY SHARPE: Part of the motion says that the behaviour of the Federal Government is scurrilous, and I would agree that its failure to pay the SACS Award—

The Hon. Greg Pearce: Madam Deputy President, I am astonished that the honourable member is canvassing and attacking your ruling. I ask you to remind the honourable member that she should not so scurrilously attack your ruling.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! There is no point of order. The member was not canvassing my decision; the member was contributing to the debate.

The Hon. PENNY SHARPE: Finally, I support the motion because of the impact of WorkChoices on young people. I want to share with the House a real-life example of two young people I know. These two kids are putting themselves through university; one is a law student and the other is an arts student. They had been working on weekends for a large multinational company that is making billions of dollars of profits. Two weeks ago they were hauled into a meeting and told that they would no longer be able to be paid their penalty rates, that in effect the money they were earning would be halved, and that they had to take it or leave it and walk out the door.

When one of them put up her hand and said, "This is wrong," she was told to walk out the door. This is a real-life story, from real kids I know. That is why the motion should be supported. It is an appalling indictment on those opposite who have failed to stand up to Canberra and ensure fairness for all Australians. And it is an appalling indictment on us all that we would be prepared to leave worse working conditions for the young people who are just starting their working lives.

Pursuant to sessional orders business interrupted.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes Legislation Amendment (Gangs) Bill
Fair Trading Amendment Bill
Police Amendment (Police Promotions) Bill
Police Integrity Commission Amendment Bill
Transport Administration Amendment (Travel Concession) Bill

SYDNEY SWANS 2006 GRAND FINAL

SMOKING: DON'T BE A SUCKER CAMPAIGN

Ministerial Statement

The Hon. JOHN HATZISTERGOS : I am sure all members would agree that last Friday night's magnificent match at Telstra Stadium, which saw the Swans charging into their second straight grand final, was

a tremendous result for the team. I know all honourable members will be cheering for the Swans this Saturday when they resume their rivalry with the West Coast Eagles in the AFL grand final.

I take this opportunity to voice not only my own support for the Swans but also my admiration for their participation in an important initiative with NSW Health—the "Smoking: Don't be the Sucker" campaign, which has been running since 2002 and was introduced into 100 high schools across rural and metropolitan New South Wales in 2003 and 2004. The Swans have been an integral part of the campaign, visiting secondary schools throughout Sydney and other parts of regional New South Wales delivering a healthy, anti-smoking message to students—a message that has all the more resonance because it is delivered by sporting stars whom the students look up to. The campaign was comprehensively evaluated in 2004. It has been found it made students better informed about the health effects of smoking than students who had not been involved in the program. Teachers themselves praised the program. Teachers and students agree that the curriculum lessons are a vital part of delivering anti-smoking messages. I am sure all honourable members will join with me as well as with all those who are involved with NSW Health in saying, "Go Swannies!"

The Hon. JOHN RYAN [5.02 p.m.]: I am sure all honourable members wish the Swans well in the AFL grand final against the West Coast Eagles. Unfortunately, probably the number one Swans supporter on this side of the House, the Hon. Jenny Gardiner, is absent from the House today because she is attending the funeral of the late Charles Cutler, a former Deputy Premier of New South Wales. I have no doubt that if Jenny had the opportunity she would be leading in a rendition of the team song of the Swans

The Hon. Charlie Lynn: Away you go, John!

The Hon. JOHN RYAN: I might even try that. In any event, we join with the Government in congratulating the Swans on their success so far and wishing them well in the grand final. We look forward to the Swans giving us victory again this year, as they did last year. In sympathy with my colleague the Hon. Jenny Gardiner, I might start us off:

Members joined the Hon. John Ryan in singing:

Cheer, cheer the Red and the White
Honour the name by day and by night
Lift that noble banner high
Shake down the thunder from the sky
Whether the odds be great or small
Swans will go in and win over all
While her loyal sons are marching
Onwards to victory!

SPECIAL ADJOURNMENT

Motion by the Hon. John Hatzistergos agreed to:

That this House at its rising today do adjourn until Tuesday 17 October 2006 at 2.30 p.m.

ADJOURNMENT

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.06 p.m.]: I move:

That this House do now adjourn.

