

# LEGISLATIVE COUNCIL

Thursday 11 March 2004

---

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

**The Clerk of the Parliament** offered the Prayers.

## PETITIONS

### CountryLink Rail Services

Petition opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **the Hon. Patricia Forsythe**.

### Freedom of Religion

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

### Marriage

Petitions opposing any legislative changes that would violate the basic principles of marriage, received from **the Hon. Patricia Forsythe** and **Reverend the Hon. Fred Nile**.

### Alcohol Sale Control

Petition praying that alcoholic beverage sales be restricted to existing outlets, and that opening hours be reduced, received from **Reverend the Hon. Dr Gordon Moyes**.

## GENERAL PURPOSE STANDING COMMITTEE NO. 5

### Report: Budget Estimates 2003-04

**Mr Ian Cohen** tabled, pursuant to a resolution of the House of 3 July 2003, report No. 20, entitled "Budget Estimates 2003-04", dated March 2004, together with transcripts of evidence, tabled documents, answers to questions taken on notice and relevant correspondence.

**Report ordered to be printed.**

**Mr IAN COHEN** [10.09 a.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by Mr Ian Cohen.**

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

**Mr IAN COHEN** [11.10 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 82 outside the Order of Precedence, relating to the tabling of a document entitled "Aboriginal Trust Funds Payback Scheme Proposal", be called on forthwith.

**The House divided.**

**Ayes, 24**

Mr Breen	Ms Hale	Ms Rhiannon
Dr Chesterfield-Evans	Mr Jenkins	Mr Ryan
Mr Clarke	Mr Lynn	Mr Tingle
Mr Cohen	Reverend Dr Moyes	Dr Wong
Ms Cusack	Reverend Nile	
Mrs Forsythe	Mr Oldfield	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Colless
Miss Gardiner	Mrs Pavey	Mr Harwin
Mr Gay	Mr Pearce	

**Noes, 17**

Mr Burke	Ms Fazio	Ms Robertson
Ms Burnswoods	Ms Griffin	Ms Tebbutt
Mr Catanzariti	Mr Hatzistergos	Mr Tsang
Mr Costa	Mr Kelly	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Mr Primrose
Mr Egan	Mr Obeid	Mr West

**Question resolved in the affirmative.**

**Motion agreed to.**

**Order of Business**

**Motion by Mr Ian Cohen agreed to:**

That Private Members' Business item No. 82 outside the Order of Precedence be called on forthwith.

**ABORIGINAL TRUST FUNDS PAYBACK SCHEME**

**Debate resumed from 26 February.**

**Reverend the Hon. FRED NILE** [11.18 a.m.]: This simple but important motion reads:

- (1) That this House grants leave to Mr Cohen to table a document entitled "Aboriginal Trust Funds Payback Scheme Proposal" including all attachments.
- (2) That, on tabling, the document is authorised to be made public.

The motion relates to a major injustice perpetrated on the Aboriginal people of New South Wales, an injustice probably similar to those inflicted on Aboriginal people in other States of the Commonwealth. Indeed, recently Aboriginal people were not given a fair go during certain negotiations because the Queensland Government expected them to be satisfied with nominal payments rather than pay money owed to them over many years by the Queensland Government and its agencies.

We do not want a situation in New South Wales in which only a nominal amount of money is paid out. There should be some accuracy in identifying the Aboriginal individuals, their families and their descendants, in establishing in each case, as accurately as is humanly possible from existing records, the amount of moneys owed to those individuals and/or their families, and then in actually paying those moneys. The Labor Party is very strong on workers' entitlements, and rightly so. It strongly believes that workers should get their superannuation and holiday pay. The Labor Party has taken the lead on these issues in the nation. This is a similar matter. Outstanding wages were put into trust accounts on behalf of the Aboriginal people; that money was then put into consolidated revenue somewhere in the system.

Some figures have been quoted; indeed, as much as \$69 million could be owed to these Aboriginal workers, whether they were stockmen working on cattle ranches or domestics working in farmers' homes, where they were given positions. I am not criticising the fact that they were given opportunities to work. However, in those days there was a paternalistic attitude that Aboriginal people did not know how to handle money, that they might waste it or perhaps others might take advantage of them and take the money through various tricks they

played on the Aboriginal people. So for the wellbeing of the Aboriginal people, the authorities of the day said, "We will only pay you a small percentage of your wages. The majority of your weekly wages will go into a trust fund, and you will get the money in due course. We will look after it for you." The trust funds were like a bank.

The Aboriginal people trusted white employers and white government representatives. They thought they would see the money at some point. However, the money seems to have disappeared over a period. They did not see the money; they did not receive it. It seems that governments on both sides of politics—Coalition governments and Labor governments—did not go to any trouble to find out what moneys were outstanding and who should receive those moneys, to ensure that justice was done. The Public Interest Advocacy Group [PIAC] has briefed the crossbench on this issue. I was impressed by the amount of detailed work undertaken by the PIAC. Obviously, it has legal expertise; it specialises in public interest litigation and policy initiatives.

One possible solution is to pursue the outstanding wages through the court system. From my previous experience on the law and justice committee and on other committees that deal with lawyers' expenses on one hand and legal expenses that the Government incurs on the other hand, I know that if we go down the path of fighting the matter in the courts, case by case, about the same amount of money as is owed to the Aboriginal people will be spent on the legal fees for the Government and the other parties, and I do not want that to happen. I do not want to see the parties in the courts fighting over the outstanding wages and embarrassing the Aboriginal people, who must fight to get the outstanding moneys owed to them.

This has nothing to do with the stolen generation, and the moneys owed are not compensation. They are simply wages owed to the Aboriginal people. I warn the Government that if it sits on its hands on this issue it may be forced to face many court cases, which would be a drain on the State's financial resources. The only people to benefit would be the lawyers. So I urge the Government to seriously consider speeding up the process to ensure that justice is done. The Premier usually shows a great deal of compassion in matters relating to the Aboriginal people. However, when this issue was raised a few weeks ago I was disappointed to hear the Premier—I saw it on television—say that nothing could be done because all the records had been destroyed. That was a serious statement.

The Premier may have been given that advice, but we do not believe it is correct. We believe that records do exist. This motion is intended to start the process of bringing into the public arena all the information available on this issue, including that of the Government. The PIAC has advised us that it has been working for some time with indigenous communities in investigating various claims by clients who were denied access to money they earned or were entitled to as wages, allowances and pensions from the Aboriginal Welfare Board. As I said, there was a paternalistic attitude to Aboriginal people, probably with good intentions, in seeking to protect them. That is why the Aboriginal welfare boards were originally called Aboriginal protection boards—to protect Aboriginal people from exploitation. But in this case there has been exploitation in reverse. The Aboriginal people were exploited and they did not receive what would still not be a large amount of money.

At the time Aboriginal people did not receive the same wages as white employees; there were two levels of wages. It is only in recent times that laws have been established to ensure that Aboriginal workers receive the same wages as white employees. That was definitely true in the Northern Territory, where Aboriginal stockmen worked with cattle. They were treated as second-rate workers, although they were probably more skilled than many white stockmen, and they received only a percentage of the wages paid to white stockmen. The paternalistic attitude meant that in many cases a small amount of money was paid directly to the Aboriginal workers and the remaining moneys were put into a trust fund on their behalf. This arrangement originated from a belief held by governments of the day that Aboriginal people could not adequately manage their own money without the intervention of the State. To date, many Aboriginal people have never received the money owing to them from these trust funds.

When the Aboriginal Welfare Board was abolished in 1969 its responsibilities passed to the Department of Youth and Community Services, which is now known as the Department of Community Services [DOCS]. We know, from the Minister's attitude and statements in the past, that she has great compassion for the Aboriginal people and is always concerned about justice. We know that she will do everything possible to ensure that this matter is rectified. The motion is not intended in any way to be a criticism of the Minister for Community Services or her department; it is designed to assist her in resolving the situation. The PIAC is currently investigating claims by Aboriginal people for outstanding entitlements with a view to commencing legal proceedings for breach of trust, breach of fiduciary duty and potential fraud.

As I said, I do not believe that that is a positive move. The Government should not be forced to take up the case on behalf of Aboriginal people. The amazing matter in this regard is that the PIAC has been able to

uncover information indicating that DOCS had considered implementing a scheme to repay moneys owed to Aboriginal people in documents they received under the Freedom of Information Act 1989. Those documents revealed that the payback proposal—this relates to the Labor Government and its agencies, and was developed in 1998—appears to have formed the basis of a Cabinet minute dated 12 April 2001 entitled "Aboriginal Trust Funds Scheme Proposal". That minute sought to gain Cabinet's endorsement for the establishment of a scheme to reimburse Aboriginal trust funds moneys to rightful claimants at fair value in contemporary currency.

In normal cases they would be paid the money they were owed plus the interest that has accrued, which could be for 20 or 50 years and therefore could be a large amount. One figure quoted was \$69 million. I do not think anyone knows the accurate figure, but that gives some idea of the amount. It also makes one understand the Government's hesitation. The Commonwealth Government's grants scheme has been cut back and it is under pressure from the national competition policy. I can see the Treasurer and others in Cabinet being very reluctant to transfer \$69 million out of consolidated revenue. It is a large amount of money, but this is a matter of justice. Money can be found for many causes, and in this case the money is there. It is a matter of seeing that justice is done. We do not know what the outcome was in Cabinet but I am trying to assess what might have been the reaction of Treasury.

**The Hon. Catherine Cusack:** It never got to Cabinet.

**Reverend the Hon. FRED NILE:** Cabinet must have discussed it. It may not have discussed that minute, but I would be surprised if Cabinet had not discussed this issue. Of course, no one knows what Cabinet does, that is part of our parliamentary system, but I would be very surprised if it was not raised in Cabinet at some point in some way. It is important that this matter be resolved. In early February the acting Minister for Community Services, Diane Beamer, acknowledged that the practice of taking money owed to Aboriginal people was wrong. She put out a press release dated 6 February stating:

There has been no resistance on the part of the New South Wales Government to return the money, the problem has been developing an adequate solution to what is a very complex area... Among the challenges is establishing a fair claims process.

On 1 March the Premier told ABC news that he was "deciding whether to set up a tribunal to examine people's claim to the money". I do not believe that a tribunal is needed in this case. All that is needed is an administrative system. A tribunal could be another way of delaying the process indefinitely, and there is the added expense of a tribunal as payments would have to be made to its members. Again, that would put the Aboriginal people in the position of almost begging for what is rightfully theirs. This is what has hurt the Aboriginal people over the centuries, to have to hold out the bowl, begging to get the money they earned.

We support the scheme that was put up by DOCS in 1998 and we commend the then Minister, the Hon. Faye Lo Po', and Mrs Carmel Niland, who were part of the process of working out a comprehensive payback scheme. That was six years ago and it has been on the record ever since. That scheme was to include consultation with the indigenous community in relation to the scheme and an effective communications policy to inform people about its operations; the development of criteria to assess entitlement—given the poor state of records held by government, and in some cases their alleged destruction, it would be assumed that claims for outstanding money would be valid if it could be established that moneys were paid into Aboriginal trust funds in the period from 1900 to 1970; a designated heir's policy; the provision of independent legal advice; an appeal mechanism; fair value options in determining the amount payable based on the Ernst and Young report of January 2001—an excellent report that provides the Government with a process; and a fixed term of five years for the operation of the scheme so that it will not go on forever.

The Government has admitted that moneys owed to Aboriginal people under the Aboriginal trust fund arrangements must be paid back. These moneys are not public moneys. There is a debt owing in respect of legitimate wages and entitlements. As long ago as 1998 an administrative scheme was developed to facilitate the return of these moneys. An expeditious resolution through the establishment of a scheme would demonstrate that the New South Wales Government is committed—as it claims and as it has demonstrated in other areas to be—to playing a leadership role in fostering reconciliation and sponsoring social justice. I am pleased to support the motion.

**Ms SYLVIA HALE** [11.35 a.m.]: I support Mr Cohen's motion that the document in question be tabled and made public. Until 1969 the New South Wales Government's racist presumption was that Aboriginal workers could not be trusted with their own wages. As a result, their wages were put into trust accounts and were never repaid. Some workers have been owed wages for up to 70 years—wages that were withheld by the Government and invested in trust accounts. Many people who were owed money have died and their families

have been denied their rightful inheritance. Even after the practice of withholding wages ended in 1969 the Department of Aboriginal Affairs did nothing to rectify the situation until 1997, when work began to establish a list of people who were owed money. The process was stalled in 2001 and has been ignored since. Generations of Aboriginal people have lived in poverty as a direct result of government policy. With the money from wages they had earned they could have bought houses, paid for their children's education, or sought quality health care. Aboriginal people were deprived of these funds.

Recent media reports quote the Premier as suggesting there are two major difficulties in returning stolen wages to Aboriginal workers: the Government has lost the records, and the Government should not have to hand out public money to claimants. Both of these arguments are deeply flawed. On the ABC on 1 March the Premier stated, "There are no records, the records have vanished." That is not the case. Between 1997 and 2001 the Government did extensive work to compile a list of people owed money for stolen wages. I understand that a scheme has been developed that includes very detailed recommendations for the repayment of those wages. While the records of the trust funds are extremely poor and cannot be relied upon, the Department of Community Services apparently holds some lists of people and the amounts of money paid into trust funds on their behalf. There is also evidence that in some cases public servants stole money from these accounts, signing payment vouchers of illiterate people with an "X" and keeping the money themselves.

