

# LEGISLATIVE COUNCIL

Thursday 21 June 2007

**The President (The Hon. Peter Thomas Primrose)** took the chair at 11.00 a.m.

**The President** read the Prayers.

## **FAIR TRADING AMENDMENT (FUNERAL GOODS AND SERVICES) BILL 2007**

**Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. John Della Bosca.**

**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 set down as an order of the day for a later hour.**

## **TABLING OF PAPERS**

**The Hon. Ian Macdonald** tabled the following papers:

Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 31 December 2006:

Charles Sturt University  
Macquarie University—Volumes 1 and 2  
University of Newcastle

**Ordered to be printed on motion by the Hon. Ian Macdonald.**

## **DEBATE ON BUDGET ESTIMATES AND RELATED PAPERS 2007-08**

### **Sessional Order**

**The Hon. DON HARWIN** [11.06 a.m.]: I move:

That, during the present session and unless otherwise ordered:

1. Each speaker on the motion to take note of the budget estimates is to be limited to 10 minutes.
2. Debate on the motion to take note of the budget estimates for 2007-2008 is to take precedence after debate on committee reports on Wednesdays.
3. The debate on the budget estimates is to be interrupted at such time so that debate on committee reports and debate on the budget estimates does not exceed two hours. The interrupted debate is to stand adjourned and be set down on the business paper for the next day on which it has precedence.

This motion, although slightly different, has basically the same intention as the motion I moved to establish a sessional order in the last Parliament in June 2004. The principal differences are, first, at the request of the crossbench, I have reduced the speaking time from 15 minutes to 10 minutes and, second, given that we are at the beginning of a parliamentary term and we have fewer committee reports than we might normally have, rather than taking a full two hours of Government business time we will take one hour plus the balance of any unallocated time for committee reports. In fact, we will intrude less into Government business than would have been the case under the previous motion I moved to establish a sessional order. When a larger number of committee reports are before the House I may seek to amend the sessional order. But this sessional order will apply for the rest of the session; that is, until the Government prorogues the House. I understand that I have the support of the Government and crossbench members. Therefore I will not speak any further to the motion and detain the House from dealing with private members' business.

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.08 a.m.]: The Government supports the amendment motion.

**Question—That the motion be agreed to—put and resolved in the affirmative.**

**Motion agreed to.**

### **CLIMATE FUTURES BILL 2007**

**Question—That leave be granted to bring in a bill—put.**

**The PRESIDENT:** Order! It is very difficult for the Chair to hear when members who do not have the call insist on standing about the Chamber talking. I ask the Leader of the Opposition and the Treasurer to resume their seats unless they are seeking the call.

**Question resolved in the affirmative.**

**Bill introduced, and read a first time and ordered to be printed on motion by Dr John Kaye.**

### **Second Reading**

**Dr JOHN KAYE** [11.10 a.m.]: I move:

That this bill be now read a second time.

On any view we are now in a climate crisis—a crisis brought on by escalating greenhouse gas emissions, a crisis made clear by the mounting scientific evidence that those emissions are extremely likely to inflict untold damage on our way of life, our health and our economy, and a crisis made particularly urgent in this State both by our vulnerability to adverse climatic outcomes, as demonstrated by the current drought and recent coastal storms, and by our disproportionate contributions to greenhouse gas emissions. This bill attempts to respond to the crisis by addressing this State and nation's largest single source of greenhouse gas emissions, coal. This bill aims to do so in a way that enhances employment, strengthens our economy and deepens our democracy.

The bill prohibits the development of new coalmines and new coal-fired electricity generating capacity or any other activity to extend the life or increase the capacity of existing coalmining or generating facilities. It also seeks to undo two massive planning errors made by the Iemma Government by retracting approval for the Anvil Hill coalmine and for the coal loader expansion in Port Newcastle. The effect of these provisions would be the predictable and orderly run down of the coal industry in the State over a period of a decade and a half or more: As existing coalmines fully exploit their resources they will close; as power stations reach the end of their economic life they will be shut down without replacement.

The intent is to create an orderly and predictable timetable for the State to break its dependence on coal for domestic generation and export. This is not—and I emphasise the word "not"—an immediate or even rapid shutting-down of the industry; it is the establishment of a timeframe for reduction to sustainable levels of emissions generated in the State and caused by our exportation of coal. It establishes a timetable for moving the State to post-carbon sources of electrical energy and to world-leading levels of energy efficiency. This bill is based on the vision of New South Wales as a leader in renewable energy. It achieves that vision by mandating serious renewable energy targets. By 2012, 20 per cent of electricity consumed will be generated by renewable resources and 50 per cent by 2020.

By driving much stronger targets than are currently envisaged by the New South Wales State Government, the bill aims not only to drive the transition to a sustainable energy sector in the State but also to kick-start a renewable energy manufacturing industry that will create jobs and export revenue. The bill also expresses the intention of Parliament to provide funding for employment development and communities that currently are dependent on coalmining. We recognise that large-scale economic, industrial and social transitions do not come about easily, but we are committed to the idea that no single individual, no single household and no single community should be made to bear the brunt of the costs of the transition.

The bill specifically identifies the need to boost retraining and re-skilling opportunities for coal industry workers to enable them to become active participants in the renewable energy revolution. It also

identifies the need for funding to provide new business and employment opportunities for communities affected by the inevitable downturn in the coal industry. The Greens believe that such just-transition funding, if intelligently applied, can mean that there are no losers. By equitably sharing the economic benefits of a renewable energy manufacturing industry coal communities can experience a jobs boom, and can do so without experiencing the enormous local environmental and health impacts of coalmining and coal-fired power stations.

The bill brings to Parliament the campaigning work of the Greens for a sustainable energy industry and for justice for communities in the coalmining areas of the State. Legislation of this type was first introduced into the last Parliament by my colleague Ms Lee Rhiannon, and I am honoured to work with her on this bill. There is no doubt that, just as many incorrect or misleading things have been said about the Greens' campaign, so too will much be said of this bill that is plainly wrong. I will say unequivocally what this bill does not aim to do and would not achieve. First, the bill is not designed to bring about an immediate or precipitous end to the coal industry by closing down existing coalmines. It is a tragedy that the Treasurer is not present in the Chamber to hear me say that. It is worthwhile repeating the statement for his benefit: This bill is not designed to bring about an immediate or precipitous end to the coal industry by closing down existing coalmines.

The bill will not cause blackouts by closing down existing coal-fired power stations, and the bill will not undermine employment opportunities. On the contrary, the bill is designed specifically to secure long-term jobs by confronting the inevitable imperative to reduce greenhouse gas emissions before we are forced to do so by international pressure. By setting our own timetable, by planning for a careful and equitable transition and by taking the time and effort to ensure that the State becomes a leading manufacturer of renewable energy, we can turn the crisis into a massive and exciting opportunity for this State.

The support of the Greens for this bill is based on two key observations. First, coal is carbon, and when carbon is burnt it produces carbon dioxide. Australia mines and burns a lot of coal and is responsible for a disproportionately large fraction of global emissions and rising atmospheric concentrations of carbon dioxide and other greenhouse gases. Approximately 40 per cent of Australia's 560 million tonnes of carbon dioxide and carbon dioxide equivalent greenhouse gas emissions come from the mining or burning of coal. Approximately 30 per cent of our total emissions come directly from the burning of coal to produce electrical energy. In New South Wales approximately 90 per cent of what comes out of a power point is directly generated by burning coal. Approximately 5 per cent of our national emissions come from steel and cement manufacturing, and another 4 per cent from fugitive emissions, which are basically coal-seam methane that escapes during mining. In all, approximately 226 million tonnes of carbon dioxide equivalent greenhouse gases in Australia come from the burning and mining of coal.

But 75 per cent of coal mined in Australia is exported. This nation is the world's largest exporter of coal—30 per cent of all coal traded around the world comes from Australia. Most of Australia's coal goes to Japan and lesser amounts are exported to Korea, Taiwan, China and Indonesia. In all, our coal exports are responsible for 600 million tonnes of carbon dioxide when burnt in the power stations, steel mills and kilns of Asia. Australia's coal exports are responsible for more greenhouse gas emissions than are produced by all human activities in this country. Our coal exports are responsible for approximately 1.4 per cent of the world's annual greenhouse gas emissions and our domestic activities are responsible for approximately 1.3 per cent.

We Australians are responsible for approximately 2.7 per cent of the world's greenhouse gas emissions but we have less than 0.3 per cent of the world's population. We are almost 10 times above the world's average per capita greenhouse gas emissions. Our economic dependence on coal drives massive and unacceptable increases in carbon dioxide concentrations in this planet's atmosphere. This is fundamentally a moral question. Can we continue to do that when we know there is a very high degree of certitude that we will be compromising the health, the wealth, and the lifestyle of our children as well as ourselves over the next two decades?

The Greens believe that the only moral and responsible course of action is to make profound cuts to our greenhouse gas emissions, as this bill seeks to do. The second observation salient to our promotion of this bill is that the decisions that we make now will determine the economic future of this State in the face of changing world attitudes to climate change. We run the real risk of being badly left behind in the race to develop cost-effective low-carbon sources of useable energy. On that view, we are now choosing between two separate and distinct futures. The first choice for the future is based on business as usual, massive expansion in coalmining and coal exporting, new coal-fired power stations, accompanied by an only tokenistic effort at developing renewable energy and energy efficiency to satisfy the environmentally aware voter without disturbing the profits of the powerful coal corporations.

At some point in the next decade and a half we are likely to be confronted with an international community that takes climate change extremely seriously. The international community will tell Australia that it no longer wants our coal because the rest of the world has developed renewable, post-carbon sources of energy and no longer requires coal.

**The Hon. John Della Bosca:** When do you think this will happen?

**Dr JOHN KAYE:** It is likely to happen in the next decade and a half or two decades. At that time the international community will seek to constrain Australia's in-country emissions with the threat of economic sanctions. At that point we will hit a dead end, economically, socially and environmentally. Simultaneously, as one of our major sources of export revenue will dry up, we will have to drive massive and expensive changes in our electricity industry. Having failed to develop a capacity to produce low and no carbon energy sources we will be forced, yet again, to turn to import solutions.

The economic consequences would be appalling: an economy in free fall, massive unemployment and in all probability increasingly adverse climatic conditions, including prolonged droughts, severe storms and the beginning of coastal inundation. The impact of that could be massively exacerbated by skyrocketing oil prices caused by constrained supplies of crude oil in what is now referred to as "peak oil". Although that scenario might never eventuate, the bill seeks to address whether the convenience of the existing coal industry justifies the risk of catastrophe that could be caused by it and the State's dependence on it. The consequences of that scenario are made particularly adverse by the way it would take out of our hands the ability to determine a response. We would be driven by international pressure and by our lack of preparation into measures that would not create employment opportunities and would not produce a vibrant or healthy economy.

The alternative choice encapsulated in the bill is based on the idea that we can mitigate the risk of that scenario by starting work now on the transition to a post-carbon future with much lower economic and social reliance on coal. By determining our own timetable, by investing in a renewable energy industry and by planning ahead we maximise our chances of securing jobs, wealth creation and achieving a successful social structure through the difficult times that are very likely to lie ahead. The bill is designed to put New South Wales ahead of the change, not to leave it lagging behind. By creating a timetable and supporting a renewable energy industry the Greens believe that we can secure a position as a world leader in clean energy and with huge export opportunities.

As the global climate crisis deepens we will be prepared to reduce our emissions and to export technologies that will help other jurisdictions to do exactly the same. The difference is whether we are prepared to take on the coal corporations. Are we prepared to look ahead and secure a place for ourselves and our children or do we continue with business as usual? No doubt some opposition to the bill will be based on the idea that it would undermine jobs in the coal industry. However, we should also show the same degree of concern for the 63,000 full-time equivalent jobs that are dependent on the Great Barrier Reef as a tourist attraction, and for the more than 100,000 agricultural sector jobs that are vulnerable to drought, as has been tragically demonstrated over the past five years. I hope we are now heading out of that drought. Those jobs are at risk if we do not reduce our greenhouse gas emissions, as the natural resources that those jobs rely on are totally vulnerable to climate change.

It is also ironic that the greatest loss of jobs in the coalmining industry—between the mid-1980s and 2002, when 18,000 jobs were taken out of the industry—went entirely unremarked in this Parliament, the Federal Parliament and the media. As mining corporations shed employees in favour of new technologies—in the case of longwall mining technologies in underground mining—the Australian Labor Party and the Coalition were busy looking the other way. The corporations were only too happy to replace their workers with capital investment. Many of those who failed to speak up then, but now put their hands on their hearts and proclaim their concern for coal industry workers, are simply exploiting the workers to run arguments that are more about supporting the profitability of the coal giants than employment in the coal industry.

While the Australian coal industry was busy shedding 18,000 jobs the small country of Denmark was busy making decisions about developing a wind industry that would lead to 16,000 new jobs. By a conscious national decision—a comprehensive industry policy to support the manufacturers and exporters of wind technology—Denmark became a world leader and a major exporter. Denmark took big steps towards breaking its dependence on coal, which was imported coal. Denmark engaged its workforce in exciting, innovative and socially fulfilling work in renewable energy production.

If Australia had done the same thing—and that is exactly what this bill proposes—we would have created about 60,000 jobs; that is, more than 2.5 times the number of workers currently in the coal industry. Further, by pushing into other renewable and energy-efficiency areas we can secure employment opportunities for the next generation. Of course, we need to reinvest in our public education system, particularly in TAFE, to make sure that that becomes a reality; but that is a topic for another debate. Each unit of energy generated by renewable technology creates about 4.5 times the number of jobs compared with coal generation.

If we grasp this nettle now we can secure employment. If we do it cleverly we can make sure those opportunities are in communities that have high rates of unemployment and those that would be affected by a move away from coalmining. Much of what is advanced in support of the coal industry is based on supposed economic benefits to Australia. The proponents of the coal industry talk about an annual \$17 billion, \$18 billion or \$25 billion industry. This amount presumably represents the net revenue of the sale of coal at about \$70 a tonne. That is a nice story, but the problem is that some of those benefits are lost in direct and indirect subsidies, including the diesel fuel rebate, and much more is lost to Australia in expropriated profits that go to overseas owners of the mines.

The real hole in the economic argument concerns greenhouse costs. Sir Nicholas Stern described global warming as the biggest market failure in history. He was alluding to the failure to internalise the costs of climate damage, which he estimated at \$A103 per tonne. At that rate each tonne of coal does \$268 worth of damage. That is, every tonne of coal that we mine or export delivers a \$198 loss if we are honest enough to include the long-term damage to communities, households and individuals around the world. Someone will pay each and every cent of those costs. They are real and they are measurable. Anvil Hill coalmine, whose approval would be withdrawn by this bill, would produce about 10.5 million tonnes of coal each year, which is about 27 million tonnes of carbon dioxide when burnt.

On those figures, Anvil Hill would be a \$2 billion a year loser. Damage to communities, businesses, the environment and the future from each year's coal output is \$2 billion greater than the revenue received by the mine owners. Even if Sir Nicholas Stern's figures are not accepted, and it is claimed that \$103 per tonne is too great, the story is still gruesome. For coalmining to be uneconomic all that is needed is a carbon dioxide tax of about \$27 a tonne.

Such an impost on every tonne of coal that is produced will result in coal becoming an uneconomic source of fuel. That is not a big figure, but I suggest we are likely to see international costs of coal approaching that figure in the near future. In reality, the economic arguments for expanding the coal industry are arguments about expanding the profits of the coal industry at the expense of everyone else. It is a massive rip-off of this generation and future generations, and it is one that we will come to look back on as a highly shameful act. This bill seeks to avoid that sort of rip-off.

The favourite ruse of the supporters of an expanded coal industry is to distract the community with promises of clean coal. The idea is either that technologies and locations will be developed to cost-effectively separate and bury the carbon dioxide, or there will be massive increases in the efficiency of coal combustion so that the number of tonnes of carbon dioxide generated per megawatt hour of energy will come down to an acceptable level. The term "clean coal" is a deliberate and misleading conflation of two very separate technologies—carbon capture and storage, and higher efficiency coal combustion or, as Malcolm Turnbull said, in an uncharacteristically candid moment on ABC television earlier this year, "Clean coal or cleaner coal".

In reality, clean coal is a marketing exercise designed to buy time for the coal industry to continue to make massive profits. Even the most enthusiastic proponents of clean coal technology make it clear that commercial application is at least 10 years or probably 15 years away, if it ever works. The science is clear: we do not have 10 years to continue business as usual, pumping 40 billion tonnes of carbon dioxide and carbon dioxide equivalents into the atmosphere every year. We cannot allow emissions to continue to grow over that 15-year period. If we do there are real risks that we will pay an enormous and unacceptable price for the damage we do to the climate and to the things we do that are supported by that climate.

Further, clean coal is a massive gamble. It is a technology that has not yet been proved to work. Effectively, the people of New South Wales are being told, "Don't worry about that. Our clever and handsome scientists will come up with a technological solution that will solve these problems some time in the next 15 years." It is like not having enough money to pay one's rent, so one nicks off to the local RSL, puts one's money into the poker machine and hopes to get enough money out of it. We are gambling on our future by saying that coal can be clean. We are gambling on the future of our children. We have no right to make a moral judgment about what they would or would not want us to do.

This is the worst kind of snow job that this State has ever seen. But the worst argument that will come up against this bill is one that was used by planning Minister Frank Sartor in justifying the approval of the Anvil Hill coalmine. His justification was, "If we do not do so, someone else will." That displays the worst kind of moral weakness that could be used to justify a crime of any nature. If we followed the planning Minister's argument through to its logical conclusion, all protections for the international commons would be abandoned. The atmosphere, the seas and the ozone layer would all be at the mercy of anybody who sought to damage them for his or her profit. If we translate that morality into our own lives it means that we should steal from our neighbours because if we do not take their videocassette recorders or steal their cars somebody else will.

I cannot believe that the planning decisions in this State are in the hands of a man whose only justification for developing a coalmine that will produce 27 million tonnes of carbon dioxide—more carbon dioxide than that which is emitted from all the motor transport in New South Wales every year—is that if we do not do so somebody else will. This bill states very strongly that if we do the right thing other people will as well. This bill is about ending the excuses; it is about creating a deliberate and predictable timetable for New South Wales to make a transition to a clean energy future. It is about creating jobs and an economy that work for the community. I commend the bill to the House.

**Debate adjourned on motion by Ms Lee Rhiannon and set down as an order of the day for a future day.**

### **PUBLIC SCHOOL SYSTEM**

**Debate called on and adjourned on motion by the Hon. Christine Robertson, on behalf of the Hon. Amanda Fazio.**

### **BUSINESS OF THE HOUSE**

#### **Order of Business**

**Motion by the Hon. Christine Robertson agreed to:**

That Private Members' Business Item No. 2 in the Order of Precedence for today remain in its place inside the Order of Precedence notwithstanding that this is the third postponement.

### **ADMINISTRATIVE DECISIONS TRIBUNAL AMENDMENT (CONFIDENTIAL DOCUMENTS) BILL 2007**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Robert Brown.**

#### **Second Reading**

**The Hon. ROBERT BROWN** [11.37 a.m.]: I move:

That this bill be now read a second time.

The Shooters Party is pleased to introduce the Administrative Decisions Tribunal Amendment (Confidential Documents) Bill 2007. The bill proposes an amendment to the Administrative Decisions Tribunal Act 1997 to enable the legal representative of any party to proceedings heard by the Administrative Decisions Tribunal to see and challenge otherwise confidential evidence. Generally, hearings before the Administrative Decisions Tribunal are held in public. However, under section 75 (2) (d) of the Administrative Decisions Tribunal Act 1997, the tribunal may make an order prohibiting or restricting the disclosure to some or all of the parties to the proceedings of the contents of a document lodged with the tribunal or received in evidence by the tribunal in relation to the proceedings. The tribunal may make such an order only if it is satisfied that it is desirable to do so by reason of the confidential nature of any matter, or for any other reason.

With this bill, the Administrative Decisions Tribunal Act 1997 is amended by omitting section 75 (2) (d) so as to allow any party to the proceedings and his or her legal representative to see and challenge all evidence lodged with the tribunal or received in evidence by the tribunal. With this proposed change the bill will limit the power of the tribunal to make an order prohibiting or restricting the disclosure of the contents of a document. The tribunal will continue to be able to make orders restricting the disclosure to anyone other than a

party to the proceedings and his or her legal practitioner. If the bill is successful it will also necessitate an amendment to section 75 (5) (b) of the Firearms Act 1996 by omitting all words after the word "public". This amendment is required for consistency in the legislation, as the section refers specifically to a review by the Administrative Decisions Tribunal and will be moved in Committee.

The Shooters Party finds it untenable that discretionary powers will be granted to one or more members of a tribunal to keep information secret from a party to those same proceedings. While the tribunal may exercise this power rarely and infrequently, the Shooters Party firmly believes that the provision, as it stands, is against the essence of natural justice and denies a party to proceedings any ability to see and challenge otherwise confidential evidence.

Withholding the disclosure of confidential documents or information received in evidence from some or all of the parties to the proceedings would make it very difficult, if not impossible, for the evidence to be challenged. Given that there is no mechanism by which to challenge prohibited or restricted evidence, even in a higher court of law, it would be very difficult indeed for a party to the proceedings to prove a negative. In fact, section 127 (1) (a) of the Administrative Decisions Tribunal Act 1997 states that a person who is, or has been, a member or officer of the tribunal is not competent and cannot be required to give evidence to a court relating to a matter if the giving of the evidence would be contrary to an order of the tribunal in force under section 75 (2) of the Act or under similar provisions of another Act. Effectively, section 75 (2) (d) of the Administrative Decisions Tribunal Act 1997 enables the tribunal to make an assertion that is not only vague but also a preventative law.

A fundamental belief in our judicial system is that certain rights and freedoms are accorded to each and every citizen of this country. Citizens have a right to legal representation, and that legal representation is entitled, on the client's instructions, to challenge evidence in a case. All citizens of this country are equal before and under the law. However, section 75 (2) (d) erodes a citizen's rights and freedoms and does not afford procedural fairness or uphold the principles of natural justice—I stress the latter point. Indeed, it is not even a fair fight. By prohibiting or restricting the disclosure to some or all of the parties to proceedings of the contents of evidence lodged with the tribunal, or received in evidence by the tribunal, in relation to the proceedings, the tribunal can make a decision in the absence of any ability by a party to challenge that evidence through its representative.

The Shooters Party has had an interest in this issue for several years after first recognising that the legislation appeared to be denying procedural fairness. It was first highlighted to us in the 2005 case *Aubrey v Commissioner of Police*, in which the applicant, David Aubrey, a licensed firearm owner, appealed to the Administrative Decisions Tribunal against the revocation of his licence by the Commissioner of Police. In this particular case it is clear that the tribunal placed significant weight on confidential evidence that could not be challenged. Clause 17 of the Firearms (General) Regulation 1997 provides that a licence may be revoked if the commissioner considers that it is not in the public interest for the person to whom a licence is issued to continue to hold it.

In affirming the commissioner's decision to revoke the applicant's firearm licence, it is interesting to note that the tribunal did not dispute the fact that the applicant had never been convicted of a criminal offence in New South Wales and had never used his firearm in a threatening manner towards any person or in an attempt to harm himself. In handing down its decision, however, the tribunal appears to rely on a confidential affidavit in which a member of the public provided evidence of dealings with the applicant. With the respondent in the case having sought and gained a confidential hearing in the matter under section 75 (2) (d) of the Administrative Decisions Tribunal Act 1997, the decision under review was affirmed.

Given the presumption against innocence in this case, the tribunal noted that the applicant had no opportunity to challenge the evidence. It is worth noting that the facts presented in the case—all of which the applicant vehemently denied—would be of little concern according to the tribunal's own findings. In all probability the tribunal may not have been able to affirm the commissioner's decision to revoke the applicant's firearm licence without this confidential evidence. Having said this, we would have no problem at all if the decision had been challenged and the tribunal had come to the same conclusion.

Another case that was brought to our attention is the 2007 case of *Khalil v Commissioner of Police*, in which the applicant, Walid Khalil, appealed to the Administrative Decisions Tribunal against a decision by the Commissioner of Police to refuse him a security industry licence. The commissioner refused to grant a security licence to Mr Khalil for two reasons: he was not satisfied that Mr Khalil was a fit and proper person to hold the

class of licence sought; and he considered that the granting of the licence would be contrary to the public interest. Once again, the tribunal in this case affirmed the decision of the commissioner based on evidence that was presented before the tribunal on a confidential basis, even though the tribunal acknowledged that Mr. Khalil has no criminal history whatsoever. Whether a person is fit and proper is a value judgment. It is interesting to note that the tribunal did not rule on this issue. Rather, the tribunal erred on the side of caution rather than on the side of natural justice based on evidence received on a confidential basis, and affirmed the decision of the commissioner that it would not be in the public interest for Mr Khalil to continue to hold a security licence.

The Shooters Party is happy for the relevant authorities to refuse or revoke licences or authorities to people who do not deserve them and/or who do the wrong thing. Our argument is about procedural fairness and natural justice. I repeat for clarity: Our argument is about procedural fairness and natural justice. In other words, the Administrative Decisions Tribunal should not act as a Star Chamber. The principle of open justice should be based upon meeting the needs of justice rather than the needs of particular individuals. While we accept that the needs of witnesses must be accommodated to a certain extent, this should go no further than that which is necessary for the administration of natural justice as a whole. I commend the bill to the House.

**Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.**

### **SECURITY INDUSTRY AMENDMENT (PATRON PROTECTION) BILL 2007**

#### **Second Reading**

**Debate resumed from 7 June 2007.**

**Reverend the Hon. Dr GORDON MOYES** [11.46 a.m.]: The Security Industry Amendment (Patron Protection) Bill has been developed in close consultation with the peak body that represents the security industry. Consultation has occurred with the Australian Security Industry Association, the Institute of Security Executives and the Building Services Contractors Association of Australia. Those organisations also made a joint submission with the Australian Hotels Association. We have all heard stories about the treatment of some patrons by bouncers. In my travels around the State this issue, together with various acts of after-dark violence and other antisocial behaviour, is a common theme with constituents. I submit that the incidence of violence in pubs and hotels is a problem that is certainly not confined to Sydney, Newcastle and Wollongong. Neither are inebriated patrons solely to blame for its prevalence.

Honourable members will inevitably remember the highly publicised death of Australian cricketer David Hookes in early 2004. That incident is a constant reminder of how the patron-bouncer relationship can go awfully awry. When I last spoke to the bill I pointed out that a growing list of workers in New South Wales are subject to drug and alcohol testing, which is the point of this bill. For example, police officers are tested regularly. Military personnel; pilots; train, ferry and bus drivers; transport and maintenance workers, and safety workers, are also subject to some kind of testing. So, too, are vehicle drivers, who may undergo random breath testing for alcohol and drug abuse. Therefore, it is only sensible that those in control of the safety of large numbers of patrons and members of the public should also be subject to random testing.

The common and growing consensus is that individuals who have a personal responsibility for public safety and who could be a significant risk to public safety when under the influence of drugs or alcohol should be subject to some kind of testing for drugs and/or alcohol abuse. This is the case with crowd controllers in licensed venues. We should all understand that the environment in which bouncers work is inevitably very stressful. In 1990 the Victorian Community Council Against Violence published a definitive report on the subject entitled "Violence in and around Licensed Premises". It described the job as:

Not well-paid bouncers work long, late hours in dark, smoky, noisy places dealing with intoxicated and aggressive patrons. The job itself has been described as inherently inflammatory in its nature.

A 2005 study undertaken by Dr Stephen Tomsen into drinking practices and alcohol-fuelled violence in the Newcastle and Hunter regions confirmed that the culture of aggression between 18- to 25-year-old males and bouncers still exists in New South Wales licensed premises. Most young men interviewed had experienced some form of excessive force at the hands of bouncers and a few were openly hostile towards bouncers, viewing them as bullies who victimised smaller or intoxicated opponents. In such a potentially hostile environment it is paramount that crowd controllers carry out their duties in a level-headed manner and are not influenced in any way by drugs or alcohol. Unfortunately some people who have been assaulted by such persons, who were



perhaps under the influence of drugs or alcohol, have paid the ultimate price of death. Suffice it to say, the very presence of any drugs and/or alcohol in a person's system can make that person more vulnerable to incitement or provocation. We need only read the daily papers to know that a number of sporting stars become involved in such behaviour. This bill assists in creating a safer and violence-free environment for patrons and for the public at large.

As I mentioned at the start of my speech, two Australian States are at the forefront of regulation for the security industry and already have testing regimes in place. Drug testing in Western Australia commenced in 2000 and, to date, 896 drug tests have been completed on crowd controllers. Under the Western Australia regime, crowd controllers are served with notices that require them to attend a designated place on a particular date to give a sample of blood or urine to be tested. Of the 896 licensed crowd controllers tested, 116 failed and had their licences revoked. A further 31 failed to attend the location designated for the drug test. It was assumed that they knew they would fail, so they also had their licences revoked. Some 749 passed the test and 14 cases are still pending. These figures were provided by the Special Projects division of the Western Australia Police Service, which also reported that in the first few months of the testing regime about one-quarter of all tests returned were positive.

Even after the introduction of targeted, intelligence-driven testing of crowd controllers, positive tests now total 13 per cent. By introducing new "Instacheck" drug detection kits, the basic test in Western Australia will soon be reduced in cost to only \$22 a test. This is perhaps one of the greatest successes of the zero-tolerance policy to crowd controller violence that the Western Australian Government has adopted. It reveals that the Western Australian Police Force is at the forefront of industry regulation. In May 2005 the Statutes Amendment (Liquor, Gambling and Security Industries) Act came into force in South Australia. In addition to drug and alcohol testing of crowd controllers, South Australia also introduced mandatory psychological assessments of licensees and refresher training courses. It is currently too early to gauge the success of the South Australian measures. Queensland's Department of Fair Trading is currently performing a review of its Security Providers Act 1993 with a possible view to introducing a regime of drug and alcohol testing of crowd controllers similar to that introduced in my bill.

We all know about the recent increase in the popularity of dangerous party drugs such as ice and ecstasy. Nightclubs are the hub of the trade in amphetamines. Nightclub patrons often take a pill to heighten their sensitivity and the pleasure of a night out. Most importantly, a 2002 publication by Britain's Home Office and the London Drugs Policy Forum entitled "Safer Clubbing" acknowledged that the single most important factor in tackling the drug trade in nightclubs is door supervisors, or bouncers. Some bouncers exercise control over the lucrative trade because they get to decide which dealers in those drugs enter the club and which are ejected. They may even deal directly in drugs themselves.