SOLAR AND WIND FARM ENERGY INITIATIVES

Ms SYLVIA HALE [5.06 p.m.]: Like many other members of the community I have recently seen the Al Gore film *An Inconvenient Truth*. I commend it to all members of the House. The film plays the important role of putting the overwhelming scientific evidence of global warming in front of a mass audience. It also does an excellent job of rebutting the views expressed by the miniscule and rapidly diminishing number of scientists who remain sceptical about global warming. It leaves the viewer in no doubt about what is happening and makes some suggestions about where to go from here. It makes a very important point about the role of government in taking the necessary steps to address the causes of global warming.

I would like to talk tonight about some of the infrastructure and planning initiatives the Government should be introducing to attempt to address global warming. The first such initiative is incentives for the greater use of solar energy. Why is Australia so backward on solar energy? Let us compare our country with Germany, a country not known for balmy weather and sunny skies—in fact it gets about a third of the sunshine of Australia. Despite this, Germany's solar industry is booming. Underpinning this was the introduction of the Renewable Energies Laws by the Social-Democratic/Green German Government in April 2000. Producers of renewable energy get 43¢ cents for each kilowatt hour of solar power generated and 7¢ cents per kilowatt hour of wind energy generated. Germans can also get low interest credits to install solar panels on their roofs, under the "100,000 Roofs" initiative.

In 2005 alone, 837 megawatts of photovoltaic cells were installed in Germany. The total output of solar-generated electricity in Bavaria is 75 megawatts. In New South Wales it is 1.46 megawatts of solar-generated power. Bavaria has 70,550 square kilometres, and New South Wales has 809,444 square kilometres. And we enjoy three times as much sunshine as Bavaria. We really are behind—or perhaps backward is the more accurate term. As of 2004, Australia produced 52,300 kilowatts of solar-produced electricity. Germany produced 794,000 kilowatts. And leading the world is Japan, with 1,131,991 kilowatts. Germany's newest and biggest solar power station at Arnstein has just opened. More than 1,400 movable solar modules will collect the sun's rays and power about 3,500 households. Germany accounts for 60 per cent of the world market in solar energy.

Unfortunately, Australia is lagging way behind, despite an abundance of sunshine. Australia's solar power output is just 2 megawatts into the power grid each year. In terms of wind power, Germany is the number one world producer of wind energy, with more than 16,000 windmills generating 39 per cent of the world total. New South Wales generates 16.66 megawatts from wind power, which is more than Queensland on 12.46, but South Australia generates an impressive 251.90 megawatts from its wind farms. Victoria has expanded its effort, and produces 103.76 megawatts. New South Wales is the second-lowest wind power producer of all the States.

In terms of sustainable design, we need to design more homes that can survive off-grid for most of the time. I mention one particular house that appeared in a *Sydney Morning Herald* story on 14 September 2006. The house is in the Hunter Valley in New South Wales. The architects and designers of the house are Joel Farnan and Michelle Findlay. Everything in the house is powered by renewable energy except the gas stove. It is built and fitted out with durable and recycled materials. The four water tanks each have a capacity of 22,500 litres. The house is not connected to the electricity grid, but is powered by a combination of solar and wind power.

What has been the Government's most recent initiative in sustainable design? It has been to exempt high-rise apartment blocks, currently our most energy inefficient form of housing, from the increased BASIX requirements. The New South Wales Government talks the talk about renewable energy, but it does not really walk the walk.

I encourage the Premier and the Government to undertake a massive expansion of renewable energy investment in New South Wales. Global warming is not just an issue for government, although government carries a heavy responsibility. Saturday 4 November is the international day of action on climate change. I encourage everyone in the community to become involved and join the Walk against Warming at 11.00 a.m., commencing at Martin Place, and to examine what may be done in each household. [*Time expired.*]

REGIONAL LIFESTYLE BENEFITS

APOLOGY TO MR PAUL WILLOUGHBY

The Hon. MELINDA PAVEY [5.10 p.m.]: I truly believe that regional New South Wales offers people a more affordable and supportive lifestyle. However, the New South Wales Department of State and Regional Development has spent more on overseas travel and consultants than on promoting the benefits of living in regional New South Wales. According to the latest data from the Department of State and Regional Development, regional New South Wales offers people a more supportive and affordable lifestyle, yet the Iemma Labor Government does little to promote regional benefits. Instead, people who are fed up with Sydney's housing problems are leaving New South Wales and are moving to Victoria and Queensland while our State struggles with its skills crisis.