If there is poor record keeping in relation to these trust funds, it is the Government's responsibility, not the responsibility of the people who have been denied the money owed to them. The Government and the Treasury are responsible for any fraudulent activities on the part of their public servants. The Government, not the Aboriginal workers, should bear the cost of any corrupt or negligent action. The Premier is also on the public record defending his Government's decision to shelve plans to repay the money on the grounds that "We can't hand out public money *holus bolus*." These comments are a display of the same racist and paternalistic attitudes of the Governments that originally withheld the money.

Premier Carr and the succession of New South Wales governments up until 1970 refused to recognise that the wages stolen from Aboriginal people were not public moneys but money that belonged to the Aboriginal people who lived a life of poverty as a result of their being deprived of those wages. It is estimated that some \$60 million to \$80 million is owed to these people. If we do not act, that sum will continue to grow as time ticks by and the amount invested by the trust funds continues to accrue interest. But \$60 million to \$80 million is not a vast sum of money in the context of the overall State budget, and there is no excuse for not making it available to the people who are entitled to the wages they have been deprived of.

It is the responsibility of this Parliament to ensure that New South Wales does not follow the lead of the Queensland Government, which gave to Aboriginal workers in a similar position a miserly *ex gratia* payment of about \$7,000 per person. In some cases this sum represented less than a tenth of the money that was actually owed to them. I urge the House to allow these documents to be made public so we can begin to right the injustices done to the Aboriginal people by the Government of New South Wales.

What happened in New South Wales has been likened to what happened in Germany. During World War II similar trust fund schemes were established to enable various private companies to use slave labour for which no wages were paid. These companies, such as BMW, Volkswagen and Daimler-Benz, have now entered into agreements whereby they will compensate the victims of those slave-labour working conditions. New South Wales should be at the forefront in ensuring that we also recognise the entitlements of these Aboriginal people and frankly and openly—and at the first opportunity—give them recompense and set right an obvious wrong.

It is possible for these claims to be resolved honourably. If we do it now in an open and frank way we will go at least some way to redressing past wrongs. If we do not act, if we continue to say that it is impossible to act, we will be simply condoning and apologising for the disgraceful activities of the past. It is time that we drew a line under this particularly black period in the State's history, admitted our responsibilities, and did everything we can in our power to ensure that the wages go to Aboriginal people. It is the responsibility of the State to return the money to all of these people who are still alive or to the heirs of those who are not.

**Reverend the Hon. Dr GORDON MOYES** [11.43 a.m.]: I support the motion concerning the Aboriginal trust funds payback scheme proposal. The Government has admitted that there is an injustice on this issue, but since 1999 it has stonewalled through the Department of Community Services [DOCS]. This bill is about a debt owing to people who have been maligned over the years and who have suffered great disadvantage. It is not about reparation, hence there is no need for a tribunal as the Premier has suggested. It is about individual debts that are owing, and the Government should act on them.

We all remember films such as *Lousy Little Sixpence*, which is the story of the Aboriginal Protection Board and the payment to Aboriginal workers of sixpence per week plus some flour and tea. But even such low payments were then kept back by the people who were responsible for farms employing Aboriginal workers. When Carmel Niland headed DOCS in 1998 she proposed the setting up of a repayment scheme, but nothing has happened since the proposal went to Cabinet. I understand that an approach was made by the Public Interest Advocacy Centre [PIAC] to Dr Neil Shepherd, the head of DOCS, on 30 January this year, but nothing has been forthcoming.

This all happened between 1900 and 1970, and it is estimated that between 10,000 and 11,000 Aboriginal people are owed the wages they earned during that period. The amount of wages owed has been mentioned by previous speakers, and in round figures it is about \$70 million. I understand that the minute that went to Cabinet from DOCS on 12 April 2001 outlined a very good scheme which would still work even now. The Premier derailed that development on the basis, allegedly, that all the records have been destroyed. This raises very serious issues for the House. Who destroyed them, and who gave instructions that such claims should be destroyed? However, I have it on some authority that records do exist. Mr Ian Cohen's motion will ensure that they are tabled.

I noticed with some encouragement that Diane Beamer, in a statement made on 6 February 2004, indicated that the Government was willing to deal with this issue, but the problem is to how to determine what is a fair procedure. It reminds me of when we were arguing about equality for women in the early days. The problem always seemed to be that there were not enough toilets for women in public places. It is that kind of argument. The Aboriginal Protection Board certainly did have records, and many of the original Aboriginal claimants do have records. I understand that Ernst and Young has prepared a good costing on this subject. We are not talking about the stolen generation; we are talking about stolen wages. The Government must do more than just say sorry. It must speed up this process, because it is a matter of justice. Good intentions are not enough. There must be transparency in government on this issue.

The Premier's comments that the records have been destroyed cannot just be accepted on face value, because I am assured that records do exist. The debt is owed and the debt should be paid. We call for justice and equity for those who earned the money in the first place, or, if they are now deceased, for their heirs. The first step is in tabling the documents, as Mr Ian Cohen has requested, and for them to be made public so that people can make up their own minds on this issue. I do not need to remind members that justice delayed is justice denied. There has been a six-year delay on this issue, and that is too long for any government to seek to cover up.

In 1996 the Government produced a social justice statement entitled "Fair Go. Fair Share. Fair Say". That is all we are calling for, as per the Labor Party's statement. Do it now and do it right. Mr Carr said, "We cannot just hand out public money holus-bolus." We agree with that. But this is not public money; it is money that is owed to individuals. And the Government should see that it is repaid.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [11.49 a.m.]: I support this motion, and it is extraordinary that we are even debating this issue. If white farm workers had not been paid 50 years ago, would we be debating whether they should be reimbursed and moving a motion to get the Government to do so? I suggest to the House that the issue would have been resolved much more quickly. In a sense, there is inherent racism in the fact that we are debating the issue. This issue came to notice on Wednesday 4 February with the report that the Government may have kept up to \$70 million in trust funds from indigenous people and that a draft report had been prepared for Cabinet by the then Minister for Community Services, the Hon. Faye Lo Po', dated 12 April 2001. The funds were from pensions, child endowment, apprentice wages, inheritance, and compensation payments. That money was held in trust accounts between 1900 and 1970 for indigenous people.

Many Aborigines did not even know the accounts existed, and as many as 11,500 people could be eligible for reimbursement. An analysis undertaken by Ernst and Young estimated that the Government could be liable for up to \$69.4 million. The 4 February edition of the *National Indigenous Times* contained an article entitled "NSW stolen wages payback shame" by Chris Graham and Brian Johnstone. I will not repeat that because it was the source of much of the Hon. Sylvia Hale's contribution. The 5 February edition of the *Sydney Morning Herald* contained a similar article. Democrat Senator Aden Ridgeway's cousin, Les Ridgeway, has been involved in trying to get information on this issue from Bob Carr for some time. In an article entitled "NSW must not repeat QLD's stolen wages mistakes", Mr Ridgeway stated:

The Australian Democrats today called on the NSW Government to reach a just solution, not a politically expedient one, when considering its dealings with the stolen wages and withheld welfare benefits of NSW Aboriginal people.

Democrats' Indigenous Affairs spokesperson, Senator Aden Ridgeway, said information published today shows a sorry litany of conduct including a policy of denial and possible corruption on the part of Government officials.

"It's now here in black and white for all to see, and the Government cannot say it did not know about this swindling of some of its own citizens' wages and entitlements," said Senator Ridgeway.

"I call on Premier Carr to convene a roundtable discussion with NSW Aboriginal people to reach a fair and just process for the swift and honourable resolution of this issue.

"Otherwise, NSW Parliament must conduct a full inquiry to resolve this matter.

"The NSW Government must avoid the conflict and heartbreak the Queensland stolen wages offer produced and do the right thing first up.

"We know there is strong evidence within NSW archives, and overwhelming anecdotal evidence about control and loss of wages.

"There is also the issue of other benefits being withheld to which these people were entitled—such as child endowment.

"In Queensland this has now become an issue of industrial justice, with the Queensland Council of Unions supporting the Aboriginal workers' fight for their money.

"What is lacking is a willingness on the part of all State Governments to disclose what they are holding in their archives about the extent of lost and stolen wages belonging to Aboriginal people," concluded Senator Ridgeway.

The ATSIC Commissioner for the New South Wales East Zone, Rick Griffiths, issued a press release on 6 February calling for just and equitable reparation for the 11,000 Aboriginal claimants entitled to up to \$70 million. The release also stated:

ATSIC Commissioner (NSW East Zone) Rick Griffiths, author and claimant Marjorie Woodrow and elder Les Ridgeway plan to hand a copy of a report on the issue to State and Federal politicians today and will call for an inquiry.

Of course, that is what we are doing now. The fact that government records may have been poorly kept—that is, they were given low priority—that there may have been collusion between farmers who did not want to pay, and that the Government did not want to keep the trust funds, and the possibility of theft as a result of illiteracy and lack of knowledge on the part of those owed the money, may mean that the money supposedly held and accumulating in trust funds has been eaten into. However, that is not an excuse. The fact that the money was mismanaged does not remove the obligation to repay it.

As everyone knows, the differential between wages for Aboriginals and others was dramatic until they were granted citizenship after a referendum, which was long after the money had started to accrue. I think the referendum was initiated by the Whitlam Government. On the bright side, Carmel Niland and the then Minister for Community Services, Faye Lo Po', prepared an excellent paper entitled "Aboriginal trust funds payback scheme proposal" dated 12 April 2001. Its front page clearly states the report's main purpose:

To obtain Cabinet's endorsement for the reimbursement of Aboriginal Trust Funds monies to rightful claimants at fair value in today's currency.

The report further states:

#### **Resources Required For Implementation**

The Department of Community Services will require Budgetary Supplementation as per the Financial Impact Statement.

#### **Previous Cabinet Decisions**

Cabinet's decision to Apologise to Aboriginal People for Past Injustices.

#### **Relation To Existing Policy.**

*Fair Go, Fair Share, Fair Say*

*New South Wales' Social Justice Directions Statement (October 1996)*

*Supporting People and Strengthening Communities: NSW Social Justice Directions Statement (February 2000)*

#### **Priority**

High.

#### **Legislative Programming Announcement Of Decision**

By Minister for Community Services.

#### **Action Required Before Announcement**

Further Crown Law advice on wording would be sought prior to the announcement.

The report then details its purpose:

**2. PURPOSE OF PROPOSAL.**

- 2.1 To seek support to establish a five year Payback Scheme to reimburse trust fund monies to Aboriginal people which were taken from them by respective Governments in the period 1900-1969. The Department of Community Services (DoCS) proposes the reimbursement of these monies, formerly held in trust for Aboriginal, in some cases, for up to seventy years without further delay and in a manner that takes into account the long term economic disadvantage of successive governments' failure to do so in a more timely manner.
- 2.2 To seek approval for an enhancement to DoCS' budget to reimburse Aboriginal people for money held in trust on their behalf by the State and funds to implement the Scheme in a timely and efficient manner.
- 2.3 This proposal is not intended to provide compensation to Aboriginal for the forcible removal from their families and communities.

The document then goes on to provide a number of recommendations, background and supporting information, why we should reimburse the trust fund beneficiaries, a proposed Aboriginal trust fund payback scheme, how to calculate a reasonable reimbursement, where the funds should come from to make up the ex gratia payments, the proposed standard of proof, the proposed procedure to establish a designated heirs policy, the proposed appeal mechanism, the procedures for the return of trust monies, the risk assessment of the proposal, the proposed communication process regarding the payback scheme, the current claims with the Department of Community Services, the involvement of stakeholders, rural impacts, regulations, impact on the judicial system, and the need for a financial impact statement. It then has a number of appendices containing actuarial statements about how much it would cost to pay Aboriginal people the wages that were taken from them.

This is a comprehensive scheme. It is an exemplary document in terms of doing the right thing by people who have received a bad deal. I believe that the Government should get on with paying Aborigines the money they are entitled to. I am aware that the Public Interest Advocacy Centre is considering taking a class action on this and that the Aboriginal and Torres Strait Islander Commission is calling for an all-party parliamentary inquiry. If the Government were to implement this scheme, the blueprint for which I have in my hand and which has been in the Government's possession since 2001, it would be doing the right thing by Aboriginal people, without further delay and without the further administrative cost of legal actions or parliamentary inquiries. I urge the Government to do the right thing by Aboriginal people by implementing the scheme, and for that reason I support the motion.

**Pursuant to sessional orders business interrupted.**

**DISTINGUISHED VISITORS**

**The PRESIDENT:** Order! I welcome to the President's Gallery the Hon. Michael Polley, the Speaker of the House of Assembly of Tasmania, and Peter Alcock, the Clerk of the House of Assembly of Tasmania.

**QUESTIONS WITHOUT NOTICE**

---

**GUNNEDAH REGION LOCUST OUTBREAK**

**The Hon. DUNCAN GAY:** My question is directed to the Minister for Agriculture and Fisheries. Why has the NSW Agriculture Armidale office not yet approved aerial spraying to eradicate a locust outbreak in the Gunnedah region, as recently requested by a Gunnedah rural lands protection board ranger? Is the Minister aware of concerns from a number of farmers in the region that the locust outbreak is decimating young winter crops and is deterring the sowing of further crops at a time when farmers are trying to recover from the drought? What immediate action will the Minister take to control this outbreak of locusts and address any shortfall in the resources of his department to deal with such problems in future?

**The Hon. IAN MACDONALD:** I understand there is speculation about some difficulties about the availability of the appropriate chemical to carry out such aerial spraying. Drought conditions over the 2003 spring and summer seasons limited the development of large plague locust populations until good rains were received in the north of the State in January. Recent further heavy rain in north-western New South Wales has allowed locusts to hatch. Significant populations have now developed in border districts from Enngonia through to Moree and south into the Coonamble and Gunnedah districts. The whole area is being monitored, and landholder crop control programs are implemented as required.