A program of targeting testing for drug use by bouncers in venues where police have identified high levels of drug trading is an effective tool in minimising the party drug trade. A nightclub dealer in amphetamines is almost always going to be a user of amphetamines and thus can be tested. This method is less invasive than the recent sniffer dog raids in New South Wales, which caused the associated problem of users simply throwing their drugs onto the crowded nightclub floor in order to escape prosecution. The introduction of targeted drug testing will help to ensure that the right kinds of people fill positions of authority in nightclubs and can assist police in keeping the venues free of drug traders.

Having outlined the policy behind the formulation of the bill, I will now consider briefly each of the specific provisions of the proposed legislation. The first amendment proposed to section 15 of the Security Industry Act requires applications for licences to include a written statement by a medical practitioner certifying that the applicant is physically and psychologically fit to carry on security activities of the kind authorised by the licence. When ascertaining whether the applicant for a licence is fit and proper to hold a relevant licence, the Security Industry Registry is able to use other relevant criminal intelligence regarding the applicant. Currently when ascertaining whether an applicant for a licence is "fit and proper" to hold a relevant licence, the Security Industry Registry is able to use other relevant criminal intelligence regarding the applicant. Under the second proposed amendment to section 15 of the Act, the registry will also be able to collect relevant information about the applicant from the Office of Fair Trading. It is intended that this will be used when renewing applications from master licence holders.

Amendments to section 26 specify that a holder of a licence that authorises work as a crowd controller or bouncer can have the licence revoked for failing a drug or alcohol test administered by a police officer. Proposed division 3A of part 2 of the Security Industry Act details the procedure for administering a valid drug

or alcohol test on a licensed crowd controller or bouncer. A police officer may ask a 1C or P1C licensed security officer to undergo a breath test for the presence of alcohol or to supply a sample of urine or hair to test for the presence of prohibited drugs. Following a licensee undergoing a breath test, the licensee is issued by the officer with a notice of their recorded blood alcohol level along with the time and date of the test.

Amendments to sections 22 and 36 of the Act are designed to increase identification of licences. Crowd controllers often wear their licences around their neck and tucked into jumpers or under coats in such a way that it makes them difficult to read. The bill will require in the case of 1C or P1C class licences that licensees wear their licences in a clear plastic sleeve or badge which is fixed or fitted to their clothing and is not on a chain or ribbon worn around their neck.

The bill acknowledges that, at least in part, some crowd controllers are contributing to violence and drug trading in licensed premises. I emphasise that this should in no way be construed as a reflection upon the professional and drug-free and alcohol-free crowd controllers who take their job and the law seriously. However, the bill does address a problem that has clearly arisen within the industry that is significant enough to warrant serious action. In my firm opinion the bill will mitigate the level and extent of the problem within New South Wales.

Lastly, may I add that a significant by-product of the bill, if it is passed, will be to assist the industry to achieve a better image in the mind of the public. I am pleased that all associations and peak bodies covering such industries support the measures that I have moved in this House. I urge all honourable members to support this very important and much-needed bill. I thank my staff member Linda Munoz and former staffer Jonathon Flegg for their work in helping me prepare this legislation, and in particular for gaining information from each of the other States of Australia that have implemented similar legislation.

**Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.**

#### **MEMBERS SEEKING THE CALL**

**The PRESIDENT:** Order! As former President Johnson once said, clairvoyance is not one of the talents that new occupants of the Chair bring to their position. I remind members that on occasions it is very difficult for the Chair to hear the proceedings, especially when members who do not have the call are walking around the Chamber engaging in audible conversations. If members wish to seek the call, they should, in accordance with the standing orders, stand and seek the attention of the Chair.

**Pursuant to sessional orders business interrupted.**

#### **QUESTIONS WITHOUT NOTICE**

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##### **TOUKLEY AMBULANCE STATION ASBESTOS CONTAMINATION**

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Minister for Industrial Relations, and Minister for the Central Coast. Was the Minister approached by members of the Health Services Union regarding asbestos contamination of the Toukley ambulance station during a Cabinet meeting on the Central Coast on 12 September 2006? He was in the presence of Ms Kruk and Mr Hatzistergos, the Minister for Health at the time. Was he asked by those representatives to initiate investigations of the ambulance station independent of the Ambulance Service into ongoing concerns over contamination of the site? Did he subsequently initiate an independent investigation? If so, what were the results?

**The Hon. JOHN DELLA BOSCA:** I am very pleased to hear the leader of the Opposition continuing the fine work of my former colleague Paul Crittenden, the former member for Wyong. I am very appreciative that he is continuing in the wake of Paul Crittenden on this important issue. I thank him for doing so. I remember the occasion to which he refers. I had a meeting with John Hatzistergos, our colleague who was then the Minister for Health, and Ms Robyn Kruk, who was then the Director General of the Department of Health. Obviously, everyone has changed roles since then. Of course, I still have portfolio responsibility for WorkCover. I am able to advise the Leader of the Opposition that, on a number of occasions, WorkCover has had cause to review the presence of asbestos in a number of workplaces, including the one of which he speaks. I have not availed myself of the latest update of WorkCover's investigations or any determinations it has made

in that regard. I will happily make inquiries and come back to him as soon as practical with a response to this question.

### ROADS BUDGET

**The Hon. LYNDIA VOLTZ:** Will the Minister update the House on the latest developments in the Roads portfolio?

**The Hon. ERIC ROOZENDAAL:** I thank the honourable member for her interest in roads. As the Treasurer announced on Tuesday, the Labor Government has handed down the biggest ever roads program for New South Wales, a record \$3.6 billion. The budget will meet our commitments to build new road infrastructure, improve traffic management and deliver road safety improvements. One key commitment we will deliver is the duplication of the Iron Cove Bridge and the upgrade of Victoria Road. This is a high priority project for the Government. We want improvements delivered on the Victoria Road corridor in this term. I am advised that the Roads and Traffic Authority is investigating up to nine potential options for the duplication of the Iron Cove Bridge. The most feasible options will be taken to the community later this year for consultation. At this stage plans for duplication of the Iron Cove Bridge are at the development stage. The necessary primary work is underway to move the project forward from concept to construction.

The Roads and Traffic Authority has assured me that the target completion date for the Iron Cove Bridge duplication remains at 2009-2010. As with many major civil construction projects, final costs for the new bridge will not be known until the project goes to tender. Early estimates for the project range up to \$100 million for the nine options. But the tender process will determine the final cost. We are not at that stage yet. As I have said in other places this morning, the duplication of the Iron Cove Bridge will not be without its challenges. It is well known that the skilled labour capacity of the construction industry is stretched at the moment and, like all major infrastructure builders, the Roads and Traffic Authority must compete in this market for resources. As an aside, the skills shortage is due in no small part to the absolute negligence of the Howard Government, which, for the past 10 years, has failed to invest in the Australian workforce, thus robbing the country of its skills base.

There are other challenges as well. Site contamination may need to be addressed given the previous industrial uses of land around Iron Cove. But I give this commitment: we will work with the local community throughout this project to get the best outcome for them and the best outcome for motorists and bus commuters. I will make a prediction about what we will see from the Opposition today, which is easy because those opposite are a predictable lot. Today we will hear the Hon. Duncan Gay, the Deputy Leader of the Opposition, talking down the Iron Cove Bridge, talking down the Roads and Traffic Authority and trying to talk down a record Roads budget. Those opposite are happy to talk about that, but they also stay silent on the Federal Government's 7 per cent cut this year to road maintenance for the New South Wales AusLink road network.

The Federal Government is taking money away from main road maintenance. In real terms this means that the Opposition's mates in Canberra are putting up less money for maintenance of the Pacific Highway, less money for the maintenance of the Hume Highway, the New England Highway, the Newell Highway the Great Western Highway and many others. Yet again New South Wales road users have been let down by the Federal Government when its coffers are full with \$14 billion in fuel excise revenue. In fact, for every dollar taxed from New South Wales motorists in Federal fuel excises, only 25¢ is put back into the State's roads. By contrast, I am advised that all the revenue the New South Wales Government collects directly from motorists is returned to roads funding—every dollar. We are proud of the record Roads budget announced by the Treasurer a couple of days ago. We are committed to delivering new road infrastructure for New South Wales motorists—[*Time expired.*]

### ROAD INFRASTRUCTURE INVESTOR CONFIDENCE

**The Hon. DUNCAN GAY:** I direct my question without notice to the Minister for Roads. Is the Minister aware of comments by the Westpac bank yesterday that in future it would be sceptical of traffic forecast numbers when considering investing in road infrastructure projects? Given those comments and the Cross City Tunnel cost of \$1.1 billion, which was sold at a huge loss at just \$700 million, how can he expect institutional investors to have confidence in any projects in which he or his department are in charge? What does the Minister say to small investors who have also taken a bath on the Cross City Tunnel debacle?

**The Hon. ERIC ROOZENDAAL:** Honourable members would be aware of media reports regarding the sale of the Cross City Tunnel. As I have repeatedly said, this is a matter for the company, investors and

receivers. I am advised that the Roads and Traffic Authority has a role in conducting the due diligence process as part of the sale, and this process began with a meeting this morning. I remind the House that all risks associated with the tunnel continue to be borne by the company, not New South Wales taxpayers. I am advised that the Cross City Tunnel has, at all times, operated in accordance with the project deed, and it is expected to continue to do so.

### **TAFE FUNDING**

**Dr JOHN KAYE:** My question is addressed to the Minister for Education and Training. Is it true that the New South Wales Government has increased recurrent funding to TAFE by only 6.5 per cent between 1997 and 2005 whereas other States and Territories have increased funding by an average of 46.1 per cent?

**The Hon. Michael Costa:** But what was the base?

**Dr JOHN KAYE:** Is it true that the 3.2 per cent increase in the 2007-08 budget cannot be called a real increase in funding, particularly given increased teacher salaries and growth in student hours? What impact will this failure to increase TAFE funding have on the quality of TAFE education and training, TAFE staff morale, the national skills shortage and New South Wales's competitiveness compared to other States and Territories?

**The Hon. JOHN DELLA BOSCA:** The member has asked many questions. I know he is very experienced in public policy, but as a new member I make the point that a question as detailed as the one he has asked, which I am very happy to answer, should probably be placed on notice because it contains approximately 11 questions on my count. I make the obvious point in my initial response to the question, which was referred to by the Treasurer: What is the base we are talking about? Comparisons between State budgets are notoriously unreliable and are usually cited to the detriment of the point that a member may seek to make.

I will be pleased to provide the member with a detailed answer to the range of questions he asked. The Iemma Government is committed to a range of improvements in both the TAFE system and secondary and primary schooling. He knows that this year's budget reflects record expenditure. I think he understands that while the budget may not be unique, it is certainly an outstanding budget in meeting all of the public commitments the Government made to skills training and secondary schooling and all other sectors related to education and training. I will provide the honourable member with a more detailed response to the balance of his questions as quickly as I can.

### **REGIONAL DEVELOPMENT BOARDS**

**The Hon. CHRISTINE ROBERTSON:** My question is addressed to the Minister for Regional Development. Will he provide the House with an update on changes taking place in regional development boards?

**The Hon. TONY KELLY:** I thank the Hon. Christine Robertson for her question. The Iemma Government recognises the important contribution made by regional economies in New South Wales and is actively supporting them as they seek to grow and develop. Regional development boards provide an important strategic framework for this growth and are a good example of the support of regional economies in action. The New South Wales Government, through the Department of State and Regional Development, supports a network of 13 regional development boards across New South Wales. The Government understands that local involvement and leadership on these boards is a key driver of development.

Regional development boards develop local leadership. They also promote regions in New South Wales and play a critical role in local efforts to attract investment and secure sustainable long-term jobs. The boards receive an operational grant from the New South Wales Government and under the Regional Development Boards Innovation Program have access to a pool of funds for projects. In 2006-07 to date, the New South Wales Government has approved support for more than 30 board projects that have significant potential for region-wide economic benefits.

Members of boards are appointed for either two or four years to ensure the continuity of expertise on the boards and the injection of new ideas and approaches. The chairs of the boards form the Regional Development Advisory Council, which provides advice to the Government. The terms of appointment across 11 of the regional development boards for 70 regional development board members, including eight chairs, will expire on 31 August 2007, and other vacant positions on these boards have arisen following the resignation of members.

Regional residents who want to assist in the economic development of their communities are encouraged to nominate as members. Expressions of interest are now being sought for the following boards: Central Western Regional Development Board, Far Western Regional Development Board, Gowest Development Board, which was formerly the Orana development board of which I was chairman, Mid North Coast Regional Development Board, Northern Rivers Regional Development Board, Northern Inland Regional Development Board, Murray Regional Development Board, Riverina Regional Development Board, Illawarra Regional Development Board, Hunter Economic Development Corporation, and Business Central Coast.

Board members will be drawn from a broad cross-section of people across communities and will possess the following qualities: leadership, vision and ability to champion regional interest; a track record of achieving creative, strategic and holistic solutions for local and regional development; ability to gain commitment and support for regional and local initiatives; skills to advise the New South Wales Government on a broad range of regional development issues; and a good understanding of the principles and practices of effective corporate governance. Expertise in one or more of the following areas is also desirable: economic development at local and regional levels, successful business and/or management experience, business and local development networks, academia and/or higher education relevant to regional economic development, and involvement in community initiatives that contribute to local or regional economic development.

The Government also encourages applications from women, young people, people from non-English-speaking backgrounds, and people of Aboriginal and Torres Strait Islander descent with experience in business or community initiatives. To fill current regional development board vacancies, advertisements calling for expressions of interest were placed in mid June 2007 with a closing date for expressions of interest on Wednesday 11 July 2007. An information booklet and nomination form may be downloaded from the Department of State and Regional Development's website or by telephoning the department. I encourage all interested persons to put their names forward and become involved. I look forward to new faces and fresh talent on regional development boards so that we may continue to benefit from the energy and ideas to ensure that regional communities maximise their economic potential.

#### **STILLBORN BABIES LEGAL STATUS**

**Reverend the Hon. Dr GORDON MOYES:** I ask the Attorney General a question without notice. Is he aware that Darwin mother Fiona Peters was told that her 17-weeks stillborn baby, Kaden, could not be formally buried because no birth or death certificate could be legally granted to him? Is he aware that one doctor suggested to Fiona Peters that her stillborn baby be given a backyard burial? Will he confirm whether in New South Wales babies that are stillborn less than 20 weeks into a pregnancy also are denied a birth or death certificate and thus the dignity of a formal funeral? If so, will he indicate whether changes will be made to relevant New South Wales legislation to bring recognition to the lives of stillborn babies, thereby bringing some comfort to a grieving mother and father in their time of loss?

**The Hon. JOHN HATZISTERGOS:** I will take the question on notice. I am aware of the issues raised by the honourable member mainly because of my term as the Minister for Health, but I am not aware of any specific case to which he has referred. I will provide a more detailed response to the House.

#### **STATE BUDGET**

**The Hon. GREG PEARCE:** My question is directed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. How can the people of New South Wales have any confidence in his ability to manage this year's budget when he got his first budget so terribly wrong? He got revenue wrong by \$2.3 billion; employee expenses, wrong by \$670 million; other operating expenses, wrong by \$770 million; and the result, wrong by \$1.14 billion. He could not even pick whether it was a deficit or a surplus! Is his new budget any improvement, given that he is unable to decide whether expenses will increase by 1.3 per cent or 3.6 per cent?

**The Hon. MICHAEL COSTA:** Well, what can one say to that? I was waiting for the question to see how the Hon. Greg Pearce would twist a budget that has been so well received across every single sector of the community, and his criticism is that we failed to bring in a deficit! I accept that I got it wrong when we were expecting a deficit but instead brought in a significant surplus in addition to increasing spending in all quarters, reducing debt and cutting taxes. If they are the criteria, I hope I get the next budget equally wrong! I refer to Budget Paper No. 2 to reveal the nonsense peddled by the Opposition that somehow our estimated budget expenses increased from 8.2 per cent and will be reduced to 1.3 per cent. I urge the Hon. Greg Pearce to read the next line, which refers to the growth rate excluding a one-off \$160 million rail capital grant. When that is taken

into account, the figures are nowhere near what the Opposition claims. They are consistent with prudent and sound management of the budget.

What I find completely extraordinary about this is that I am being criticised for my forecast, yet we have had forecast after forecast from the Opposition. Do members recall the Opposition's forecast of a \$1 billion deficit? They got that wrong. Do members remember the forecast of a recession, but there was no recession. Opposition members forecast that they would be in government, and they sure got that one wrong. The way they are performing it will be a long, long time before they are in government. I am glad that the Hon. Greg Pearce asked about the budget. I suppose it is a credit to the Government and a credit to the Premier—

**The Hon. Melinda Pavey:** And the taxpayers.

**The Hon. MICHAEL COSTA:** No, it is a credit to the Premier that we have been able to have a range of endorsements from areas that traditionally do not support this Government. Yesterday I was pleased to hear the Housing Industry Association say that this was the best budget for the housing industry that it has seen. That is a significant endorsement. In addition, the business community has endorsed the budget and the finance sector has argued that our budget was responsible. But, what was the response of the Leader of the Opposition to our budget? He criticised us for spending too much on infrastructure. We were criticised by the Leader of the Opposition for spending too much on infrastructure. He went to the Illawarra and said that the problem with this budget is that the Government is spending too much on infrastructure.

**The Hon. Duncan Gay:** What about Eraring?

**The Hon. MICHAEL COSTA:** We delivered pretty well last year; we spent \$10 billion on infrastructure and this year we are projecting to spend even more, \$12.5 billion. That was a 28 per cent increase in infrastructure on last year's budget. I know that the Opposition is embarrassed; they are scurrying around trying to find areas of criticism. I note that the Leader of the Opposition's speech in reply to the budget in the other House was absolutely absurd. He actually proposed to sell the State Rail Authority and RailCorp. He has proposed to cut back expenditure in Education. [*Time expired.*]

## RURAL AND REGIONAL BUSINESS SUPPORT

**The Hon. EDDIE OBEID:** My question is addressed to the Minister for Industrial Relations. Will the Minister inform the House about how the Government is supporting businesses in New South Wales?

**The Hon. JOHN DELLA BOSCA:** Members will recall that on 29 June 2001, the Liberal Party and National Party voted to retain a workers compensation system that was heavily in deficit. The Liberal and National parties voted to keep a system in which employers paid very high premiums—and yet injured workers were not seeing the benefits. The Liberal and National parties voted against the creation of the Workers Compensation Commission, ignoring the business community and the farming groups they purport to represent. History has demonstrated just how wrong they were. The Government's workers compensation legislation they voted against has now helped rescue the scheme. And later this month, the State's businesses are set to receive another \$119 million annual windfall, and we are setting aside \$250 million for the WorkCover Board to assist workers.

The new workers compensation premium rates coming into effect from 30 June will feature the lowest target collection rate in more than a decade, 1.86 per cent. The latest 5 per cent reduction will meet the Premier's commitment to business given prior to the March 2007 election. The Iemma Government has now reduced WorkCover premium rates by 25 per cent, delivering a \$675 million annual saving to New South Wales employers and a much-needed boost to the State's economy. The improvements we delivered have also allowed a 10 per cent increase in permanent impairment payments and 15 per cent for those with the most serious spinal and back injuries.

The latest 5 per cent premium rate reduction will deliver real, practical benefits to individual employers. For example, a Central Coast provider of aged care services will save \$6,542; a plant nursery in Sydney's north-west will save \$1,268; a large appliance wholesaler in Sydney will save \$8,193; a small car service centre in Sydney's west will save an additional \$475 and will also be protected from premium increases if it has a claim. All those savings are in addition to the earlier 20 per cent reduction. Rescuing the scheme's finances has also allowed the introduction of a \$74 million apprentice incentive scheme, forecast to create an additional 1,000 apprenticeships a year. Apprentices continue to receive all the benefits of the WorkCover scheme, but their wages are now exempt from their employer's premium calculations.

Returning the WorkCover Scheme to surplus has enabled the Iemma Government to lower premiums, increase benefits and introduce a range of improvements to make it easier to do business in New South Wales. Employers whose annual policy exceeds \$175 will now receive a further 3 per cent discount if they pay their premium in full, in advance. Additionally, employers with a basic tariff premium greater than \$1,000 can pay their premium by quarterly instalments, and employers whose basic tariff premium is greater than \$5,000 can elect to pay in monthly instalments. And there are other practical measures to improve the daily operation of the scheme.

A new service now assists employers to understand who should be included under their workers compensation policy, and further claim protection has been introduced for small and medium businesses. New South Wales businesses now pay the third lowest rate of the States and Territories, yet our scheme has the nation's most comprehensive and generous suite of benefits for injured workers.

#### **SYDNEY (KINGSFORD SMITH) AIRPORT TAXI CHARGES**

**Reverend the Hon. FRED NILE:** I ask the Treasurer a question without notice. Has Macquarie Bank, the owners of the Kingsford Smith airport, introduced various methods of collecting revenue from New South Wales citizens? Has the levy for taxis collecting passengers from the airport been increased to \$2.50? Have drivers been prohibited from having an opportunity to briefly stop at the airport terminals to drop off or collect passengers, and thus are forced to pay at least \$7 for short-term parking? What action will the Treasurer take in cooperation with the Commonwealth Government to restrain those revenue-raising activities that financially affect New South Wales citizens and add to the cost of living?

**The Hon. MICHAEL COSTA:** I thought Reverend the Hon. Fred Nile was going to ask me about Peter Costello refusing to pay his taxes. I had not intended to comment on that, because we are not supposed to comment on taxpayers' affairs, although I note that the Commonwealth has outed itself as being a tax dodger. Peter the Dodger is out there, dodging his tax responsibilities. I notice that the Hon. Greg Pearce supported Peter Costello in dodging taxes.

**The Hon. Greg Pearce:** Point of order: Mr President, I ask you to instruct the Treasurer to withdraw the allegation that I was supporting a tax dodger, or that I support tax dodgers. As the House will find out in a few weeks, the Treasurer himself has been very active in supporting tax-dodging activities in the past.

**The PRESIDENT:** Order! The Hon. Greg Pearce has asked the Treasurer to withdraw his remarks.

**The Hon. MICHAEL COSTA:** No, I am not going to withdraw it, Mr President. The reality is that the Commonwealth has been assessed by the Office of State Revenue to have overstated New South Wales by \$400 million, and is refusing to pay that. By anyone's definition, that is tax dodging. The Hon. Greg Pearce was on radio this morning, and said that they were justified in not paying that. In my view that implies that he is supporting a tax dodger.

**The Hon. Duncan Gay:** Point of order: There is clear precedence in this House that if the President makes a ruling a member has to accept that ruling. The Treasurer is challenging your ruling, and that is completely out of order. He might be a bullyboy down in Sussex Street, but he cannot get away with that here.

**The Hon. Greg Pearce:** Further to the point of order: I want to make it absolutely clear that I took offence at the comment made about me. I expect him to withdraw it.

**The PRESIDENT:** Order! The Hon. Greg Pearce has asked that an allegation he finds to be offensive be withdrawn. I have not made a ruling about that. I have drawn to the attention of the Treasurer that the request has been made. The Treasurer has indicated at this time that he is not prepared to accede to the request. Various Presidents have made rulings in this regard. President Johnson ruled on 18 October 1989:

It is for the Chair to determine whether the words complained of are offensive or disorderly and should be withdrawn. The Chair should place himself in the place of the member who claims to be offended. If the Chair consequently believes the words to be offensive, they should then be withdrawn.

I place myself in that position. If someone said that I had made the comments as alleged and accused me of supporting a tax dodger, I certainly would be offended. Accordingly, I ask the Treasurer to withdraw it.

**The Hon. MICHAEL COSTA:** Mr President, I have a real problem withdrawing that statement.

[*Interruption*]

Let me read what the honourable member said—

**The PRESIDENT:** Order! No, Treasurer. I am asking you to withdraw the suggestion that the member is supporting a tax dodger.

**The Hon. MICHAEL COSTA:** Which part do I have to withdraw?

**The PRESIDENT:** All of it.

**The Hon. MICHAEL COSTA:** I cannot do it. You will have to throw me out.

**The PRESIDENT:** Order! I will seek advice in relation to the situation in which we currently find ourselves. I have made what I believe to be an appropriate ruling. Of course, that ruling may be dissented from if the House sees fit. However, I maintain that position. As for the consequences, I will take the matter under consideration. It is not appropriate that further time of question time is taken up deliberating this matter now. I will report back to the House at a later time.

**Reverend the Hon. FRED NILE:** I ask a supplementary question. Will the Treasurer elucidate his answer to my question?

**The Hon. Michael Gallacher:** Point of order: The Treasurer has been asked a supplementary question and I suggest that the time allowed for him to answer the supplementary question be limited. He cannot be permitted to simply rabbit on without any time limitation. Time limits apply equally to answers to supplementary questions.

**The PRESIDENT:** Order! Reverend the Hon. Fred Nile asked a supplementary question and the usual time limitations, as provided in the standing orders, will apply.

**The Hon. MICHAEL COSTA:** Taxi fees and charges come within the responsibility of the Minister for Transport. I recall when this fee was introduced, because I was the Minister responsible at the time. There was great public outcry. The Government opposed the imposition of this charge on taxis at the airport. The taxi union and taxi drivers were concerned because as part of that fee no facilities were being provided for their comfort. In the end, the airport corporation was able to impose the fee because of the way things had been regulated by the Commonwealth.

We sought to ensure that taxi drivers did not have to pay the \$2.50 charge every time they picked up passengers at the airport. That charge was passed on to consumers. Unfortunately, the airport, which has the support of the Commonwealth, seems to be a law unto itself—as has been in evidence in recent days. That happens to be the position. I will refer the honourable member's question to the Minister for Transport, who might be able to make known the criticism of the New South Wales Government of an extraordinary and unjustifiable charge.

### IRON COVE BRIDGE DUPLICATION

**The Hon. TREVOR KHAN:** My question without notice is directed to the Minister for Roads. Today the Minister stated on radio and in this House that there were nine options for the duplication of the Iron Cove Bridge. Would he enlighten the House and long-suffering commuters in inner western Sydney? What are those nine options?

**The Hon. ERIC ROOZENDAAL:** The Roads and Traffic Authority is working through the concept of the duplication of the Iron Cove Bridge and it is examining at least nine different options. When the appropriate preferred options are determined—those that deliver the best possible infrastructure to both motorists and bus commuters—they will be taken to the community. We have to go through a careful community consultation process. That will be done once the preferred options have been determined and we have examined issues such as contamination and the location of utilities in and around the Iron Cove Bridge. In the development of this important piece of road infrastructure a number of other issues must be completed before we move forward and take the preferred routes to the community for consultation.



## DROUGHT, DAM LEVELS AND WINTER CROPS

**The Hon. KAYEE GRIFFIN:** My question is addressed to the Minister for Primary Industries. What impact has the recent rain had on the drought?

**The Hon. IAN MACDONALD:** I am happy, finally, to be able to inform the House that rain across New South Wales is starting to make a dent in this one in 100 years drought. While the drought is far from over, optimism is beginning to return to the bush. Prospects for crops and pastures have improved. While there is a long way to go, the encouraging news is that the latest drought figures from the Department of Primary Industries for May reveal that nearly 100 per cent of New South Wales received average rain. Last month, most of New South Wales received falls of the order of 25 to 50 millimetres. The area in drought, however, has fallen just 3 per cent, down to 18.3 per cent. The area of New South Wales considered to be marginal is 10.4 per cent, which is up from 9.8 per cent, and the satisfactory area of the State is 9.3 per cent, which is up from 6.9 per cent.

While the rain has been falling, the mood in some areas of the bush has been steadily rising. It has been a while since our farmers have had something to smile about. Paddocks in some areas that were once dustbowls have been revitalised by widespread rains, pastures are growing, and crops are responding to the falls, especially in coastal areas. I am sure that members on both sides of the House will agree that this is encouraging news for many of our farmers and the State's rural and regional communities who rely on our \$8 billion to \$10 million agricultural sector. The recent rainfall is having a positive impact on dam levels across regional New South Wales; for instance, some of them had inflows in recent times.

Snowy dams still contain only 4.4 per cent of active water. Eucumbene, for example, is sitting at only 2.2 per cent of active water, and Burrinjuck Dam, which is near Yass, fell by 0.2 per cent. With these continuing low dam levels across the State the immediate outlook for the multibillion dollar irrigation sector remains very difficult. Prospects for crops and pastures have improved dramatically following a great opening break around the end of April. Department of Primary Industries agronomists are reporting that average temperatures and a lack of frost have resulted in excellent germination, establishment and growth of crops.

I am happy to report that about 90 per cent of the forecast 4.72 million hectare winter crop has been planted. I am told that we can expect the size of the winter crop to increase on the back of improved seasonal conditions, positive price outlooks for most crops, and rapid pasture growth. However, the drought is nowhere near over. It is important to realise that while rain has fallen across most of New South Wales, it has fallen in narrow bands across much of the State. Over the last few weeks Sydney has been awash with rainfall. It received the second highest rainfall recording for the month of June—of the order of 450 millimetres.

**The Hon. Rick Colless:** Why don't you collect it? You let it all run into the sea.

**The Hon. IAN MACDONALD:** What fantasy! Go and talk to Malcolm Turnbull. He will talk with Opposition members all they like, but they will not get anything done. I was just making the point that although Sydney and other areas have had a lot of rain, many areas of the State have not. That is a fact. In fact, some parts of the State have missed out on the timely falls that have blessed other regions. For example, in the first 20 days in June Hillston, in the Riverina, received only 8 millimetres and West Wyalong, in the Central West, received only 1.6 millimetres.