The Bracks Government in Victoria and the Beattie Government in Queensland aggressively promote the benefits of regional living. Statistics on expansion for each State show that their promotions are working. New South Wales is being left behind. Between 1999 and 2005, data provided by the Australian Bureau of Statistics and Research shows that the average annual growth rate for Victoria is 3.2 per cent, the average annual growth rate for Queensland is 4.5 per cent, and what is it in New South Wales? In New South Wales, the average annual growth rate is a miserable 1.9 per cent over a period that correlates to the term of the Labor Government. The average annual growth rate for New South Wales is less than half that of Queensland and is 1.3 per cent behind Victoria.

What are Queensland and Victoria doing to drive economic growth while capitalising on the prudent financial management of our economy by the Howard-Vaile Federal Government? Queensland and Victoria have a plan to offer alternatives to residents who want to move out of Brisbane and Melbourne. Those States do not want people to leave. The plans of those States are real and genuine, and are backed by a financial commitment as well as aggressive policies that makes the New South Wales attempt to promote a country lifestyle look pathetic. Many people in New South Wales want a tree or sea change. Because of the Government's lacklustre performance and lack of commitment, too many people are looking beyond this State's borders to Queensland and Victoria for that tree or sea change.

The loss of a Federal electorate by New South Wales to Queensland as a result of redistribution based on population changes is further proof of the exodus. The 2004-05 annual report of the Department of State and Regional Development defines clearly the Government's lack of interest in regional development. As I have stated, the New South Wales Department of State and Regional Development spends more on consultants and air travel than on promoting regional lifestyles. The annual report of the department failed to detail the actual amount spent on international travel, and the Opposition was unable to obtain information on funding for this purpose from the Premier during the budget estimates process. The Premier denied the committee information on the costs and breakdown of the actual expenditure and instead estimated that the 36 trips referred to in the annual report at a cost of approximately \$10,000 each as well as the \$30,000 it cost to bring back Brad Fitzmaurice from London amounted to approximately \$400,000. Moreover, the department also spent \$275,000 on consultants. Although I do not begrudge international travel being undertaken to promote New South Wales, it is very important to promote lifestyle options to Sydney residents.

In conclusion, I highlight a promotion that receives the support of the department, the Government and many members of this Parliament, including myself, the Hon. Jennifer Gardiner, the Hon. Rick Colless, the Hon. Duncan Gay, the Minister for Justice, the Hon. Christine Robertson, and the member for Bathurst, Gerard Martin. The Country Week promotion receives financial support of approximately \$100,000, but that amount is not enough, especially when compared with Victoria's announcement of \$100 million for infrastructure development and expansion of provincial Victoria. That exciting program will provide real outcomes. Moreover, Queensland has its Blueprint for the Bush, with funding of \$150 million to attract investment to regional areas of Queensland. Sydney residents struggle with an average house price of approximately \$523,000 and do not have options similar to those available to the residents of other States. The New South Wales Government should examine other ways of promoting regional New South Wales.

On Monday 28 August 2006 during the Premier's budget estimates hearing I referred to and asked questions about certain allegations against the former Director of Communications and Corporate Relations of the Roads and Traffic Authority, Mr Paul Willoughby. I also referred to those questions during an interview on Radio 2UE. I accept that the allegations were without foundation. I withdraw them unreservedly. I unreservedly apologise to Mr Willoughby and his family for any hurt caused by the comments.

TAFE SKILLS DEVELOPMENT

The Hon. PENNY SHARPE [5.15 p.m.]: I draw the attention of the House to the ongoing role that TAFE plays in skills development in New South Wales. In May this year the Allen Consulting Group released a report entitled "The Complete Package: the Value of TAFE NSW", which states that TAFE is a major contributor to the State's economic performance. It is estimated that TAFE will contribute \$196.2 billion to the New South Wales economy over the next 20 years, which is a 640 per cent return on government investment. The \$196 billion represents the amount that the New South Wales economy would lose if TAFE were disbanded, even if its functions were picked up by private providers. Furthermore, if government funding for TAFE were withdrawn, the gross State product would decline by more than 3.6 per cent by 2024.