The Australian Plague Locust Commission has also been carrying out control on significant locust populations in south-western Queensland, and in the Coonamble to Warren and Walgett areas of New South Wales. Some locusts have migrated from Queensland and those areas in southern New South Wales. Land-holders are required to report hatchings and banding of locust nymphs to their local rural lands protection board, which can assist in control programs and in the issue of suitable pesticide free of charge to land-holders.

Various options are available to control locusts. NSW Agriculture advises that the traditional insecticide fenitrothion is effective and safe when used in accordance with the label, and provides cost-effective control in both aerial and ground applications. I am further advised that a new chemical, fipronil, has a longer residue period and provides excellent control at very low chemical application rates. This enables large rangeland areas to be rapidly treated. However, NSW Agriculture is cautious about recommending its widespread use since no international maximum residue levels have been set for this product.

**The Hon. Rick Colless:** It's not registered.

**The Hon. IAN MACDONALD:** As I said, no international maximum residue levels have been set for the product. NSW Agriculture also advises that the biological control agent metarhizium works well, particularly in environmentally sensitive areas near watercourses, organic farms and conservation areas. The product is provided commercially as Green Guard and is available under permit through NSW Agriculture and the Australian Plague Locust Commission.

There is potential for a major locust outbreak later in autumn and spring 2004 if the current suitable conditions for locust breeding in northern New South Wales and south-western Queensland continue. This will allow locusts to lay down fat reserves for migration and/or egg laying. To reduce the risk of this occurring, it will take a concerted effort by all stakeholders—that is, land-holders, the rural lands protection boards, NSW Agriculture and the Australian Plague Locust Commission—and I asked for wholehearted support from all sections of the community for the necessary control programs to be implemented.

As I said, I understand there are some problems about the availability of the chemical, possibly partly due to the new anti-terrorist regimes in this country. As members would be aware, some of these chemicals could provide a source for certain types of products used in terrorist incidents overseas. With regard to the specific example referred to by the Deputy Leader of the Opposition, I will obtain the relevant information and inform him as soon as possible.

**The Hon. DUNCAN GAY:** I ask a supplementary question. I thank the Minister for his answer. However, I indicate that the locusts are swarming at the moment and that the problem appears to be related to protocol and personnel, rather than product unavailability. I would be more than happy to meet with the Minister after question time to provide him with details regarding personnel and constituent concerns. I hope he would agree to meet with me so we can progress this matter urgently. The locusts are swarming at the moment, and now is the ideal time to spray them, before they eat the emerging winter crops.

**The Hon. IAN MACDONALD:** Any assistance that the Deputy Leader of the Opposition is prepared to give the Government on this matter would be greatly appreciated. He can rest assured that every endeavour is being made to control this large, developing problem. It is the first time in many years that we have had seasonal conditions coincide with conditions that enhance locust breeding patterns, and we will do everything possible to address the matter. I will certainly meet with the honourable member after question time.

### LOCAL GOVERNMENT STRUCTURAL REFORM

**The Hon. KAYEE GRIFFIN:** My question without notice is addressed to the Minister for Local Government. Will the Minister inform the House of the benefits to ratepayers of the Government's Local Government Reform program?

**The Hon. TONY KELLY:** I thank the Hon. Kayee Griffin for her continued interest in local government. Last night a meeting of the commissioners at the City of Sydney was informed that the council had made significant savings in the first four weeks of the new council. The commissioners were informed that the council had already made one-off savings of more than \$300,000. Other changes already implemented will save \$2.1 million a year.

Members will recall that the new council is expected to ultimately save residents and ratepayers \$7 million a year. These initial savings have been achieved in only a few weeks—and even before the election

of the new council. My congratulations go to the management and staff of the new council. They have all worked extremely hard to bring the two administrations together in a spirit of co-operation. I know that everyone at the City of Sydney wants the new council to deliver for ratepayers, and its efforts are already starting to pay off.

The commissioners' meeting resolved that the council would commence a month-long blitz on graffiti in the southern part of the new council, to be funded by the savings that the council will make. The blitz will mean that graffiti will be removed within 24 hours of being reported on council assets or publicly accessible private property. Parts of the former South Sydney area will also benefit from additional street-cleaning shifts on afternoons and weekends.

It is clear that the cost of these programs will be more than offset by the savings already made. This is what structural reform is all about: the delivery of more services for ratepayers and residents. In other areas of the State, councils and their staff are also getting on with the job of improving services for ratepayers. In the southern area, the administrators of the councils in the Australian Capital Territory region met last week to discuss operational matters and future opportunities for working together. The administrators agreed that the meeting was useful and fruitful, and they are looking forward to working together. Once again I congratulate the management and staff on a terrific effort. I look forward to providing the House with more detail on how the residents of the State continue to benefit from our reforms over the coming months.

### **AUSTEEL PTY LTD**

**The Hon. MICHAEL GALLACHER:** My question without notice is addressed to the Treasurer. Could the Treasurer confirm that the Government met with Austeel yesterday? If so, what case or document was put to Austeel to cause it to withdraw from the \$2.5 billion project?

**The Hon. MICHAEL EGAN:** To my knowledge there was no meeting with Austeel yesterday—certainly no meeting involving me, and I do not believe involving any Government officials. As I told the House a couple of weeks ago, it is one thing to make a claim, it is another thing for that claim to be successful. The Government all along has been very keen to see the Austeel project go ahead in Newcastle. I believe that we have dealt with the Austeel consortium in good faith all along the way.

The fact that Austeel made a claim against the Government amounting to, I am told, \$500 million—although Austeel's press release yesterday referred to \$1 billion—and then the day before the arbitration was due to commence abandoned its claims, I believe speaks for itself. The Government did all it reasonably could to ensure that this project went ahead. Indeed, I must commend the Commonwealth Government, which also supported this project. On 27 June 2001 the Minister for Industry, Science and Resources, Senator the Hon. Nick Minchin wrote to me:

Dear Michael, I am writing to inform you of my decision to grant major project facilitation status to Austeel Pty Ltd for its proposed \$5 billion integrated iron and steel project involving New South Wales and Western Australia. A copy of my letter to Mr Clive Palmer, Executive Chairman—

**The Hon. Duncan Gay:** Was that an unsolicited letter?

**The Hon. MICHAEL EGAN:** This is from Nick Minchin.

**The Hon. Duncan Gay:** Unsolicited?

**The Hon. MICHAEL EGAN:** What do you mean "unsolicited"?

**The Hon. Duncan Gay:** Did you ask for it?

**The Hon. MICHAEL EGAN:** Obviously we would be supporting the project. But it is the Federal Government—

**The Hon. Duncan Gay:** That is a big difference, isn't it?

**The Hon. MICHAEL EGAN:** I do not see what the difference is. The Commonwealth Government granted major project facilitation status to the Austeel project. As I have pointed out in this House before, the chances of a development like this going ahead always depended on the investors raising the capital. That was

the key issue, and it appears that Austeel has not been able to do that. As I said in this House on 28 February 2001—more than three years ago:

As both the Premier and I have pointed out, there is a long way to go before this proposal becomes a reality.

The Hon. Duncan Gay interjected:

That is a bit less than full support.

My response:

No, the proposal has our full support. We will be doing what we can.

The Hon. Michael Gallacher interjected:

It is a reality.

My response:

No, the project is not a reality. Projects are never a reality until all the finance and the equity are in place.

**The Hon. MICHAEL GALLACHER:** I ask a supplementary question. Given the Treasurer's answer that no meeting took place yesterday, could he explain to the House therefore why the Premier's spokesperson told the *Newcastle Herald*:

The Government put its case to Austeel yesterday at lunchtime and it pulled out less than two hours later.

**The Hon. MICHAEL EGAN:** That would be referring to the arbitration proceedings that were due to commence today. In other words, that is the Government's legal response to the Austeel claim. As I said, I think the fact that Austeel withdrew its claim completely speaks for itself. There seems to be some disappointment on the Opposition benches. Only a couple of weeks ago one of these shadow Ministers seated here was almost gloating about the fact that there was a \$500 million claim against the Government. I think the Opposition is disappointed that Austeel has completely abandoned that claim.

### DISABILITY SERVICES FUNDING

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** My question is directed to the Minister for Disability Services. Is it not the Government's policy to have advocates for disabled people? If so, why has the organisation People with Disabilities had no guarantee of funding beyond 31 March for advocacy services for disabled people who are being deinstitutionalised? Has the Office of the Public Guardian been consulted in all affected cases, and has the Department of Ageing, Disability and Home Care obtained consent from the Office of the Public Guardian in all cases? Is it true that group homes are being adapted to use laundries and lounges to increase the number of people that can come from big institutions?

**The Hon. CARMEL TEBBUTT:** A few different issues are included in that question. I do not have information on all those issues and I am happy to come back to the Hon. Dr Arthur Chesterfield-Evans with a response. With regard to his specific question about people with disabilities and their guarantee for funding, I will follow that up. The organisation People with Disabilities plays a very important role in advocating for people with a disability in a range of different ways. I think the honourable member has asked a question about funding that relates to a specific function that that organisation may well have been asked to take on, rather than generalised funding, but I will follow that up and get some more information.

As to whether the Office of the Public Guardian has been consulted in all affected cases, without my having more detail, it is hard to know exactly what the honourable member is asking. If he is asking whether we consult the Public Guardian when we are required to, I can say that to the best of my knowledge we do. I am not sure that in all affected cases the Public Guardian is required to be consulted. But I will, nonetheless, get some more information on that.

I advise the House more broadly about some of the things that are happening with the devolution program, because I know it is of interest to at least some members. I have reported previously how the Government has allocated more than \$22 million in recurrent funding to enable people with a disability to progressively move from large residential centres to community-based accommodation. To provide a stronger framework for the closure of these facilities the Government established the devolution program in 2000 that focused on the relocation of 439 residents to accommodation in the community, and the closure of 14 large residential centres in stage 1.

On a number of occasions I have indicated that progress with devolution has been slow. In no way is the Government denying that. The department has instituted a range of mechanisms to try to improve the process and to try to ensure that it occurs more effectively, and 189 people have now moved into more appropriate accommodation. Four of the large centres, the Woodstock Centre in Albury, the Crown Foundation Centre in Wollongong, the Jennings Lodge in Parramatta and the Marsden Rehabilitation Centre have now closed.

The department has also established a devolution expert working group to provide expert advice on the closure process. When I first took on this portfolio, information or up-to-date knowledge was lacking about exactly where the devolution process was at. Establishing the working group was an attempt to address that and also to bring the experts together to discuss the issues. There is no doubt that when talking about devolving people from large institutions—some of whom have lived in those institutions for a very long time and have quite significantly challenging behaviour or particular needs to be met—then a group of people needs to be engaged who have the expertise in how we go about that. That is what the expert working group aims to do. It has academic experts and representatives from the community in the non-government service providers, and they will assist with both exploring current research and approaches to the closures of large residential centres.

Obviously we are not alone in going through this issue; other countries have been through this process. The working group will also act as a consultative mechanism on service model development and assist with addressing serious impediments to the progress of the program. I will come back to the Hon. Dr Arthur Chesterfield-Evans with further information.

### **BACK INJURIES**

**The Hon. TONY CATANZARITI:** My question without notice is directed to the Minister for Commerce. Could the Minister inform the House about measures to improve the care of workers suffering from back injuries?

**The Hon. JOHN DELLA BOSCA:** Low back pain is the predominant injury suffered by New South Wales workers. Back pain accounts for one-third of all workers compensation claims. WorkCover commenced its \$1.7 million General Practitioner Education Program in 2002. The program continues to move around the State. Earlier this month a group of local doctors, physiotherapists, occupational therapists, and hospital, community and rehabilitation workers attended a workshop in the Far West at Broken Hill. The Barrier Division of General Practice assisted WorkCover. Today an education workshop is being held in Wollongong to improve doctors' management of acute low back pain.

**The Hon. Duncan Gay:** How much does it cost to get people from one end of the State to the other for these conferences?

**The Hon. JOHN DELLA BOSCA:** The workshop is being attended by 28 general practitioner registrars at Wollongong Hospital. The workshops were recommended for inclusion in the training of general practitioner registrars by a number of local doctors who had already participated in the General Practitioner Education Program. The trainees are being given the latest advice on low back pain treatment, including a presentation on WorkCover's "Guidelines for the Management of Acute Low Back Pain". They will also participate in an open discussion forum. The first phase of the 18-month General Practitioner Education Program is being carefully evaluated to determine whether the Government should extend the program to cover all general practitioners in the State.

**The Hon. Duncan Gay:** Take them back to Broken Hill.

**The Hon. JOHN DELLA BOSCA:** I heard that interjection. It is not the general practitioners who go from one place to the other; it is the trainers of the general practitioners who go to train general practitioners in the various regions. As usual the Deputy Leader of the Opposition has got it wrong. The clinical guidelines introduce general practitioners to the latest in research evidence for managing acute back pain, a condition that general practitioners themselves report as being difficult to manage. Once serious medical conditions are ruled out, the guidelines recommend minimal intervention and encourage usual activity, including a return-to-work program that is within the capacity of the injured person. Attendance at the workshops is recognised by the Royal Australian College of General Practitioners as an accredited training program, which counts towards continuing education requirements necessary for all general practitioners. WorkCover's General Practitioner Education Program is another initiative focused on the care of injured workers.

**The Hon. Christine Robertson:** This is so that country people can have access to proper care.

**The Hon. JOHN DELLA BOSCA:** That is right. The Hon. Christine Robertson makes an important point that this is all about country people getting access to the best possible care, both in rehabilitation and return to work principles and in pain management. Country Labor cares about this, but The Nationals are obviously indifferent to the whole matter. By ensuring that injured workers are given immediate medical care and treatment that is recognised as the best available, we are ensuring that New South Wales injured workers, regardless of whether they are from city or country regions, have the best possible recovery and return to a normal life. I thank the medical practitioners of Wollongong and Broken Hill who have been attending these workshops to increase their knowledge and skills. I wish them well in their continuing care of people who have suffered injuries, particularly back injuries, at work.