**The Hon. Rick Colless:** Do you know where that is?

**The Hon. IAN MACDONALD:** I certainly know where it is. Ivanhoe measured 9.6 millimetres, Pooncarie 6.3 millimetres, and Quandialla 8 millimetres. I have been to most parts of the State. In fact, I have been to more parts of the State than most Opposition members. These rain measurements are a reminder that the drought is resilient and clearly a long way from over. We must not lose sight of the fact that soaking rains are still needed to consolidate soil moisture profiles, especially in the south, central and western areas. [*Time expired.*]

## POLITICAL FUNDRAISING

**Ms LEE RHIANNON:** My question is directed to the Treasurer. Did the Treasurer participate in the traditional Labor post-budget fundraising revelry, when business pays the Australian Labor Party for a budget briefing with Treasury Ministers? Was there a lunch for \$5,000 for a table of nine, like the Government put on in 2003, or was there a Labor business breakfast forum at \$1,300 for a table of 10, as occurred in 2004? Who did

the Treasurer meet this year and how much did he charge business people to attend his budget briefing? Did the Treasurer discuss the Government's policy agenda at his fundraiser for the Australian Labor Party? Does he acknowledge that using the New South Wales budget to raise funds for the Australian Labor Party is inappropriate, given the accusations levelled by his Federal colleagues that it was improper for Prime Minister John Howard to host Liberal Party fundraisers in Kirribilli House? Does the Treasurer agree that it is improper— [*Time expired.*]

**The Hon. MICHAEL COSTA:** I do not know the intention of the question but it is certainly true that political parties often stage events to raise funds under our system of government. Even the Greens have been known to host functions. I have also known the Greens to accept donations from developers. In the lead-up to the last election the Newcastle *Herald* reported that the Greens accepted a quite significant donation from a particular developer in the Hunter.

**Ms Lee Rhiannon:** Point of order: I draw attention to the standing order that requires the Minister to be accurate in his response. The newspaper withdrew that assertion. It was a set-up by the developer—and possibly the Hon. Michael Costa. The Treasurer should be accurate.

**The PRESIDENT:** Order! The Treasurer is required to be relevant to the question. I again ask members not to use points of order to make debating points.

**The Hon. MICHAEL COSTA:** I take exception to any suggestion that I was involved in setting up the Greens to receive a developer donation. As far as I know, the Greens took the money from the developer and banked it, or spent it on whatever they spend their money on—and that is certainly not policy research, judging from the quality of the Greens policies!

**Ms Lee Rhiannon:** Your fingerprints are all over it.

**The Hon. MICHAEL COSTA:** What an accusation! If I were as sensitive as the Hon. Greg Pearce, I would ask Ms Lee Rhiannon to withdraw that comment. But I am not like the Hon. Greg Pearce so I will not ask the member to withdraw. There is nothing wrong with taking donations from developers provided they are declared. I hope to see that declaration in Ms Lee Rhiannon's statements to the Electoral Commission.

#### REMOVAL FROM THE CHAMBER OF THE HON. MICHAEL COSTA

**The PRESIDENT:** Order! Earlier in question time I indicated that I would take under advisement a matter involving a point of order raised by the Hon. Greg Pearce. There was subsequent debate on the matter. I have taken the opportunity to read again the relevant standing orders and also to read again the various relevant Presidents' rulings. This is a serious matter and I take it very seriously. I have determined that the Hon. Michael Costa in refusing to withdraw words that I ruled as offensive is guilty of gross disorder. Under Standing Order 192 I order that the Usher of the Black Rod remove the honourable member from the House until the conclusion of question time. The Usher of the Black Rod will escort the member out of the Chamber.

[*The Hon. Michael Costa left the Chamber, accompanied by the Usher of the Black Rod.*]

[*Interruption*]

**The PRESIDENT:** Order! This is an important matter. I take it very seriously, and I ask members to treat it accordingly.

#### DR PATRICK POWER PROSECUTION

**The Hon. IAN WEST:** My question is addressed to the Attorney General. Will the Attorney General advise the House about the handling of the Patrick Power matter by the Office of the Director of Public Prosecutions?

**The Hon. Michael Gallacher:** Point of order: I refer to Standing Order 65, which states that questions must not ask for a statement or announcement of the Government's policy. It is clear to the Opposition that the Attorney General was about to discuss matters such as fixed terms for the Director of Public Prosecutions, which is a significant issue in New South Wales that Parliament should debate. The question is out of order. Matters such as those that I have mentioned are best dealt with by way of a ministerial statement at the end of question time, in order that the Opposition has an opportunity to respond.

**The PRESIDENT:** Order! I will allow the question but I ask the Attorney General to be aware of the relevant standing orders when he answers.

**The Hon. JOHN HATZISTERGOS:** Following the initial sentence of former Senior Deputy Crown Prosecutor Patrick Power and revelations about a missing F drive, concerns were raised with me about the process leading to his arrest. In particular, controversy surrounded the manner in which police were advised of the serious criminal allegations—that is, they were advised after the suspect had been alerted and sent home. I undertook to make inquiries of the Director of Public Prosecutions [DPP], Nicholas Cowdery QC, and should state at the outset their purpose.

In my examination of the office's handling of this matter I sought to establish, first, the facts and to disclose those as far as possible in order to maintain public confidence in the office; and, second, to consider, with the benefit of hindsight, whether any deficiencies or alternative courses ought to have been pursued. Today I will table the relevant documents. Included in those documents is advice from Mr Rapke QC, the Victorian prosecutor of the Power matter. The police have asked that two paragraphs of his letter be blacked out as they relate to the current appeal.

In the course of the past month I have been corresponding with the director regarding this matter. On 15 May I asked the director whether he thought the approach taken was correct and whether he would do the same thing again in similar circumstances. On 17 May the director replied "Yes". That response led me to seek further information, including independent advice from former High Court Judge Michael McHugh on 30 May. Mr McHugh's advice on 4 June was:

... none of the considerations to which the Director refers provided any ground for calling Dr Power in and informing him of the finding of the pornographic material before calling the police in to investigate the matter. The Director and the Deputy Director had made up their minds to call in the police to investigate the matter. Once that conclusion was reached, nothing concerning Dr Power's employment was so urgent that he be asked to stand down before the police were informed of the matter. At the very least, the relevant police officers should have been consulted as to whether the investigation might be prejudiced by informing Dr Power of what Mr Denton had found.

Mr Denton was the Director of Public Prosecutions officer who discovered images and films of child pornography. Mr McHugh's advice was subsequently put to the director. On 15 June the director wrote and advised:

I accept the wisdom of Mr McHugh's advice.

He has also agreed that he would take a different course of action if a similar situation were to arise again. I note in this regard that Deputy Commissioner of Police Andrew Scipione was reported as saying on 26 February in the *Daily Telegraph* that the preference of the New South Wales Police Force is to be advised first in relation to any potential crime. In this matter concerns were also expressed about a missing F drive that was in Dr Power's computer when it crashed. As members will know, subsequent forensic investigations by police have discovered that this drive may have contained numerous files with names strongly suggestive of child pornography. We will never know what was actually on the F drive. But, as Mr McHugh outlines:

Informing the employee of the finding of the pornographic material has the inherent potential to prejudice the investigation in a number of ways. It may, for example, result in the employee being able to destroy or remove the evidence that supports a finding that he or she, and not somebody else, possessed the material or that the possession was unlawful; it may result in the employee being able to avoid making incriminating statements that might be captured by means of telephone intercepts or listening devices; it may result in the concealment or destruction of evidence concerning other offences; and it may result in accomplices taking steps to remove their involvement in the matter.

Prosecutors play a vital role in our justice system. While they are not infallible, it is critical that the community has faith in the administration of justice and in the independence and skill of the people conducting prosecutions on its behalf. Clearly, the circumstances that arose in the Office of the Director of Public Prosecutions on 4 July 2006 were difficult and confronting. The judgement needed to handle them however was not in my view arduous. People will no doubt form their own views on this. However they wish to categorise it, I adopt Mr McHugh's advice without qualifications. I have requested that the policies and procedures of the office be changed in the light of that advice.

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

**The Hon. JOHN HATZISTERGOS:** On Tuesday 19 June I met with Mr Cowdery and said as much. The correspondence otherwise speaks for itself.

### PACIFIC HIGHWAY B-DOUBLE TRUCKS

**Mr IAN COHEN:** My question is directed to the Minister for Roads. The gazetted approval for B-doubles on the Pacific Highway is due to expire on 1 August this year. In the process to renew the approval, will there be an objective evaluation of the relative safety in allowing B-doubles to travel the very busy and not yet upgraded Pacific Highway, compared to other highway routes? Will the Minister take this opportunity for the safety and lives of the people of northern coastal New South Wales to remove B-doubles from the Pacific Highway?

**The Hon. ERIC ROOZENDAAL:** Road freight is important to the economy, but it is crucial that we match the right truck to the right road. There is a place in the far west of New South Wales for these vehicles, but they do not belong on suburban streets. The question sought specifics about their travel on the Pacific Highway. That requires a more detailed response, and I will take the remainder of the question on notice.

### TOUKLEY AMBULANCE STATION ASBESTOS CONTAMINATION

**The Hon. CHARLIE LYNN:** My question without notice is directed to the Minister for Roads. Given the Minister's record since taking on the Roads portfolio, starting with the Minister allowing his driver to take the rap and lose points for travelling in a bus lane, misleading the people of the northern beaches about the widening of The Spit Bridge—

**The Hon. John Della Bosca:** Point of order: The member used in his question the expression "take the rap", implying a criminal action—for which the Minister, by any construction, cannot be seen to be responsible. I ask you, Mr President, to consider asking the member to withdraw that part of his question.

**The PRESIDENT:** Order! The question is out of order in that it contains inferences and imputations and other material bordering on ironical expressions. However, the Leader of the Government has asked that an expression be withdrawn. Can I ask the Leader of the Government, which particular expression?

**The Hon. John Della Bosca:** The expression "take the rap", Mr President.

**The PRESIDENT:** Order! The Hon. Charlie Lynn.

**The Hon. CHARLIE LYNN:** I have just one question on that. Does that mean the driver will get his points back?

**The PRESIDENT:** Order! As the question itself is out of order, I do not need to deliberate further on the point.

### PRIMARY PRODUCTION

**The Hon. GREG DONNELLY:** My question without notice is addressed to the Minister for Primary Industries. What is the Government doing to ensure primary producers can continue to deliver high-quality produce in the face of the worst drought in 100 years?

**The Hon. IAN MACDONALD:** After all the histrionics today, this is an interesting question indeed. The State's combined primary industries contribute around \$20 billion to the New South Wales economy and are vital to ensuring the future of rural and regional communities. The agriculture, fisheries, forestry and mineral resources sectors generate about \$10 billion in exports alone each year. That is why the Government has supported primary industries from day one and continues to deliver in this year's budget. It concentrates on ensuring primary producers are best placed to deliver high-quality produce and aims to strengthen our mining sector's reputation as the safest in the world.

The Government has allocated \$472.8 million for operational and capital works in the 2007-08 budget, an increase of more than \$50 million on last year's allocation. Make no mistake, the funding will deliver a major push along to the State's agriculture, fisheries, forestry and mineral resources sectors. This budget reflects the State Government's real commitment to our drought-stricken primary industries. We have supported our vital primary industries since day one of this drought—the figure is up to about \$325 million in funding—and this year's budget also is about strengthening the bedrock on which our primary industries are based.

That is why key investment areas in 2007-08 include: \$111.6 million for agricultural extensions and educational services, fisheries management, maintaining animal welfare and building productive regional relationships; and \$47.7 million for the assessment of the State's geology and mineral resources, their allocation to private interests for exploration and mining, and the regulation of exploration and mining activities for safety and environmental performance. This includes \$4 million for exploration ensuring continuity of production of geo-scientific data and assessment of the prospectivity of New South Wales for petroleum and minerals.

Then there is \$99.5 million for the development of industry safety, biosecurity and emergency response capability. This includes \$8.2 million in government grants to fight noxious weeds. Another \$2.4 million has been allocated to cover the New South Wales contribution towards eradication of imported red fire ants being undertaken by the Queensland Department of Primary Industries. There is the State Government's contribution of \$11.5 million to further protect consumers through the New South Wales Food Authority. In addition, \$650,000 has been allocated to provide electronic surveillance on the Queensland border to monitor cattle movements into New South Wales associated with the control of cattle tick. There is another \$139.7 million for operational costs relating to applied research and technology to help boost the profitability and sustainability of the State's primary producers. Those contributions are on top of the funding that the Government is providing for the 2020 program, which includes further expansion of research facilities at Wagga Wagga, with another \$1.3 for new laboratories and \$4 million for the rationalisation and relocation of facilities from Narara to Somersby.

We are undertaking a number of partnerships in co-operative research centres such as in seafood, sheep industry innovation and Future Farm Industries. We are also supporting the Wild Harvest Fisheries Program by opening a new \$1 million state-of-the-art research facility at the Cronulla Fisheries Research Centre. We are also responding to the major challenges that climate change brings to primary industries. This includes the development of technologies for the production of bioenergy and other products from biomass. It also includes the examination of a range of feedstocks, including woody plants, and alternative energy conversion technologies. Then there is assessment of the socioeconomic impacts of a bioenergy industry on other New South Wales primary industries and the assessment of the potential to produce high-value chemicals from biomass. This budget was about delivering business prosperity in strong rural and regional communities while ensuring we combine those goals with practical and environmental solutions.

### HOUSING AFFORDABILITY CRISIS

**Ms SYLVIA HALE:** I address my question to the Minister representing the Treasurer in view of the Treasurer's removal from the Chamber. Earlier this week the Treasurer announced the removal of mortgage duty, claiming that "This change will benefit around 186,000 homebuyers each year." The Housing Industry Association says the measures will tackle the State's housing affordability crisis. Is this statement correct? Given that the median New South Wales house price is now approximately \$415,000 and the Sydney median house price is approximately \$516,000—prices that are out of reach of most low- to medium-income households—will the Treasurer explain how a \$2,000 saving on a \$500,000 home will significantly address the housing affordability crisis?

**The Hon. JOHN DELLA BOSCA:** I would refer the member to the Treasurer's answer, given in this question time, about the comments of the Housing Industry Association. As the member indicated with some relish, I am only standing in for the Treasurer while he is temporarily outside the House. I am sure the Treasurer will be happy to provide the member with a detailed answer when I give him the question, in lieu of it being placed on the notice paper.

### TOUKLEY AMBULANCE STATION ASBESTOS CONTAMINATION

**The Hon. DAVID CLARKE:** My question is directed to the Minister for Industrial Relations, and Minister for the Central Coast. I refer to the earlier question regarding Toukley ambulance station asked by the Leader of the Opposition and ask: Has the Minister at any stage requested or directed WorkCover to investigate concerns over asbestos contamination at the Toukley ambulance station? If so, was the Ambulance Service found to have exposed ambulance officers to asbestos dust for nine months?

**The Hon. JOHN DELLA BOSCA:** This is the first time the honourable member has asked me a question about my industrial relations responsibilities. I was hoping he would ask me about other relevant matters on industrial relations, but he has missed his opportunity. I will not familiarise him with the ways in which his party breaches the teaching of the magisterium on industrial relations. WorkCover and the Department of Commerce have been aware of asbestos concerns at the station since September 2004. At this

time asbestos was identified and removed. In August 2005 further remedial work was identified as necessary to alleviate any possible future source of asbestos contamination. It was the continuance of this remediation work that was the source of a dispute. WorkCover served an improvement notice on the ambulance station on 4 April 2006 requiring immediate action in relation to asbestos remediation concerns at the Toukley Ambulance Station. Staff from the Toukley Ambulance Station were immediately relocated to Wyong Hospital.

WorkCover received written correspondence from the Ambulance Service outlining its actions in response to the improvement notice. In addition to the relocation of staff, the Ambulance Service engaged the Department of Commerce to commence the remediation works. The work included remediation of soil in the garden beds, removal of asbestos dust from the roof cavity, repitching a section of the roof and redesign of box gutters to facilitate the more effective removal of rainwater. WorkCover and the Department of Commerce met with the contractor on site on 18 April 2006 to specifically discuss the remediation of friable asbestos material from Toukley ambulance station.

WorkCover inspectors visited Toukley ambulance station on 1 June 2006 and met with representatives from the Department of Commerce and the occupational hygienist on site. As a result of the on-site meeting, visual inspection and the production of a clearance certificate inspectors were satisfied that asbestos remediation works have been carried out in compliance with the original WorkCover improvement notice. WorkCover further advises that the internal walls at Toukley ambulance station, which contain asbestos, are in good condition, which means they are likely to present no hazard.

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

#### **PLANTATIONS AND REAFFORESTATION ACT PUBLIC EXHIBITION**

**The Hon. IAN MACDONALD:** On 19 June Mr Ian Cohen asked me a question about the review of the Plantations and Reafforestation Act. I can further advise the House that my department proposes a public consultation period on draft amendments to the Plantations and Reafforestation Act later this year, with the intention of introducing new legislation in early 2008.

#### **INLAND RESTRICTED FISHERY**

**The Hon. IAN MACDONALD:** On 20 June the Hon. Rick Colless asked me a question about inland restricted fisheries. I have spoken to the fisher about whom the Opposition spoke yesterday. In addition, I have been advised that all the fishers who have contacted my office were responded to, or messages were left on the date of their call. I have asked my department to review all fees associated with this fishery and convene a workshop of all interested parties to discuss the options available for the fisheries as soon as possible.

#### **TAFE FUNDING**

**The Hon. JOHN DELLA BOSCA:** Earlier today in question time Dr John Kaye asked me some questions about the State budget and TAFE. I am advised that, underlying increases in the State budget of TAFE and related services from the 2006-07 budget to the 2007-08 budget, the usual budget-to-budget measure means that the budget is revealed as being higher than suggested by simply comparing overall allocations to TAFE and related services. The 2006-07 budget contained one-off expenses such as redundancy payments and Commonwealth payments for the new Apprenticeship Support Service. The usual way in which these things are measured is to ignore one-off expenses. When this is done the underlying increase this year for the TAFE and related services budget is about 4.5 per cent. I can advise the House that TAFE colleges around the State are major beneficiaries of our overall education and training spending. In the 2006-07 budget—

**The Hon. Robyn Parker:** Part-time teachers are becoming concerned.

**The Hon. JOHN DELLA BOSCA:** I acknowledge the interjection of the honourable member. The figure is a record \$11.2 billion, to be precise. The investment in TAFE New South Wales and related services is \$1.8 billion, an increase of \$55 million on the previous budget.

#### **DR PATRICK POWER PROSECUTION**

**The Hon. JOHN HATZISTERGOS:** I table the documents referred to in my answer to the question without notice from the Hon. Ian West relating to the prosecution of Dr Patrick Power.

**Documents tabled.****Questions without notice concluded.**

*[The President left the chair at 1.05 p.m. The House resumed at 2.30 p.m.]*

**TRADE UNION MOVEMENT**

**The Hon. IAN WEST** [2.30 p.m.]: I move:

That this House:

- (a) notes that the refurbished Trades Hall in Goulburn Street was officially opened on May Day, 1 May 2007, by the Governor of New South Wales, Her Excellency Professor Marie Bashir,
- (b) congratulates Unions NSW and affiliated trade unions on the opening of the refurbished Trades Hall, and
- (c) recognises the contribution of the trade union movement to the history of New South Wales.

This year on 1 May, which was May Day, the Governor of the New South Wales, Her Excellency Professor Marie Bashir, officially opened the new Trades Hall in Goulburn Street. The event marked the culmination of five years work to restore the magnificent building that has been the home of the trade union movement in New South Wales for more than 100 years. Internally, the building now has a modern, environmentally friendly design while maintaining some of its historical features. The renovations preserved the Goulburn and Dixon streets facades. Balconies were restored to their original design. The internal main corridors were preserved, and so were the original ceilings and ceiling decorations. Signs referring to early tenants still decorate the internal walls.

The opening of the refurbished building is significant for two major reasons. First, it was significant that Her Excellency the Governor open the refurbished building because she continued the fine tradition of vice-regal blessings of the hall. In 1888 the then New South Wales Governor, Lord Carrington, laid the foundation stone of what was to become the Trades Hall in the presence of four State governors and five bishops as well as many workers and officials representing both capital and labour. Ironically, in 1888 the conservative Government of the day helped to kick-start construction of the Trades Hall with a £6,000 grant. The grant is mostly credited to the Hon. Henry Copeland, who was a member of the New South Wales Legislative Assembly, a mining entrepreneur, farmer and supporter of the eight-hour day movement. He was regarded as a very forward-thinking conservative in his day.

Because of turbulent economic circumstances at the turn of the twentieth century it took 28 years to complete the final stage of the building. However, as different stages were completed the building was used for numerous purposes, including trade union offices, public meeting rooms to discuss matters such as women's and indigenous issues, a library for working men and women and the unemployed, classes on first aid conducted by the Ambulance Service, establishment of radio station 2KY, and the commencement of the forerunner to the Workers Education Association [WEA], which commenced classes in the 1880s, specialising in literacy and numeracy.

The Trades Hall building was heritage listed in 1977 because of its historical significance. The New South Wales Heritage Office's records show that the Trades Hall was "held in high esteem by the working community" and was "a fitting reminder of an important part of Australia's history which was to be followed by many Western countries." In 2002 Unions New South Wales, which was then known as the Labor Council, commissioned the conservation, restoration and refurbishment of the building. The refurbishment was largely funded by the sale of 2KY. Renovation of the building will ensure not only that it remains a fitting reminder of Australia's history but also that it will continue to be a place where people make a positive contribution to the history of the State.

The second reason why the opening of the refurbished Trades Hall is significant is that it coincides with the greatest upheaval in Australia's industrial relations system in 100 years. Just as Australia's industrial relations went through reforms in 1881 when the original Trades Hall was constructed, the Federal Government's WorkChoices laws represent radical change. An examination of the history of industrial relations in Australia exposes many of the lies in the current Federal Government's selling of WorkChoices. First, the Federal Government likes to sell its industrial relations package as modern and the way of the future. The Federal Government's WorkChoices website quite overtly describes the legislation as "Our plan for a modern

workplace and a new workplace relations system". However, when we examine history we find that with industrial relations the more things change the more they stay the same—and the more they can revert to bygone days.

Although the jargon is different, a system similar to WorkChoices operated approximately 125 years ago. WorkChoices is an attempt to restore the contract approach to industrial relations that operated during the nineteenth century, not the twentieth century. This means that employment relations are governed by a civil contract between an employer and an employee. Before the enactment of the Commonwealth Conciliation and Arbitration Act 1904 and the 1881 trade union Acts in various States and Territories, employment relationships were governed by the Master and Servant Act 1828 passed by the New South Wales Legislative Council, the only House of Parliament in New South Wales at that time.

In a nutshell, that Act merely provided penalties for breach of contract between master and servant. Recourse for breach of contract had to be sought through the expensive and time-consuming civil courts system. Does that sound familiar? That system worked fine during the mid-nineteenth century when Australia was experiencing a boom and labour was scarce. But when servants sought a remedy they could not proceed through the court system as it was extremely expensive and they did not have the means to pursue a remedy in that way.

Further, as the economic downturn took hold in the late nineteenth century the situation turned quite ugly. As labour became more plentiful employers sought to reduce the wages of their employees. The young bucks of the day and those who had something to prove said that if they could not access remedy by some cheap, cost-effective, fast, specialist court they would find another way. That led to the great strikes of the 1890s—the maritime strike of 1890, the Broken Hill miners' strikes of 1892, and the shearers' strikes of 1891, 1892, 1894 and 1895. It is interesting to note that State governments had some level of involvement in those strikes as a third party when they brought to bear all the various civil court and criminal legislation that was available to imprison people who were so dastardly as to actually say that they wanted a fair go!

During the maritime strike the army was called in to replace the striking workers. Criminal legislation outside the Masters and Servants Act was used against striking workers. For example, in the 1891 shearers strike 13 union leaders were charged with sedition and conspiracy and were convicted and sentenced to three years jail. The turmoil of that era led to the newly formed Australian Commonwealth. Under section 51 of the Australian Constitution the Conciliation and Arbitration Act of 1904 was adopted. Many people from organised capital and organised labour in those days were very much against the Act as a way of bringing about peaceful settlement. They wanted the old systems to prevail, but those of sounder mind created the Commonwealth Court of Conciliation and Arbitration, the forerunner to the Australian Industrial Relations Commission.

The Act recognised that the contract system had brought the country to its knees and needed to be replaced by a system whereby workers and bosses, organised labour and organised capital, could resolve their differences quickly, peacefully, cost-effectively and gain remedy and equity in a court that was specialised for the task. Even conservatives—organised capital registered under various State trade union Acts—appreciated the importance of peaceful settlement and equitable access to remedy. In 1942 the founder of the Liberal Party, Sir Robert Menzies, said that his party:

... believes in trade unions and in the protection by law of the rights secured by wage earners. And because it believes in all these things, it stands for a fair industrial law which will be enforced without fear, favour or

affection against employer and employee alike. We aim at high wages, good conditions, sharing of prosperity, the independent settlement of differences by conciliation and arbitration ...

That seems to be a far cry from what Sir Robert's self-styled disciple of today is trying to achieve—that is, taking us back to the 1880s and the 1890s. The object of the Federal Government's workplace laws, both WorkChoices and the Independent Contractors Act, is to return us to master and servant and to the contract system devoid of any specialist arbitration. WorkChoices does it under the guise of Australian workplace agreements, known as AWAs. The agreements seek to put employees outside the reach of the Australian Industrial Relations Commission and, in the Prime Minister's own jargon, "give a much greater focus on agreement-making at the workplace level". If only he understood the complexities of the environment and that there are degrees of making agreements—at the enterprise, industry, State or Federal level.

The flexibilities need to be there for people to make choices. Under the guise of choice and flexibility we have achieved the opposite: an inflexible system in which there is no choice. The claim that an Australian workplace agreement is actually an agreement is one of the more subtle lies of the Federal Government's sales



pitch, as very rarely do those contracts go through any genuine negotiation or agreement. There is no arbiter for negotiations in many cases. Unless there is a shortage of labour the employer can set the conditions of an agreement, which the employee has no choice but to sign.

Further, if there is a dispute over an Australian workplace agreement, such as if the boss is not paying the right amount, the agreement has to be signed. In any agreement under WorkChoices the Australian Industrial Relations Commission has been reduced to a toothless tiger. Under WorkChoices the commission has the power to hear cases only if the parties agree, and even then it has lost the power to arbitrate in such matters, so its decisions are completely and utterly non-binding. So to get any binding decision the employee is forced back into the civil courts. Because WorkChoices is Federal legislation, workers are forced into the Federal Court.

A worker in a New South Wales enterprise under an Australian workplace agreement who wants that agreement enforced has to go into the expensive Federal system. The present system is similar to the one applying in 1880, when the first block of the Trades Hall was being built in Goulburn Street by Henry Copeland, a member of this House.

Indeed, the reason for the establishment of the position of the Workplace Ombudsman, formerly known as the Office of Workplace Services, seems to be to take heat off the Federal Government when a boss is caught out in the media exploiting WorkChoices. If an employee's dispute is not significant enough to appear in the pages of the *Daily Telegraph* that employee could very well be in a situation where he or she could independently pursue the action. Imagine a situation where a cleaner or a retail assistant is forced to the Federal Court to claim lost wages! Although the jargon is different, this is the same contract system that operated in the nineteenth century.

Another great fallacy is that WorkChoices is simpler and more flexible. The lie in the selling of the Federal Government's industrial relations laws is that they are more flexible. During the WorkChoices second reading speech the previous Workplace Relations Minister, Kevin Andrews, said:

The laws accommodate the greater demand for choice and flexibility in our workplaces.

I have spoken about Australian workplace agreements being a take-it-or-leave-it proposition, that they may offer some flexibility for employers but no flexibility for employees. There was more flexibility during the pre-WorkChoices era because employees and employers could determine what was best for them on a more level playing field. A system whereby the employer unilaterally determines not only the conditions of an agreement but also the type of agreement, be it individual or collective, is clearly not flexible.

It is arguable that flexibility for many employers would also be diminished as certain labour-intensive businesses tried to outdo each other in cutting wages. The business that does not cut wages is put at a disadvantage to a competitor that does. As I have already argued, WorkChoices is a return to the contract system. The Conciliation and Arbitration Court was created to allow flexibility in the system and to stop the situation occurring. No matter what the labour arrangements were, the court had the ability to institute flexibility to accommodate the arrangements.

Currently, the other thing that is frowned upon is third party interference. Historically, third parties have been involved in the system. As I said earlier, the third great lie, the Federal Government's WorkChoices sales pitch, is that the legislation seeks to reduce the interference by third parties. If we define third party interference as anything that influences, controls or limits the bargaining between the two key stakeholders in the employment relationship—employees, employers and their registered organisations—WorkChoices has caused an explosion of third-party involvement. Through this legislation, the Federal Government has already acted as a third party in reducing the bargaining power of workers and their representatives.

The Federal Government, as a third party, also regulates what can and cannot be part of an agreement through prohibited content provisions. Things that cannot be part of an agreement include union-backed safety training, restrictions on the use of independent contractors or labour hire, and anything else the Minister dictates through regulation. The Federal Government introduced the Workplace Authority, the Workplace Ombudsman and the Australian Fair Pay Commission as third parties to regulate the system, while without a trace of irony emasculating the Industrial Relations Commission under the argument that somehow it was a third party. It is not just the Federal Government that practices third-party interference in the employment relationship. On 18 June 2007 the *Australian Financial Review* reported:

There is a surge in business employing workplace consultants as third parties to survey the morale of staff.

The elephant in the room is that the third party has come to mean, in the definition of the Federal Government and Opposition members, anything that improves an employee's bargaining power, specifically the Australian Industrial Relations Commission and trade unions. The final great lie is the myth that individualism is good and somehow collectivism is bad for workers. The Federal Government is keen to promote the idea that individual contracts are good for workers. On an episode of *Four Corners* that aired in September 2005 the Prime Minister said:

If we, individual employers and employees, work out the arrangements that best suit them, the businesses go better, they make more money and they pay their workers higher wages.

Strangely, workers are one of the few groups that benefit from this economic theory, according to the Federal Government. In the wake of a decision by the Australian Competition and Consumer Commission [ACCC] to green light collective bargaining in the dairy industry, the Federal Government's Minister for Agriculture, Fisheries and Forestry, Warren Truss, said in a press release:

The ACCC's decision to allow dairy farmers to bargain collectively is a fair and sensible one and should redress some of the imbalance in market power currently present in the Australian dairy industry. Collective bargaining can empower farmers to negotiate, not only on prices, but also on other conditions relating to their supply contracts. This enhances their ability to manage the risks inherent in running a complex business such as dairying.

The Department of Agriculture, Fisheries and Forestry even went to the extent of putting on \$100,000 workshops to facilitate collective bargaining by dairy farmers. I wonder whether Mr Truss thinks employees can derive similar benefits from collective bargaining. There has been a more recent example of the Federal Government's passion for collective bargaining. Recently, advertisements have been run in the press—I have an example from the *Daily Telegraph* dated 7 June—encouraging businesses to collectively bargain with their customers and suppliers. The advertisement, entitled "Collective Bargaining—making it easier to business", states:

Small businesses can benefit by joining together to negotiate with a larger business, who is their common customer and supplier.