New South Wales TAFE plays many roles. It offers 1,300 qualifications at 134 campuses across the State. This year alone it supported over 513,000 enrolments. TAFE trained 90 per cent of this State's trade apprentices. It also has a vital role in providing second-chance education and employability skills to those who have struggled with mainstream education. I have been fortunate to visit many TAFE campuses across New South Wales and attend several graduation ceremonies. On each occasion I have been struck by the enthusiasm of the students and the dedication of the teachers. In a time of skills shortages across the economy and in the face of millions of dollars in cuts from the Howard Government, TAFE will enrol almost one in ten people in the State at some time in their lives.

TAFE provides vital training that our economy needs in areas such as engineering, building and construction, hairdressing, automotive and electro-technology. TAFE is simply the quiet powerhouse of skills development in the New South Wales economy. Without TAFE New South Wales, State productivity would steadily decline, wages would fall, employment would weaken and regional economies would be disproportionately harmed. The findings of the Allen Consulting Group demonstrate that citizens who possess a TAFE qualification earn additional wages worth more than \$107.8 billion. TAFE training is also clearly linked to higher wages and greater employability.

Since 1990 jobs for people without qualifications increased by only 4 per cent whereas jobs for those who have trade or other qualifications increased by 8 per cent. Research shows that people with post-school qualifications have a higher work force participation rate. Men who have no post-school qualifications have a participation rate of 68 per cent compared to a rate of 77 per cent for those who have a trade or other qualification. Post-school qualifications have an even greater effect on the female work force's participation rate, which jumps from 45.8 per cent for those who have no post-school qualifications to 69.6 per cent for those who have additional qualifications.

In addition to economic benefits, the Allen Consulting Group's report recognised immense benefits to individuals. Learning at TAFE improves an individual's skills and knowledge and contributes to their self-image, allowing them to better participate in the community as a whole. TAFE caters to a truly diverse student population: 9.2 per cent of students have a disability, 18.5 per cent come from a non-English speaking background, 30.5 per cent are from rural areas, and 17 per cent are currently unemployed. TAFE is a leader in education and training for indigenous people. TAFE benefits our community through local jobs, local skills development that is matched to industry's need, and public infrastructure. Despite attacks by the Howard Government, TAFE remains a resilient and innovative public institution that is securing the skills base New South Wales needs.

COALMINING

Ms LEE RHIANNON [5.19 p.m.]: Today during question time Minister Costa asked me why I hate miners. When I replied that I do not hate miners and that the Greens work with some coalminers, Mr Costa and other members ridiculed what I said. I inform the House of my involvement in work associated with some coalminers in the Hunter. On 28 April two coalminers, Graham Brown and Peter Kennedy, showed me around the upper Hunter. These Mount Arthur coalminers share the Greens' concern over the damage caused by the expansion of the coal industry, the terrible challenges posed by climate change, and the belief that all this information needs to be exposed. Together, we spoke to the local media.

I felt that it was a historic occasion, not just because the two miners had the courage to speak out against the industry on which they rely for their livelihood but also because they were willing to do so with the Greens. The Greens are still vilified in some quarters for opposing the expansion of the coal industry. I reiterate that the Greens are not calling for the coalmining industry to be shut down. The Greens position is no new coal mines, no new coal-fired power plants, and no new coal loaders in Port Newcastle. But where there are existing mines, the Greens will certainly work with the unions and the workers to defend working conditions. The scare campaign suggesting that the Greens will cost jobs in regional New South Wales is still peddled by representatives of the major parties.

In this House the New South Wales Minister for Mineral Resources, the Hon. Ian Macdonald, and the Treasurer, the Hon. Michael Costa, push that discredited nonsense. The time warp of misrepresenting the Greens on jobs can no longer hide the reality that it is the mining industry that is causing an overall loss of jobs in the Hunter. Mining jobs are disappearing because of mechanisation. The loss of valuable agricultural land to open-cut mines and the impact of dust pollution on local vineyards also take their toll on job opportunities. Peter and

Graham want more controls on the coal industry; the idea is for an independent coal authority to monitor mining activities and for the terms of reference to be wide enough so that random checks can be carried out and mines closed when breaches are detected.