#### **RAIL AGENCIES AND FEDERAL WORKPLACE RELATIONS ACT**

**Mr IAN COHEN:** My question is directed to the Minister for Transport Services. Will the Minister inform the House whether he knew that RailCorp was planning to invoke section 127 of the Workplace Relations Act against workers in the current industrial dispute affecting the New South Wales rail system? Will he further advise the House why only the Australian Manufacturing Workers Union [AMWU] was the subject of these orders even though at least three other unions were involved in the strike? Finally, if members of the AMWU breach the section 127 orders, does the Minister plan to take the next legal and logical step of imposing fines, injunctions and gaol sentences on individual AMWU members and officials, and deregistration of the union itself?

**The Hon. MICHAEL COSTA:** I refer to my answer to this question yesterday when the Leader of the Opposition asked me precisely the same question. I made the points yesterday. In relation to the current dispute over random alcohol and drug testing, the Government's position is very clear: We will be proceeding with random drug and alcohol testing.

**Mr IAN COHEN:** I ask a supplementary question. Other than the fact that the Minister did not answer the question, is the Government planning to make regular use of the Federal Workplace Relations Act in its management of public sector industrial relations in New South Wales?

**The Hon. MICHAEL COSTA:** If Mr Ian Cohen had heard my response yesterday he would realise that Ralph Willis introduced section 127 into the industrial relations environment, I think in 1987, from memory. It is also interesting that the AMWU has used that very section in a number of industrial disputes it has had with employers in Victoria.

#### **AUSTEEL PTY LTD**

**The Hon. JOHN RYAN:** My question is directed to the Treasurer. What amount has been paid by the Government in direct compensation payments to Austeel Pty Ltd? When were these payments made?

**The Hon. MICHAEL EGAN:** The claim that Austeel made against the Government, the arbitration of which was to commence today, involved no payment to Austeel. Austeel was claiming an amount of money in damages. We believed that there was no basis for its case and Austeel withdrew the claim. There was no settlement with Austeel.

**The Hon. JOHN RYAN:** The cost up until then?

**The Hon. MICHAEL EGAN:** I am told that the total cost to the Government, including purchase of land and corridors, and the preparation of various environmental plans, is in the vicinity of \$21 million. I do not know what payments have been made to Austeel but I can find out.

#### **STADIA CHINA 2004**

**The Hon. CHRISTINE ROBERTSON:** My question without notice is directed to the Treasurer, and Minister for State Development. Will the Minister inform the House about the involvement of New South Wales companies in Stadia China 2004?

**The Hon. MICHAEL EGAN:** I am pleased to advise the House that six New South Wales companies travelled to China last month to promote their expertise in Olympic and sports infrastructure and a major

exhibition. The companies, supported by the Department of State and Regional Development, attended Stadia China 2004, which was held in Beijing between 16 February and 18 February. Stadia is the leading event for stadium design, construction, infrastructure and management in China. The timing of the visit was opportune. It coincided with the Beijing Olympics tendering process for a number of venues and also the construction of the new National Stadium at the Beijing 2008 Games.

Former Chief Executive of the Sydney Organising Committee for the Olympic Games, Sandy Hollway, and the Director of the Sydney-Beijing Olympic Secretariat, David Churches, led an Australian presentation at an associated Stadia China conference. They discussed the progress of preparations for the Beijing Games, especially venues, and presented insights gained from the 2000 Sydney Olympics. Australian companies and Australian offices of multinationals have won half of the design competitions for the Beijing Olympics. That means they are very well placed to participate in projects with a total value of \$3 billion.

The six companies that exhibited on the New South Wales stand at Stadia China were: Architectural firm Bligh Voller Nield Pty Ltd, which provides expertise in venue design, overlay planning and master planning; The Electric Canvas of Lane Cove, a company that works with film and effects projection and image systems; EnviroSpray 300, an Ingleburn company that provides acoustic coating; PTW Architects of Sydney, which is also well known for its architecture, operational planning, overlay design and master planning work; Starena International, a West Gosford company that manufactures seating systems; and Stop Shot of Lindfield, that manufactures bullet and blast-resistant glass systems. Participation in the Stadia China 2004 exhibition proved to be an exceptionally valuable promotion for New South Wales and Australia and for the expertise our companies are marketing.

### LIVERPOOL CITY COUNCIL ELECTIONS

**The Hon. Dr PETER WONG:** My question without notice is addressed to the Minister for Local Government. In a media release yesterday the Minister said that the Liverpool City Council elections have been postponed. Will the Minister inform the House of the reason for the postponement? Has the Minister delayed the elections because of corrupt conduct by Liverpool councillors, or has the Government delayed the elections until the stench of the Oasis project has evaporated?

**The Hon. TONY KELLY:** No, I did not say that yesterday. I did not say that the council elections were being delayed. What I said yesterday was that we were looking to introduce new legislation into the Parliament that covered a number of issues relating primarily to employment protection, giving councils flexibility in their rate pegging special variations up to a period of seven years to allow rates to fluctuate up and down.

**The Hon. Duncan Gay:** So the ratepayers can pay for what you are doing.

**The Hon. TONY KELLY:** The Deputy Leader of the Opposition should talk to the Local Government and Shires Association because it made the request. The legislation relates also to the deferral of council elections if a council is involved in Boundaries Commission hearings or, as is the case with three councils, a council is involved in inquiries under section 740 of the Local Government Act. There is a public inquiry under way into Liverpool City Council's involvement in the Oasis project. The concern in the community is that Liverpool City Council will have to spend about \$500,000 to conduct elections with the possibility that some time down the track, as a result of the section 740 inquiry, the council will be sacked. Often that is the outcome of such inquiries.

**The Hon. Duncan Gay:** I don't think so with a conservative council.

**The Hon. TONY KELLY:** This is not a conservative council. The commissioner has indicated to me that he may be able to report before 27 March. Also, I hope to get legislation through the House so that the 100,000 ratepayers in Liverpool do not have to vote unnecessarily on 27 March and the council does not lose \$500,000. As I said, I did not announce that the Liverpool City Council elections would be deferred.

**The Hon. Dr PETER WONG:** I ask a supplementary question. Will the Minister inform the House when the legislation will be introduced?

**The Hon. TONY KELLY:** I intend to give notice of it today.

**AUSTEEL PTY LTD**

**The Hon. CATHERINE CUSACK:** My question is addressed to the Treasurer. Further to the Treasurer's advice that the cost to taxpayers of the failed Austeel project has been a total of \$21 million, can he provide a more detailed breakdown of the \$21 million, including how much was spent on consultants' fees, contractors' fees and land purchases?

**The Hon. MICHAEL EGAN:** I would be happy to do that. Most of the amount advanced in relation to the project to date has been invested in land purchases and technical studies that we are confident will benefit other commercial developments on the site. Honourable members will be aware that with the departure of BHP from Newcastle it has been the Government's aim to encourage new industrial development in that vicinity, and we have been very active in trying to promote that. Notwithstanding the departure of BHP, I point out that there has been massive growth in employment in Newcastle and the Hunter in recent times. Indeed, between January 1996 and January 2004 employment in the Hunter region grew by 27.4 per cent or 56,000. That is on an employment base of about—

**The Hon. Duncan Gay:** Austeel wouldn't have much to do with that.

**The Hon. MICHAEL EGAN:** No, it did not. The Deputy Leader of the Opposition makes an interesting point because the Newcastle and Hunter economies are very diverse now. Indeed, I do not think there would be a region in Australia that has progressed with job growth in the same way as the Hunter and Newcastle. That has happened without major developments, such as the Austeel project, taking place. Such a development would have been extra icing on the cake. We make no apology for pursuing that kind of development in a region that not only is close to coalmines and power stations but also has an important and significant port.

[Interruption]

I cannot give a break-up further than that which I have already given the House.

**The Hon. Michael Gallacher:** You started by saying that you would.

**The Hon. MICHAEL EGAN:** I will, but I cannot at the moment.

**LASERVISION MACRO-MEDIA**

**The Hon. JAN BURNSWOODS:** My question without notice is directed to the Treasurer, and Minister for State Development. Will the Minister inform that House about the recent success in Hong Kong of Western Sydney company Laservision Macro-Media?

**The Hon. MICHAEL EGAN:** I am pleased to advise the House that a Western Sydney company lit up this year's Chinese New Year celebrations not in Sydney but in Hong Kong in a way never seen before. Laservision Macro-Media, which is based in Baulkham Hills and is a member of the Government's Australian Technology Showcase, transformed Hong Kong's Victoria Harbour into a river of fire. Its symphony of light proved once again that the world comes to Sydney for expertise to stage the most spectacular pyrotechnic and lighting shows. Laservision Macro-Media's \$50 million symphony of light was reported around the world as the most impressive event ever produced in Hong Kong. That is quite a claim.

Because of its success, Laservision Macro-Media opened an office in Hong Kong. Last year Laservision Macro-Media won the prestigious New South Wales Exporter of the Year award in the arts and entertainment category. The company exports its products and services throughout Asia, Europe and the United States of America. On 26 February this year the *Australian Financial Review* devoted a page to the company's Hong Kong triumph. It reported that the foreshores of Hong Kong's Victoria Harbour were lit by hundreds of thousands of fireworks, lasers, fibre optics, flares and pulsing lights. Millions of people watched and listened to the show's sound, which was broadcast from viewing locations and ferries travelling to and from the city.

In a novel twist, thousands of people listened to the simulcast via mobile phones. Onlookers could hear the sound effects by dialling a dedicated number, no matter where they were viewing the show. Laservision Macro-Media was responsible for the entire concept, the design and the production. I remind honourable members that Laservision Macro-Media is a member of the Australian Technology Showcase. There are now

373 New South Wales companies in the 430-member showcase program. I congratulate Laservision Macro-Media's workers on their success in Hong Kong, and I congratulate the company on leading the way with this unique Australian technology.

### GREY NURSE SHARK PROTECTION

**The Hon. JON JENKINS:** My question without notice is directed to the Minister for Agriculture and Fisheries. Will the Minister provide any current research he has about the sorts of hooks being found in the mouths of grey nurse sharks? Are the hooks made of stainless steel, do they have tracers attached, what is the design of the hooks, et cetera? Are the hooks of the kind used by long-line fishermen or recreational line fishermen? If so, what is the relative percentage?

**The Hon. IAN MACDONALD:** I do not have the percentage break-up of observations of hooks, although I can confirm for the honourable member that a whole range of hooks have been observed in the mouths of grey nurse sharks along the coast. They range from fairly small recreational fishing hooks for various types of fish through to larger hooks that are used commercially. I do not have the actual break-up but I can assure the honourable member that there have been a number of sightings of all kinds of hooks. This question is being considered by Dr John Stevens, the CSIRO scientist based in Tasmania, who is reviewing the 1,6000 submissions we have received on grey nurse sharks. I am sure that measures to reduce this scenario will be part of the package that will be revealed to Parliament once the reports are finished and the information from the electronic tagging program is collated.

### AUSTEEL PTY LTD

**The Hon. ROBYN PARKER:** My question without notice is directed to the Treasurer. How much has the Government paid in legal fees with regard to the Austeel project?

**The Hon. MICHAEL EGAN:** I refer to my previous answer.

**The Hon. Duncan Gay:** You were not asked about legal fees earlier.

**The Hon. Robyn Parker:** That was not part of the previous question.

**The Hon. MICHAEL EGAN:** I was asked for a break up of costs.

**The Hon. ROBYN PARKER:** I ask a supplementary question. Will the Treasurer provide to the House the detail and a breakdown of those fees?

**The Hon. MICHAEL EGAN:** I will certainly try to obtain that information.

### ILLEGAL FISHING REVIEW

**The Hon. TONY BURKE:** My question is addressed to the Minister for Agriculture and Fisheries. Will the Minister update the House on the progress of the black market review in New South Wales?

**The Hon. IAN MACDONALD:** I am sure the Deputy Leader of the Opposition will be interested in the answer to this question. Honourable members will recall that in June last year I announced a comprehensive review into illegal fishing in New South Wales. I appointed former Australian Federal Police Commissioner, Mick Palmer, to head the review, which he has been conducting in a thorough and professional manner. I specifically asked Mr Palmer to consider the impact of illegal fishing on fish stocks, rural and regional communities and the health of seafood customers. I know the legitimate commercial and recreational fishing sectors are committed to managing fish stocks sustainability for present and future generations but a small percentage of other people steal from marine resources, which belong to the community.

Several recent examples show that New South Wales Fisheries officers have been successful already in catching people involved in this black market. As recently as Tuesday night, two commercial fishers were allegedly found by New South Wales Fisheries officers with illegal hand-held nets in Crowdy Head Harbour, near Taree. In another example, highlighted in the Hunter media this week, two Sydney men were allegedly found with 6,000 cockles in Lake Macquarie—60 times the daily legal limit. It represented one of the single largest seizures of illegally taken cockles in New South Wales in recent years. Commercial and recreational



fishers have given me much anecdotal evidence about the extent of the black market fishing industry in New South Wales.