Larger businesses can find it more efficient to negotiate directly with a group of small businesses rather than each small business individually.

I merely ask: Does the Federal Government sing the praises of collective bargaining for businesses but for no-one else? If it is the case that the time has come for collective bargaining and that from 1880 through to the present day collective bargaining has been a fallacy, we need to know about it. Obviously, the Federal Government is very aware of the benefits of collective bargaining and it is trying to ensure that workers do not have the ability to collectively bargain.

The success of organised labour is evidenced by the desperate attempts by the current Federal Government and organised employer unions to curtail that success. If we look at history and ask ourselves whether collectivism has improved the lot of workers we find that the answer to that question is undoubtedly yes. Since the earliest years of European settlement when convicts were on strike to have rations paid daily rather than weekly, collective action has been the one thing that the organised workforce has been able to rely upon to make gains. During 1856 collective action brought in the eight-hour day for stonemasons in New South Wales, and through collective action in 1871 four other building trades were able to win an eight-hour day.

In 1916 these actions led the way for the eight-hour day for all New South Wales workers through State government legislation. In 1947 the Federal Court of Conciliation and Arbitration granted a 40-hour week, typically meaning Saturdays off for all workers. As well as increasing family time, collectivism has increased the wages of working people and given them entitlements such as annual leave, sick leave and safer workplaces. The money value of these entitlements is that inflation cannot catch up with them. For example, collective action was used to win accident pay for building workers.

During the construction of the Sydney Opera House, in 1971 building workers led a 19-day general strike to demand full pay from their employers if they were injured at work. Before accident pay was brought in, workers would receive only a certain percentage of their income if they were injured. The workers said, "If a horse was injured you would not give them half the feed, so why do the same for employees?"—in this case, Sydney Opera House employees. Although the claim seems reasonable today, F. J. Darling, Executive Director of the Employers Federation, described the campaign as reckless and lawlessness.

At the time the New South Wales Askin Government offered workers extra pay to drop the claim. Although the extra pay was financially more generous than what the workers were seeking, the workers rightly

believed that any pay rise would eventually be eaten up by inflation. The New South Wales Industrial Relations Commission ruled in their favour and the Supreme Court agreed with the decision when it was appealed by employers.

The victory could not be diminished by inflation. Apart from securing improvements in the workplace, the union movement has also been an important vehicle for numerous social changes. For example, the idea of universal health care originated in the union movement with the formation of friendly societies in the 1800s. Friendly societies were an early form of insurance and provided medical treatment, income for the unemployed, dentistry services, mortality funds and legacy for widows and for the children of service men and women. Workers made the first claim for superannuation in 1834. Unions have made an endless number of claims, which I cannot do justice to in the time remaining. [*Time expired.*]

**The Hon. KAYEE GRIFFIN** [3.00 p.m.]: It is a pleasure to speak to the motion moved by the Hon. Ian West. In this country the union movement has a rich history of fighting for workers' rights. The Sydney Trades and Labor Council was formed in 1871 to give unions a central place to coordinate their activities. From 1872 the Sydney Trades and Labor Council explored ways of developing a central meeting place for unions. In 1885 the Trades Hall Committee stated that the hall would:

... bring us into closer contact, by which means we would have a better opportunity of understanding each other's wants and cultivating that feeling of fellowship which is at all times desirable.

From the outset the committee lobbied a number of politicians and, as a result, there was an early offer of land near Circular Quay. At its first meeting the Trades Hall Committee had a mere £3. Later that year the committee was successful in gaining a £6,000 contribution from the then Conservative Government, and supporter Henry Copeland MLA recommended that a block of land on the corner of Goulburn and Dixon streets be granted for the construction of the building. This offer was accepted. The Government bought the land and Queen Victoria granted it to the trustees, who would hold it in trust for the purpose of building and maintaining a trades hall and literary institute. In 1886 the Trades Hall Association was incorporated as the Trades and Industrial Hall and Literary Institute Association of Sydney. The objective of the association was to provide:

... a large hall in which to hold lectures, special meetings of societies and entertainments.

At the time the unions that held shares were the iron moulders, shipwrights, bricklayers, boilermakers, stonemasons, journeymen tailors, carpenters and joiners, typographers, plumbers, gasfitters, ironworkers, coach makers, journeymen farriers, drapers, coopers, and saddle, harness and collar makers. Construction began in 1888, and the work reflected the combined skills of these trades. The association faced funding difficulties from the beginning, but much of the early finance came from fundraising events organised by the Eight Hour Day Committee. The association succeeded eventually because of these fundraising efforts, and in 1895 the Trades Hall was officially opened by the Hon. Jacob Gerrard.

In 1902 a boost to union membership meant more funds for the association. This allowed it to borrow money for the purpose of purchasing adjacent land. In 1907 more land was purchased, and the expansion and development of the hall continued until the completion of the auditorium in 1917. Other works undertaken during the development included the construction of a banner room, which housed 33 union banners, and a barbershop and reading room on the ground floor. The office of the Trades and Industrial Hall and Literary Institute Association of Sydney was completed in 1914. In 1925 the Labor Council of New South Wales was successful in obtaining a radio licence, and 2KY radio began broadcasting from the tower room. This was viewed as an extension of the educational role of the unions.

Today the Sydney Trades Hall is recognised as being the centre of the trade union movement in New South Wales. It is one of two significant buildings in Australian union history—the other being the Melbourne Trades Hall, which is older and larger than the Sydney Trades Hall. The iconic Sydney Trades Hall is the product of the hard work of employees throughout the years. Its sole purpose was to bring union members together and to provide a meeting place for the many unions. It is a building that I know many union members are very proud of and, in line with the motion, I congratulate Unions New South Wales and affiliated trade unions on their commitment to restoring one of our most prized possessions.

My union involvement relates primarily to the Municipal and Shire Council Employees Union of New South Wales—which is now known as the United Services Union—and to my tenure as the national vice president and senior vice president of the Australian Services Union. My union has worked diligently since 1903 to ensure that the rights and entitlements of local government workers have been protected and improved. It

could also be said that the achievements of the union had benefited not only its members but anyone working in the local government sector. Indeed, some of its initiatives go beyond the scope of local government.

I will outline some of the benefits that my union has achieved in New South Wales. In the 1890s New South Wales was recovering from a devastating depression. It was difficult for any awards or conditions to be established following such a difficult time. The Municipal and Shire Council Employees Union [MEU] was founded in New South Wales in 1903, and registered on 10 February that year. By 1922 there were 320 local government authorities, and council employees' coverage extended to abattoirs, water supplies, sewage and waste management bodies, planning organisations, noxious weed authorities, farm produce market organisations, cemetery trusts, and electricity distribution, transmission and generating authorities. Membership began to flourish and has since covered many more employees, ranging from labourers to engineers and general managers.

Over the years the union has been involved in a range of disputes over leave conditions. In 1903 Sydney City Council salaried staff received two weeks annual leave and wages staff received only eight days annual leave. The union campaigned for a uniform standard. By 1919 all city council employees were awarded 18 days annual leave and in 1921 the award was altered to three weeks leave. In May 1944 a Labor government was in power and the union campaigns intensified. Members approached their local members of Parliament and demanded that the Government legislate for an extended period of annual leave. This campaign was successful.

During World War II the union also campaigned for councils to grant one additional day's leave for each year of war service by employees, and by 1945 70 councils had agreed to this. In the 1960s the unions campaigned again for annual leave to be increased to four weeks. The first council to agree was the city council in 1961, followed by Sydney County Council in 1962 and the Electricity Commission in 1963. Other councils followed, and by 1964 more than 50 per cent of members were entitled to four weeks annual leave. In 1970 the fight for leave loading was initiated and Sydney County Council granted a loading of 17½ per cent. This was added to subsequent awards, and in some awards the loading increased to up to 25 per cent during the 1980s.

In 1912 the union was successful in obtaining long service leave for employees at the city council, which gave them three months leave after 15 years of service. Employees accrued leave proportionately thereafter. This was an outstanding achievement as the Municipal and Shire Council Employees Union had been registered only nine years earlier. It also showed the strength of the union and its negotiating skills. The next improvement came in 1964 when employees covered by State awards were entitled to proportionate leave after 10 years of service. After the Labor Government amended the Long Service Leave Act in 1985 awards were changed to add to an employee's leave any public holidays that occurred while he or she was on long service leave. Another major battle involving long service leave awards was for the recognition of continuous prior service by employees who took up employment with different councils. This fight for recognition began in 1965 and it was not until 1970 that continuous prior service was finally recognised. Fortunately, today local government is recognised as a sector and those employees who accept employment with another council have their rights and entitlements protected—as indeed they should.

The union was at the forefront of the campaign opposing the proposal to conscript men between 21 and 45 years of age for service in World War I. In 1916 it joined forces with the Political Labor League—the formal title of the Labor Party at the time—and the Labor Council to generate opposition to the proposal. At the beginning of the war there were so many volunteers that people had to be turned away. However, as the war raged on and casualty rates rose, the Australian Imperial Forces faced a severe shortage of men.

Despite opposition from his own members, Prime Minister Billy Hughes decided to put the need for conscription to the Australian public and to hold a referendum. In October 1916 the proposal to introduce conscription was narrowly defeated and, following the huge political fallout, the Prime Minister called another referendum in 1917, again resulting in the no vote. The members of the Federated Municipal and Shire Council Employees Union of Australia published a notice that stated:

Members of the Federated Municipal and Shire Council Employees Union of Australia attention is drawn to the resolution adopted by the Federal Council –

That this Conference reaffirms its determination to oppose any movement to reintroduce conscription; and it be a request to Branches in the various States to take whatever steps they deem fit to prevent the manhood of Australia being conscripted.

The unions launched a huge campaign for the no vote. The No Conscription Committee was established and left to tour the country areas, enlisting support as they went. The General Secretary of the time, Mr Jim Tyrell,

pointed out that the electoral rolls had been closed within hours of the announcement that the referendum would take place. This meant that up to 60,000 voters were unable to take part in the vote. He also expressed concern over the decision to have Thursday as the polling day, citing that it would inconvenience voters who would have to take time off work to go and vote. Of course, that would not be easy. On 20 December 1917 the no vote registered 57 per cent—a convincing result. Following this result Mr Tyrell was quoted as saying that the result was the "greatest fight any community ever put up for freedom". In 1911 the MEU resolved, and I quote:

The Executive be instructed to take into consideration and report at the next meeting of the Union, the advisability of approaching all Labour Alderman of Municipal Councils with a view to establishing a Superannuation Fund based on similar lines to that of the Railway and Tramway Service. The said fund to be supported by all employees throughout the service and Councils be asked to subscribe to the said fund.

In February of that year it was decided that an Act of Parliament was required to make this resolution possible. However the Superannuation Bill was not supported by the Parliament. Despite this major hurdle, the first scheme to cover workers on their retirement provided workers with a retiring allowance of two weeks pay for every year of service for employees who had a minimum of three years service. However, this payment was not compulsory, nor did it cover all employees, and councils did not encourage employees to apply for the provision. A deputation was made to the Minister for Local Government requesting that the voluntary payment be made mandatory and that it be extended to all employees. This request faced a major setback when the Local Government and Shires Associations opposed these terms and schemes as it was believed that it would be too costly for councils to cover all of their employees.

By 1927 town or shire clerks, engineers and health inspectors were considered as permanent council employees and as such were brought into the Local Government Superannuation Scheme, and the fight continued to cover all employees. The union continued to fight for coverage of all employees, and it was only in the mid-1930s that the scheme was expanded to allow individual councils to extend its cover to all employees. Unfortunately, by 1937 only 15 councils had agreed to the new terms of covering all employees and the union was facing an uphill battle because many councils were strongly opposed to the extension due to the costs burden during the depression. Finally, in 1942 success was achieved and the Act was extended so that all employees were automatically entitled to the payment.

At the annual conference in 1970 there was some discussion about establishing a medical and hospital fund. Mr Roy Johnson, who was the Secretary of the Local Government Officers' Branch, was a passionate supporter of such a plan because of the loss of his own daughter to leukaemia in 1965. A group of members from the Wollongong area obtained registration for a fund under the then National Health Act. By the following year the Local Government Employees Medical and Hospital Club was established. The union executive stated that:

The Executive in supporting the formation of the Club congratulated the Local Government Hospital and Medical Club on their successful registration as a fund, designed primarily to adequately cater for union members in local government and urges support and membership of such fund by those eligible to ensure the fund's successful operation and enable the fund to provide increased benefits to its members.

When the club began in 1971 there were 511 members. Roy Johnson left the union to work full time as the executive officer for the club, and the following year the membership had grown to over 5,000. Throughout the years the club became known as the Government Employees Health Fund and it added a number of other brands, including Illawarra Health Fund, Senior Advantage, Mutual Health and Australian Country Health. These funds operated under the organisational umbrella of the Australian Health Management Group. By 2001 the Australian Health Management Group's combined membership rose to over 120,000. In 2005 the group merged all its funds into a single national brand—Australian Health Management. Roy Johnson worked very hard to set up and maintain the group that he organised in loving memory of his daughter, Lynne. He continued to work to promote and expand the fund up until his retirement in 1986.

Another resource that was set up to benefit members was a credit union. In the 1960s the union wanted to establish a financial service that would enable its members to access credit facilities that were more convenient and at a lower interest rate than those on offer at the time. The resolution stated:

Recognising that the majority of large numbers in the Australian work force encounter difficulties obtaining finance we recognise the value of and support the development of Credit Unions throughout the Australian Federation of Credit Union Leagues.

Sydney City Council Credit Union was formed in 1963 and was shortly followed by the Sydney County Council Credit Union and, astonishingly, by 1966 there were 40 credit unions throughout local government and in the Electricity Commission.

The unions also vigorously campaigned for equal pay rights for women in the 1950s when male delegates were appointed to the Council of Action for Equal Pay. In 1950 the Commonwealth Court of Conciliation and Arbitration decided to increase the female basic wage to 75 per cent of the male basic wage. Prior to this decision a woman's wage was a mere 54 per cent of a man's wage. There were weekly radio segments dedicated to the issue, and in 1956 the General Secretary, Peter McMahon, a former member of this House, stated:

A grave injustice is being done to women in industry where they are denied both legally and morally their right to earn on an equal status with their fellows because of their incompatible position.

Surely, in this democratic country of ours there should not exist this anomalous position. Women have a right to equal pay, whether they be employed in industry, commerce, public service or professions, so long as the output is equal to that of men.

In the capitalistic and monopolistic systems under which persons are employed today, there is, in many cases, a low value placed upon women's services in the community. This position has to be rectified. Women have proved themselves worthy of the highest reward in wartime, in the transitional period to peace time and today.

The 1960s saw drastic changes in the stereotypical notion that men were the primary or sole breadwinners. Women workers were fed up with being paid less than their male colleagues. In 1969 the Conciliation and Arbitration Commission granted that women would be entitled to "equal pay for equal work"—where women who did equal work alongside men should receive equal pay. However, "equal pay" was not applicable where "the work in question is essentially or usually performed by females but is work upon which male employees may also be employed". In 1972 the commission widened the definition of "equal pay" to "equal pay for work of equal value". As a result some employers attempted to reclassify jobs as "women's jobs" on a different and lower scale to men in similar positions to avoid them having to pay women a higher wage. That is a discussion that continues today in some instances. We need to continue looking at those issues.

On 13th February 1978 Sydneysiders woke to the horrific news that a bomb had exploded outside the Hilton Hotel killing two innocent City Council garbage men.

**The Hon. Michael Gallacher:** And a policeman.

**The Hon. KAYEE GRIFFIN:** And a policeman. I acknowledge the interjection by the Leader of the Opposition, who was a policeman. Alec Carter and William Arthur "Bluey" Favell were doing their morning rounds when the bomb was detonated. The Municipal Employees Union quickly swung into action and called a meeting of depot staff. Employees at the depot continued to work and donated their day's pay to a trust fund that was proposed to be set up for the families of the victims. A huge fundraising campaign began that same day. A fund was set up for the victim's families and over the following weeks a number of benefits and events were organised to help raise funds. By May the fundraising had raised a staggering \$150,000, which was distributed between the widows and their children, and a trust fund was established to help with the educational costs for the children of the victims. Every year for 14 years following the tragedy a remembrance service was held at the George Street site; however, this was discontinued at the request of the family.

Whilst unions have worked tirelessly over the years to fight for the rights of workers, they also take on a number of responsibilities and provide the community with assistance and resources during times of need. In the instance of the Hilton Bombing the Municipal Employees Union and its many members banded together to provide support to each other and the families of those killed following this very sad incident. This motion acknowledges the contribution of the trade union movement in the history of New South Wales and I am very proud to have a background in a strong union that has fought for and supported so many people over the years.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [3.19 p.m.]: As was indicated earlier, Unions New South Wales was first formed in 1871 and originally named the Trades and Labor Council of Sydney because of the small number of trades, skilled workers and craft workers who were emerging at the time and blue-collar labourers who were coming from country New South Wales. In 1908 the Trades and Labor Council of Sydney became the Labor Council of New South Wales. In those early years it focused on one of two needs: to be in a position to influence government and to settle industrial disputes in New South Wales. It is the first need, the desire of the movement to put in place a mechanism that could influence governments of the day and ensure that the rights and needs of the working people of this State were involved in the process of determining current and future policy, that played such a significant role in the early 1890s in the development of the Australian Labor Party.

The motion is specific in its congratulations of the union movement and its recognition of refurbishment of the Trades Hall. From memory there have been just under 30 general secretaries of the Labor

Council, some of whom are quite well known to members in this Chamber. Among them was a gentleman I called a friend prior to his passing, John Ducker. The Hon. Michael Costa held another position before he became general secretary—

**The Hon. Rick Colless:** Are you referring to him as a friend?

**The Hon. MICHAEL GALLACHER:** I cannot put him in the same league as I put John Ducker. In his contribution the Hon. Ian West spoke about radio station 2KY. I remember fondly my invitation to go to a boardroom lunch at 2KY. I do not know whether the Hon. Ian West has ever been invited to lunch in the boardroom at 2KY—

**Reverend the Hon. Dr Gordon Moyes:** I used to broadcast there every week.

**The Hon. MICHAEL GALLACHER:** Until you found out what was going on and then you walked away! Back in those days I had the opportunity to meet Michael Costa. Subsequently I met John Robertson, the current General Secretary of the Labor Council. I remember an occasion last year when I was visiting Armidale. On a bitterly cold evening I was walking back to my accommodation when Robbo, with a few friends, offered me a lift. He said, "I can give you a lift back to your hotel in our vehicle."

**The Hon. Greg Donnelly:** In the orange bus?

**The Hon. MICHAEL GALLACHER:** It was a bright orange bus! When he offered me a lift I decided that it was not really so cold after all and that the walk would do me good! And I think the walk did me good in the long term. I declined Robbo's generous offer. John Robertson is well known to many in this Chamber. He is regarded as a strong advocate. Later I will recount another opportunity I had to talk to John Robertson about industrial relations and workers rights in New South Wales. The motion celebrates the refurbishment of the Trades Hall. My recollection is that its refurbishment was first discussed in 1998 under the stewardship of the then secretary, Michael Costa.

**The Hon. Tony Catanzariti:** He is a good man.

**The Hon. MICHAEL GALLACHER:** The honourable member suggests he is a good man. All I say in that regard is that we really should have spotted a bit of an ugly trend that was starting to develop back in 1998. His first objective in 1998 was to sell the hall to the developers who would do the refurbishment; he wanted to sell it off to the private sector to bring about the refurbishment.

**Reverend the Hon. Dr Gordon Moyes:** Was he going to give the money to the Greens?

**The Hon. MICHAEL GALLACHER:** No, I am sure the money would have gone into other erstwhile projects like Currawong.

**The Hon. Penny Sharpe:** He wants to sell that, too.

**The Hon. MICHAEL GALLACHER:** I know. As I keep saying about Michael Costa, the Treasurer: he should change his name to L. J. Costa, because nobody is going to do it better when it comes to selling New South Wales! He tried to do the same with the Trades Hall after he replaced Peter Samms as general secretary. Between 1998 and 1999 two matters stand out among all the argy-bargy at the time. The first was Michael Costa's desire to give the Trades Hall to the private sector because he did not have sufficient confidence in his own organisation to do the job—and that is reflected in how he runs his portfolio responsibilities in New South Wales. The second was the urgent desire in 1998 to refurbish the Trades Hall—a job that was not completed for nearly 10 years. Generally speaking, in New South Wales it is a case of the same story with different actors, but with anything these guys are involved in it becomes the same story and the same actors! They are unable to get the job done in a reasonable time frame.

The Hon. Kayee Griffin referred to her union background. The Hon. Ian West has always been recognised for his union background. I am totally frustrated by the myth that is perpetrated by the Australian Labor Party that somehow only its members have the right to talk about workers rights, they having been members of unions. Well, I remind members on the Government side of the House that many members on this side of the Chamber have been members of unions at various times of their lives. Some would have left their union with good memories of their union being able to help fellow workers with problems in the workplace.

Others, however, would have walked away with a bad taste in their mouths after witnessing the disparity between the needs of the workers in the workplace and the direction of union officials, which is more towards their needs and not necessarily those of the workers who pay their union fees.

I come from a very strong trade union background. For most of her life my mother was a factory worker. My father was a painter. I first joined the Union of Shop, Distributive, and Allied Workers in the late 1970s. I have been a continuous member of the New South Wales Police Association, an active participant in the Labor Council, for 28 years. I am a graduate from the Trade Union Training Authority, having been secretary delegate to the Police Association. I have been responsible for the opening of one or two branches of the New South Wales Police Association. It is fair to say that the myth perpetrated by some members of the Australian Labor Party that this side of politics is somehow anti-union and anti-worker is completely and totally false. But it is often used to mislead the working people of this State about our genuine desire to try to improve their lives and their jobs.

We on this side of politics are, however, very much against the thuggery that we see from time to time within the union movement. The union movement tries to keep a blanket over such behaviour, but it continues to raise its ugly head. I have asked questions in this House about violent assaults on one union worker in the Hunter Valley who was seriously bashed in his own home as a result of an industrial dispute. In the past couple of weeks we have seen a number of examples of the ugly side of the trade union movement. I am not suggesting for one moment that all trade union officials are that way inclined and I am not suggesting for one moment that the rank and file support such behaviour, but I am saying that the Australian Labor Party cannot have it both ways. It cannot try to project itself as the voice the worker and, at the same time, allow this thuggery, which amounts to criminal conduct, to develop and prosper within the labour movement.

It is quite hypocritical of the New South Wales Government to project an image of itself as the voice of the workers when it is aware that union bullying is occurring and does nothing to address it. Over the past few weeks I have noted the hypocrisy of the Government's approach to industrial relations in New South Wales and its opposition to changes implemented by the Federal Government. The Opposition acknowledges that there are good people in the trade union movement. Particularly in relation to workers compensation there have been opportunities for shadow industrial relations Ministers and other members of the Opposition to consult trade union leaders and reach agreement on matters affecting the best interests of workers in this State.

When workers compensation changes were being made by the Government, the Opposition was the sole voice drawing attention to the implications of the reforms and initiating debate between the two major political parties. When I refer to the ugly side of the trade union movement, I am reminded of the writings of one of my forebears, William Gallacher. He was born in Paisley near Glasgow, as I was, and he was very well known in British politics. He has the distinction of having had the library in the Glasgow Trades Hall named after him—the William Gallacher Library. In his memoirs, he referred to what I have described as the ugly side of the union movement—the side that members of the Australian Labor Party deny exists.

William Gallacher described the thuggery and the standover tactics of the trade union movement. I suspect that Ms Lee Rhiannon, as she visited workplaces, particularly building sites, would have become aware of the ugly standover tactics that have been employed by some trade unionists. William Gallacher referred to a very well-known document that was produced in the 1920s by Victor Grayson, who, as a Socialist, subsequently won the seat of Colne Valley in a United Kingdom election. The publication, *The Fly Fly, and Other Stories*, chronicled the ugly side of the trade union movement. He wrote:

... the opening story ... was a sort of parable illustrating the method used by trade union leaders to get a rise from the working class. A group of flies got stuck in a jam pot. One of them pulled a leg out, licked it clean, then—stuck it back into the jam as it pulled out another. After doing this several times, it saw that it was never going to get free. Then it had a great idea! It licked a leg clean, and put it on the back of another fly; this it did until all its legs were clean and free and so, on the backs of its fellows, secured its freedom.

It is that approach that the Opposition wants the Greens and the Labor Party to take a stick to. Some trade unionists want to rise on the backs of their members, to work not in the best interest of their members but in their own best interests. Government members need to recognise that this problem exists. Slowly but surely, it is being revealed. We have heard time and time again from Government backbench members about their belief in the emancipation of the working class—but only when it comes to one union member at the time. They do not believe that everyone should have an opportunity to move forward.

**The Hon. Lynda Voltz:** No. We believe in a fair day's work for a fair day's pay.



**The Hon. MICHAEL GALLACHER:** I am not saying that the same could be said of all members of the Labor Party, but I am saying that I have seen numerous examples of trade unionists using their position of authority to destroy the lives of others, by the use of thuggery and threatening and corrupt conduct. Drawing on the metaphor of the refurbishment of the Trades Hall, I encourage John Robertson and his colleagues to root out those who destroy the good work of trade unionists in looking after the rights of workers on the shop floor and ensure that unionists who have been identified as criminal never get an opportunity to rise on the backs of their workers—unless it is out the door!

It is interesting that this topic is being debated today because just a couple of hours ago the Minister for Industrial Relations, who by his own admission is a strong trade unionist, attacked the conservative side of politics for not supporting his workers compensation reforms. He said that the Opposition turned its back on business, implying that we had committed a crime. He suggested that by not supporting business we had turned away from our constituency. By inference he suggests that the Opposition is backing the workers instead of business. An examination of the history of changes to workers compensation in this State reveals the sheer hypocrisy of this Government. On one hand the Government claims to be the voice of the workers, but on the other hand it enacts workers compensation legislation that, members will recall, resulted in near riot conditions outside Parliament while Labor members skulked through tunnels like rats to enter Parliament. That conflict resulted in Labor members of this Parliament crossing the picket line.

**The Hon. Charlie Lynn:** What about the one finger?

**The Hon. MICHAEL GALLACHER:** It also resulted in the Premier, who claimed to be the voice of the workers, standing on the steps of Parliament and giving the workers the "bird", showing one finger, indicating what he thought about them. While we reflect on the refurbishment of Trades Hall and the determination of the labour movement to proceed with its agenda, we should not forget what occurred in relation to the treatment of workers under the stewardship of the former Premier, Bob Carr, and the Minister for Industrial Relations, John Della Bosca. Their actions in refusing to meet with representatives of the Labor Council to discuss inimical workers compensation reforms amounted to an absolute disregard for workers. In contrast to that, the Opposition was pursuing the position of endeavouring to strike a balance, and the Opposition has maintained its position in that regard.

The Hon. Charlie Lynn draws to my attention that the Hon. Ian West may not have been a member of this House that during the time of the workers compensation conflict. It is worthwhile noting that the Treasurer, the Hon. Michael Costa, was the general secretary of the Labor Council when the workers compensation reform agenda first raised its head.

**The Hon. Tony Catanzariti:** A good man.

**The Hon. MICHAEL GALLACHER:** I have heard him described as a good man. A cute deal done by John Johnson afforded Michael Costa, the so-called workers' voice from Sussex Street, the opportunity to avoid voting on the legislation.

**The Hon. Ian West:** I was a member then.

**The Hon. MICHAEL GALLACHER:** The Hon. Ian West therefore would recall the cute little deal that was done to ensure that Michael Costa could skip through the minefield of workers compensation changes. Just days after Michael Costa was down at Sussex Street allegedly advocating on behalf of the workers, he was in this House as a member of Parliament supporting a government that had pushed through legislation to rip the guts out of workers compensation protection for ordinary workers in New South Wales. If that legislation had been introduced two months earlier, Michael Costa would have been in the street in front of Parliament House with John Robertson, yelling through a loudspeaker to call on the Government not to introduce such workers compensation reforms. However, not a word was heard from Michael Costa in relation to those reforms when he became a member of this House.

I will never forget the cute little deal that was done to enable him to avoid the political heat of the workers compensation reforms. I will never forget the way that the so-called advocates for the working class, the Labor Party and particularly Labor Cabinet members, conducted themselves during the conflict. I also will never forget the way that former Premier Bob Carr stuck it to workers from the steps of this Parliament while Labor members skulked into the Parliament. The Labor Government was not prepared to walk into the Parliament via the main street and confront their members. They chose to take a completely different path. *[Time expired.]*

**Reverend the Hon. FRED NILE** [3.39 p.m.]: I support the motion moved by the Hon. Ian West, which states:

That this House:

- (a) notes that the refurbished Trades Hall in Goulburn Street was officially opened on May Day, 1 May 2007, by the Governor of New South Wales, Her Excellency Professor Marie Bashir,
- (b) congratulates Unions NSW and affiliated trade unions on the opening of the refurbished Trades Hall, and
- (c) recognises the contribution of the trade union movement to the history of New South Wales.

I refer to what has become almost a legend, the actions of the Tolpuddle Martyrs in 1834, when a group of six decided to form the Tolpuddle Friendly Society of Agricultural Labourers. That was the beginning of the trade union movement. However, the group did not realise the extent of the wrath of the authorities that would descend upon them as a result. The group comprised George and James Loveless, Thomas and John Standfield, James Brine and James Hammett, all agricultural labourers from the village of Dorset in Dorchester. Four of the men were very active members of what was then a radical Christian body, the Methodist Church, and were followers of John Wesley, an Anglican minister.

John Wesley was very concerned about social conditions and spent most of his time preaching to farm labourers and coalminers—not in a church but on farms and at entrances to the mines. He promoted not only Christianity but also the right of workers to be treated as human beings and to receive a fair wage to enable them to care for their families. Wesley had a combination of internal piety, or faith, with practical application to the lives of people. The labourers who heard his preaching were greatly influenced by him, and some even became local preachers. However, as that Methodist body had developed outside the Anglican Church, then called the Church of England, its members were regarded as rebels, or radicals, and were very unpopular in the eyes of the authorities and the established church.