According to Graham and Peter, the breaches are considerable. They explained how noise minimisation equipment has been removed from trucks operating at Mount Arthur. At times they have been concerned that some of the mine vehicles are illegal, as they are not given the daily 103 examination that covers safety and noise levels. These are some of the issues that I question Minister Macdonald about, and that he continually dodges. An insidious impact of all those open-cut mines is dust, which settles over Muswellbrook and the surrounding countryside every day. I remember the Muswellbrook of 30 years ago, a lovely rural town bustling with life and a great sense of community.

The Hon. Robyn Parker: It still has.

Ms LEE RHIANNON: No, I do not feel that it has the same sense of community it had many decades ago. What I find when I visit people in the region is a layer of dust whenever I run my finger over anything. No matter how often people clean, the dust returns and settles on everything. It is a serious health risk. These days 60 per cent of Muswellbrook is surrounded by coalmines. The Dartbrook underground and the four open-cut mines at Drayton, Mount Arthur, Bengala and Muswellbrook, scar the countryside. If the proposed mines at Mount Pleasant and Sandy Creek are given the go-ahead, about 90 per cent of the land around Muswellbrook will be open-cut mine. The world's top mining multinationals are reshaping the land and the economy of that area.

I met Peter and Graham again in August. We boarded a small plane and flew over the Upper Hunter to inspect the damage inflicted on the area by open-cut mining. The miners themselves were shocked at the extent of the coverage of the open-cut mines. I have heard Minister Macdonald frequently talk about rehabilitation; he boasts proudly about how excellent it is. I urge him to go up in a small plane and inspect those sites for himself. He will find very little rehabilitation.

I have been told that many companies are willing to forgo what seems a rather a large bond, about \$10 million, that they have to lodge. It is returned only if they rehabilitate the area. It is not worth their while to rehabilitate, many of them seem to judge; the profits are so high. Companies such as BHP Billiton, Rio Tinto, Anglo Coal and Centennial Coal are the coal cowboys in the Upper Hunter. They are used to getting their way, as their profit margins demonstrate. Many people may doubt that a couple of miners and the Greens can change anything; but the opposition is growing and more locals are speaking out about their concerns. Certainly there will be more damage locally and globally, but the writing is on the wall for this dangerous industry. Its final days are coming, and it is important that they come soon. Climate change is a major concern.

CHILDHOOD OBESITY

The Hon. DAVID OLDFIELD [5.23 p.m.]: It should be of great concern to all of us that new research suggests that more than 10 per cent of primary school children currently at a healthy weight will become overweight within the next three years. Researcher Kylie Hesketh, from the Centre for Community Child Health at Melbourne's Royal Children's Hospital, is to be commended for her study of more than 1,400 children at 24 schools across Victoria. In 1997, her study of children aged between 5 and 10 years found that 15 per cent were overweight and 4 per cent were obese. When the children were checked again in 2000, 20 per cent were overweight and 5 per cent were obese. Of the original 1,160 children in the study who had a healthy weight in 1997, 11 per cent had become overweight by 2000 and some had become obese. The research disclosed also that some children who had been overweight at the time of the first check had recovered to a healthy weight.

Whilst the result for some was good, and in particular shows overweight children can have a turnaround, the overall result showed the number of children overweight and obese is on the increase. The researcher, Ms Hesketh, said, "Not only was there a high prevalence rate of overweight and obesity, but one in 10 children who were a healthy weight the first time around had actually progressed to an unhealthy weight three years later." Associate Professor Kate Steinbeck, Director of the Metabolism and Obesity Clinic at Sydney's Royal Prince Alfred Hospital, said the figures were "frightening". Professor Steinbeck further stated, "The total prevalence of overweight and obese children doubled from the mid-1980s to the late 1990s. Now we find that from 1997 to this century one in 10 children have progressed into the unhealthy weight category."