**The Hon. Duncan Gay:** What about the report?

**The Hon. IAN MACDONALD:** Here we go! The Deputy Leader of the Opposition becomes focused on some little issue about which he believes he is right, and he keeps pushing away at his barrow. I can just picture him heading for one of those big fish hooks with his mouth wide open ready to swallow the hook! I know Mr Palmer received much constructive feedback and asked for a modest extension of time in order to do justice to the review. Mr Palmer again met with industry members last Friday at the first seafood industry advisory forum meeting of the year, held at the Sydney fish markets. I also attended the meeting and am pleased that Mr Palmer will soon provide me with a copy of his report. The Deputy Leader of the Opposition said earlier, "What about the report?" Last week the Deputy Leader of the Opposition issued a press release that I was rather interested in. It was very definitive. It stated:

NSW Labor must immediately release a report into black market fishing that it has been sitting on since January, Shadow Fisheries Minister, Duncan Gay, said today.

It then stated:

But NSW Fisheries Minister, Ian Macdonald, does not appear to be taking this problem seriously ...

"The report was handed to the Minister before Christmas and was due to be released two months ago.

"Obviously Mr Macdonald, doesn't consider these issues a priority."

All those definitive statements were made in his press release. However, I will inform the House of the correct situation. Mr Mick Palmer, a former commissioner of the Australian Federal Police, has not completed his report. The Deputy Leader of the Opposition stated definitively that the Government had been sitting on the report. But there is not yet a report! I could have corrected him in the media but I felt a bit sorry for him—*[Time expired.]*

#### CATHOLIC EDUCATION COMMISSION MALE-ONLY SCHOLARSHIPS

**Reverend the Hon. FRED NILE:** I ask the Treasurer, representing the Premier, a question without notice. Is the Premier aware that in the past 12 years the proportion of male teachers in primary schools has dropped from 25.8 per cent to 20 per cent and that of the 22,915 students training to be primary school teachers just 18.8 per cent are men? Is the Premier aware that the Catholic Education Commission has proposed to offer male-only scholarships to encourage males to enter the teaching profession? I advise that at present women win more than 80 per cent of scholarships offered by the Sydney Catholic Education Office and that in Catholic private schools in New South Wales just 14 per cent of teachers are men. Is the Premier aware that the new Federal Labor leader, Mark Latham, has strongly supported the role of male teachers as role models, especially in primary schools? Will the New South Wales Government support amendments to the Federal and State sex discrimination laws that would permit affirmative action for male primary school teachers scholarships in Catholic schools?

**The Hon. MICHAEL EGAN:** Reverend the Hon. Fred Nile's question is an important one and I will refer it to the Premier, who I know is keenly interested in this matter, as he is in all matters to do with education. I believe we should be doing more to encourage male primary school teachers. I recently received an invitation to attend the opening of some new facilities at my old school, St Patrick's College Sutherland, where, quite by chance, I had the distinction of being the first pupil enrolled. In my response I referred to the men who taught me. Certainly throughout the whole of my primary and secondary education at St Patrick's my teachers were all men. That was not necessarily a good thing, but we did not have female teachers at my school in those days. I am sure we would have benefited if we had. Likewise, I think boys and girls in primary school would benefit from having both male and female teachers. It is a very important profession and I think that the best teachers are always those who started out as primary school teachers. In my experience, the best teachers I had in both primary and secondary school were those who started out as primary school teachers. That is where one really learns to teach. I would like to see a good proportion of both male and female teachers teaching both young boys and young girls.

**Reverend the Hon. FRED NILE:** I ask the Treasurer a supplementary question. The key part of my question asked whether the Government will support amendments to the Federal and State sex discrimination

laws that would permit affirmative action for male primary school teacher scholarships in Catholic schools to achieve what the Treasurer said he supports?

**The Hon. MICHAEL EGAN:** As I mentioned in my initial answer, I will refer the question to the Premier for his advice.

#### **AUSTEEL PTY LTD**

**The Hon. MELINDA PAVEY:** My question is directed to the Treasurer. By what date did he agree to purchase the land at Tomago under the contract he signed with Austeel? Why was the purchase of this land delayed? What were the terms of the lease for the Austeel land at Tomago? How long was the land to be leased to Austeel and for how long was Austeel granted delayed lease payments?

**The Hon. MICHAEL EGAN:** As I mentioned earlier, the Government has been confident that it dealt with Austeel in good faith. I think that confidence is borne out by the outcome of the arbitration proceedings yesterday. I have previously informed the House of the date on which the Tomago land was purchased. I am sorry that the Hon. Melinda Pavey was obviously not listening on that occasion.

#### **INTERNATIONAL TRANSFER OF PRISONERS AGREEMENT**

**The Hon. PETER PRIMROSE:** Will the Minister for Justice inform the House of the latest developments regarding the International Transfer of Prisoners Scheme?

**The Hon. JOHN HATZISTERGOS:** I thank the Hon. Peter Primrose for his continuing interest in the International Transfer of Prisoners Scheme, which was developed primarily for humanitarian reasons. It allows Australians in prison in participating countries to apply to be transferred to Australia to complete their sentences and for foreign nationals in Australian prisons to apply to return to their homelands. It is anticipated that the transfer of prisoners will not only promote contact with family and friends, it will also assist in the rehabilitation of prisoners. Honourable members would be aware that as a result of efforts initiated by the Hon. Jeff Shaw when he was Attorney General arrangements were made for complementary legislation to be passed by State and Federal governments to facilitate the international transfer of prisoners. I am now able to advise the House that arrangements have been made for the transfer of inmates Jane Dawson McKenzie and Deborah Letitia Spinner from Thailand to New South Wales pursuant to the provisions of this arrangement.

Under the international transfer of prisoners agreement the jurisdiction receiving the inmates sends officers overseas to escort the inmates back to their home country. Arrangements for escorts are now in place. In late March 2004 escorts will visit the Australian Embassy to meet embassy staff and be briefed on procedures and protocols for the transfer of custody of the inmates. A formal prisoner transfer ceremony will take place in the Kingdom of Thailand, in which Spinner and McKenzie will be transferred from the custody of Thai prison officials to Thai immigration officials. They will then be transferred to the immigration detention centre, where they will in turn be handed into the custody of New South Wales corrections officers for their escort back to this country. Negotiations are currently under way with Customs and immigration officials and with airport authorities to ensure a smooth transition.

Recently four nationals of The Netherlands who are serving sentences in New South Wales applied for transfer to their home state. Eric Jan De Groot van Embden, who was sentenced to 12 years by the District Court for knowing involvement in the importation of prohibited goods, has sought transfer to The Netherlands. The Netherlands Government has consented to the transfer and the Federal Minister for Justice has signed a warrant authorising the transfer. Machteld Antionetta Renata Wilhelmina Bosman, who is serving a similar sentence, has also successfully applied for transfer. Kanzonga Mwata, also a Federal prisoner, was sentenced to a term of eight years imprisonment for importing prohibited goods and will be transferred to The Netherlands after a successful application. These, along with Cornelis Jan Mooijen, are the first persons from New South Wales who have been able to activate the International Transfer of Prisoners Scheme.

At present 52 countries are participating in the scheme. It is anticipated that over time more countries will enter into agreements with Australia. On 13 November last year amendments to the regulations of the International Transfer of Prisoners Act allowed for schedule 2 of the regulations to list amongst the countries participating in the scheme Japan, Serbia and Montenegro. About 500 foreign nationals are in New South Wales correctional centres and about 185 Australian nationals are serving time in foreign correctional facilities. As at 30 January 2004 the Department of Corrective Services had received details of 32 inmates applying to transfer

to an overseas correctional system and three inmates imprisoned overseas who wish to transfer to a New South Wales correctional facility. Attorney General Bob Debus said in June 2002:

It is the firm intention of the Government that New South Wales taxpayers will not be unnecessarily burdened as a result of the proposed scheme.

As a consequence New South Wales requires inmates to agree prior to transfer to enter into arrangements for the refund of their transfer costs as a condition of the transfer being activated.

### WORKPLACE ALCOHOL AND DRUG CONSUMPTION

**Ms LEE RHIANNON:** Does the Leader of the House recall that in the debate on my motion on alcohol use by members yesterday the Government Whip said that the informal system was working? Does the Minister acknowledge that, in light of the events in the Legislative Assembly last night, the system is not working adequately? What does the Government plan to do to ensure that members of Parliament do not come into the Chamber drunk?

**The Hon. Michael Egan:** Point of order: The question is clearly out of order because it does not relate to any matter for which the Leader of the House is responsible.

**The PRESIDENT:** Order! I remind the honourable member that comments and imputations against members of either House cannot be made except by way of substantive motion.

**Ms Lee Rhiannon:** To the point of order—

**The PRESIDENT:** Order! I have ruled.

### AUSTEEL PTY LTD

**The Hon. PATRICIA FORSYTHE:** My question is directed to the Treasurer, and Minister for State Development. How many separate dispute notices were served upon the Government by Austeel Pty Ltd? What matters were in dispute?

**The Hon. MICHAEL EGAN:** I do not know whether the claims that Austeel made against the Government and which were to be arbitrated in arbitration proceedings commencing today have been released by Austeel. Suffice it to say that the Government believes that there was no basis for a successful claim to be made against the Government. As I say, we dealt with Austeel in good faith all through this process. We were in negotiation and discussion with Austeel. We certainly believe it had no basis to make a claim against the Government such as it made—I think, \$500 million—and the fact that it withdrew the claim yesterday, as I said, speaks for itself.

### WINDALE FAMILY SUPPORT PROGRAMS

**The Hon. IAN WEST:** My question is addressed to the Minister for Community Services. What action is the Department of Community Services taking to support families in Windale and other communities identified in the report entitled "Community Adversity and Resilience", which was released this week?

**The Hon. CARMEL TEBBUTT:** The report entitled "Community Adversity and Resilience", which was released earlier this week by Professor Tony Vinson, identified the 30 most disadvantaged communities in New South Wales, and followed up an earlier report of Professor Tony Vinson in 1999 identifying Windale as a socially disadvantaged community, along with the surrounding areas of Mayfield, Kurri Kurri and Carrington. The report deals with how disadvantage can be assessed clustered around a range of indicators. There are important issues for consideration by governments at all levels and the community. I want to talk about some of the programs at Windale because it is instructive to see what difference can be made when there is an injection of funding for particular services. The Department of Community Services provides recurrent annual funding of at least \$1.6 million to 18 programs in Windale, Kurri Kurri, Mayfield and Carrington. These include children's services, accommodation, early intervention and prevention, community development and youth support. The programs are in addition to the extensive support provided by local community service centres. Of course, the department also works closely with a range of government and non-government agencies in Windale. The department is also active in the Government's Hunter Community Renewal Scheme, which was launched after Windale was identified as the State's neediest community in the 1999 study.

The scheme is working. While the subsequent study still indicates that there are some significant areas of concern for the Windale community, Windale has improved its standing, particularly where children are concerned. Professor Vinson's research shows that in 1999 Windale was in the worst 1 per cent of postcodes for child abuse. Four years later Windale is in the best 25 per cent. The town has also moved from the worst 3 per cent for low birth weight babies to be in the best 25 per cent. Disadvantage that is a product of generations of issues will not be resolved in three years; it requires long-term and sustained work. Nonetheless, the indicators for Windale are heartening because they show that change can occur. The inroads can be attributed to the enormous efforts made by local agencies such as Eastlakes Family Support Services, which receives more than \$287,000 annually from the department.

Last year the service provided more than 4,000 counselling sessions to families in Windale and surrounding areas. Many of the families involved require high-needs support with family-related issues, including assistance with parenting programs, court support, transport, housing, access to drug and alcohol and mental health services, and advocacy with landlords and creditors. In the words of one woman who has been supported by the service, "The family is doing really well now." Professor Vinson stated in the media that decades of entrenched disadvantage would not be turned around in three years.

The Government is committed to working with disadvantaged communities like Windale and it is in for the long haul. As Windale is demonstrating, success is possible. Extensive work is occurring in other areas identified as disadvantaged. This financial year the Department of Community Services has allocated more than \$18.5 million for programs and services in these areas. Those services include preschool and vacation care, accommodation, early intervention and prevention initiatives, Families First programs, and youth services and programs to assist Aboriginal children and their families. The department has allocated \$4.8 million for programs to help support the Mount Druitt community. We can make a difference with these programs, particularly those premised on early intervention.

#### **INDUSTRIAL RELATIONS COMMISSION FEMALE APPOINTMENTS**

**The Hon. CATHERINE CUSACK:** I direct my question to the Minister for Industrial Relations. Does the Minister stand by his party's 1995 election pledge that the Labor Party would ensure that the New South Wales Industrial Relations Commission would be truly representative of the New South Wales work force and that by 2000 at least 40 per cent of the commissioners would be women? Is he aware that despite the appointments of Trish Kavanagh, wife of Laurie Brereton, and Jan Macleay, wife of Leo Macleay, only 29 per cent of the commissioners were female by 2000? Does that failure mean that the Government has abandoned its commitment that the Industrial Relations Commission would be truly representative of the New South Wales work force?

**The Hon. JOHN DELLA BOSCA:** I think the honourable member must have let someone else draft part of the question for her. I will give her the benefit of the doubt. The two people she named are a judge and a commissioner. It is imprudent of her to name individual judicial officers in this Chamber in any context. However, they are women of great ability who have been very good officers of the court and the commission respectively. The codicil about their husbands does her no credit.

**The Hon. Don Harwin:** Are you standing by your policy?

**The Hon. JOHN DELLA BOSCA:** It is a 1995 election commitment and I did not make it.

**The Hon. John Ryan:** The affirmative action policy applies only to Labor spouses.

**The Hon. JOHN DELLA BOSCA:** That is a really stupid thing to say. The honourable member is insulting them and it does him no credit.