That radicalism was further compounded by their daring to set up the Friendly Society of Agricultural Labourers. By the 1830s the plight of agricultural labourers had reached a crisis point, a nightmare of unsympathetic landlords and land enclosures, leading to starvation and general hopelessness with seemingly death or a life of crime the only answer. The land enclosures at that time were an attack on the rights of labouring families and coalmining families. For centuries villagers had been permitted to use common land to grow crops to supplement their very low wages. In a spirit of wilfulness the authorities fenced that community land and prohibited the village families from using it.

The families had regarded the use of that land as their right, but suddenly the lords of the manors of those areas took over the control and responsibility for the land. That prohibition became a major factor in workers facing starvation. At that time wages were very low, perhaps eight shillings a week, and the employers reduced those earnings by a shilling every few weeks. That put further pressure on law-abiding, good families. George Loveless, who became the leader of the society, sought a way out of that impossible and steadily worsening situation. He decided that the only way to combat the pressure from the upper class establishment—the magistrates and the authorities—was to form a friendly society.

It was not illegal to form a friendly society or a workers group, as trade unions had been made legal in 1824. However, a number of laws were available to the authorities; and they were certainly inclined to use those laws. Today we may think it very strange that a unionist or a worker standing up for his or her rights could suddenly be charged under the Mutiny Act of 1797, or an 1817 Act forbidding the taking of unlawful oaths. Those Acts were in force at the time of the founding of the friendly society. The Tolpuddle workers took an oath when they formed that society. Because most of those embryonic trade unions felt intimidated, including the friendly societies, they operated with a degree of secrecy. They did not reveal their memberships or their actions and ensured that prospective members were genuine and not spies sent to report them to the authorities.

In those days, the society had no option but to operate secretly and to cause their members take an oath of loyalty to not disclose the details of the business or decisions made. The authorities charged the Tolpuddle labourers with taking an unlawful oath, a step taken in other instances to stop the rise of the trade unions, especially in the southern agricultural areas. Unions had already gained a foothold in the industrial north, but the idea of a general spread, especially amongst rural labourers, filled the authorities with great concern.

George Loveless and his son James were devout Methodist lay preachers and the idea of using force to implement their ideas was entirely foreign to them. They emphasised, as I do in this Chamber, that governments

are meant to be the servants of God, to be ministers of God, and that the people should respect and cooperate with governments. That was the attitude of those men; they were not rebels. There were in those days, however, many rebels who felt they had no option but to resort to violence. Groups had been engaged in violent activity prior to the formation of this group, and that may have been the reason that the authorities came down so strongly on the Tolpuddle men.

In 1830 to 1833 a movement called Swing, consisting mainly of labourers, undertook acts of lawlessness, including the burning of farms and barns, because they were suffering as a result of the lack of funds and food. Many members of Swing were arrested. More than 1,900 went before the courts in 34 different counties, and many were executed. About one-quarter were transported to Australia.

The Tolpuddle Martyrs, who came from that same historic period, were regarded with great fear by the authorities. When they took their oaths one of the people who was present at the ceremony reported to the authorities what had happened, became a witness, and gave the evidence that was required to enable their arrest. As I said, they were already marked men because of their Methodism, which was enough to upset the authorities. The authorities were only too willing to arrest them. When news of this initiation ceremony came to the notice of the authorities all those men were arrested. After a decidedly biased trial—they should have received only a small fine—they were sentenced to seven years transportation to Australia. In 1834 they embarked on the *Surrey* for Botany Bay but George Loveless, who had become ill, was sent on the *William Metcalfe* to Van Diemen's Land six weeks later.

When news of this event and the way in which these men were treated spread across England it caused an uproar. Mass meetings were organised to support them and debates were held in Parliament. As often happens, some good comes from the suffering of martyrs. A petition with between 200,000 and 300,000 signatures was presented to Lord Melbourne at the Home Office. The national trade union movement took up the cause of these men and helped to organise mass rallies. Thirty thousand people attended one of the rallies organised in London in support of these men. Such was the pressure on the authorities that all the men were fully pardoned in 1836—two years later—although they did not return to England until 1839. When they returned they were welcomed as heroes and new farms were secured for them in Essex. I am not sure how those farms were secured—the trade union movement might have helped to buy them—but somehow they became available.

I visited the little Methodist church at Tolpuddle, which is still there today. A plaque has been erected outside the church in commemoration of the actions of these martyrs. Every year in January a church in Australia in the Bulli area commemorates the actions of these men. That church—and there might be others of which I am not aware—continues the tradition of standing up for justice for workers. According to a report written by that church:

Many other Christians have found that their faith inspired them to work for justice. From the second half of the nineteenth century to the mid twentieth century, many of the leaders of the trade union movement in England were also Methodists. Robert Wearmouth's history of Methodism and trade unionism presents a list of eighty full time trade union leaders who owed their career, position and influence to their religious experience.

In most cases it would have been through Methodism. The report continues:

They became trade union leaders because first of all they were deeply stirred by religion.

That gave them the desire to struggle to improve the conditions for workers, which for them was a natural expression of their love and the justice of God. I am pleased to support the motion and I acknowledge that trade unions play an important role in society. Earlier some honourable members referred to bad publicity from some individuals, but that should not be used overall to tarnish the work of the trade union movement in Australia—trade unions that are continuing the tradition of the Tolpuddle Martyrs. Even though there is some controversy about the WorkChoices legislation and other issues, the Liberal-Nationals Government thinks it is doing something positive and good. However, it has created greater division in society. On one side we have employers and on the other side we have the trade union movement, which is not a healthy situation. In the past there has been a great spirit of cooperation between employers and unions. It is important to maintain, develop and improve the relationship in the days ahead. I will do all that I can to assist.

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [3.55 p.m.]: I speak in favour of the motion moved by the Hon. Ian West and endorse his comments regarding the contribution that unions have made to the development of New South Wales. In particular, I draw the attention of this House to the union movement's

contribution to the social and political development of this State. While it is true that unions have played a critical role in defending the wages and conditions of ordinary workers in this State in protecting their livelihoods and in raising their living standards, their contribution extends way beyond that. For more than a century unions have been at the forefront of most of the great social movements in New South Wales. They have bred great reformers, generated social innovations, and fostered progressive practices.

Contrary to conservative beliefs, the principle of mutual obligation was not invented by the Howard Government. In the nineteenth century unions in New South Wales propagated the principles of mutual assurance and self-help amongst their members by setting up insurance schemes to cover funeral and medical expenses, and establishing workers cooperative stores to reduce the price of consumer goods. The very formation of the Labor Party demonstrated that unions understood that their members' interests were political as well as industrial, and that in order to advance those interests unionists needed to join forces with other progressive reformers.

In 1891 unionists in New South Wales also established Australia's oldest political party—the Labor Party—with the stated aim of bringing "all electors who are in favour of democratic and progressive legislation under one banner, and to organise thoroughly such voters with a view to concerted action at all parliamentary elections". This desire to make common cause with other social reformers led men such as Arthur Rae and others from the Australian Shearers Union to campaign in favour of women's suffrage. Unionists knew that adequate social welfare schemes were needed to complement workers' rights and they came to see women as potential allies in these broader struggles. Women and men in the labour movement joined forces to fight for the basic wage and the eight-hour day, in addition to public hospitals, public schools and pensions for the elderly, invalids, widows and orphans.

Throughout the twentieth century unionists continued this pattern of making common cause with the struggle of others; of solidarity with the disadvantaged where they were found; of political as well as industrial action. Unionists were leaders in the fight against conscription during the First World War. They fought for the rights of the unemployed during the Depression and they were amongst the leading activists in the Aboriginal rights movement of the 1960s. In the radical climate of the 1970s one union took the longstanding labour tradition of campaigning for reform in both the political and industrial arenas one step further. Conservatives everywhere were horrified when the New South Wales Builders Labourers Federation [BLF] began putting the concept of social responsibility of labour into practice. The principle held that workers had the right to insist that their labour was not used in socially harmful ways. It went beyond the longstanding Australian union tradition of involvement in both industrial and political campaigns by propagating the novel idea that industrial action could and should be taken for purely political purposes.

As Meredith and Verity Burgmann so vividly describe in their book *Green Bans, Red Union*, the union not only refused to work on environmentally injurious constructions; it also insisted upon the right of women to work in the building industry on an equal basis with men, and frequently used its power to aid groups such as prisoners, homosexuals, Aborigines, students, the women's movement and poorer homebuyers, even imposing a range of non-environmental bans in their defence. So not only did Builders Labourers Federation members withdraw their labour to protect Sydney's natural and architectural heritage against the greed of developers; they also refused to work at Macquarie University, to protect a gay student from discrimination by an Anglican residential college. The college expelled the student for refusing to lead a celibate life and refusing to seek psychological and spiritual help for his so-called perversion.

In this case the ban threatened hundreds of thousands of dollars of construction work on university facilities and attracted considerable media attention. The university council eventually formed a committee to investigate the case, and the committee favoured the student's reinstatement. Thus a union in New South Wales was responsible for the world's first pink bans as well as the world's first green bans. The groundbreaking approach by the Builders Labourers Federation to social movement unionism was later adopted by many other militant labour organisations around the world. Times change, and the heady days of the green bans now seem a very long time ago. Today unions must fight to defend their right to take strike action at all, even for strictly industrial reasons. Times and tactics change but union values and the union movement's commitment to progressive social change remain the same. As they did at their inception in the nineteenth century, unions are now struggling to defend workers' most basic rights to a fair day's work for a fair day's pay.

Yet, as they were in the nineteenth century, unions are still at the forefront of some of our most innovative and progressive social initiatives. By supporting industry super funds and new financial service providers, such as Members Equity Bank, they continue the tradition that began with the members' mutual

assurance schemes that were first run by trade unions more than a century ago. Once again, these innovations represent the best principles of mutual obligation and self help—and consumers apparently appreciate the difference. Today's unionists also still find the time to be involved in a wide variety of social movements. They continue to make their common cause the struggles of the poor and the oppressed, wherever they are.

Union Aid Abroad—Australian People for Health, Education and Development Abroad [APHEDA]—is the overseas humanitarian aid agency of the Australian Council of Trade Unions. It continues to go from strength to strength despite the fact that unions and their members have been forced to devote resources to fighting the Howard Government's unfair industrial laws. Founded in the mid-1980s, Union Aid Abroad's income continued to grow in 2006, with a total of \$4 million raised through donations from trade unions and their members and supporters. By supporting overseas education and training and union-building and employment-generating projects, Union Aid Abroad works with those whose rights to full and free development are restricted or ignored. It expresses the Australian union movement's commitment to social justice and international solidarity. This is aid with a difference—the kind that really does represent a hand up, not a handout.

Finally, unions continue to view workers' interests in a broad social context. They continue to seek out new principles and pursue innovative campaigns in order to promote and advance workers' interests. The Clean Start campaign for cleaners by the Liquor, Hospitality and Miscellaneous Union [LHMU], the ongoing campaign for fair trade run by the Australian Manufacturing Workers Union and the social exclusion work being done by the Australian Services Union are just three examples of this. Another important example is the resources that the New South Wales Public Service Association [PSA] devoted to the pursuit of a new award for librarians based on the principles of pay equity. This successful case was the culmination of five years work by the Public Service Association and involved hearings lasting many months. The case put the recently adopted pay equity principles of the New South Wales Industrial Relations Commission to the test for the first time.

The principle underlying pay equity is that people should be paid equally for work of equal value. This means not only that women should receive the same pay as men when they do an identical job but also that when men and women do different jobs of equivalent work value they should be remunerated equally. Pay equity involves the assessment of things such as the skills, risks, hardships, difficulties and qualifications associated with different occupations in order to determine their comparative worth. Pay equity is therefore a radical and complex concept that would be pursued only by a union thoroughly committed to the greater cause of gender equality.

Yet the Public Service Association pursued the principle and gained unprecedented wage increases of up to 37 per cent for librarians in the New South Wales public sector—a result that demonstrates just how much money workers may miss out on simply because they have the misfortune to work in a female-dominated occupation. Most importantly, the case set a precedent with implications for other librarians and the potential to have a positive effect on wage rates in female-dominated occupations more generally. I should also mention the ongoing pay equity work of the Finance Sector Union.

Of course, these potential gains are now threatened by the Federal Government's desire to exclude all States from the industrial relations arena. This is one of the many reasons why unions, workers and their families in New South Wales are so bitterly opposed to Howard's grab for near-total power over workers' pay and conditions. The fight against Howard's laws is about industrial rights, but not only that; it is also about concepts of fairness and equity that have broader social implications. It is a debate about the foundations upon which Australia stands. I join the Hon. Ian West in congratulating Unions New South Wales on the opening of the refurbished Trades Hall and in recognising the contribution that unions have made, and continue to make, to the welfare and progress of this State and the wider world.

**Ms LEE RHIANNON** [4.03 p.m.]: I congratulate the Hon. Ian West on moving this motion. I was pleased to see it on the notice paper and I have looked forward to this debate. I have had a long association with the Trades Hall. I worked there, as did my relatives. I pay particular tribute to the women who have worked at the Trades Hall. Two women have maintained the library and kept the building's history alive. They have made a huge contribution and we know of the Trades Hall's rich history largely through their work. My father, Bill Brown, established the Trade Union Education and Research Centre, the first trade union education body in New South Wales. Working in the Trades Hall, he and other unionists printed the *Modern Unionist*, which was published monthly.

Some colourful history—as we say these days—is associated with the Trades Hall. The organisations based in the building often had considerable differences of opinion, but they were all working towards a fairer

and more just and peaceful Australia. I intend to explore the histories of the various unions that have been associated with the Trades Hall. However, I must first address the contribution by the Leader of the Opposition, who misrepresented the fine history of the union movement. He seemed to be working overtime to see how many times he could use the word "thuggery" in a sentence. I was reminded of the Federal Minister for Employment and Workplace Relations, Joe Hockey, who uses the phrase "union bosses" as many times as he can in almost every sentence. He has developed it into an art form. In fact, the Minister does it so often it has become a bit of a joke and people are running books about how many times he will use the phrase "union bosses" in a sentence.

The Leader of the Opposition and the Federal Minister are clearly following their media training and using sensational language in an attempt to get a media grab. It does them no credit. The kind of abusive language and behaviour that we have seen from Joe McDonald has no place in our political or social lives. But the Leader of the Opposition was being deceptive when he expressed concern about so-called "thuggery" and other problems in the union movement. Many organisations, particularly those that have existed for more than a century, face challenges. However, the Leader of the Opposition failed to mention the many criminal acts perpetrated by members of the employer class.

Let us consider the fate of some young people who worked in the construction industry. Sixteen-year-old Joel Exner fell to his death just three days after leaving school. His employer, Garry Denson Roofing, gave Joel no safety harness and did not provide scaffolding. That is thuggery. That young man should not have died. Another employee of the same company fell from a roof while on a job on the Central Coast. He also had no safety harness and there was no scaffolding. The 42-year-old father of two suffered extensive injuries. He has metal plates throughout his body and has been told that he will never work again. That sort of thuggery occurs day in and day out in too many workplaces across Australia. Furthermore, that worker was never contacted by WorkCover, which highlights another problem with the system. Three years ago 17-year-old Dean McGoldrick was killed in a fall while on a job at Broadway. I do not have the name of his employer. As in Joel Exner's case, the boss cut corners and disobeyed safety laws and a young person was killed. That must be called thuggery.

All members supported the legislation about asbestos that came before Parliament. But I remember sitting in the Chamber at the time and wondering what the debate would have been like a couple of decades ago and where Coalition members would have stood then on this tragic issue. We now know that asbestos has killed tens of thousands of people—

**The Hon. Duncan Gay:** What are you saying? Are you implying that we would deliberately do that?

**Ms LEE RHIANNON:** I acknowledge the interjection.

**The Hon. Duncan Gay:** That is a disgraceful allegation and you have no grounds whatsoever for making it.

**Ms LEE RHIANNON:** I acknowledge the interjection. Where was the Deputy Leader of the Opposition when we learned that asbestos was dangerous and was killing people and when James Hardie continued—

**The Hon. Ian West:** Point of order: I ask you to direct Ms Lee Rhiannon to address her remarks through the Chair. The Deputy Leader of the Opposition should cease interjecting.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! I ask that members cease interjecting. Interjections are disorderly. Ms Lee Rhiannon should be heard in silence.

**The Hon. Duncan Gay:** Point of order: I take offence at comments made by the member implying that we condoned the use of asbestos knowing that it was harmful. That is an outrageous allegation, and I ask that you request the member to withdraw it.

**Ms Lee Rhiannon:** To the point of order: I did not name individuals. I was speaking about parties in general. It is certainly part of history that that happened. We cannot rewrite history. I think it would be healthy for this debate to continue.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! I am guided by the ruling of the President given earlier today. Offence is taken by the Deputy Leader of the Opposition to a comment made by Ms Lee Rhiannon, and I ask Ms Lee Rhiannon to withdraw the offending comment.

**Ms LEE RHIANNON:** I withdraw any of my remarks that caused offence to the Deputy Leader of the Opposition.

**The Hon. Duncan Gay:** And to the party.

**Ms LEE RHIANNON:** I withdraw any of my comments that caused offence to members of the Liberal and National parties in this place. I return to the issue of James Hardie. One of the reasons I use this as an example of the thuggery amongst some employers in Australia is that he continued to employ people to work with this substance when he and others who owned the company knew of the dangers of asbestos. That is an outrageous act.

Then we have flag of convenience ships. Flag of convenience ships are ships registered in countries that have no registration fees, no taxes, and no minimum labour or social standards. Those ships ply their trade around the world, making huge profits for the owners of the shipping companies, while workers on board the ships are seriously exploited. In some cases they have actually been thrown overboard—because the captain had lost control or because the ship was coming into a port and would have various problems. Outrageous acts have happened. This is an example of where the thuggery lies. I link this back to the comments made by the Leader of the Opposition because his comments were so one-sided, misrepresenting this country's history.

I return to the very fine history being considered today. When I read the motion I think of the Trades Hall building and all the life there and the campaigns that flowed from it. One campaign that comes to mind is the green bans. I listened with interest to the previous speaker. The office of the Builders Labourers Federation, to my recollection, was on the first floor, at the north end of the corridor. The campaigns that came from there really did rewrite how unions can work and how community groups and unions can work together.

By the early 1970s, when the green bans period commenced, the importance of the environment was of growing public concern. The word "environment" was coming out of scientific textbooks and generally into people's consciousness. The work of the Builders Labourers Federation's Jack Munday, Bob Pringle and Joe Owens was outstanding. Next Monday night the Juanita Nielson Memorial Lecture will be delivered. Juanita Nielson is linked with the green bans period and the rich history of the Trades Hall. Juanita, the owner of a Kings Cross newspaper, was murdered because of the stand that she took against developers. This was a quite extraordinary period. We should pay great tribute to the Builders Labourers Federation because if it had not taken the initiative of implementing green bans in the 1970s Sydney would be fundamentally different, particularly viewed from this Parliament to Woolloomooloo and down to The Rocks. We would have wall-to-wall skyscrapers in the area rather than historic buildings and areas that are great tourist attractions, homes for thousands of people and a streetscape that is still rich with the history of this city.

That is one exciting aspect of Trades Hall history. I hope my colleagues on the other side do not object to my next comment. When we start to think of the green bans period, we also start to think of what was done by former Premier Askin. Mr Askin vilified Jack Munday, and there was a famous court case about that. Those who want to talk about corrupt practice and thuggery surely must have a problem with the era of Mr Askin. If members want me to withdraw that, I probably will. But, seriously, there was a problem in that era. I am not getting interjections when I say that.

I would like to go on to some of the other history and speak about the maritime workers, who hold a special place in union history. I am very proud that my two uncles, Rae and Leon Lewis, were wharfies. I recall going to school in the 1960s and reading the newspapers, which time and again carried articles, cartoons and comments that vilified the wharfies.

**The Hon. Charlie Lynn:** Well, they wouldn't deliver our mail when I was in Vietnam.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! The member should be heard in silence.

**Ms LEE RHIANNON:** That is not true.

**The Hon. Charlie Lynn:** It is. I was there.

**Ms LEE RHIANNON:** That is not true. You most certainly got your mail, and you know you did.

**The Hon. Charlie Lynn:** We did not. Don't deny that. I was there.

**Ms LEE RHIANNON:** I saw the vilification of wharfies in that period. But I also saw the very fine and generous works of my uncles and other wharfies. Often representatives of charities would be down at the wharves on payday, having been invited by the Waterside Workers Federation to take up collections. There represented not only political causes but also the Red Cross and the Salvation Army, which very much valued being invited to collect money.

I want to make another point about the Maritime Union which I think is relevant to the history of the union movement, particularly given the tone of the debate from the other side of the Chamber: how democratic many unions are. On the last Tuesday of each month the Maritime Union—formerly the Seamen's Union of Australia—has a stop-work meeting at 10.00 a.m. so that the seamen and wharfies can meet with officials to discuss whatever is going on in the union, political campaigns and industrial campaigns. Having been to many of those meetings, I can say that they are a lesson to us all in real democracy. We often talk about accountability, but here were union officials being put on the spot and asked why they had made decisions, with people off the ships and on the wharves putting forward proposals that they believe should be taken forward, arguing their cases in the debates. I certainly learnt a great deal about not only how unions work but also how to ensure that democracy goes down to the grassroots.

The Maritime Union has an extremely rich history of support for political causes. It is important to acknowledge that, because as the decades pass these things are often forgotten. The maritime unions played an important role in supporting the independence movement in Indonesia against the Dutch colonialists. It was the maritime unions that in 1946 actually boycotted Dutch ships. That is another example of the selflessness of so many of these people. I will be interested to hear the comments of Mr Charlie Lynn on the issue of the Vietnam war, because the trade union movement played an outstanding role in highlighting how wrong that war was.

**The Hon. Charlie Lynn:** You betrayed the soldiers.

**Ms LEE RHIANNON:** That is where the member has used this House to misrepresent history.

**The Hon. Charlie Lynn:** I was there. I was at your marches.

**Ms LEE RHIANNON:** I know he was there, but when he came back it was not we who were—

**The Hon. Charlie Lynn:** You threw paint at us.

**Ms LEE RHIANNON:** That is not true.

**The Hon. Charlie Lynn:** Who did it then?

**Ms LEE RHIANNON:** When the member came back the RSL and the Government forgot about the Vietnam veterans. That was very wrong.

**The Hon. Charlie Lynn:** They did not.

**Ms LEE RHIANNON:** That is most certainly true, and that is why the apology has now been given.

**The Hon. Charlie Lynn:** Point of order: I have to take issue with that because the member is misleading the House. The RSL is a fine organisation, and the service by the veterans is paramount in their role in society.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! There is no point of order.

**Ms LEE RHIANNON:** It is a curious remark. The Government recently had to make amends. That will be a debate for another time. I again remind members of the importance of the role of the union movement. The *Pasha Bulker*, a flag of convenience ship, is stranded at Nobbys Beach. I pay great tribute to both the Maritime Union of Australia and the Transport Workers Federation, particularly Dean Summers, for alerting the Newcastle community that the *Pasha Bulker* is a flag of convenience ship. When he raised this point it was interesting to note how quickly he was attacked by the chief of Shipping Australia Limited, Llew Russell, who came to the defence of flag of convenience ships and challenged the idea that flag of convenience ships had



anything to do with the stranding of this vessel. As we know, the investigation is yet to be concluded. But it certainly will be necessary to investigate what impact the style of ownership and management of the ship had on its being stranded.

Australia needs unions. They have played a crucial role in our history many times. Future generations need strong, active unions. I have three grandchildren and I know that the role of unions is critical to ensuring that they grow up in an Australia where respect, cooperation and fairness flourish. My third grandchild was born on 30 May. I was fortunate to be at the birth of Rocco O'Brien. I congratulate his parents, Kilty O'Gorman and Peter O'Brien, and their children, Jack and Kira, on this wonderful addition to their family. Peter and I have been the support people for Kilty at all three births. It has been a highlight of my life. The assistance and care we received from all the staff at the Royal Hospital for Women at Randwick was outstanding.

In the context of this debate I am grateful for, and I know the nurses who assisted us appreciate, the work of the Nurses Association. I feel I have hit the jackpot with my three grandchildren. I share a birthday with my new grandson, Rocco, and my son, Rory. We have some great parties and good times to look forward to. Those good times are very much linked to a healthy, active union movement. I again congratulate Mr Ian West on moving the motion. We must always celebrate our history. At the moment it is all the more important because the Federal Government is resorting to ugly Cold War tactics in its latest election scare campaign.

**Dr JOHN KAYE** [4.23 p.m.]: I congratulate Mr Ian West on bringing the motion forward. I note his long and highly successful career as an accomplished union leader, representing some of the most vulnerable workers in New South Wales in a way that brought credit to him, his union and its members. I note that Mr West has continued that contribution in this Chamber by raising important issues about the plight of working people in Australia and the efforts of the trade union movement to protect their rights and conditions. I had the opportunity to review the refurbishment of the Trades Hall at the toast to May Day. It was a moving experience to celebrate the skills of working Australians who produced a building that combines the new with the old. I am not the first person to observe that the refurbished Trades Hall has maintained its heritage through celebrating the continuity of where working Australians came from, where they are and where they are going. The continuity enshrined in the building is extremely important because the trade union movement clearly stands at a crossroads, as does Australian society, that has some dangerous paths and also some successful paths that lead from it.

The Trades Hall building is a living celebration of the importance of trade unions to Australia and its society, and the contribution made by trade unions. It is not just about protecting the rights of working people, although that is extremely important. Working people, as individuals, are vulnerable to aggressive employers. We need only look to countries in which trade unions are not free, or to our history when we did not have a viable and successful trade union movement to see the impact of aggressive employers on working people who do not have the advantage of collective action. It is inevitably sewn into the nature of humanity that we will seek to divide and conquer. Employers are no different. When they are given the opportunity, through the absence of collective organisations of working people, they will inevitably seek to divide the workforce and to exploit the workers. It is absolutely true that they are setting the standards of how employers deal with employees, which is what trade unions have done so successfully over the past century and more. It is also about how we set standards within our society and how the powerful are allowed to deal with the less powerful.

The consumer affairs legislation that protects consumers in our society and that we enjoy would not have been introduced into a society in which there was not a vibrant and free trade union movement. That is an example of how trade unions are key to our democracy. There is an essential balance between the political power of capital and the political power of working Australians. Remove trade unions and you remove that balance. Remove that balance and, inevitably, you damage the vibrancy and the success of our democracy. If we do not accept the concept that democracy works best when it is handed over to the wealthy and to the powerful we need some counterbalance in our society to wealth and power. Trade unions have developed and evolved to provide a sensible and effective counterbalance to the political power that inevitably comes from wealth. But trade unions have also been a productive voice of criticism within our society. The actions of trade unions over the past 100 years not only in workplace relations but also in how our society operates outside of the workplace have produced massive beneficial outcomes.

I cannot think of a progressive issue when trade unions have not been in a leadership role to advance those issues that are in the best interests of all Australians. We see that represented in society in general. My union, the National Tertiary Education Union—I am proud to say that, possibly through an accident of history, I am one of its foundation members because it is the result of an amalgamation of another union to which I

belong—has been not only a successful and principled voice for workers within the higher education sector but also an advocate for public education, particularly public tertiary education, throughout our society. Similarly, the New South Wales Teachers Federation and the Australian Education Union have stood up time and again for public education when it has come under attack from governments that for either malign reasons or reasons of neglect sought to damage it.

But it is more than the industry the union represents: across the board unions have been a voice for progress within our society. Along with the New South Wales Teachers Federation, the Australian Education Union of which it is an affiliate, the National Tertiary Education Union, unions such as the Construction, Forestry, Mining and Energy Union [CFMEU], the Australian Manufacturing Workers Union [AMWU], the Fire Brigade Employees Union [FBEU], the Maritime Union of Australia [MUA] and many other others, unions have stood up time and time again on important social matters through community-wide campaigns.

When we recall the opposition mounted by the union movement against the sale of iron ore to Japan during the 1930s Japanese invasion of China through to the role played by the trade union movement in opposition to the Vietnam War and the Iraq War, we realise that it is very difficult to name a progressive course within our society in which one union or another has not taken a leading role. Across the union movement, affiliated organisations including the Australian People for Health, Education and Development Abroad Inc. [APHEDA], of which I am a proud supporter, express solidarity for employed and unemployed people throughout the world and support equal rights for women. A key determinant in our understanding of the need to have a society that does not discriminate against women arose from campaigns for equal pay conducted by the trade union movement over decades.

Ms Lee Rhiannon has already mentioned the green bans from which the Greens political movement stems and derives its name. The Greens are proud inheritors of the tradition of taking a stand in favour of the environment. Perhaps the reason why the Howard Government has set itself on a path of destroying the trade union movement is precisely because of the progressive role played by trade unions in our society, or perhaps it is because the trade union movement enshrines the benefits and values of collective activity as part of our culture. The success of the trade union movement has been an embarrassment to people who have an ideological commitment to the idea that compassion is somehow inferior to greed, that mateship is somehow inferior to selfishness, and that cooperation is somehow inferior to competition.

The success of unions collectively representing the best interests of working Australians is an embarrassing reminder of what can be achieved when we work together for our collective and common good. The trade union movement also has been the key to the success of our economy. It is easy for people such as Kevin Andrews, Joe Hockey and John Howard to chant the mantra that the trade union movement, collective bargaining and unfair dismissal laws halt the growth in jobs. That dogma plays out well among some sections of the community, but the unfortunate reality is that it does not stack up against hard, cold evidence. If we examine OECD studies of 20 countries over 20 years, the following three trends emerge unequivocally: first, driving down the minimum wage does not increase employment—on the contrary, it actually reduces employment in the long run; second, destroying or weakening trade unions does not increase employment; third, getting rid of collective bargaining and replacing it with individual bargaining does not increase employment.

Governments that are serious about seeking to achieve a successful economy, particularly a successful economy that our children and their children may inherit, will examine the evidence and see that the future of Australia is not as a nation applying downward pressure on wages and not as a low-wage nation. It is simply the case that we cannot, nor should we try, compete against people in South-East Asia earning \$2 a day. Any attempt to do that constitutes a race to the bottom. If we try to do that, it is not in our best interests; nor is it in their best interests.