That Victorian study is in concert with the recent New South Wales Childhood Obesity Summit, which called for national longitudinal studies to monitor trends in weight, body fat, nutrition and physical activity. It has been suggested that at the current rate, 65 per cent of all children will be overweight by 2020. One would hope that by 2020 that suggestion will have been proven incorrect, but given the current facts, making sure that prediction turns out wrong will take a great deal of co-operative work between various interested parties, in particular, governments and parents. With regards to obesity in general, there are a number of factors blamed and these include genetic disposition, overeating, inactivity, modern living and socioeconomic matters.

Although there may be mitigating circumstances in some cases, the plain and simple truth is that the vast majority of fat people suffer their condition purely as a consequence of their own actions. We can make all the excuses in the world for that group, and certainly where children are concerned, we can blame parents to a degree, but this is not, as is said, "rocket science". Under natural circumstances, if one's calorie intake exceeds one's energy output, one gains weight. I acknowledge that in this modern age some marketing is little more than a lie of omission and many people are easily misled with regard to what they eat, because they lack the information to appropriately assess various claims.

Perhaps one of the greatest myths currently in circulation is the notion of 99 per cent fat-free food. In most cases, such food should read, "99 per cent fat free, sugar filled", because, with few exceptions, fat-reduced food has a proportional increase in sugar content. And—guess what!—sugar that is not burnt essentially becomes fat. Most food represented as almost fat-free, but dominated by sugar, depending on when it is eaten and the ensuing level of activity, will add fat to the body at a level far beyond that expected by the uninformed consumer. While there is no doubt much of the fat being carried by Australians is the result of lower activity levels compared with past generations, it is also true, as is often said, "you are what you eat", and many Australians are not necessarily eating what they think they are eating. I expect to say more on this and related topics in the future.

AUSTRALIAN VALUES

The Hon. ROBYN PARKER [5.28 p.m.]: Much is said in the media regarding the notion of Australian values. I noted with interest that in question time today a question regarding Australian values and cultures was asked by the Hon. Dr Peter Wong of the Minister for Commerce, in his capacity as representing the Premier. The reply took up all of the allocated two minutes as the Minister defended his position, and that is sad. It is not sad that we had to listen to the Minister for a full two minutes; it is sad because something that should be a given in our society needs to be defended at every turn. It seems to me that Australia is under siege. Taken at face value, Australia represents the larrikin spirit and a fair go for everyone. We are not strictly under siege ideologically, but, rather, the cult of political correctness that has infiltrated every aspect of our lives is threatening the very fabric of Australian culture. It is commonsense that people who come to this country should comprehend and communicate with a degree of fluency in the English language. It is not racist to suggest that someone who wishes to live here and embrace what it is to be an Australian citizen should be able to communicate with his or her fellow Australian citizens.

I believe I can speak on this issue with a certain degree of authority because I come from a migrant background. Being born in New Zealand I imagine that many Australians would want me and other Kiwis to sit language tests, or at least one on Australian diction, from time to time. This is a serious issue. Language is one of the great barriers to naturalisation. It isolates and alienates people. Considering how many people who arrived on our shores were previously isolated and alienated by dictatorial regimes, we must do all in our power to make them comfortable. It disturbs me to think that there are those, especially in politics, who think that the push for compulsory English fluency in migrants is out of anything but compassion.

It is commonsense to ensure that as people come to Australia and as our children go through the education system they have a broad understanding of Australian history. Australian history must be taught in a way that is honest, broad ranging and unadulterated. I am encouraged by the push from the Federal Government to talk more about history, as I believe it is something we should be embracing. The media plays an important role in forging the main points of the issue. The word "racism" sparks more violence when it is blamed solely for the eruption of violence such as that which we saw in Cronulla earlier this year. The media's forecast of race riots has made race disputes the topic of discussion. The way in which people live in Australia has often caused division and segregation in numerous communities in Sydney and in other regions.

Last night when I spoke in debate on the Crimes Amendment (Apprehended Violence) Bill I said that the press sensationalises the issue of domestic violence when it wants to, but it sweeps it under the rug when it lacks lurid detail. We engage in public discourse on the idea of racism but too often we are afraid to address the

roots of poverty, ignorance and the reasons that cause people to backlash against mainstream values. Racism is an easy excuse for the ills in our society; it is a soft option. An Australian is anyone who lives and breathes the air that we have to offer. The air is free and it comes with a promise of freedom from the real racism, violence and discrimination that other countries tend to offer. Australians should sit down, shut up and be proud of what they have achieved, not as a group of racial or social communities but as an entire country under one government.