**The Hon. Don Harwin:** You put his interjection on the record.

**The Hon. JOHN DELLA BOSCA:** I did so because he should be accountable for the silly things he says. The Hon. Catherine Cusack is aware that a change would involve stripping the commission of judicial officers, and that cannot be done to achieve the target she has nominated. I will check on the election commitment and its consequences. As I have said previously in this place and in many other forums, this Government remains committed to affirmative action and gender equity. Of course, it is important that the composition of the commission properly reflects the community because it is a vital part of the New South

Wales industrial employment and legal framework. Why the honourable member has picked on the commission and not the Supreme Court, the Court of Criminal Appeal or any other court is not evident? I thank her for her question and I will provide details once I have established whether a commitment along those lines was made during the 1995 election campaign. The honourable member knows that, as she said, the Government will work incrementally towards ensuring equitable employment of officers in the commission.

**The Hon. CATHERINE CUSACK:** I have a supplementary question. While the Minister is checking on why the Government failed to honour its commitment and achieved only 29 per cent female representation on the Industrial Relations Commission in 2000, will he find out why that figure has fallen to 25 per cent? Does that suggest the Government is travelling in the wrong direction?

**The Hon. JOHN DELLA BOSCA:** I refer the honourable member to my previous answer.

#### SHANNON VALE FIELD STATION SALE

**The Hon. TONY CATANZARITI:** I direct my question to the Minister for Agriculture. Will the Minister further clarify the matter raised in this House yesterday regarding the NSW Agriculture sale of the Shannon Vale Field Station?

**The Hon. IAN MACDONALD:** I thank the honourable member for his question. Yesterday the Hon. Duncan Gay and the Hon. Rick Colless made a number of claims about Shannon Vale. I will share some facts with honourable members so they can be satisfied that NSW Agriculture is well within its rights to dispose of that land. The Shannon Vale property was owned in the first half of last century by the White family, a well-known family in the district. Examination of the certificate of title shows that in 1939 Mr James Frederick White, a grazier, leased the property to NSW Agriculture. The certificates of title reveal that the lease arrangements between NSW Agriculture and Mr White were renewed a number of times. However, on 27 July 1950, some 12 years after the signing of the original lease, Mr White sold the 597-acre property to the Minister for Agriculture for £3,731.12s. That was a commercially appropriate sum for the property at the time, not a peppercorn transaction as inferred by the Hon. Catherine Cusack yesterday by way of interjection.

The funds for the sale came from the New South Wales Government and the new title clearly showed that the property was then under the ownership of the Minister for Agriculture of the State of New South Wales. As I pointed out yesterday, the funds did not come from the McGarvie Smith Institute as the Hon. Duncan Gay and the Hon. Rick Colless have mistakenly inferred.

**The Hon. Duncan Gay:** No!

**The Hon. Rick Colless:** We never said that.

**The Hon. Duncan Gay:** Point of order: The Minister is misleading the House. *Hansard* will show that neither the Hon. Rick Colless nor I made that inference.

**The PRESIDENT:** Order! As the honourable member knows, there is no point of order when a member claims that another member is misleading the House.

**The Hon. IAN MACDONALD:** While the McGarvie Smith Institute did provide funds to help establish the Shannon Vale nutrition research station, it did not contribute money for the purchase of the property.

**The Hon. Rick Colless:** You said it did.

**The Hon. IAN MACDONALD:** No, I did not. There was no bequest of this land to the Government; the White family did not give NSW Agriculture Shannon Vale for the purpose of agricultural research, as the Hon. Rick Colless claimed yesterday. It was clearly a commercial transaction between Mr White and the State Government and, as such, the Government is free to dispose of the land.

**The Hon. MICHAEL EGAN:** If honourable members have further questions, they might like to place them on notice. Some of my ministerial colleagues have answers to questions asked previously.

## ACMENA DETENTION CENTRE BUILDING STANDARDS

**The Hon. JOHN DELLA BOSCA:** Yesterday the Hon. Catherine Cusack asked me a question without notice about Acmena Detention Centre. As the honourable member is aware because she did the original research, I did not comment on the security of Acmena in my answer to her question without notice on 15 October 2003. I said that I would promptly provide a full and detailed explanation to the Chamber. That detailed explanation was obtained from the Minister for Juvenile Justice and lodged in the Legislative Council on 17 November, and appeared in *Hansard* on 18 November. I did say that the question from the Hon. Catherine Cusack seemed to be an antique—a recycled question that the then Minister for Juvenile Justice had answered.

## MEDIA CRITICISM OF JUDGES

**The Hon. JOHN HATZISTERGOS:** Yesterday the Hon. Peter Breen asked me a question concerning the case of Tayyab Sheikh and media criticism of judges. The Attorney General has advised me as follows:

This is a case where the greatest caution must be taken in any public comment. Some of the comment made to date has been particularly ill informed. This case has been remitted to the District Court for retrial; there are other, related cases in which judgments are deferred and where particular issues are the subject of non publication orders.

The DPP has given clear advice that there is no reasonable prospect of the High Court granting special leave to review the decision of the Court of Criminal Appeal in this matter. I will not comment on the facts or findings in this case.

The larger questions raised by the Honourable Member involving the media environment and issues such as suppression orders and contempt proceedings are not new.

In recent months and as recently as last week I have met with legal representatives of a number of major media organisations to discuss issues arising from the report to which the Honourable Member refers.

They were fruitful meetings and I agreed to pursue a number of positive initiatives to improve consultation and exchange of information.

Given ongoing proceedings I prefer not to comment upon any other initiatives within the justice system.

Any particular case of course must be considered on its own facts and the particular circumstances surrounding it. All Members no doubt feel the deepest compassion for victims of crime and in particular of sexual assault. But it is equally the case that the right to a fair trial is a cornerstone of our democracy and that intemperate abuse of highly principled, experienced and dedicated judicial officers will never serve the interests of justice.

## DISABILITY SERVICES FUNDING

**The Hon. CARMEL TEBBUTT:** Earlier today the Hon. Dr Arthur Chesterfield-Evans asked me a question about funding for people with disabilities. I now provide the following answer. In 2002-03 the New South Wales Government provided more than \$420,000 to people with disabilities to deliver a range of services, including the provision of advocacy services to residents of larger residential centres that are being devolved. The service for residents of these institutions was the subject of discussions between the department and the organisation late last year, leading the department to agree to fund the service until March 2004. In addition, the department sought further information from People with Disabilities to allow it to consider the future funding of the service. That information has been provided to the department. I am advised that the deputy director-general of the department has sought a meeting with the executive officer of the organisation to allow this issue to be finalised.

**Questions without notice concluded.**

## ILLEGAL FISHING REVIEW

### Personal Explanation

**The Hon. DUNCAN GAY,** by leave: During question time today the Minister for Agriculture and Fisheries implied that I had been deliberately issuing misleading information regarding the review of black market fishing. In fact, my information was inaccurate. I advise the Minister that for my information I relied on the current web page of NSW Fisheries entitled "NSW Fisheries Vision Statement 2004-2006". If the Minister has not corrected the information that his department is issuing, he cannot blame the messenger.

*[The President left the chair at 1.13 p.m. The House resumed at 3.00 p.m.]*

## SHANNON VALE FIELD STATION SALE

### Personal Explanation

**The Hon. RICK COLLESS**, by leave: During question time the Minister for Agriculture and Fisheries noted that the Hon. Duncan Gay and I had indicated in our questions yesterday that the Shannon Vale Research Station was purchased using funds obtained from the McGarvie Smith Institute. I certainly did not say that and in fact it was the Minister who made that observation. I read from yesterday's *Hansard*, which records the Minister as saying:

... assisted by funds obtained from the McGarvie Smith Institute.

At no stage did I mention the name McGarvie Smith Institute in my question, and nor did the Hon. Duncan Gay.

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders

**Mr IAN COHEN** [3.02 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 82 outside the Order of Precedence, relating to the tabling of a document entitled "Aboriginal Trust Funds Payback Scheme Proposal", be called on forthwith.

**The House divided.**

### Ayes, 24

Mr Breen	Ms Hale	Ms Rhiannon
Dr Chesterfield-Evans	Mr Jenkins	Mr Ryan
Mr Clarke	Mr Lynn	Mr Tingle
Mr Cohen	Reverend Dr Moyes	Dr Wong
Ms Cusack	Reverend Nile	
Mrs Forsythe	Mr Oldfield	
Mr Gallacher	Ms Parker	<i>Tellers,</i>
Miss Gardiner	Mrs Pavay	Mr Colless
Mr Gay	Mr Pearce	Mr Harwin

### Noes, 17

Mr Burke	Ms Fazio	Ms Robertson
Ms Burnswoods	Ms Griffin	Ms Tebbutt
Mr Catanzariti	Mr Hatzistergos	Mr Tsang
Mr Costa	Mr Kelly	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Mr Primrose
Mr Egan	Mr Obeid	Mr West

**Question resolved in the affirmative.**

**Motion agreed to.**

### Order of Business

**Motion by Mr Ian Cohen agreed to:**

That Private Members' Business item No. 82 outside the Order of Precedence be called on forthwith.

## ABORIGINAL TRUST FUNDS PAYBACK SCHEME

**Debate resumed from an earlier hour.**

**The Hon. JON JENKINS** [3.08 p.m.]: The Outdoor Recreation Party fully supports the motion of Mr Ian Cohen. This is not compensation, this is not charity, this is not a donation: it is a debt, a debt that is owed

and a debt that is long overdue. It has always been the Australian way that debts are repaid. It is admitted that there will be some difficulty with records, and this is expected. Some government records may have been destroyed, but there are records held by the Government, just as there are records held by individuals. Nevertheless, a lenient test for evidence should be applied, and in this instance I refer to the Public Interest Advocacy Centre document. That centre has spent some considerable time deciding upon a reasonable method of payment for these people.

At this point I had planned to say to the Government, "Repay your debts to the Aboriginal people of this State who contributed to the bounty we all now enjoy." However, in light of recent events, I would like to read into the *Hansard* the Premier's speech made a few minutes ago in the other House:

No challenge in public life in the last 30 years has been greater than coming to terms with the most painful chapter of the Australian story, and that is the treatment of indigenous Australians. Those who were members of the Fifty-first Parliament will always recall with great pride the date 18 June 1997—the day we in this Parliament made the first parliamentary apology to the Stolen Generations. All members of this House, from both sides of it, supported that motion. At the end of my address that day I talked about "our acceptance of hard truths, our determination to make amends."

In that spirit of facing hard truths and making amends, I invite the House to turn its attention to another legacy of misguided paternalism—the fate of Aboriginal trust funds. These were funds into which New South Wales Aborigines were forced—from 1900 to 1969, the year the Aborigines Welfare Board was abolished in light of the 1967 referendum—to pay their wages, their pensions, their family endowments, their inheritances and lump sum compensation payments into a trust. Those funds were held in trust, and our predecessors failed that trust.

When in the years up to 1969 Aboriginal people sought to gain access to their accounts they were rarely paid. After 1969 payments ceased completely. For those reasons I take this opportunity to formally apologise to the Aborigines affected and offer the assurance that any individual who can establish they are owed money will have it returned. To that end, last month the State Cabinet agreed to develop a scheme to identify and reimburse the people who are owed the money. Over the coming months we will consult with Aboriginal communities to find out how the scheme can best work.

Two things are required: first, criteria for establishing the payment of funds, given the miserable nature of the records that have been left to us; and, second, the mechanism to adjudicate what amount should be paid and whether the criteria are met. That will not be without its challenges because, as I indicated, the records are inconsistent and incomplete, and many of the beneficiaries are now dead. We do know the broad categories of Aboriginal people likely to seek restitution. They are, one, children under the care of the Aborigines Protection or Welfare Board who were apprentices; two, women who received family and child endowment, and were forced to deposit it in these funds; three, recipients of Commonwealth pensions or possibly other Commonwealth benefits; and, four, beneficiaries of lump sum payments. There may also be other groups who need to be identified.

This is a problem that has built up over generations. It will not be fixed overnight, and the records barely exist. But administrative complexities should not overshadow the need to discover the truth, and the Government certainly will do all it can to help find evidence that will support claimants' cases. In those cases where the evidence is sketchy, the Government, in consultation with the Aboriginal community, will develop rules for payment. We look forward to providing details of the scheme as soon as possible.

I thank the Premier for his commitment to repay the lost wages placed in trust for Aboriginal people. I wish to encourage them by saying that a payment scheme is already in place, and details will be provided as soon as possible.

**The Hon. PETER BREEN** [3.12 p.m.]: I support the motion, which seeks reparation for approximately 11,500 Aboriginals who are owed about \$70 million in wages that were paid into Government trust funds. A four-year-old policy document describes the trust funds in similar terms to schemes operated by private companies using slave labour in Nazi Germany. In 1998 the Director-General of the Department of Youth and Community Services, Carmel Niland, devised a plan for the Government to repay those stolen wages. The statement by Mrs Niland attached to the relevant policy document states:

I am determined that we are now going to provide some measure of justice to the beneficiaries or their designated heirs—however belatedly.

Andrea Durbach of the Public Interest Advocacy Centre has advised crossbench members that the Government has admitted liability for the debt and has accepted Carmel Niland's scheme to repay the stolen wages. Various admissions and commitments towards restitution were revealed following a freedom of information claim. The Government also established a fair value project with Ernst and Young to determine the extent of the liability. It now appears that the whole process has been derailed because of a so-called problem with records and questions about who is entitled to claim.

This reminds me of the Government's obfuscation in the case of HomeFund. Honourable members will recall that the HomeFund Commissioner, Andrew Rogers, recommended to the Government that the 50,000



claimants in that case were entitled to various levels of compensation. Rather than pay the compensation, the Government chose to go down the litigation path, with the obvious purpose of exhausting borrowers and their legal representatives. The Public Interest Advocacy Centre took over class action proceedings that I had commenced and eventually the Government settled for \$90 million. No money actually changed hands; the Government wrote off the \$90 million in HomeFund borrower debts.