**The Hon. Charlie Lynn:** In what countries do workers get \$2 a day?

**Dr JOHN KAYE:** There are workers in Indonesia who are earning \$US2 a day.

**The Hon. Christine Robertson:** Shame!

**Dr JOHN KAYE:** It is shameful, and not only for those workers.

**The Hon. Charlie Lynn:** What about Singapore?

**Dr JOHN KAYE:** In Singapore, obviously that is not the case. But it is shameful that there are workers anywhere in South-East Asia who are earning pitifully low wages and we should not engage in competition with those nations to drive down wages. But the real future for Australia lies in innovation, in being a jobs-rich, high-value-adding economy. Our economy should be built on an export base and we should build that by developing and engaging in industries that the world will soon need. Study after study arrives at the same conclusion. The studies show that to increase productivity, industries must increase innovation by maintaining and increasing union density, encouraging collective bargaining and workplace democracy, treating working people with the respect they deserve and making people part of the process that determines the future of their workplace. That all makes sense. If an industry really wants workers to engage with what they are doing, industry should make workers valued and respected individuals who understand that they are part of a collective effort to manufacture or deliver services. This is particularly true in rural and regional New South Wales.

The great tragedy of The Nationals' support for John Howard's WorkChoices—the legislation that dares not speak its name—is displayed in the rural and regional areas, particularly in small country towns. After all, under WorkChoices, all it takes is one unscrupulous employer in a rural centre to exploit the provisions of WorkChoices and start driving down wages and consequently costs, and all other employers, whether they want to or not, will have to follow suit to remain competitive. It is a death spiral for rural economies, especially for towns such as Goulburn—small rural towns that already are working hard to maintain the local economy.

**The Hon. Christine Robertson:** Be careful! Goulburn is big.

**Dr JOHN KAYE:** I am not actually interested in the size of the rural town. I am more interested in small, medium and large rural towns whose economies are at risk.

**The Hon. Don Harwin:** Point of order: I have to come to the defence of Australia's first inland city. On behalf of the citizens of Goulburn, I am offended. Dr John Kaye should withdraw that remark.

**Dr John Kaye:** To the point of order: I withdraw any implication about the size of Goulburn.

**DEPUTY-PRESIDENT (The Hon. Helen Westwood):** Order! There is no point of order.

**Dr JOHN KAYE:** I am a great fan of Goulburn—its architecture, its people, and its proud tradition of trade unionism.

**The Hon. Greg Donnelly:** The town of the Big Sheep!

**Dr JOHN KAYE:** I am also very fond of the Big Sheep.

**The Hon. Charlie Lynn:** That makes a lot of sense.

**Dr JOHN KAYE:** If I were more sensitive, I would take objection to the implication in the Hon. Charlie Lynn's remark. If Mark Vaile, Kevin Andrews or Joe Hockey were truly concerned about the people in rural and regional New South Wales, they would not allow those parts of Australia to become areas of low wages or destruction of the provision of services. I conclude my remarks by making the observation that we are damaging our economy and our society by the way in which we continue to sledge the trade union movement. I acknowledge and condemn the unacceptable behaviour of a small number of unionists and a small number of union leaders, just as I acknowledge and condemn unacceptable behaviour by a small number of employers, members of employer bodies and representatives of employer bodies. But an attempt to extend the opprobrium of that behaviour to the entire union movement and to all union leaders is a slander on a grand scale.

**The Hon. Duncan Gay:** You have just condemned all the employers in rural areas.

**Dr JOHN KAYE:** That is not true. It is similarly reprehensible to cast aspersions on the Australian Labor Party because unionists and union officials have misbehaved.

**The Hon. Charlie Lynn:** Just because they will not have you as a member.

**Dr JOHN KAYE:** I digress to point out that I resigned from the Australian Labor Party in 1983 and never again sought membership of that political party, and I never will.

[*Interruption*]

That is probably correct—much to the Labor Party's disadvantage. In conclusion I make the point that it is damaging to our society to turn on the Labor Party—a party and the leaders of which I criticise regularly.

**The Hon. Duncan Gay:** I have never ever heard you.

**Dr JOHN KAYE:** That is because the Deputy Leader of the Opposition does not listen. It is damaging to our society to turn on the Labor Party on the basis of the people who are members of that organisation coming from a union background or being at some time or other union leaders. That is as insane as is criticising the Coalition because of the number of people who come from legal backgrounds, small business backgrounds or academic backgrounds.

There is no doubt that unions are democratic organisations. Union organisers and officials have experience in running a union and being involved in democracy. That has to be accepted as an important and appropriate preparation for becoming a member of this Parliament. I join with other members in this House in celebrating the proud history and the proud tradition of trade unionism and trade unions. I join with other members in this House in congratulating Unions NSW on the refurbishment of the Trades Hall, a building which has become a benefit to not only the organisation but to all society. I commend the motion to the House.

**Motion by the Hon. Greg Donnelly negatived:**

That this debate be now adjourned until the next sitting day.

**The Hon. CHARLIE LYNN** [4.42 p.m.]: I would like to continue the line taken by the Leader of the Opposition in his excellent contribution about his experience with unions and unionism. He spoke about the hypocrisy of the State Labor Government in its approach to WorkChoices.

**The PRESIDENT:** Order! There is too much audible conversation. The Hon. Charlie Lynn should be heard in silence.

**The Hon. CHARLIE LYNN:** The Opposition has asked a number of questions of the Minister for Industrial Relations regarding the Pink Salt restaurant in Manly, and the recent misleading campaign against WorkChoices, which was highly evident during the recent State election campaign, as well as the misuse of information and the willingness of the Government to criticise local small business operators, who are doing the right thing by their employees. I refer to another recent incident at the Lilac City Motor Inn in Goulburn, where a very respectable working couple, were almost outed as being exploiters of their employees. They were mentioned on the front page of every newspaper and they appeared on every television station in the country.

**The PRESIDENT:** Order! The Hon. Charlie Lynn should be heard in silence.

**The Hon. CHARLIE LYNN:** That caused an enormous amount of stress to that hardworking Australian couple in the city of Goulburn, which an earlier speaker has just realised is in New South Wales and is bigger than a post office and a hotel. The people I have mentioned were shamefully exploited by the Federal Labor Party in its zealous campaign against WorkChoices. It was okay to out those people, but another major nation company, called Work Directions—

**The Hon. Rick Colless:** Who owns that?

**The Hon. CHARLIE LYNN:** That is an interesting question. I think the managing director of that company is related to the Federal Leader of the Opposition. As the adage goes, people who live in glass houses should not throw stones. In that case a very successful business person was making the best use of what she regarded as the law for her employees. The silence from the Labor Party was deafening on that issue. Its hypocrisy was exposed.

**The Hon. Henry Tsang:** Point of order: The motion is about the refurbishment of Trades Hall, about Unions New South Wales and about the contributions of the trade union movement. It is not about WorkChoices or the Labor Party. I ask you to draw the member back to the leader of the motion.

**The Hon. Don Harwin:** To the point of order: Towards the end of the point of order, the Hon. Henry Tsang mentioned the third paragraph of the motion which is very general and wide-ranging. It is about the

contribution of the trade union movement to the history of New South Wales. If the Hon. Henry Tsang is saying that the current debate over WorkChoices is not significant to that history I would certainly be very surprised. I wonder what we have been talking about during private members' business so often over the last few months, let alone years. It is almost inconceivable that the point of order taken by the Hon. Henry Tsang could be upheld.

**The PRESIDENT:** Order! I take the point raised by Hon. Henry Tsang. Debate on this motion has been very broad ranging. The Hon. Charlie Lynn may continue but only within the leave of the motion.

**The Hon. CHARLIE LYNN:** The union movement has been very active in the role of WorkChoices. It is interesting how one's views on unions are formed, usually through one's experience. I can understand how people who work in inner city areas belong to unions, but in a small country town such as the one I come from—a little town called Orbost in the Snowy Mountains—that can be quite different. I remember my first experience with unions was when I was working for my father, who was the local Orbost carrier. The railway station was on the western side of the Snowy River and the township was on the eastern side. Everything that was carried into the town, and to all the farms, was carried by my old man. And all we had was a bag hook and a trolley

At the Orbost butter factory dad and I loaded 490 boxes of butter, 56 pounds a box, three times a week, Monday, Wednesday and Friday, and sent them off the Melbourne. We had to pick up every one of those boxes and put them on the trolley, and then take them off the trolley and put them on the train. It was pretty hard work. A row of workers brought the butter boxes to a window, and I would put them on the trolley and dad would stack them.

**The Hon. Trevor Khan:** Were you a member of a union?

**The Hon. CHARLIE LYNN:** I was too young, I was about 11 at that time. I was a skinny little fellow, but I could handle a 56-pound butter box. One day, one worker, a six foot three inches fellow, Jimmy Edlington, came along with one butter box. I had to wait until Jimmy's mate, also about six foot, came along with a second butter box, because I handled two at a time. I said to the old man, "Why are they carrying one butter box, dad?" He replied, "Oh, the unions have arrived, son, they are only allowed to carry one box." I said, "The unions must be pretty stupid." My view on that has never changed.

**The Hon. Marie Ficarra:** They were stopping enterprise.

**The Hon. CHARLIE LYNN:** Yes, they were. They actually halved the productivity of the Orbost butter factory, which consequently closed down. I recall also that Orbost was a timber town.

**The Hon. Trevor Khan:** It was.

**The Hon. CHARLIE LYNN:** Yes, it was a timber town; dairy cattle and timber. The entire union movement, with the support of the Greens and every other feral who could not get a job in the city, came up there. They used to tie themselves to trees and do all sorts of things. They shut down the timber industry. None of those blokes belonged to the unions. My brother was a logger and one bloke was a feller. The one thing I remember about that timber town was the way it managed the bush. There was a sustainable industry using world's best forestry practices, and the protestors shut it down. Orbost is no longer a timber town; it suffered the same fate as other towns up and down the coast.

Government members know that I spend a lot of time in Papua New Guinea. According to world's best forestry practices we are not allowed to harvest our timber in Australia, so we have to import it. And where do we go to do that? The countries that are being exploited for that purpose are our Third World neighbours in the Pacific. Forests in that region are being clear felled, raped and pillaged. Greens members would not dare go to one of those countries and lie down in front of a bulldozer. If they did, they would very soon form part of the compost of the area because I can assure members that Malaysian and Chinese loggers would drive straight over the top of anything and anyone in their path; they would not stop.

When I was in the army all my time was spent in western Sydney. I remember going to have a look at a big warehouse in the area. The manager showed me through a building in which many Vietnamese were working. I recall that a big burly bloke was sitting in one corner of the building. The manager said to me, "Do you know what his job is?" I said, "No, what is it?" He said, "He is a union representative." I said, "That's good.

What does he do? " The manager said to me, "His job is to make sure that these blokes here do not work harder than the blokes over there."

**The Hon. Helen Westwood:** Oh rubbish!

**The Hon. CHARLIE LYNN:** I was there; I saw him. His job was to make sure that one worker did not work harder than another. People such as those who were working in that warehouse come to Australia as immigrants and are keen to get ahead. Many have two or three jobs and they work hard. But this bloke sitting in the corner was making sure that the workers did not establish new boundaries. He saw to it that they worked for only so many hours, that they worked at a specific productivity rate, that they were paid, and that they moved on. He was stopping workers from achieving their potential—which I suppose is what compulsory unionism is about. It keeps workers in line; it keeps them at a certain standard.

For years Labor's cry has been, "If you do as you are told, you will get your pay and you will be looked after. Just vote Labor." The union movement can no longer do that. I have heard other members refer to the proud history of unionism. I acknowledge that there is a place for unionism in this country; indeed, I support unionism. However, Government members forgot to mention a few black spots in that history. Anyone with a good knowledge of World War II will relate the time our troops were on the Kokoda campaign was probably our darkest hour.

Members will recall the impact on our troops of unions going on strike in Townsville and refusing to load the ships that were taking stores to our Diggers who were fighting in the jungles of Papua New Guinea. The unions refused to load the ships because they wanted more money and more ice cream! So our soldiers were brought in to do the work of the unionists. And they did not muck about. All the big, tough unionists stood aside, because they knew what was good for them. The soldiers were looking after their mates. That is a really black spot on the history of the Labor Party. I heard Ms Lee Rhiannon saying earlier that there was no strike action relating to soldiers serving in South Vietnam. Well, I inform her that while I was there I did not get my mail for about three months.

**Dr John Kaye:** Because nobody likes you!

**The Hon. CHARLIE LYNN:** If I had received letters from people like Dr John Kaye I would have sent them back anyway. In fact, things were so bad up there as a result of the postal unions not delivering our mail that when we returned to Australia we ran a campaign called "Punch a postie"! The unions complained and said, "The Diggers are picking on us because we will not do our job and send them their mail." They screamed like cut cats back in Australia. Where were our defenders then? As conscripts all we were doing was serving the Government of the day. Anyone with an issue should have taken it to the Government of the day; it had nothing to do with the soldiers. The Vietnam veterans were the first veterans in our history ever to be betrayed by our own people. Earlier Ms Lee Rhiannon said that when our soldiers returned from Vietnam no-one threw paint at them. Well somebody did. And somebody threw eggs at them and called them baby killers. Vietnam veterans are now living all over the country—

**The Hon. Eric Roozendaal:** Point of order: I have been listening intently to the honourable member's speech. He has been for a trip down memory lane, up a few side alleys, over a few hills and down a few streams. But the motion has nothing to do with Vietnam veterans. We are here to talk about Trades Hall and the union movement, not to hear about how the member thrived on punching posties, or about paint being thrown at returning Vietnam veterans. The honourable member is straying well and truly from the motion. It would be appropriate for you, as President, to bring him back to the motion. We do not want to go for a trip down memory lane. He should confine his comments to the motion before the House.

**The Hon. Don Harwin:** To the point of order: The Hon. Charlie Lynn clearly is talking about events that happened in New South Wales, that are part of our history and that he says involved the trade union movement. Clearly he is in order, and I ask you to rule that way.

**The PRESIDENT:** Order! Again I remind members that they must speak only within the leave of the motion before the Chair. The Hon. Charlie Lynn may continue in light of that ruling.

**The Hon. CHARLIE LYNN:** I acknowledge that not all unions gave support to our enemies—North Korea, North Vietnam and so forth—but some did! It is not a proud part of our history.

**Dr John Kaye:** Name one union that supported North Korea or North Vietnam. I challenge you to name one union that officially supported them.

**The Hon. CHARLIE LYNN:** The honourable member has had his go. For a start I refer to the waterside workers and the builders labourers. And a few others would have been right in there. I will take that question on notice and obtain the information for the member.

**The PRESIDENT:** Order! I remind members that all interjections are disorderly. I ask the Hon. Charlie Lynn to address the Chair for the remaining 4 minutes and 57 seconds of his contribution.

**The Hon. CHARLIE LYNN:** And I ask members not to interrupt me further with frivolous points of order and comment. A challenge exists for unionism now, and I do not think unions have come to terms with this. There is a market for unions. Most people who need the protection of unions are well represented, but I believe that they should have the opportunity of choice. Not everybody wants to be in a collective arrangement. Those who do not wish to be in a collective arrangement should have the opportunity to negotiate their own deals with their employers. However, I believe that there is a place for volunteer unionism. There is a whole army of subcontractors out there in need support.

I notice that the Hon. Ian West is taking notes. I am quite prepared to give him further information on these matters if he needs it. If unions provide a service that workers need, workers will join those unions. That would have our full support. But I am talking about choice. The Labor Party's thinking has not changed. Earlier the Hon. Eric Roozendaal said I was taking everyone for a trip down memory lane. Earlier the Hon. Ian West made a trip to the 1800s—about the time of his twenty-first birthday! As I recall, he referred to the nineteenth century. He certainly took us on a trip down memory lane. The challenge for unions is to accept the good and bad points of their historical development and to look at providing incentives for people to join together and to be offered protections.

I acknowledge the contributions of other members to the debate. But I urge Labor members not to be hypocritical. If they attack the Lilac City Motor Inn in Goulburn and put it on the front page of every newspaper in the city, they should take the same approach to WorkDirections. They cannot be selective. Labor members cannot damn one without damning another for doing the same thing on a much bigger scale. I look forward to their acknowledging that fact and reminding the Federal Leader of the Opposition of the benefits of WorkChoices, as ably demonstrated by the leadership of WorkDirections. We are currently enjoying the benefits of the Howard Government's economic record since 1996. We have low interest rates, almost full employment and many opportunities throughout this country for those who wish to work—

**Pursuant to sessional orders business interrupted to permit a motion to adjourn the House if desired.**

**The House continued to sit.**

**Item of business set down as an order of the day for a future day.**

#### **APPROPRIATION BILL 2007**

#### **APPROPRIATION (PARLIAMENT) BILL 2007**

#### **APPROPRIATION (SPECIAL OFFICES) BILL 2007**

#### **PAYROLL TAX BILL 2007**

#### **STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET) BILL 2007**

**Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. Michael Costa.**

**Motion by the Hon. Tony Kelly agreed to:**

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

**Second reading set down as an order of the day for a future day.**

## SPECIAL ADJOURNMENT

### Motion by the Hon. Tony Kelly agreed to:

That this House at its rising today do adjourn until Tuesday 26 June 2007 at 2.30 p.m.

## LAW REFORM COMMISSION REPORT 108: SURVEILLANCE

### Production of Documents: Return to Order

**The Clerk** tabled, pursuant to the resolution of 7 June 2007, the Law Reform Commission report received this day from the Director General of the Premier's Department, together with an indexed list of the documents.

## CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.13 p.m.]: I move:

1. That this House adopt, for the purposes of section 9 of the Independent Commission Against Corruption Act 1988, the following code of conduct:

### PREAMBLE

- The Members of the Legislative Assembly and the Legislative Council have reached agreement on a Code of Conduct which is to apply to all Members of Parliament.
- Members of Parliament recognise that they are in a unique position of being responsible to the electorate. The electorate has the right to dismiss them from office at regular elections.
- Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and the institution of Parliament, and using their influence to advance the common good of the people of New South Wales.
- Members of Parliament acknowledge that their principal responsibility in serving as Members is to the people of New South Wales.

### THE CODE

#### 1 Disclosure of conflict of interest

- (a) Members of Parliament must take all reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their office.
- (b) This may be done through declaring their interests on the Register of Disclosures of the relevant House or through declaring their interest when speaking on the matter in the House or a Committee, or in any other public and appropriate manner.
- (c) A conflict of interest does not exist where the member is only affected as a member of the public or a member of a broad class.

#### 2 Bribery

- (a) A Member must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which the Member has received, is receiving or expects to receive.
- (b) A Member must not knowingly or improperly promote any matter, vote on any bill or resolution or ask any question in the Parliament or its Committees in return for any remuneration, fee, payment, reward or benefit in kind, of a private nature, which any of the following persons has received, is receiving or expects to receive:
  - (i) a member of the Member's family;
  - (ii) a business associate of the Member; or
  - (iii) any other person or entity from whom the Member expects to receive a financial benefit.
- (c) A breach of the prohibition on bribery constitutes a substantial breach of this Code of Conduct.



**3 Gifts**

- (a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
- (b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to improperly influence the Member in the exercise of his or her duties.
- (c) Members may accept political contributions in accordance with part 6 of the Election Funding Act 1981.

**4 Use of public resources**

Members must apply the public resources to which they are granted access according to any guidelines or rules about the use of those resources.

**5 Use of confidential information**

Members must not knowingly and improperly use official information which is not in the public domain, or information obtained in confidence in the course of their parliamentary duties, for the private benefit of themselves or others.

**6 Duties as a Member of Parliament**

It is recognised that some members are non-aligned and others belong to political parties. Organised parties are a fundamental part of the democratic process and participation in their activities is within the legitimate activities of Members of Parliament.

**7 Secondary employment or engagements**

Members must take all reasonable steps to disclose at the start of a parliamentary debate:

- (a) the identity of any person by whom they are employed or engaged or by whom they were employed or engaged in the last two years (but not if it was before the Member was sworn in as a Member);
- (b) the identity of any client of any such person or any former client who benefited from a Member's services within the previous two years (but not if it was before the Member was sworn in as a Member); and
- (c) the nature of the interest held by the person, client or former client in the parliamentary debate.

This obligation only applies if the Member is aware, or ought to be aware, that the person, client or former client may have an interest in the parliamentary debate which goes beyond the general interest of the public.

This disclosure obligation does not apply if a Member simply votes on a matter; it will only apply when he or she participates in a debate. If the Member has already disclosed the information in the Member's entry in the pecuniary interest register, he or she is not required to make a further disclosure during the parliamentary debate.

2. That this resolution has continuing effect unless and until amended or rescinded by resolution of the House.

The Government proposes to amend members' obligations under the Code of Conduct for Members of Parliament. This is the last step in the consultation process that the Government began last year when it referred its then proposed amendments to the code to the Privileges Committee of each House. The Government has carefully considered the recommendations in the reports of the respective committees in finalising its changes to the code. The motion sets out a revised code, which includes a number of amendments regarding the prohibition on bribery and members' secondary employment. Other minor changes are also made to the code.

Specifically, the Government proposes to extend the prohibition on bribery to prohibit the receipt of benefits in kind, such as goods and services, in return for a member taking action in Parliament. The motion also amends the prohibition on bribery to clarify the circumstances in which action taken by a member in return for private benefits being conferred on a person who has a close association with the member is prohibited. The Government considers that members of Parliament or their close associates, such as family members, should not receive any private benefits—whether monetary or in the form of goods and services—in return for a member taking action in Parliament.

The motion also clarifies the prohibition on bribery so that it is clear that private benefits received by members are clearly unacceptable, without affecting legitimate political activities. The Government also

proposes to impose new obligations on members to disclose details of secondary employment at the start of parliamentary debate in some circumstances. This includes details of clients who have benefited from the member's services. This proposal builds upon important reforms to disclosure obligations set out in the Constitution (Disclosure by Members) Amendment Regulation 2007, which was made on 28 February 2007. The regulation imposes new obligations on members to disclose details of their secondary employment in the Pecuniary Interests Register. These measures will further enhance the public's confidence in members of Parliament.

**Ms LEE RHIANNON** [5.06 p.m.]: The Greens support this motion to amend the Code of Conduct for Members of Parliament. We are all aware that public trust in members of Parliament is frequently damaged by unfortunate incidents. We must review the code of conduct periodically to see whether it can be tightened in order to restore public confidence in the work of individual parliamentarians and in the parliamentary process. The Greens particularly welcome the changes that tighten the sections on bribery and secondary employment but we believe the Government has missed some important opportunities. It is a shame that the review did not go further. We believe the Government has thrown away a great opportunity to clear away the rocks that are tarnishing the reputations of law makers.

I will explore those parts of the code that deal with free admission and passes and with alcohol and abuse. The Greens believe part 3 of the code should be amended to address the practice of members of Parliament receiving free tickets to concerts and sporting events. We wish to insert a new paragraph in part 3 of the code. Accordingly, I move the following amendment:

After paragraph 3 (c) insert:

- (d) Members must not accept free admission to an event or facility for which an ordinary member of the public would have to pay, unless that event or facility is directly related to the responsibilities of the member.

This will mean that members who are not associated with sport or entertainment in the course of their parliamentary duties cannot take advantage of freebies. It will have no impact on the work of the Minister for the Arts or the Minister for Sport. It is understandable that people have become cynical about the political process, and freebies feed that cynicism. Members were offered freebies during the Sydney Olympic Games and are sometimes offered tickets to football matches and other events. We must clean up this area in the twenty-first century.

I also take up the issue of members' duties. The Greens have explored this matter before. We are concerned about people who drink on the job and we have endeavoured to make some quite minor changes in this regard. Unfortunately, our efforts have been resisted. Therefore, I move the following further amendment:

After paragraph 6 insert::

- (b) Members of Parliament will not perform their duties as an MP while under the influence of alcohol or any other drug.
- (c) Members of Parliament will carry out their duties without abusing or harming other parliamentarians or the public.

**Reverend the Hon. FRED NILE** [5.10 p.m.]: On behalf of the Christian Democratic Party, I support the motion to adopt the Code of Conduct for members. As a member of the Legislative Council Privileges Committee, I am aware that the committee spent quite some time finalising the code, in cooperation with a similar committee of the other place. Because of that, we should leave the code as it is, without any amendment. Any amendments that the Ms Lee Rhiannon proposes should be forwarded to the respective committees so that they may consider them. However, an amendment to the Code of Conduct made in this House may not be acceptable to the committee of the other place, and that would mean we will not have a joint code of conduct. Therefore, an amendment may delay the implementation of a code of conduct, and may even prevent this Parliament having such a code. It has taken a very long time to get agreement on this code, so I believe it should remain unamended.

**Dr JOHN KAYE** [5.11 p.m.]: I echo the remarks of and support the amendments moved by Ms Lee Rhiannon. I ask the Minister to clarify the third paragraph of clause 7 of the code, which refers to a disclosure obligation to identify any person by whom they are employed or engaged. I refer specifically to the words:

This disclosure obligation does not apply if a Member simply votes on a matter.

My understanding is that the intention is to obviate any need to disclose a perceived conflict of interest that would arise through secondary employment or engagements in respect of a vote on a matter in this House. I understand we are only seeking to require disclosure in respect of debate within this House. I wonder whether the Minister would, in his closing remarks, address that matter. It concerns us that we are allowing people to vote on an issue in respect of which they have a conflict of interest regarding their employment, but not to enter into the debate.

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.12 p.m.], in reply: In closing, I would reinforce the comments made by Reverend the Hon. Fred Nile. This proposal has resulted from considerable discussion between members of both Houses and among members of the privileges committees of both Houses. I could seek a ruling to impose the standing order that requires an amendment to be in writing, especially as I think this has been an ambush or stunt by the Greens, but I will not do so because that would waste the time of the House. On the next occasion I would suggest that the Greens do the right thing and adhere to the standing orders—a big ask, I know. However, I ask members to vote against the amendments.

**Question—That the amendments be agreed to—put and resolved in the negative.**

**Amendments negatived.**

**Question—That the motion be agreed to—put and resolved in the affirmative.**

**Motion agreed to.**

**Message forwarded to the Legislative Assembly advising it of the resolution.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

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

## **APEC MEETING (POLICE POWERS) BILL 2007**

## **INDUSTRIAL AND OTHER LEGISLATION AMENDMENT (APEC PUBLIC HOLIDAY) BILL 2007**

### **Second Reading**

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.15 p.m.]: I move:

That these bills be now read a second time.

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

**Leave granted.**

I am pleased to introduce the APEC Meeting (Police Powers) Bill 2007 and the Industrial and Other Legislation Amendment (APEC Public Holiday) Bill 2007. The APEC Meeting (Police Powers) Bill provides a range of powers to assist police in securing the Asia-Pacific Economic Cooperation Group [APEC] while the Industrial and Other Legislation Amendment (APEC Public Holiday) Bill supports the public holiday which has been declared for the first metropolitan region on 7 September. APEC will be the largest and most significant international meeting in Australia.

We need to ensure that the New South Wales police have the necessary powers to keep the event and Sydneysiders safe. The APEC group 2007 comprises a series of meetings culminating in the APEC Leaders Week to be held in Sydney between 2 and 9 September. The planned events will involve the heads of government of 21 member economies and are likely to be attended by up to 5,000 officials and 1,500 international media. APEC venues will include Darling Harbour, Cockle Bay, Farm Cove, the Sydney Opera House and Government House. The NSW Police Force and the Commonwealth have carefully considered the security threat to APEC.

On the basis of this assessment, about 3,500 security personnel will be posted in Sydney at this time, including members of the NSW Police Force, the Australian Federal Police, the Australian Defence Force, interstate police and New Zealand police. Such a security force will help to minimise the risk of an act of terrorism directed against APEC leaders. Based on the experience of other APEC meetings overseas and other similar events in Australia, the NSW Police Force has also identified the threat of large

organised and sustained violent protests during Leaders Week. I am not talking here about citizens expressing strongly held views by protesting peacefully in public places. We all have the right to do that. However, it is not acceptable when violence is used.

We have all seen footage of extremely violent and organised protestors who engage in planned attacks on police, destroy property and terrify the public. We need to ensure that our police have sufficient powers to prevent or to stop such violence. At the same time we need to ensure that any such powers do not prevent the legitimate exercise of our civil rights. And we need to remember that APEC is occurring in downtown Sydney, where many people live and work. While clearly a meeting the scale of APEC will be disruptive to residents and other users of the central business district [CBD] we must try to ensure that any security operations create the minimum possible inconvenience to law-abiding residents.

The Government believes that the police powers bill strikes the right balance between police powers, the lawful right to protect and the needs of residents and workers in the central business district. If the APEC Meeting (Police Powers) Bill 2007 is enacted, the Government will roll out a communications plan. This will inform affected people of the impact of the proposed powers. This will involve liaison with residents and businesses. In summary, the bill creates extraordinary policing powers around the duration of the APEC period—namely, 30 August to 12 September 2007. APEC itself is from 2 September to 9 September. However, it is desirable that the powers be available to permit physical security measures such as the putting up and dismantling of barricades to be taken over this slightly longer period on either side of the meetings.

The legislation will be administered by the Attorney General, and there are a number of safeguards in place to ensure that police use these extraordinary powers responsibly. These safeguards include, first, that the bill will apply only to this APEC meeting and will then terminate automatically. Secondly, the powers will apply only within designated and limited areas, essentially in the northern central business district. Every effort has been made to keep the areas as small as possible. To ensure that people are in no doubt as to where the powers will apply, the bill contains a map and a description indicating the main security area. Any variations to this area that must be made to ensure the safe running of APEC will be notified to the public. Thirdly, police will receive specialist training on the use of the powers over coming months. Finally, a review of the powers will be conducted jointly by the Attorney General and the Minister for Police.

I will now outline in more detail the provisions of the APEC Meeting (Police Powers) Bill 2007. The bill creates various special police powers and two categories of security zones in which they apply. These are described in part 2 of the bill. "Declared areas" essentially serve as an outer perimeter. They therefore cover more than those places that are actually to be used for APEC meetings. Persons will generally be free to enter these areas subject to security screening when required. The bill describes the declared areas as they currently stand, and an indicative map is attached to the bill. Clause 6 of the bill requires that any alterations or extensions to the declared areas must be approved by the Minister on the basis that the change will substantially assist in promoting the security of APEC or preventing or controlling public disorder.