Australia is a country of which we should be proud. We should be proud of our history and we should acknowledge the things that have gone well in our history as well as those things that have not gone well. They all add up to make Australia a country of which we should be proud. Australia is not a country that focuses on negative things. We live in a positive environment and Australia is a positive country. In the sporting arena people are proud to support their various teams. It is exciting to be part of a culture that is integral in Australia. Our values should be embraced and, if necessary, defended in a positive sense.

DEATH OF THE HONOURABLE KEVIN JAMES STEWART, A FORMER MINISTER OF THE CROWN

The Hon. JOHN HATZISTERGOS (Minister for Health) [5.33 p.m.]: The death on 22 August 2006 of Kevin James Stewart was a very sad occasion. Kevin was born in the great suburb of Belmore in 1928 and he was one of seven children. He served in this Parliament, in the Legislative Assembly, between 1962 and 1985 as the member for Canterbury. His portfolios in the Wran Government included Health, Community Services, Natural Resources, and Local Government. Following his retirement from politics he became the New South Wales Agent-General in the United Kingdom. As a mark of his devotion to public service, Kevin was awarded the Order of Australia in 1989. But it was arguably his passion for the community of Canterbury that surpassed all his other virtues.

His many efforts for Canterbury Hospital could be the subject of a small book. He was on the board of the hospital; he was chairman for some 20 years—indeed he was chairman at the time he was appointed as Minister for Health—and he oversaw the redevelopment of the new state-of-the-art Canterbury Hospital. He was an active and passionate supporter of the Canterbury Bulldogs Rugby League Club, of which he was later president and remained president until his passing. He had an avid involvement as a parishioner at St Josephs Church in Belmore. These are all great examples of how he immersed himself in the dynamics of the local community. Kevin had many great qualities, not the least of which was his impeccable sense of humour and his extraordinary wit.

Amongst the litany of great anecdotes is when he was asked by a journalist, "Do you have any other interests, Mr Stewart?" to which he responded, "Yes—livestock. I have seven children." Kevin did indeed have seven children—Anne, Frances, John, Margaret, Tony, Mary and Helen—after he married Jean Keating in 1952. Another anecdote that encapsulates his sense of humour was his reply to the then shadow Minister for Health, Rosemary Foot, soon after the State budget had been handed down. As with many health budgets, announcements of new beds invariably ensue. The Opposition demanded that the announcement be substantiated, claiming that the funds in the budget papers provided for only half the number of beds announced. His response to Rosemary Foot was, "Rosemary, you missed the point completely. We are going to introduce double beds." Of course, there was no truth in Kevin's reply, but the whole House erupted into uncontrollable laughter.

Amongst his other great qualities was something that perhaps can be described as convivial familiarity. It is not easy to name many members of Parliament who were held in such high regard by politicians of both political persuasions, but Kevin was such a man. I had the privilege of calling on Kevin at his home in Belmore shortly before he passed away. I was amazed by his spirit and his tremendous courage at a stage when he knew he had little time left. He told me at the time that his hope was that the Bulldogs would make the grand final and that he would be able to be there, but both, unfortunately, did not make it.

During that conversation we discussed health in his time as Minister and in my time as Minister; his passion for rugby league and, in particular, the Bulldogs; his passion and commitment to the Labor Party; and his commitment to his family. Of course, as always, Kevin inquired about my family, in particular about my wife and my young children. Kevin was an amazing man. His warmth and generosity did not discriminate, and many will remember his spirit of hospitality. Rest in peace.

PARLIAMENTARY FOOD AND BEVERAGES DEPARTMENT STAFF

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): On behalf of the members and staff of the Legislative Council I place on record the thanks of the Legislative Council for the many years of service given by staff from the food and beverages department who are leaving us today. We all appreciated their support and service and we wish them well in their futures.

Motion agreed to.

The House adjourned at 5.36 p.m. until Tuesday 17 October 2006 at 2.30 p.m.