It would be a gross error if the Government were to go down the same litigation track with these stolen wages. I cannot imagine anything more insulting and debilitating for the people of New South Wales than to be involved in drawn-out and costly litigation against the older generation and the elders of our indigenous people. Such an action would be akin to a court battle with the religious leaders of our community. Indeed, the cause of action would be stolen wages, which is about as low as it gets. The people of New South Wales do not want the Government engaging in legal proceedings for the greater glory and prosperity of law firm Clayton Utz. Rather, they want the Government to pay its lawful debts and to make restitution for the wages it stole.

As the Hon. Jon Jenkins said, "It is the Australian way to repay your debts." As my late father would say, "It is not appropriate to leave dogs tied up." I wish to make some comment about Mr Carr's statement in the other place this afternoon. Although the Hon. Jon Jenkins read onto the record the full text of the statement, I draw particular attention to one section in which the Premier promised to repay money where claimants can prove their case. Earlier in the speech Mr Carr said:

Those funds were held in trust, and our predecessors failed that trust.

Mr Carr is saying that if those trust funds existed today and if the trustees were to act today in the same way they acted over the past 70 years, we would call in the fraud squad. This is money that has been stolen from Aboriginal people, not because they are not entitled to it or because there is any question mark over their claim, but simply because they were Aboriginal. Those who preceded us in this place and the trustees of the funds decided that Aboriginal people were somehow lesser people than others in the work force, and on that basis they could not be trusted, and ordered that their wages be paid into a trust fund.

It is ironic that it has been the Government that could not be trusted with those wages. Never mind whether there was a legitimate claim that Aboriginal people could not be trusted—the Government failed that trust. As the Premier confirmed today, the breach of trust by our predecessors and the trustees of the funds is now such that the records cannot be identified sufficiently to satisfy the Premier. The amount in question is \$70 million. In the overall scheme of things that is not a vast amount of money affecting 11,500 people who have been identified by Ernst and Young. There is absolutely no basis on which any reasonable claim should not be paid. Those 11,500 people have been identified by Ernst and Young, so any question as to the identity of the claimants should not arise. The claimants have been identified.

For the Premier to suggest in the other place today that the claimants have to prove their claim is facile in the extreme. The Premier does not seem to understand that those 11,500 people have already been identified and ought to be paid. They should not have to go through any process. With respect to the way in which the money should be divided, the Government knows who the people are and the amount of money. That money should be paid.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [3.18 p.m.]: I move:

That the question be amended by the addition at the end of paragraph 1 the words ", but excluding any document which is a Cabinet document."

First, I wish to address some of the inaccuracies in the debate and turn to the nub of it—that this House agrees to the tabling of a Cabinet document. Honourable members need to distinguish between the content of the Cabinet document and what the House is being asked to do. First I turn to the issue that some members have raised that the Government and the Premier, in recent comments, have shown a reluctance to resolve the difficult issue of Aboriginal trust funds. In a press conference on 4 February 2004 the Premier said:

The Department of Community Services is working on a new solution to what is a difficult issue ...

There'll be consultation before we do anything with the indigenous community ...

The difficulties that many of the Aboriginal people are no longer alive, the difficulty that records are inadequate but if there's a way of doing it, of returning money to people from whom the money was stolen we will do it.

On 4 February 2004, when this issue most recently emerged, the Premier made it clear on the record that the Government intends to resolve this issue, in consultation with the indigenous community, and find a way to return money that is owed. Honourable members who claim there is no difficulty with the records, there is no paucity of information, and that this issue does not need to be worked through do not understand what we are dealing with. Those who have had the opportunity to see the information that Mr Ian Cohen is seeking to table—many seem to have taken that opportunity—will know that the information clearly shows that this issue is characterised by a paucity of information and poor records, and that the issue will be difficult to resolve because of the lack of information about what money was placed in the trust funds and what money was paid out. I turn now to the comments made today by the Premier. Once again the Government has made clear its intention to deal with this issue, and to deal with it comprehensively. I will not read onto the record the full details of the Premier's comments because one of my colleagues has already done so.

**Reverend the Hon. Fred Nile:** You can table it or incorporate it.

**The Hon. CARMEL TEBBUTT:** I could seek leave to incorporate the Premier's comments, but I will simply quote what I think are some of the key sections. In a statement just made in the other place the Premier said, among other things:

I take this opportunity to formally apologise to the Aborigines affected ... and offer the assurance that any individual who can establish they are owed money will have it returned. To that end, last month the State Cabinet agreed to develop a scheme to identify and reimburse the people who are owed the money. Over the coming months we will consult with Aboriginal communities to find out how such a scheme can best work. That will not be without its challenges. ... the records are inconsistent and incomplete and many of the beneficiaries are now dead. We do know the broad categories of Aboriginal people likely to seek restitution. They are, one, children under the care of the Aborigines Protection or Welfare Board who were apprentices; two, women who received family and child endowment ... three, recipients of Commonwealth pensions or possibly other Commonwealth benefits; and four, beneficiaries of lump sum payments. There may also be other groups who need to be identified.

The Premier made it clear that this problem has built up over generations. We are being called to account for the actions of our predecessors, actions that were wrong and cannot be defended. However, the Government has made clear its intention to resolve the issue. The Premier also said that the Government will do all it can to help find evidence that will support claimants' cases. In cases in which the evidence is sketchy, the Government, in consultation with the Aboriginal community, will develop rules for payment. The Government looks forward to providing details of the scheme as soon as possible. I am not sure how much clearer the Government can make its intention to resolve this very ugly chapter of our past. We have clearly said we will consult with indigenous people and find a way to return money when we can, and we have clearly apologised for this past practice. If honourable members are looking for the Government to act on the issue of Aboriginal trust funds, they have that clear commitment from the Government.

I turn now to what the motion actually provides. It provides that the House grant leave to Mr Cohen to table a document entitled "Aboriginal Trust Funds Payback Scheme Proposal", including all attachments. I have not seen the document but I have a clear impression that some parts of it have been taken from a Cabinet document. We are not debating whether we should do the right thing for the indigenous community by resolving the Aboriginal trust funds; we are debating whether it is appropriate for this House to agree to the tabling of a Cabinet document. It is not only a Government position but also a longstanding tradition that Cabinet documents are documents in confidence. In the *House of Representatives Practice* there is a reference to *Quick and Garran*, which refers to some of the time-honoured and pre-eminent features of Cabinet organisation and some of the rules of Cabinet discipline and government I quote:

The proceedings of the Cabinet are conducted in secret and apart from the Crown. The deliberations of the Executive Council are presided over by the representative of the Crown. Resolutions and matters of administrative policy requiring the concurrence of the Crown, decided at meetings of the Cabinet, are formally and officially submitted to the Executive Council, where they are recorded and confirmed.

One tenet of the way government operates in Australia and in New South Wales is that Cabinet documents are confidential. If honourable members want to go down the path of tabling documents that are alleged to be Cabinet in confidence, I simply ask them to seriously consider the implications of that. Even with our power to call for documents, including documents subject to privilege, as resolved in the Egan-Chadwick case, this House does not have the power to call for Cabinet documents. Yet a member of this House is seeking to table a document that I understand is a Cabinet document. My amendment seeks to remove from the documentation any Cabinet document. If the member is not seeking to table a Cabinet document, so be it. However, if it is a Cabinet document, I think it is a dangerous precedent for this House to set, and I therefore ask honourable members to support my amendment.

**The Hon. CATHERINE CUSACK** [3.27 p.m.]: As Reverend the Hon. Fred Nile said, this is a matter of intense social justice. The Coalition supports the motion moved by Mr Ian Cohen. On 4 April 2000 the Premier addressed the Parliament on reconciliation. He said:

Let us be very clear about this whole business of denying what has happened to the Aboriginal people in the last 200 years. Why should a great democracy like ours seek to hide the truth? Surely it is the measure of our greatness as a nation that we have the courage to overcome these old and fundamental mistakes and prejudices.

I wonder whether stolen wages has been such a great issue for this Government. Barely a year later, on 12 April 2001, a Cabinet minute was sent to the Cabinet Office for the purposes of obtaining:

... Cabinet's endorsement for the reimbursement of Aboriginal Trust Funds monies to the rightful claimants at fair value in today's currency.

All Cabinet minutes must have regard to previous Cabinet decisions, to assist Ministers' assessment of policy to ensure that it is consistent. In this case the previous Cabinet decision cited was:

Cabinet's decision to apologise to Aboriginal people for past injustices.

The trust moneys identified as having been withheld from Aboriginal people included wages earned by Aboriginal wards apprenticed to work but regarded as incapable of managing their own incomes; child endowment payments made to Aboriginal mothers who were considered unable to manage money; stolen pensions paid to Aboriginal people, including war pensions; and lump sum payments, including death benefits that were payable to Aboriginal children and placed in trust until they were 21, but for some reason not always paid. On 27 May 2000, at Corroboree 2000, the Premier said:

Symbolism abounds. But let us not today, or ever again, make mere symbolism a substitute for reality; the reality of hard tasks ahead for all of us on our long walk together towards reconciliation.

They are brave and visionary words, but only a few months later the head of the Premier's Cabinet office blocked the Cabinet minute that had been prepared by the Hon. Fay Lo Po' that would have been the first practical action to right the wrongs done to Aboriginal people, the first opportunity the Government had, after the Premier made such a glorious apology, to right past wrongs, including wrongs done to members of the stolen generation.

What happened to this Cabinet minute that was prepared by the Hon. Fay Lo Po' and the head of her department, Carmel Niland? The Treasurer says the matter was looked into in the early 1980s and it seemed not to be an issue. No comment was made publicly by any Government Minister and none was made by the Premier. When evidence was leaked to the media and presented to the current Minister for Community Services, the sum of her response was simply that it is an incredibly complex issue. The Premier, who said we have to have the courage to tell the truth, covered up the matter for four years or six years, depending on when he became aware of it.

I try to reconcile this apparent desire to tell the truth, as described by the Premier today and in those statements in 2000, with the words I heard this morning when I talked on the telephone with Marjory Woodrow, one of the Aboriginal women who has been struggling for some time to get action from the Government on this issue. Marjory said to me she would like to tell Parliament that she wants us to help her recover the money. She said:

It has been owed to me for 60 years. At 80 years old, I have decided now that we're still battling, still struggling, and now I want my money back.

I tried to meet Mr Carr but when I went to Parliament he wasn't there and I was very disappointed. I have had a lot of letters sent for him [Mr Carr] by a person called Jill Hall. I've tried to see a lot of Ministers but no-one will see me.

Please, please to all members of the Government, we've been poor all our lives and we are asking you not to put us to all the pressure of doing this with lawyers. Just sit down and talk to us.

I'm fighting for my dead brothers and sisters and really struggling.

It is clear that a great injustice occurred. I think all members of the House know that what occurred with the trust funds is indefensible. The issue is more disturbing to the Opposition because there appears to be no recognition of it by the Government. When this matter was discovered by the Department of Community Services in 1997 and when it was so thoroughly investigated by Carmel Niland, the then head of the department, she likened the scheme to arrangements in Nazi Germany under the Third Reich, where various private

companies, including BMW, Volkswagen and Daimler-Benz, used slave labour. She chose those three companies because they were all willing to engage in a process of compensation after the war. Whether or not we like the analogy—and personally I do not—there was clearly a commitment on her part to do something. There was also clearly a commitment by the former Minister, Fay Lo Po', to do something.

Why nothing happened until today is the principal cause of concern to the Opposition. It concerns the Opposition that an issue of this significance having been discovered by the department and properly investigated—with a great deal of research and work done and a great deal of documentation put together and forwarded to Cabinet in a minute dated April 2001—it was simply blocked and Cabinet was not allowed to be made aware of the issue or to discuss it. It calls into question fundamental issues as to the operation of our democracy.

The Premier is the leader of Cabinet and it is Cabinet that is collectively accountable for the actions of the Government. For one man, Roger Wilkins, to act like St Peter at the Pearly Gates and decide what can go in and what can go out is not democracy in action. It is extremely dangerous. It not only leaves the Government covering up a problem, and stranded with the guilt of doing that, it leaves a stain on all of us in New South Wales.

At no stage in the Premier's comments today, other than referring to the apology made in 1997—which is ironic because it was in 1997 that this issue was becoming known to the Government—has he given an explanation for the blocking of the Cabinet minute, who blocked it, and why no action appears to have been taken for at least three years since the matter was submitted to the Cabinet office. It is all very well for the Government to say today that it is complex and messy but it will help to prove it, and it will set up some rules and consult before doing so. I do not find that a thought-out announcement at all, given that an attempt was made to have this matter brought to the attention of Cabinet in April 2001. This is a crucial issue.

This morning Marjory said to me that she is 80 years old and it is time for justice. The Government needs to explain why so much time has been allowed to elapse since it became aware of the matter, why it has made all these people wait, and whether today's announcement in the lower Chamber would have been made at all had the Hon. Ian Cohen not brought on this motion for debate.

I am cynical about whether the Government would feel strongly about this had the matter not become public in the media thanks to the work of the Public Interest Advocacy Centre. It is only because this matter has become public that any action is being taken at all. I am sure this situation would not have the support of the majority of members of the Labor Party. I am sure they are as embarrassed and ashamed of the way this matter is being handled by the Government as everyone in this Parliament surely is.

Margory referred to coming to Parliament with one of her colleagues in the Aboriginal community, Les Trindle, to hand over information, including an alleged draft Cabinet minute—the one I referred to—in the forecourt of Parliament. They invited members of all parties to go down to receive this information. They had taken the view, after all this correspondence and attempts to meet with the Premier, Ministers and staff and getting nowhere, that they would present this information to Parliament and ask all parties to assist them in this quest for justice.