"Restricted areas" are much smaller and will be inside the larger declared areas. Typically, restricted areas will be established at places such as actual APEC venues or accommodation used by delegates. Security restrictions at restricted areas will be much higher than in the declared areas. Additional powers will be available to police and there will not be an assumption that any person has a right to enter the restricted areas. Pursuant to clause 7 the location of restricted areas will be determined by the Commissioner of Police. He will need to be satisfied that the proposed zone is directly related to APEC events or administration and that the applicable powers are necessary to promote the security of APEC facilities and/or participants. Restricted areas will not include private residential premises.

The following specific powers will be available in both declared areas and restricted areas. Under clause 10 police will have an express power to erect barricades and fencing and to establish checkpoints to assist in controlling entry to the area. Pursuant to clause 11 police may stop and search vehicles that are seeking to enter, or that are already inside, the area. Pursuant to clause 12 a similar power is created to search persons, which may include a search of any articles in that person's possession and the possible removal of coats or jackets, shoes and hats. A person can be searched in this way upon seeking to enter the area or if they are present in the area.

Under clause 13 certain items will be prohibited, and police will have the power to confiscate these items upon detection unless the person has a lawful excuse for possessing them. Prohibited items are listed in clause 3. They are: spray paint, in order to minimise the risk of large-scale defacing of property; chains, handcuffs and lock-on devices because in the past protesters have chained themselves to immovable objects that can obstruct roads and if police have to cut the person free to remove them there is a chance that the person may be injured, which we wish to avoid; poles longer than one metre because long poles have been used as clubs in the past and poles longer than an arm's length can be used to fend off police who may seek to make an arrest; marbles or ball bearings that can be thrown under the hooves of police horses with the intention of unseating and injuring the rider; smoke devices and flares that can be used to frighten horses or otherwise hinder security forces; flammable or noxious liquids; laser pointers that can be used to blind police or police horses; and jamming devices that can be used to disrupt police communications.

I wish to make it clear that such items will be confiscated only when the person seeking to enter the declared area or restricted area, or who possesses them in such an area, has no special justification for possessing them. Clause 37 defines "special justification". Special justification includes having an object for the purposes of employment or trade. For instance, a shop owner who has spray paint for sale will not be affected by the seizure provisions, nor will an office worker who needs a laser pointer for their employment. These search powers will assist police in removing dangerous items from the possession of persons intending to use them in violent protest. As long as a person agrees to surrender the item they will be allowed to pass. As I said before, the general rule is that, subject to submitting to a search if required and surrendering any prohibited items held without a special justification, persons will be able to enter declared areas.

There is one exception to this. Part 5 of the bill creates a power for police to exclude certain individuals from the declared areas on the basis that they pose a serious threat to the safety of persons or property within the area as identified by the NSW Police Force. These persons will be identified by police on the basis of intelligence information. I would not expect that police will take lightly the decision to categorise people in this way. This exclusion power also applies to the higher-security restricted areas.

Under clause 14 police will have the power to give reasonable directions to persons for the purpose of substantially assisting in the reduction of risks to the security of APEC, its participants and the public. Police will have the power to take action to reduce the risk of large-scale public disorder connected with APEC, with persons disobeying a reasonable direction able to be removed from the declared area.

Pursuant to clauses 15 to 18 police will have the power to establish motorcade and clearway routes and to clear or remove vehicles, people or other things blocking these routes—which is similar to the powers already provided for in the World Youth Day Act 2006. Under clause 31 any person who commits an offence of assault police, malicious damage, or throw missile at police within a declared or restricted area will attract a presumption against bail. While the presumption does not normally apply for these offences, it will apply only for APEC such that the maximum time that a person would be in custody would be 14 days. The purpose of this special restriction on bail is to ensure that people who commit offences such as throwing missiles at police during APEC are not arrested, charged and released on bail simply to return to the APEC zone to repeat their violent actions.

To facilitate the hearing of bail matters during APEC the bill also provides for the use of an audiovisual link so that bail hearings can be heard over this link rather than face to face, which will reduce the logistical burden if significant numbers of persons are arrested during APEC. Police animals will be able to be used on Sydney Opera House or Darling Harbour foreshore premises under clause 33 of the bill to assist in the maintenance of law and order. The liability of the NSW Police Force in respect of actions in nuisance and negligence will be limited under clause 35, in the same way as is already provided for in the World Youth Day Act 2006. Pursuant to part 6, officers from other Australian jurisdictions and also New Zealand police will be able to be recognised as New South Wales police officers. This will ensure the sufficiency of police numbers. In addition to the above powers, which apply to both declared areas and restricted areas, special offences are created and police will have additional powers in respect of restricted areas only.

Pursuant to clause 19, it will be an offence during APEC for anyone to enter a restricted area without special justification, the maximum penalty being six months imprisonment. And if the person does this while in possession of a "prohibited item" the maximum penalty will be two years imprisonment. Under clause 21 police will have a power of entry into any premises within a restricted area, except private residential premises, to ensure the security of conference and accommodation venues. Persons entering a restricted area will be required to provide evidence of identification under clause 22 to ensure that only those persons who have a need to enter the area gain access. As I said before, this bill creates extraordinary policing powers that will be available temporarily during the APEC period. While they represent a departure from normal policing powers, they are considered necessary for a variety of reasons, not least of which is the security of APEC participants and the maintenance of law and order in Sydney during September.

Finally, the bill makes a number of amendments to other Acts. The bill makes caltrops prohibited weapons under the Weapons Prohibition Act. Caltrops are spiked balls that can be used to injure humans and animals, such as police horses, and damage vehicles. The bill also extends the sunset clause of the covert search warrants regime under the Terrorism (Police Powers) Act 2002. The regime will be retained for a further 12 months, until 13 September 2008, so that the Ombudsman's review of the scheme can be fully considered.

I now turn to the second bill, which is being introduced cognately to support APEC, the Industrial and Other Legislation Amendment (APEC Public Holiday) Bill 2007. Based upon advice from security officials, the New South Wales Government accepts that keeping the Sydney metropolitan area open for workers will be too burdensome. A public holiday on 7 September will allow for the smoother running of the event. Public holidays were declared in Santiago, Chile, in 2004 and in Shanghai, China, in 2001, when these two cities hosted APEC summits.

To avoid undue speculation regarding arrangements during the summit period the Minister for Industrial Relations announced on 28 February that a one-off public holiday would be declared for the Sydney metropolitan area for Friday 7 September. The statutory vehicle for the appointment of an additional public holiday is the Banks and Bank Holidays Act 1912, which is within the administration of the Minister for Industrial Relations.

Section 19 (3) empowers the Minister to make an order appointing a day or part thereof as a public holiday or half-holiday in any local government area, part of a local government area or other part of New South Wales. On 28 February the Minister made an order under section 19 (3) of the Banks and Bank Holidays Act appointing 7 September as a regional public holiday for the metropolitan area and local government areas of Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, City of Sydney, Fairfield, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Warringah, Waverley, Willoughby and Woollahra. These are referred to as the designated holiday areas.

Section 19 (7) of the Banks and Bank Holidays Act merely stipulates that such an appointed holiday requires the closure of banks. It is left to the holiday clauses of industrial instruments to specify the days on which people are entitled to be absent from work or to payment of penalty rates in lieu of a paid holiday. It is through this mechanism that public holidays under the Banks and Bank Holidays Act are recognised and entitlements enforced under the New South Wales industrial system. Generally, major New South Wales private sector awards only sanction worker absences for holidays proclaimed or gazetted for or throughout the State.

For the most part awards do not recognise localised holidays, and employee absences on those days are often permitted by local custom. Many public sector industrial instruments make provision for regional public holidays; however, entitlements vary markedly. The Government is concerned that confining the declared APEC holiday to the designated holiday areas may not attract the usual public holiday entitlements without explicit action by the Government. That is the principal rationale for this bill.

The Industrial and Other Legislation Amendment (APEC Public Holiday) Bill will deem 7 September as a paid public holiday under State industrial instruments for those employees who would otherwise be required to work on that day in the designated holiday areas. This will ensure that the public holiday entitlements set out in State awards and enterprise agreements will be available to workers who are employed under those instruments in the regions covered by the declaration. I take this opportunity

to clarify that the public holiday takes effect in relation to businesses, schools, workplaces and other services within the designated holiday areas. It does not operate on the basis of a person's place of residence. If you live outside the designated holiday area but work inside it your workplace will be subject to the public holiday. And if you are employed under a State industrial instrument you will either get a paid day off or get penalty rates if you are required to work on that day. But if your workplace is outside the designated holiday area your workplace will not be subject to the public holiday; your workplace will still open and you will still be required to work, even if you live inside the designated holiday area.

A minor consequential amendment is proposed to the Long Service Leave Act 1955 to ensure that the APEC public holiday is treated in the same way as other public holidays falling within an employee's period of long service leave. This will ensure that where an employee in the designated holiday areas is on long service leave during the time of the APEC summit, that employee's period of leave will be extended by one day. Constitutional limitations preclude the amendments to State industrial instruments from applying to those employees who are subject to Federal industrial instruments.

For those workers who are engaged under Federal instruments, the entitlement to the APEC public holiday will be governed exclusively by the Commonwealth Workplace Relations Act. That Act creates a wide range of different types of industrial instruments, including awards and different kinds of workplace agreements, and there may be some uncertainty as to whether workers under these instruments will get public holiday entitlements on the APEC holiday. For employees who were previously on State awards but whose awards were converted on 27 March into so-called National Agreements Preserving State Awards [NAPSAs], it seems clear that their entitlement will be subject to the same concerns as for workers still on State awards.

While the bill I now introduce will protect the latter group of employees, it cannot protect the entitlements of those who have been forced into the Federal system. It will require legislative or executive intervention at the Federal level to ensure uniform entitlement to the APEC public holiday under those instruments. The Premier will write to the Prime Minister to invite him to consider similar legislative action if required at the Federal level to ensure that workers in New South Wales who work under the WorkChoices legislation are not disadvantaged as compared with their colleagues under the State system. I stress that the declaration of a public holiday does not amount to a requirement that businesses or other services actually close on the designated day.

Therefore, the appointment of a regional public holiday and the enactment of special State legislation granting a holiday entitlement under State industrial instruments may not be sufficient to reduce crowd levels in the Sydney central business district during the APEC summit. While security planning is still underway, this bill also contains provisions that will enable the Minister for Industrial Relations to declare the closure of general shops in the central business district, should this be required to assist in achieving the optimum level of security. The proposed amendments will have the immediate effect of deeming the APEC day to be a closed holiday for all general shops in the designated holiday areas under the Shops and Industries Act.

However, in line with the framework of the Shops and Industries Act, and in keeping with usual practice well understood by those in the retail industry, the Minister for Industrial Relations will be issuing orders under section 85 (2) of the Act to suspend that effect. Those orders will be published as closely as possible to the time of the commencement of this bill. In other words, despite the bill providing that APEC day will be a closed holiday under section 85 (1) of the Act, orders will be published under section 85 (2) of the Act to ensure that general shops can indeed trade on that day. If developments in the security area later demand it, the Government will be able to vary or revoke those orders to suit those requirements.

It is to be noted that the Shops and Industries Act deals only with what are termed "general shops" and the hours and days on which they may trade. It does not regulate the opening hours of small shops or "scheduled" shops: these include the local corner shop, newsagents, chemists, video shops and the like. But it is the larger shops, such as the department stores, that attract the crowds and raise potential security issues. It is my understanding that the present position is that shop closures in the central business district will not be necessary. However, it must be appreciated by everyone that security is a fluid thing, and the Government cannot ignore genuine concerns about such issues that might arise in the future. If the security settings change, and shop closures are required, this bill means that the Minister for Industrial Relations will be in a position to take action to assist in ensuring that those security outcomes are achieved.

The final aspect of the bill acknowledges that there are a number of other legislative and statutory instruments which may be affected by the declaration of the APEC public holiday on 7 September. These are not laws about industrial relations or shop closures but a range of statutes in various portfolio areas that use the term "public holiday", "business day" or "working day". For example, there are many statutes that require things to be done or actions to be taken within a prescribed number of "business days". "Business day" is usually defined to mean "any day which is not a Saturday, Sunday or public holiday".

The bill inserts into the Banks and Bank Holidays Act a regulation-making power that the Minister for Industrial Relations will be able to exercise to make regulations that clarify whether the use of such terminology in a particular piece of legislation should be taken to include the APEC public holiday or not. The Minister for Industrial Relations would only make such regulations on advice from the Minister who is responsible for the relevant statute. The Minister for Industrial Relations will be writing to his ministerial colleagues to inform them of this power and to invite them to consider whether any relevant regulations need to be made. This power will also be able to be exercised in retrospect should it later become apparent that there was confusion or uncertainty in a particular area about how the APEC holiday should be treated. I commend these bills to the House.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [5.15 p.m.]: I speak on the APEC Meeting (Police Powers) Bill and the Industrial and Other Legislation Amendment (APEC Public Holiday) Bill. The culmination of APEC Australia 2007, running from January to September, will be the APEC economic leaders meeting in Sydney from 8 to 9 September. The meeting will be attended by 21 world leaders, more than 40 Ministers, 400 international business leaders, and more than 6,000 delegates and support personnel, with 1,000 media representatives. This legislation puts in place a number of measures and powers to provide security for both the attendees of the Economic Leaders Meeting and the community of New South Wales. The Premier has stated that the New South Wales Government has been forced to put in place security measures that would

"guarantee the safety of visitors and citizens of Sydney". This House and this Parliament must determine whether these bills deliver an appropriate framework of security.

The APEC Meeting (Police Powers) Bill will confer special powers for police providing security for any of the meetings of the APEC group of economies in Sydney; allow first bail appearances to be made by audiovisual link if the bail proceedings relate to an offence alleged to have been committed in metropolitan Sydney from 20 August until 28 September; amend the Law Enforcement (Powers and Responsibilities) Act to require the Commissioner of Police to report to the Attorney General and the Minister for Police, and subsequently require the Attorney General and the Minister for Police to report to Parliament on the operation of the Act; amend the Terrorism Legislation Amendment (Warrants) Act to postpone the repeal of part 6B (Terrorism) of the Crimes Act to 13 September 2008; and amend the Weapons Prohibition Act to include in the list of prohibited weapons certain items, such as caltrops, that are capable of puncturing the feet, paws or hooves of animals as they pass over them.

The powers being given to police under this bill are substantial and wide-ranging. They span a two-week period—from 30 August until 12 September 2007—to cover the APEC meetings in Sydney and the days before and after. The geographical area referred to in the bill is metropolitan Sydney—defined as the local government areas bounded by Pittwater, Hornsby, Baulkham Hills, Blacktown, Penrith, Camden, Campbelltown and Sutherland shire. While the core declared areas for APEC security are Darling Harbour, Millers Point, The Rocks and the central city area, the bill also provides for additional parts of Sydney to be gazetted as declared areas if in the opinion of the Commissioner of Police and the Minister for Police they are needed.

As I have indicated, police will be given substantial and wide-ranging powers. They will be able to establish checkpoints, cordons and roadblocks, and stop and search vehicles or vessels seeking to enter or that are already in an APEC security area. Police will be able to require a person, if requested, to submit to a search before and after entering an APEC security area. Importantly, they will be able to seize prohibited items including spray paint cans, chains, handcuffs, poles of more than a metre in length, marbles and other round objects, smoke devices, flares, flammable or noxious liquids, laser pointers, and communication jammers. These are all items that can be used as weapons against police, other members of the public, police horses and dogs, as well as buildings, cars and infrastructure. Quite rightly, police will be able to give reasonable directions to the public and to close, where directed by the police commissioner, roads and order the removal of vehicles or objects.

Police will be able to search any premises, other than private homes, in a restricted area without a warrant and request identification and have proof produced, if requested, from anyone seeking to enter a restricted area. Police will also be able to remove any person within the Asia-Pacific Economic Cooperation security area for failing to identify themselves, or if they have in their possession or control prohibited items, or if they do not have special justification for being in the area. One of the controversial provisions is a presumption against bail for any offence alleged to have been committed in an APEC security area that involves the assault of a police officer, or malicious damage to property, or throwing a missile as a police officer. It is argued that there is little point in police arresting someone for such an offence only to have the person subsequently bailed, return to the area and commit another offence before the police officer has had a chance to finish the paperwork.

I note that some sections of the community have expressed concerns about stop, search and detain powers. I am sure we will hear more bleating about that. There is no doubt that these powers will be used by police to stifle protests that run the risk of getting completely out of control. At the end of the day, it is about ensuring that we provide a safe framework for our visitors and our workers. Bear in mind that literally thousands of workers will provide food and other much-needed services. The bill is about ensuring that everyone who is in the APEC security area is as safe as possible, and ensuring that the general public has an understanding that unless anyone has a legitimate reason for being in the area there is no reason to be there. No doubt the ability of the Commissioner of Police to prepare lists of persons who he is satisfied would pose serious threats to the safety of persons or property, or both, in an APEC security area will raise the ire of some members.

I am sure we will hear more about that from people who have been prepared to sign a letter, including Ms Sylvia Hale, who is most concerned about the extent of the legislation. I have seen a list of the people who are vehemently opposed to the bill. I suspect it might be the start of the list of people who should not be in the security area. The Greens hosted a press conference held by Michael Bozic from the New South Wales Council for Civil Liberties, who was reported by Australian Associated Press [AAP] yesterday as likening the bill to something that former Queensland Premier Joh Bjelke-Petersen would be proud of. But what is not

acknowledged is that today we live in a very different world from that under Sir Joh. Terrorism was basically unheard of in Australia in the early 1970s, save for a series of bombings linked to Croatian extremists in the late 1960s and early 1970s. It is interesting that this is the second opportunity we have had, and in two completely unrelated debates, to reflect on the bombing at the Hilton hotel, the site of the Commonwealth Heads of Government Regional Meeting in February 1978 that highlighted the need for heightened security during meetings of world leaders hosted by our country.

As a result of the bombing two innocent garbage collectors, who were referred to earlier in a debate on trade unionism, and Police Constable Paul Burmistriw were killed in the explosion. Australia's perception that we were a safe haven from violence was shaken to its core. Since 1978 there have been several terrorist attacks on Australian interests, including the 1986 bombing of the Turkish Consulate General in Melbourne and the September 2004 bombing outside the Australian Embassy in Jakarta. The devastating targeting of tourists during the Bali bombings in 2002 and 2005 was also directed largely at Australians. What we do not want to see emanating from the Asia-Pacific Economic Cooperation meeting is innocent people injured or worse because we did not take appropriate measures. Some will say that the legislation is draconian, we should not have it, it goes too far and it denies people their natural right to protest or express their views, but at the end of the day this is an extraordinary and remarkable event. A number of people will visit a very small area within the Sydney central business district. There must be guarantees that visitors who attend and workers who participate in the event are protected to the best of our ability.

We hope that the legislation is the result of the best level of information given to the Government by the New South Wales Police Force, the Australian Federal Police and any other associated bodies. We trust, and I hope, that the authorities have not suggested other measures that are not the subject of the legislation. We hope that everything has been targeted. We want the meeting to take place in a safe environment. We do not want to see innocent people injured, and we most certainly do not want a negative impression of this country portrayed by those who will see the event as an opportunity to get their faces or the names of their various groups in the headlines. If they want to protest they should not put their own members at risk. They should go to Homebush—thousands of them—where they can march up and down outside Stadium Australia, where they will not be a risk to themselves or anybody else. They can even take some TV cameras to film them protesting. But they should do so in a way that does not place visitors and workers who are participating in the event at risk. The Opposition is very pleased to support the bill in the context of the advice we have been given.

I turn to the cognate bill, the Industrial and Other Legislation Amendment (APEC Public Holiday) Bill, which makes Friday 7 September a public holiday for the purposes of State awards in local government areas of the Sydney metropolitan area. To support the massive security and logistical demands being placed on Sydney during the meeting the State Government has agreed to significant road closures in the Sydney central business district, and to reduce traffic and pedestrian movements in and around the central business district by declaring a public holiday on 7 September, which will be the busiest weekday for the forum. There can be little doubt that a large number of motorcades travelling to and from Sydney airport to The Rocks, Darling Harbour and Millers Point will create traffic congestion at best and chaos at worst. The declaration of a public holiday is designed to ensure that as many people as possible stay out of Sydney, off the roads and off public transport.

I note that the Minister for Police in another place indicated that provisions to require the closure of general shops, for example, department stores, large retailers and supermarkets, will be implemented only if security advisers make such a recommendation. The bill provides that the State will not be liable to pay compensation for economic loss in respect of anything done or omitted in good faith in connection with an APEC-related matter. The Government has a history of failing to properly plan, implement and advise the public on major events. This is one area of concern. Even the Deputy Premier, John Watkins, admitted that there would be problems. On 30 April John Watkins said that the disruption of the APEC meeting would be 50 times worse than that caused by the visit by United States Vice President Dick Cheney.

We are really concerned that, given most of the issues will be traffic related, Eric Roozendaal, the Minister for Roads, will be in charge. Perhaps we could extend the legislation to incorporate the Minister for Roads having a public holiday and having someone else step in to take control. It will come as no surprise that the Premier and other Government members have stepped away from the prediction by John Watkins. He was sent to the naughty chair for what he said. It has been left to the Premier to mop up the mess. We have seen two recent examples of the failure of the Government to plan for major events. The first was a visit to Sydney by United States Vice President Dick Cheney in February. In general, Sydneysiders were not warned and not prepared for substantial changes to traffic and pedestrian access from Sydney airport, through the central



business district and extending over the Sydney Harbour Bridge to Kirribilli. We also had the visit by the *QE2* and the *Queen Mary*.

Sydney ground to a halt as an entire community tried to catch a glimpse of the *Queen Mary* during her stay and the *QE2* during her brief encounter with Sydney. The chaos was highlighted by my experience. During the day I tried to leave Parliament House to drive to Macquarie Fields. It took me about an hour to get out of the back of Parliament House, down Hospital Road and turn into Shakespeare Place to the traffic lights just outside the State Library, a distance of about 150 metres, all because of the traffic chaos this Government and, in particular, the Minister for Roads and the Minister for Police did not plan for. As a result of these experiences and in light of the road closures and security disruptions caused by world leaders travelling to Sydney, there is a high probability that Sydney's transport system will not cope with a normal business working day in the central business district.

On 5 June the New South Wales Business Chamber released a statement indicating that it had asked in February for special legislation to be introduced to create an APEC public holiday and commented that the new power to allow the Government to close businesses throughout the central business district and surrounding suburbs on the basis of security issues was probably not warranted because businesses are pragmatic and will close if the police request them to do so. The Shopping Centre Council, while noting the proposed changes, has expressed no specific concerns about their impact on its members. In the light of these factors, the Coalition will not oppose these bills.

In conclusion, I point out to members, particularly members of this House who may see themselves as playing some type of advocacy role in ensuring that protesters are able to stand at the barricades and have their say, that protesters will not get within a bull's roar of APEC delegates, who will not hear or see protesters or even know they exist. They will not know that protesters were even present. I ask those honourable members for once in their lives to think about the police officers who provide security for the conference. I urge them not to take their normal course and engage in violence. They should think about police officers, whom some members of this House purport to support in relation to workers compensation. After all, if protesters and members of this House take out their frustrations and anger on innocent, hardworking police officers, those police officers will end up in hospital—as a result of injuries that are probably not covered by workers compensation, as some members of this House have acknowledged. I urge those members to do the right thing for once. Take the weekend off and go to Byron!

**Ms SYLVIA HALE** [5.31 p.m.]: The Greens oppose this bill on three grounds: first, it gives to the police powers that are disproportionate to the risk that our city faces; second, the new powers are not subject to proper judicial review or oversight and are part of an ongoing process of creeping expansion of discretionary police powers in this State; third, the bill dramatically diminishes the ability of this State's citizens to exercise their right to peacefully protest in public places. I foreshadow that the Greens will oppose the bill. I will move an amendment to remove the excluded persons list provisions.

Increasingly, laws are subject to suspension in New South Wales: a state of exception mentality rules. If the Government thinks the courts or laws are impeding its exercise of sovereign power, the Government simply asks a compliant Parliament to suspend those laws for the special period. We have heard of that before—in Northern Ireland and in apartheid South Africa, for example. But the state of exception can, and no doubt will, be used as a precedent the next time there is an expectation of public protest, and so the increased powers slowly will become entrenched.

This legislation permits such measures as the creation of secret lists of excluded persons, but provides no criteria for determining who will be on the list, no right to know who is on the list, and no right of judicial review of a person's inclusion on the list. To say the least, that is a dangerous path for any democratic state to pursue. This sort of measure takes us back to the worst days of the police special branch and the discredited secret files the branch kept on people it deemed to be political activists. I am concerned that through this bill we are creating a climate whereby holding dissenting political views is enough for anyone to be considered a threat. Yet again we are being rushed into passing legislation that is inimical to the fundamental principles underpinning a democratic society.

History gives us ample warning about laws of this type, as do some of the classic novels of our literature. It is impossible, when reading this bill, not to think of George Orwell and Franz Kafka. With this legislation we are again increasing the powers of the police to spy on our citizens, to exclude people from public spaces, to search cars and premises, and to seize possessions. Since 1988 there has been a steady increase in

such powers. This increase in police powers progressively has undermined some key common law rights of the State's citizens including: the right of habeas corpus, the right not to be detained without good and lawful reason; *detinue*, which is the right to take action for the wrongful detention of goods; the right to freedom of assembly; and the right to be treated as innocent until proved guilty.

Usually the increase in police powers comes in response to law and order stories in the popular press or to specific incidents such as the Cronulla race riots. The motivation has been to allay community concern, whether genuine or confected by tabloid media commentators, by increasing police powers. It has not mattered that adequate powers may have already existed. That has not deterred the Government from passing legislation that not only restates those powers but also accumulates greater discretionary powers in the hands of the police. Public access to information that has been gathered and used by police has become more restricted. Judicial and parliamentary oversight of police power has been diminished.

Laws that have increased discretionary police powers and that have reduced the civil liberties of the individual include the Sydney Harbour Foreshore Authority Act (Regulation 2006). The Sydney Harbour foreshore area covers the foreshore area in the central business district, Darling Harbour and Pyrmont, The Rocks and Ballast Point in Balmain. The regulations clamp down on a lot of activities within those areas. For example, a person must not, without authority, busk or collect money, camp or sleep overnight. The result is that homeless people can be moved on as the police or the officers of the authority see fit. The regulation requires that a person must not paint, erect or affix any decoration, sign or other equipment; climb any tree, sculpture, decoration, flagpole or other fixture; or conduct or participate in any public assembly in any public area, unless authorised by the authority.

After that we had a spate of anti-terrorism laws introducing, among other measures, preventative detention without charge. The terrorism laws appear to violate both the International Covenant on Civil and Political Rights, Article 9 (1) and Article 17, and the United Nations Convention on the Rights of the Child, Article 16 and Article 37 (b), which deal with arbitrary detention and interferences with privacy. In addition, they appear to contravene Article 3 of the International Covenant on Civil and Political Rights, which guarantees that those whose rights or freedoms are violated must have access to an effective remedy in the courts.

The Terrorism (Police Powers) Act 2002 granted senior police the power to act without warrant against unspecified targets and condoned overt and covert searches of premises. This was followed by the Terrorism (Police Powers) Amendment (Preventative Detention) Act 2005, which further strengthened the powers granted to police under the 2002 Act. The Preventative Detention Act permits an individual to be held without charge; allows people to be detained for up to 14 days without anyone else's knowledge; permits the making of an application to imprison someone without notice being given to that person and the withholding of information from that person; and allows the monitoring of contact between a suspect and their lawyer.

That was followed by the 2006 amendments to the Law Enforcement (Powers and Responsibilities) Act, known as the Cronulla race riots laws, which allows for cordons and roadblocks to be set up and gives police the power to prevent entry to or leaving of an area; increases the penalty for riot from 10 to 15 years and for affray from 5 to 10 years; permits police to search vehicles, persons and their possessions; and authorises the seizure of vehicles and mobile phones for up to seven days. Some of those powers already existed. Other powers were augmented or penalties were increased. Today, within the APEC Meeting (Police Powers) Bill we see yet another new level of control. Police will be able to prevent public assemblies anywhere near the conference or near a related event or area. Incidentally, police will have the power to determine any area as a declared area, and not be constrained by those that are defined in the bill.

The police, the masters of our new world order, can meet, safely insulated against unsightly eruptions of peaceful democratic protest on the streets. Protestors must be not seen and must not be heard. They are removed from the scene altogether. The police already have the power to close down whole areas of the State by creating roadblocks. The bill extends those powers even further and permits much of the city to be a no-go zone by authorising the police to pronounce parts of the city as areas. Indeed anywhere, not just those areas shown as the core declared areas, can be made a declared area should the police so wish. There is absolutely no guarantee, despite the remarks by the Leader of the Opposition, that even Homebush may not be a declared area.

What else will this bill authorise the police to do? Police can erect fencing and barricades and create checkpoints; stop and search vehicles or persons about to enter or who are in declared areas; and ask for identification from persons in declared areas or about to enter the areas. And there is no indication as to what

form of identification would be satisfactory, no criteria has been established. The bill allows police to confiscate various items including poles longer than one metre, jamming devices, marbles or ball bearings, spray paint cans, lock-on devices, chains, handcuffs, and so forth.

The Commissioner of Police, moreover, is empowered during the APEC period to prepare a list of excluded persons if the commissioner is satisfied they are persons who would pose serious threats to the safety of persons or property, or both, in an APEC security area. That is the most Kafkaesque part of the bill. People can be placed on an exclusion list without knowing why they have been placed on the list, indeed without even knowing that they have been placed on the list. According to a public comment from the office of the Minister for Police, a person should just know that they are on the list. That is disturbingly reminiscent of the predicament of Josef K, in Franz Kafka's novel, *The Trial*. K found himself arrested and in front of a court trying to defend himself but with absolutely no knowledge of why he was there or of what he was accused.

Under this bill people can be placed on a list, which can be a secret list, and not be told if or why they are on the list and, as a result of their inclusion, be excluded from whatever areas the police determine they cannot enter. It is probable that the Commissioner of Police will list well-known activists, some of who may have a trial pending, but against whom no offence has been recorded. It is probable that the list will include people who have been arrested at earlier public protests only to have the police subsequently drop the charges because those charges were unsustainable. It is probable that the police will have on their list well-known activists whom they simply prefer not be there; people who may never have been arrested or charged with anything. But we will never know, as there is no requirement for the list to be made public.

**Debate adjourned on motion by Ms Sylvia Hale and set down as an order of the day for a future day.**

## **COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

### **Establishment and Membership**

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

MR PRESIDENT

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

That, in accordance with section 67 (1) of the Health Care Complaints Act 1993, the following members of the Legislative Assembly be appointed to serve on the Committee on the Health Care Complaints Commission:

Mr Hickey  
Mrs Hopwood  
Dr McDonald  
Mr Morris

That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

**Consideration of message set down as an order of the day for a future day.**

## **COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION**

### **Establishment and Membership**

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

MR PRESIDENT

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

That, in accordance with section 31C (1) (b) of the Ombudsman Act 1974, the following members of the Legislative Assembly be appointed to serve on the Committee on the Office of the Ombudsman and Police Integrity Commission:

Mr Draper  
Ms D'Amore  
Mr Kerr  
Mr Pearce

That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

**Consideration of message set down as an order of the day for a future day.**

## **COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

### **Establishment and Membership**

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

MR PRESIDENT

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

That, in accordance with section 29 (1) (b) of the Commission for Children and Young People Act 1998, the following members of the Legislative Assembly be and hereby appointed to serve on the Committee on Children and Young People:

Ms Andrews  
Mr Cansdell  
Dr McDonald  
Ms Tebbutt

That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

**Consideration of message set down as an order of the day for a future day.**

## **JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**

### **Establishment and Membership**

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

MR PRESIDENT

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

- (1) That a Joint Standing Committee, to be known as the Joint Standing Committee on Electoral Matters, be appointed.
- (2) That the Committee inquire into and report upon such matters as may be referred to it by either House of the Parliament or a Minister that relate to:
  - (a) The following electoral laws:
    - (i) Parliamentary Electorates and Elections Act 1912 (other than Part 2);
    - (ii) Election Funding Act 1981; and
    - (iii) those provisions of the Constitution Act 1902 that relate to the procedures for, and conduct of, elections for members of the Legislative Assembly and the Legislative Council (other than sections 27, 28 and 28A);
  - (b) The administration of and practices associated with the electoral laws described at (a).

- (3) All matters that relate to (2) (a) and (b) above in respect of the 24 March 2007 State election, shall stand referred to the Committee for any inquiry the Committee may wish to make. The Committee shall report on the outcome of any such inquiry within 12 months of the date of this resolution being agreed to by both Houses.
- (4) That the Committee consist of seven members, as follows:
- (a) three members of the Legislative Assembly of whom three must be Government Members, and
  - (b) four members of the Legislative Council of whom:
    - (i) one must be a Government member,
    - (ii) two must be Opposition members, and
    - (iii) one must be a crossbench member.
- (5) That Ms Beamer, Ms Burton and Mr Coombs be appointed to serve on such Committee as the members of the Legislative Assembly.
- (6) That notwithstanding anything contained in the standing orders of either House, at any meeting of the Committee, any four members of the Committee will constitute a quorum, provided that the Committee meets as a joint committee at all times.
- (7) That the Committee have leave to sit during the sittings or any adjournment of either or both Houses.
- (8) That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint four of its members to serve with the members of the Legislative Assembly upon such Joint Standing Committee, and further requests that the Legislative Council fix a time and place for the first meeting of the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

**Consideration of message set down as an order of the day for a future day.**

## **LEGISLATION REVIEW COMMITTEE**

### **Establishment and Membership**

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

MR PRESIDENT

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

That, in accordance with section 5 (1) (b) of the Legislation Review Act 1987, the following members of the Legislative Assembly be appointed to serve on the Legislation Review Committee:

Mrs Hopwood  
Ms McMahon  
Mr Pearce  
Mr Shearan  
Mr R. W. Turner

That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

## **JOINT STANDING COMMITTEE ON ROAD SAFETY**

### **Establishment and Membership**

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

MR PRESIDENT

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

That a Joint Standing Committee (to be known as the Staysafe Committee) be appointed to inquire into and report on road safety in New South Wales with the following terms of reference:

1. As an ongoing task, the Committee is to—
  - (a) monitor, investigate and report on the road safety situation in New South Wales, and
  - (b) review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.

Without restricting the generality of the foregoing, the following are to be given urgent consideration:

- (i) countermeasures aimed at traffic accidents associated with alcohol and other drugs;
  - (ii) traffic law enforcement measure and their effectiveness;
  - (iii) a review of human factors affecting traffic accidents, especially those relating to driver and rider licensing requirements and standards;
  - (iv) The social and economic impact of death and serious and debilitating injuries resulting from traffic accidents; and.
  - (v) heavy vehicle safety.
2. That such Committee consist of seven member of the Legislative Assembly and three members of the Legislative Council and that, notwithstanding anything contained in the standing orders of either House, at any meeting of the Committee, any five members shall constitute a quorum provided that the Committee shall meet as a Joint Committee at all times.
3. That Mr Corrigan, Ms Fardell, Mr Harris, Ms Hay, Dr McDonald, Mr Maguire and Mr Souris be appointed to serve on such Committee as the members of the Legislative Assembly.
4. That the Committee have leave to sit during the sittings or any adjournment of either or both Houses.
5. That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three of its members to serve with the members of the Legislative Assembly upon such Joint Standing Committee, and further requests that the Legislative Council fix a time and place for the first meeting of the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

## COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Establishment and Membership

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

MR PRESIDENT

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

That, in accordance with section 65 (1) (b) of the Independent Commission Against Corruption Act 1988, the following members of the Legislative Assembly be appointed to serve on the Committee on the Independent Commission Against Corruption:

Mr Coombs  
Mr Harris  
Ms McKay  
Ms McMahon  
Mr O'Dea  
Mr Stokes  
Mr Terenzini  
Mr J. H. Turner

That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three of its members to serve on the Committee.

Legislative Assembly  
21 June 2007

RICHARD TORBAY  
Speaker

## BUSINESS OF THE HOUSE

### Suspension of Standing Orders: Consideration of Legislative Assembly Messages

#### Motion, by leave, by the Hon. Penny Sharpe agreed to:

That standing orders be suspended to allow the consideration of the Legislative Assembly's messages relating to the Joint Standing Committee on Road Safety, the Legislation Review Committee and the Committee on the Independent Commission Against Corruption, in globo, forthwith.

## PARLIAMENTARY COMMITTEES

### Establishment and Membership

#### Motion by the Hon. Penny Sharpe agreed to:

##### (1) Joint Standing Committee On Road Safety

1. That this House agrees to the resolution in the Legislative Assembly's message of Thursday 21 June 2007 relating to the appointment of a joint select committee to inquire into and report on road safety in New South Wales.
2. That the representatives of the Legislative Council on the joint select committee be Mr West, Mr Colless and Mr Brown, and that Tuesday 26 June 2007 at 12.30 p.m. in room 1043 be the time and place for the first meeting.

##### (2) Legislation Review Committee

1. That, under section 4 of the Legislation Review Act 1987, a joint committee known as the Legislation Review Committee be appointed.
2. That, under section 5 (1) (a) of the Act, Ms Fazio, Ms Parker and Mr Smith be appointed to serve on the committee as members of the Legislative Council.

##### (3) Committee on the Independent Commission Against Corruption

1. That, under section 63 of the Independent Commission Against Corruption Act 1988, a joint committee known as the Committee on the Independent Commission Against Corruption be appointed.
2. That, under section 65 (1) (a) of the Act, Mr Donnelly, Mr Ajaka and Revd Mr Nile be appointed to serve on the committee as members of the Legislative Council.

**Messages forwarded to the Legislative Assembly advising it of the resolutions regarding the joint committees.**

## ADJOURNMENT

**The Hon. PENNY SHARPE** (Parliamentary Secretary) [5.56 p.m.]: I move:

That this House do now adjourn.

## HUMAN RIGHTS IN CHINA

**Mr IAN COHEN** [5.56 p.m.]: The safeguarding of human dignity and humanity is a fundamental requirement of the Olympics. In order to win the right to host the 2008 Olympic Games, the Chinese regime promised improvements on human rights in China. However, recent reports from the United Nations Human Rights Commission and Amnesty International clearly indicate that the human rights situation in China is deteriorating. Particularly hard-hit is the community of Falun Gong practitioners. Since the communist regime began its full-scale crackdown on Falun Gong, 3,030 deaths due to persecution have been confirmed overseas, despite strict information blockades. In March 2007 United Nations Special Rapporteur Nowak reported that Falun Gong practitioners accounted for 66 per cent of victims of alleged torture while in government custody. Witnesses have come forward, one after another, since 9 March alleging that the communist regime has built Nazi-like concentration camps to incarcerate Falun Gong practitioners. A large number of practitioners had vital organs removed while they were alive and their bodies were cremated.

No doubt the Falun Gong genocide is the worst human rights disaster in current-day China. If this genocide does not stop, any window-dressing gestures can only be deceits aimed at manipulating international

communities. If this genocide does not stop China would not be a fit host for the Olympic Games. The Olympics and crimes against humanity cannot coexist in China. A Chinese court put off the trial of an environmental activist once hailed a hero for protecting the country's third largest lake to investigate accusations that he was tortured. Wu Lihong, aged 39, a candidate in 2005 in a national campaign to name 10 people who moved China with their service to society, was due to go on trial on 12 June in Yixing, in the eastern province of Jiangsu, on charges of blackmail.

This week the wife of dissident Guo Feixiong, aged 40, called for a United Nations investigation into his cruel and inhumane treatment in custody, including electric shocks to his genitals. Authorities in the central province of Henan put AIDS activist Gao Yaojie, aged 80 this year, under house arrest for two weeks to prevent her from receiving a human rights award in the United States. Gao was allowed to leave only after United States Senator Hillary Clinton asked the Chinese President, Hu Jintao, to intervene. Since early April Chinese police have been secretly issuing "Notification on Strictly Carrying Out Background Investigations on Candidates for the Olympics and Performing a Pre-selection Test" to each province and autonomous region, and to police stations and bureaus in municipalities directly under the central government.

International Olympic Committee members are among the categories under investigation, and included in that group are "International Olympic Committee members and guests invited by the officials of international sports associations"; "officials of the International Single Item Sports Association, referees and their invited guests"; and "officials of the Executive Committee in the organisation committee of the host country, host city mayor, host city leadership in the government and their invited important guests". Under investigation also are "all Olympic staff members, including International Olympic Committee employees, volunteers, contractors, security and temporary staff, and all others falling into that category".

Benchmarks for background investigation have been issued relating to groups that must be excluded from Olympic Games and competitions. Those groups include "China's enemies", who are said to be: overseas hostile forces and hostile organisation members; key individuals in ideological fields; individuals who disturb social stability; hostile individuals in mainland China; individuals who were handicapped during riots and those who endanger society and family members of deceased people; individuals who were sentenced because they committed anti-revolutionary or other crimes and are thus considered a threat to national security, close relatives of such individuals, and individuals who have close ties to them; and individuals who escaped overseas and any suspicious associates. Also included are Falun Gong and other organisation members and associated organisations who are supporting Falun Gong, and "members of 14 organisations that are evil cult or organisations and assumed the mantle of religions, those that were identified by relevant state agencies and members of seven existing cult organisations".

The list goes on to include religious extremists and members of such religions, members of illegal organisations who reside locally or individuals abroad who are arrested or sentenced for being engaged in unlawful religious activities. It is certainly Kafkaesque and it certainly reflects what is happening in this place with the introduction of the Asia-Pacific Economic Cooperation [APEC] bill. I will conclude by quoting from an essay entitled *The Sporting Spirit* by George Orwell. He wrote:

... sport is an unfailling cause of ill-will, and ... if such a visit as this—

He was referring to the 1945 tour of Britain by a Russian football team—

had any effect at all on Anglo-Soviet relations, it could only be to make them slightly worse than before ... I am always amazed when I hear people saying that sport creates goodwill between the nations, and that if only the common peoples of the world could meet one another at football or cricket, they would have no inclination to meet on the battlefield. Even if one didn't know from concrete examples (the 1936 Olympic Games, for instance) that international sporting contests lead to orgies of hatred, one could deduce it from general principles.

[Time expired.]

## **VINNIES ESCAPE FROM POVERTY 2007 WINTER SLEEPOUT**

### **VINNIES CATHOLIC EDUCATION WINTER SLEEPOUT**

#### **TRIBUTE TO GREG DUGAN**

**The Hon. KAYEE GRIFFIN** [6.01 p.m.]: St Vincent de Paul is a household name in Australian society. Vinnies, as it is affectionately known, has long provided food, shelter and accommodation to the



country's underprivileged. Most importantly, Vinnies sets out to raise awareness of homelessness and poverty throughout Sydney and the State of New South Wales. Vinnies Escape from Poverty campaign has organised the 2007 Winter Sleepout, which will be held tonight at Telstra Stadium. Chief executive officers [CEOs] from throughout the city are invited to take part in the sleepout, and employees are also encouraged to get their employers involved through the Dob in your Boss campaign. This allows staff to volunteer their bosses to take part in the sleepout. The purpose of the sleepout is to raise awareness about what it is like to be homeless in Sydney. The event also raises much-needed funds to assist the homeless and those living in poverty. In many cases the chief executive officers make a donation to the value of a night's accommodation at a five-star hotel.

Last year the participants were treated to a musical performance by some residents of the Matthew Talbot Men's Hostel. These men also had the opportunity to sit down and talk to many of the chief executive officers about life on the streets. The chief executive officers who took the time to participate in the event got to see what it was really like to live on the streets during winter. The night also included a discussion about the link between mental health issues and homelessness. Last year the State president of St Vincent de Paul stated:

Mental illness is one of the biggest ills facing society and a leading cause of homelessness.

He indicated that 75 per cent of homeless men and women in New South Wales and the Australian Capital Territory have some form of mental illness. Because of the success of last year's sleepout the Vinnies Catholic Education Winter Sleepout was organised. It allows teachers and students to give up their warm beds for one cold night under the stars. This sleepout will take place at Eastern Creek Raceway on the same night.

St Vincent de Paul was founded by Frederic Ozanam in April 1833 after he walked through the poorer suburbs of Paris and saw the terrible circumstances in which people were living. He was on his way to university when he decided to gather a group of friends to discuss what they could do to assist the poor. This group of friends adopted the name Society of Saint Vincent de Paul after the patron saint of charity. Within one year of this gathering the society numbers had flourished to more than 100 members. In its first decade the society spread to 48 cities in France and Italy and its membership reached more than 9,000. The first Australian conference was started by Father Gerard Ward at the St Francis Church in Melbourne in March 1854, and in July 1881 the society started at St Patrick's Church in Sydney.

Sadly, even today too many families are living below the poverty line, and the hardworking men and women of St Vincent de Paul continue to give these families much-needed assistance. Unfortunately, just one night of sacrifice does not solve the serious problems facing our society, such as poverty and families living on the breadline. However, it is a timely reminder of the issues that people face on a daily basis and it also reminds us how much we take for granted in our own lives.

I also note the passing of a former work colleague, Greg Dugan, who died on 11 June 2007 aged 59 years after a battle with cancer. "Duges", as he was affectionately known by his family and friends, or "Darcy", as he was known by his army mates, was a lifelong resident of Belmore, originally living there with his parents and sister and then with his wife, Peta, and daughter, Alex. He spent most of his working life at Canterbury City Council as an engineer. As a 20-year-old conscript he was sent to Vietnam with the 4th Field Regiment. Greg was very kind and generous to his family, friends and local community. He joined the local RSL in 1971 and on Anzac Day always attended Mass at St. Josephs at Belmore, had breakfast at the Belmore RSL with friends, and then joined his mates for the Anzac Day march in the city.

I have known Greg since 1981 and to my knowledge he always had a smile on his face, was very caring and had a wicked sense of humour. He faced his illness with great dignity and some understatement. In his eulogy his sister described how during his last stay in hospital he had asked her why she was crying and she said it was because he was ill. Greg replied that he was not ill, just crook—a typical Duges response. St John Vianney Church at Greenacre was packed with family and friends acknowledging their respect and celebrating Greg's life. I think the following words in the *Sydney Morning Herald* are the essence of Greg:

Life is not measured by the years you live, but the deeds you do and the joy you give.

I extend my deepest sympathy to his wife, Peta, daughter, Alex, and his extended family. We will miss his humour, generosity and kindness

## **NEW SOUTH WALES NATIONALS ANNUAL CONFERENCE, SINGLETON**

### **ROWENA GILBERTSON FAREWELL**

**The Hon. MELINDA PAVEY** [6.05 p.m.]: Last weekend I had the pleasure of attending the New South Wales Nationals Annual Conference in Singleton, which was hosted by The Nationals Upper Hunter

Electorate Council. Loyal Nationals members from across New South Wales and some from interstate converged on Singleton one week after the devastating Hunter floods, helping to lift the town's spirits and providing a much-needed economic boost. The conference was the last under the chairmanship of Patrick Maher, who, as per the party's constitution, was stepping down from the position after holding it for five years. Over the past five years Patrick, who is from Tamworth, has worked hard behind the scenes and, as the organisation's head, has faced two State elections and one Federal election. His highlight as chairman was The Nationals winning the seat of Tamworth in a by-election in 2001 and winning the State seats of Tweed and Murray-Darling in the March State election. I thank Patrick for his dedicated service, which I know will continue. I thank him also for his friendship and support of me over the years.

Christine Ferguson of Gundagai was elected unopposed as the new party chairman. I know that she will make a magnificent contribution. She will be ably assisted by the two vice-chairmen, party stalwart Paul Davey and Peter Comensoli. The conference also conferred life membership on the member for Gwydir and former Federal leader of The Nationals and Deputy Prime Minister, John Anderson. The awarding of the life membership came as a surprise to John Anderson. However, delegates were greatly moved by his acceptance speech in which he spoke passionately about the need for a country-based party to represent the needs of our country and coastal communities. In an emotional address to delegates John Anderson highlighted the real need for our party to stand up for communities outside the big cities. He told the conference:

... the intake of country kids into the nation's medical schools was running at 5%—

when the Coalition came to office—

and yet we had known and the bureaucrats had shamefully known for 50 years that if you don't have it running at around 25 to 30% you don't have enough doctors for rural areas and nothing had been done about it. One of our premier medical institutes had 2% only of their intake from rural postcode areas. We have now got that 25 to 30%.

That will give us a supply of doctors and specialists we need for the future and hundreds of millions of dollars have gone into that.

John Anderson also referred to AusLink, the first national transport infrastructure plan, and said:

After 100 years of Federation, we had no national transport infrastructure policy plan. There wasn't one and there is now and it is called AusLink and as it grows and evolves and matures it will ensure we actually run transport infrastructure properly not on an ad hoc basis and no more so than you would run health or a tax policy on an ad hoc basis but on the basis of genuine intellect, input and meeting the country's needs.

John Anderson also highlighted to the conference the fact that the national water plan—created by him and The Nationals—has been acknowledged by the Organisation for Economic Co-operation and Development as the world's stellar water policy approach. That is a gift from The Nationals: the greatest environmental achievement of the last term of government.

The Nationals is a true grassroots organisation whose members' contributions are valued and respected. I was proud of the delegates and the quality of debate on many of the motions, such as the need for regional communities to seek out opportunities on carbon trading as part of the greenhouse issue. A motion moved by the Port Macquarie branch to ban smoking in cars while in the presence of children was passed. Interestingly, a motion calling on the party's parliamentarians to be bound by conference motions was defeated on the basis that the membership respects that we are elected to represent all our constituents, not just party members. It is a good party that appreciates and accepts that fact.

I also take this opportunity to acknowledge publicly the help and assistance of my researcher Rowena Gilbertson, who is leaving my office this week to take up a position in the private sector. It is always bittersweet to lose a valued staff member. However, the bitterness is tempered by the knowledge that she is advancing her career by taking up a position with the leading Sydney government relations and public affairs firm Statecraft. I always take the view that it is better to surround yourself with people who are smarter and brighter than you are, and Rowena, a lawyer, certainly fits into that category. She has an exciting professional life before her. I wish her well and know that our paths will continue to cross into the future.

## **LOCAL COUNCIL PLANNING POWERS**

### **DEVELOPMENT COMPANIES POLITICAL DONATIONS**

**Ms SYLVIA HALE** [6.09 p.m.]: There is a push on to take local councils out of planning decisions in this State. This campaign, if successful, will result in a development free-for-all and the destruction of large

parts of the State's environment and heritage. It should be opposed, and the planning Minister should rule out such changes, but his recent public statements indicate the Government is supporting the campaign. This latest push is from the Property Council of Australia and the Urban Development Institute. These are front groups for the State's biggest property developers, who are trying to maximise the profits to be made from development at the expense of local communities, our heritage and the natural and urban environment.

The biggest problem with the planning process in this State is not where the decisions are made or how long they take. The problem is that developers are paying millions of dollars to the major political parties in an attempt to influence planning policy and individual planning decisions in this State. This has been recognised by the community and expressed by many community leaders and commentators in recent times. Former Labor Prime Minister Paul Keating, at a Local Government Association conference late last year, referred to planning Minister Frank Sartor as "the Mayor for Triguboff" and called for donations from property developers to be outlawed. Michael Duffy, in an opinion piece in the *Sydney Morning Herald* on 23 May 2007, labelled developer donations "an unofficial tax imposed by the New South Wales political class on the development industry". An editorial in the *Sydney Morning Herald* of 10 May 2007 made the following point:

Political donations raise suspicions of favouritism and undermine faith in the fairness of government; they warrant serious investigation and reform. Businesses, individuals and interest groups do not throw around money for the good of democracy. Property developers, clubs, hotels and trade unions are among Australia's most generous political donors. Just what advantage they may be buying is impossible for the public to know. Did a tender win because it was the best on the table, or because it had friends in high places?

Opposition leader Barry O'Farrell, in moving for an inquiry into developer donations, said in his speech to the lower House in May 2007:

In politics perception is reality, and the perception across New South Wales is that something is crook with the electoral system, particularly for the past 12 years under this Government. The perception is that there is a link between political donations and decision-making.

The property industry itself recognises there is a problem. Terry Barnes, the Chief Executive of the New South Wales Urban Taskforce, said recently:

We make the donations reluctantly because the system's there and that's how things are done.

He acknowledged the widespread perception in the community that "developers are getting preference in exchange for money". It is very clear right across the community and the political spectrum that the most pressing need for reform of the planning laws is for a complete ban on political parties and candidates at all levels of government accepting donations from property developers. In this light, the planning Minister's apparent support for stripping local councils of their planning powers will be perceived as the Labor Government repaying its debt to the property industry for the millions of dollars donated to Labor's re-election campaign.

The Minister for Planning has been quoted in the *Sydney Morning Herald* admitting that the Labor Party deliberately chose not to campaign on the proposal to strip local councils of their planning powers. There was no word of this during the election campaign. The Government therefore has no mandate for this proposal, but when the property industry calls the tune the planning Minister dances. The Property Council's push to remove planning powers from local councils, if implemented, will invite corruption and will bring the State's planning process further into disrepute.

The community must be allowed a say over developments in their area. Big developers should not be allowed to make a donation to the Australian Labor Party or the Liberal Party and then lobby the Minister to bypass the community and approve the development. The recent decision to approve the Anvil Hill coalmine is just the latest example of how big money interests override local community interest when decisions are taken away from the community.

The property industry proposal will remove planning powers from the local level and centralise them at the State level, alienating local communities and opening the system further to political influence peddling. If we are to restore confidence in the integrity of the planning system we must ban political parties and candidates from accepting donations from developers and ensure that communities are directly involved in planning decisions that affect their area.

#### **ASIAN DRY CLEANER ELECTRICITY SAVING PROJECT**

**The Hon. HENRY TSANG** (Parliamentary Secretary) [8.14 p.m.]: It was with great pleasure that I represented the Minister for Climate Change, Environment and Water, the Hon. Phil Koperberg, this morning at

the launch of the Asian Dry Cleaner Electricity Saving Project. This is an important initiative of the Ethnic Communities Council of New South Wales, supported by the New South Wales Government, which provided it \$420,000 in funding under the New South Wales Energy Savings Fund. The project was one of 29 energy saving projects costing \$13 million, which will save an estimated 60,000 tonnes of greenhouse gas emissions a year.

We should all be aware of the global risks of climate change and the impact it will have on our lives and the planet. Electricity generation represents 43 per cent of total greenhouse gas emissions in New South Wales, and electricity consumption in New South Wales is growing by 2 per cent a year. By saving electricity, we can make a significant reduction in our State's greenhouse gas emissions and help slow the impact of global warming.

In 2005 the New South Wales Government established the Water and Energy Savings Fund in recognition that upfront costs are one of the major barriers for investment in water and energy savings. This very successful program has supported 148 projects with more than \$83 million. Together they will save more than 12 billion litres of water a year and 150,000 tonnes of greenhouse gas emissions. It has also led to the creation of the New South Wales Government's new \$310 million Climate Change Fund, which will continue to provide financial backing for energy and water savings by business, households, schools and government.

The Ethnic Communities Council of New South Wales recognises the value of this funding to support water and energy savings and it has identified and seized on opportunities to establish new projects to address areas of high water and energy use. The Ethnic Communities Council's Saving Water in Asian-style Restaurants Project was one of the first projects supported under the Water Savings Fund. It targeted water savings from the biggest water user in Asian-style restaurants—the wok stove. Since its launch in August 2006, tens of thousands of litres of water have been saved in restaurants across Sydney and the Central Coast. The program combined education for restaurant staff and a subsidy to encourage the switch to a more efficient technology. The result was a saving of up to 5,000 litres of water per stove per day.

Today's launch of the Asian Dry Cleaner Electricity Saving Project builds on this successful formula to target the biggest energy user in Asian dry cleaners—the boiler. As I said, the program is supported with \$420,000 in funding from the New South Wales Government's Energy Savings Fund. It will provide these small businesses with a free boiler audit to identify how much energy is being used, or wasted, through this vital piece of equipment. Through technical advice and information about how to improve efficiency, participating dry cleaners will not only save electricity and reduce greenhouse gas emissions but also save money on their electricity bills. In exchange for this support, the businesses commit to fix and repair any problems that have a payback period of less than two years. With boilers accounting for 50 per cent to 90 per cent of dry cleaning energy costs, the potential for savings by each business is considerable.

The Asian Dry Cleaner Electricity Saving Project will engage Vietnamese and Chinese-speaking dry cleaners in the important issue of energy savings and provide education materials in their own language. Dry cleaners are very hardworking people facing very long working hours every day. Asian dry cleaners are not usually from the larger chains of commercial dry cleaners; they operate as a family-run business. They are therefore harder to reach. The Dry Cleaning institute of Australia mentioned at today's launch that more than 80 per cent of dry cleaners were from an ethnic background. It is therefore important to undertake this program in the Vietnamese and Chinese languages as half of dry cleaners are from a Vietnamese or Chinese background. This program takes into consideration language difficulties and will be sensitive to any cultural differences.

Importantly, this program will build the capacity for continuing savings by ensuring that equipment is maintained for maximum efficiency for the future and that the savings are ongoing. I commend the Ethnic Communities Council for its commitment to this project and I encourage Asian dry cleaners to support these moves to save electricity. As well as benefiting dry cleaners, it is of great value to the community and to the environment. I congratulate the Ethnic Communities Council on this excellent initiative and the New South Wales Government on its support in addressing the problems of climate change and energy use.

#### **AUSTRALIAN EQUINE AND LIVESTOCK CENTRE TAMWORTH**

**The Hon. TREVOR KHAN** [6.19 p.m.]: Late last week I was privileged to attend, with the Hon. Christine Robertson, the official turning-of-the-sod ceremony at the Australian Equine and Livestock Centre in Tamworth, along with a host of local stakeholders and dignitaries from Tamworth Regional Council. This state-of-the-art facility not only will stamp Tamworth as Australia's focal point for equine and livestock shows, sales and events but will also provide a truly iconic landmark for visitors to the Tamworth region.

With a 5,000 seat stadium-style arena, livestock selling ring, warm-up space, cattle and poultry pavilions, and extensive stable provisions, the centre will truly be a world-class facility able to accommodate a wide range of equine and livestock events all year round. The innovative design allows plenty of opportunities to expand local equine and livestock business and educational opportunities. This visionary project is a collaborative effort between all tiers of government, including a commendable effort from Tamworth Regional Council and a range of Australia's peak equine and livestock bodies.

It was through the corporate approach taken by the National Cutting Horse Association, the Australian Bushmen's Campdraft and Rodeo Association, the Australian Professional Rodeo Association, the National Quarter Horse Association, TAFE South Wales and the Tamworth Pastoral and Agricultural Association that this project was allowed to proceed to such a point that such a tremendous project has leapt off the drawing board and into reality. This dynamic facility has been designed by internationally recognised architects following extensive consultation with peak industry groups to ensure the success of the project. There is no comparative venue in Australia. Tamworth is ideally located to provide a national equine event and livestock centre, and has existing infrastructure to complement the world-class venue. As a city and region, Tamworth has a proven capacity to stage national events on a routine basis.

The concept of the Australian Equine Livestock Centre has been met with broad-based support from all stakeholders, including competitors, marketers, sponsors and educators. It is driving strong interest in developing equine and livestock business clusters in the region. Interstate and international business have already shown a commitment to establish in the region as a direct result of the Australian Equine Livestock Centre. The excitement and positive commercial activity already identified in the regional area has been nothing short of astounding, given that the venue has been in the planning phase until recently. Without an investment in a new facility there was a likelihood, indeed a high risk, that the majority of the flagship events and their investment in the Tamworth region, representing annual economic benefits in excess of \$45 million, would leave the region. These benefits would not necessarily be transferred or duplicated to the same potential in other regions of Australia.

The Australia Equine and Livestock Centre business plan clearly indicates that the centre is operated professionally and on commercial principles. It is cash positive. It is important to note that the new business plan is predicated upon known usage by the major user groups and events to be run by the Australian Equine and Livestock Centre, and does not factor in any growth in events. Congratulations must be offered to working group chairman Mr Greg Maguire, Tamworth Regional Mayor James Treloar, general manager Glenn Inglis, and project director Michael Dubois on their efforts in bringing this ambitious project towards completion. Tamworth has long enjoyed a reputation as Australia's country music capital. The addition of the Australian Equine and Livestock Centre to our local landscape will further broaden Tamworth's appeal as a major tourist destination. The Australian Equine and Livestock Centre is a product of persistence and vision, and a willingness to work together to develop a world-class facility that will deliver untold benefits to the wider Tamworth region.

**Question—That this House do now adjourn—put and resolved in the affirmative.**

**Motion agreed to.**

**The House adjourned at 6.23 p.m. until Tuesday 26 June at 2.30 p.m.**

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