They were met by Brad Hazzard, Ian Cohen, and the Democrat Adrian Ridgeway, and the documentation was handed over. The question was asked: Where was the Labor Party? I do not know the answer to that. It is almost inexplicable to me that this matter was allowed to be covered up and that there has been this difficulty bringing it to light. It is a vindication of the role of this Chamber and Parliament that we have been able to force the Government to take action on the matter. It is shameful that the Premier has told the people we must be bold and brave and not fear telling the truth, yet he has had to admit in the lower House that he has done nothing whatsoever on the matter for six years, but now that the Government has been caught it is very sincere about it and will sort it out. I am concerned that there is still no clear process for these people to go through. No regard seems to have been paid to all of the work that was done by the Department of Community Services all those years ago. I hope that members of this Chamber will continue to put pressure on the Government to continue to force it—

**The Hon. Carmel Tebbutt:** Why don't you put pressure on the Federal Government?

**The Hon. CATHERINE CUSACK:** The Minister's comment might have just vindicated everything I have said in relation to the Government's willingness to deal with the issue speedily and sincerely to provide

assistance to Aboriginal people who have been fighting on this issue for decades. In order to further consider the content of the Premier's statement the Opposition will seek a short adjournment of this debate.

**Debate adjourned on motion by the Hon. Catherine Cusack.**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders**

**Motion by the Hon. Jennifer Gardiner agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 94 outside the Order of Precedence, relating to General Purpose Standing Committee No. 4 extending its reporting date, be called on forthwith.

### **Order of Business**

**The Hon. JENNIFER GARDINER** [3.42 p.m.]: I move:

That Private Members' Business item No. 94 outside the Order of Precedence be called on forthwith.

I will speak to the motion briefly to explain to honourable members the reason for the variation. The reporting date for the General Purpose Standing Committee's budget supplementary hearings is this afternoon. The committee is in the process of writing its report to the House and has concluded some of its deliberations. However, yesterday some material was provided to the committee by the State Rail Authority in particular, which the committee is working through. It was provided one day later than our deadline, which is why we need extra time. Also, the committee last year asked the Chief Executive Officer of State Rail to provide some details with respect to contractual arrangements with the department which have been difficult for him to provide in the time allowed because of the integration of State Rail and the Rail Infrastructure Corporation. We would still like to receive that information. Mr Graham has indicated that he is prepared to provide it to the committee; he just needs more time to do that. So the committee needs just a bit more time to consider its deliberations, particularly with respect to transport matters. I seek the indulgence of the House in this regard.

**The Hon. DAVID OLDFIELD** [3.43 p.m.]: As a member of General Purpose Standing Committee No. 4 might I just add—I think it is appropriate that it be on the record—that the committee's deliberations have been slowed down somewhat over a long period because of what a majority of the committee has considered to be unsatisfactory answers and not a material—

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! At this stage members should be debating only whether the motion should be called on forthwith. If that question is agreed to, the Hon. Jennifer Gardiner will then move the substantive motion, at which time debate on the motion will ensue.

**Motion agreed to.**

## **GENERAL PURPOSE STANDING COMMITTEE NO. 4**

### **Extension of Reporting Date**

**The Hon. JENNIFER GARDINER** [3.44 p.m.]: I move:

That the reporting date for the reference to General Purpose Standing Committee No. 4 relating to the Budget Estimates and related papers be extended to Wednesday 31 March 2004.

I will not delay the House any longer as I have explained the reasons for the committee's request. I think it is reasonable and I hope the House will agree to it.

**The Hon. DAVID OLDFIELD** [3.45 p.m.]: I reiterate now—perhaps in the appropriate sequence—that I support the motion as a member of the committee and would like it noted that the committee's deliberations have been somewhat slowed down due to the time frames associated with unsatisfactory answers at various public hearings.

**Motion agreed to.**

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders****Motion by Mr Ian Cohen agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 82 outside the Order of Precedence, relating to the tabling of a document entitled "Aboriginal Trust Funds Payback Scheme Proposal", be called on forthwith.

**Order of Business****Motion by Mr Ian Cohen agreed to:**

That Private Members' Business item No. 82 outside the Order of Precedence be called on forthwith.

**ABORIGINAL TRUST FUNDS PAYBACK SCHEME****Debate resumed from an earlier hour.**

**Ms LEE RHIANNON** [3.46 p.m.]: I congratulate my colleague Mr Ian Cohen on bringing forward this motion. I believe that without it the Premier would not have made the speech that he has just given in the lower House agreeing to set up a structure to ensure Aboriginal people get the wages and the other money that they are rightfully owed. Thousands of Aboriginal people, some of them now deceased, have been denied justice. Their wages have been stolen and the New South Wales Labor Government has the power to rectify this crime. We hope it now does this speedily. There is no question that the money was earned over many decades and that thousands of Aboriginal people and their descendants are owed this money. The Greens believe that on the whole indigenous affairs have been well managed by successive Labor governments. Up until a few hours ago we were thinking that the Carr Labor Government was not continuing that tradition. We hope the situation is about to change. We all remember Paul Keating's famous Redfern speech. It reminds us why the wages that were robbed from so many Aboriginal people should be returned. At Redfern Oval Mr Keating said:

... in truth, we cannot confidently say that we have succeeded as we would like to have succeeded if we have not managed to extend opportunity and care, dignity and hope to the indigenous people of Australia—the Aboriginal and Torres Strait Islander people.

The Premier could well remember these comments when he is ensuring that this issue is speedily resolved. Another part of that speech by Mr Keating was:

This is a fundamental test of our social goals and our national will: our ability to say to ourselves and the rest of the world that Australia is a first-rate social democracy, that we are what we should be—truly the land of the fair go and the better chance.

New South Wales at the moment is not a place of a fair go and a better chance for the Aboriginal people who have not been paid this money. We hope for all Aboriginal people that it will become a place of a fair go and a better chance very quickly. Imagine if this had been done to us as members of Parliament, and we were expected to come to work every day and not be paid, that we were asked to speak in Parliament, sit on committees, visit different parts of our constituency and not be paid. I believe we would be angry, demanding our money and demanding it now. I urge the Premier to ensure that the system is fair and that the money is paid in full and paid quickly.

Aboriginal Australians have made remarkable contributions to this country in the pastoral and agricultural industry, in exploration, in culture, in sport, in literature and in music. Those contributions have made this country a better place. Now they deserve their full payment. Although I have concerns about some of the comments made by the Minister for Community Services, I commend her commitment in following through on this matter. I believe that she has helped the Government to reach this position. It is now paramount that this issue be resolved fully and speedily.

**The Hon. DAVID OLDFIELD** [3.51 p.m.]: I also support the motion moved by the Hon. Ian Cohen. There is a long-held incorrect perception on the part of some people, including some members of this House, that I am anti-Aboriginal. Although I am certainly anti rorts, untruths and all sorts of elements of history that have been wrongly recorded and held against the non-Aboriginal population for a long time, I am not anti-Aboriginal as such. I am certainly anti individual Aboriginals such as Sugar Ray Robinson and the Chairman of the Aboriginal and Torres Strait Islander Commission, but I am not anti-Aboriginal generally. The Hon. Ian

Cohen's motion seeks justice for those who have had money owed to them withheld by successive Governments for their use rather than the use of those who were entitled to them. I most certainly support those Australians whom the honourable member is representing in this motion.

**The Hon. Dr PETER WONG** [3.53 p.m.]: I speak on a matter that appals me. The Government has indicated that it is sympathetic about and receptive to amending the wrongs of the past. However, its actions suggest the opposite. Time and again Government members have called for divisions and tried to block the Hon. Ian Cohen's motion. Is that a Government displaying honesty and sincerity? I have my doubts. As mentioned by the Hon. Jon Jenkins, this issue relates to social justice, not charity, a gift or a favour; it is about a debt. I particularly thank the Hon. Ian Cohen for his valiant efforts in advancing the cause of the return of the money held in trust for Aboriginal people.

Carmel Niland's report is also commendable. It is 40 years late, but it is better late than never. The Government is not being genuine in trying to resolve this issue as quickly as possible. The Minister for Community Services has been honest and sincere in this matter, but the Government has made excuses for dragging its feet. The Premier said that all the records were lost and that the money involved was public money. Both statements are totally untrue. If anyone outside this Chamber were to make such statements, I would call him or her a liar, but I cannot do that in this place.

Today, my office spoke to Lola Edwards a member of the stolen generation. The name of her mother, Mrs Dinah Pearl Edwards, is on a list I have covering the period 1927 to 1938. She is owed just over £5. When Lola worked for the Link-up NSW Aboriginal Corporation, an organisation that helps to reunite separated families, she went to the archives and found endowment records and personal files containing details about the movements of each Aboriginal child and where endowment payments were to be sent to provide the institutions housing them with money to feed, clothe and educate them. Lola said that some of the records she saw had been tagged by the Crown Solicitor, whose officers had gone through them while doing research for law suits for breach of duty of care brought by women who had been traumatised when they were institutionalised as children. When she was four years old Lola and her sisters and brother were taken from their mother, Dinah. Lola and her sisters were sent to Cootamundra Girls' Home, her brother was sent to Kinchela Boys Home and her mother was placed at a mission at Tingha and told not to leave.

When Lola was 16 years old she was sent from the girls home to Junee to work for cockies who paid her £2 a week. A further £7 a week was meant to be paid to the Aborigines Welfare Board. Lola said that if she wanted a little holiday at the coast or to get her teeth fixed she had to apply to the board for her money. She was later told that her boss had never sent the money for her incidentals to the board. That money should have been paid in the first instance directly to Lola. Like many honourable members, Lola wants to know why the Premier said that all the records were lost. She wants to know from the Minister for Community Services and Premier Bob Carr what he was talking about. Many records are in the archives and some are with the Department of Community Services. Lola also wants to know why it has taken so long for her to get her money. She said that she does not believe that a white person would have had to wait 40 years to get his or her wages.

The Premier's statement about lost records is totally false. It demonstrates his desire and intention to delay payment as long as possible, or to avoid paying altogether. He is telling complete untruths. His media statement today is an attempt to redress his mistakes, but I do not believe that he is genuine. The Premier said that the money held in trust is public money. That is not true: the money belongs to the individuals named in the list. The Premier's statements are false and misleading. They are blatant untruths. I request the Minister to endorse the statements. The Premier has told untruths, and he must now rectify the situation. Perhaps he is a changed person overnight. I hope so.

The Premier also referred to setting up a tribunal. I want to know why these people are now to be subjected to a tribunal. What is the purpose of such a tribunal? This is an honest, genuine debt. Do we need a tribunal to determine whether the debt should be paid? How much more pain does the Premier intend to inflict upon these people with his ridiculous comments, time wasting and costly tribunals? Perhaps time wasting is the whole purpose of the tribunal.

As other members have said, the Government is behaving as though we are living in the pre-Mabo era. Indeed, Justice Brennan stated that Australia must be brought up to date with international contemporary human rights practice. In 1997 the Premier welcomed the very first Aboriginal woman to speak at the Parliament of New South Wales. Her name is Nancy DeVries, and she is a member of the Stolen Generation. Nancy told her story briefly in the other place. The picture made the front page of the *Sydney Morning Herald*.

Bob Carr basked in the glory of his magnanimous gesture—keen to be carried on the back of the Human Rights and Equal Opportunity Commission report. Three years later a minute was prepared by the then Minister for Community Services to obtain Cabinet endorsement for the reimbursement of Aboriginal trust fund money to the rightful claimants at fair value in today's currency. The money held in trust for our indigenous people was to be returned to them. Three years later, they are still waiting.

It is not enough that the Government at first denied the very presence of the Aboriginal people in 1788. It is not enough that young Aborigines were ripped away from their families—a whole generation stolen, children taken from their mothers, babies, little ones—the object being to wipe out their race. The damage done by that act of bastardry is reflected in the lives of every Aboriginal person living today. It is not enough that they were then used as virtual slave labour because of yet another fiction: that Aboriginal people were, and are still, incapable of looking after their own affairs.

It appears that there is no end to the tragedy that successive governments are willing to perpetrate on our indigenous people. They are now being told that their money is public money, and that their records have been lost. The Minister must inform this House of the whereabouts of the money. Under what budget category is the money being held? Where does it appear in the budget? Is it in the budget of the Department of Community Services? Is it in the budget of Aboriginal Affairs? If so, under what heading? Exactly how much was collected? How much interest has the Government earned at the expense of Aboriginal people? Exactly when does the Government intend to return the money to them?

Aboriginal people and their descendants should not be penalised; indeed, they should be paid exactly the amount that their deceased relatives were owed. There is a long list of names of Aboriginal people whose moneys are held in trust; it goes on for pages and pages. I understand that Mr Ian Cohen will refer to that matter in more detail.

I wish to comment on the amendment moved by the Minister concerning confidential Cabinet documents. I was reliably informed that the documents were obtained under the provisions of the freedom of information legislation. I understand that Mr Ian Cohen will elaborate further on that matter also. I respect the confidentiality of Cabinet documents, and overall I support the concept that no member should table Cabinet documents in this House. I would be very concerned if the documents referred to the political climate at that time, the budget, the then Minister, or political activities. However, I believe that the documents would not harm the Government in any way. In fact, on the contrary, I believe they will highlight the good judgment of the then Minister in asking for such documents to be produced. As a member of Parliament and as an individual I always weigh my conscience and my sense of fair play against bureaucracy. I respect the Minister, the mover of the amendment. However, I believe that any person with a conscience should not support her amendment.

I wish to respond to statements made by the Premier in the other place. He started with a wonderful statement saying that no challenge in public life in the past 30 years has been greater than coming to terms with that most painful chapter of Australian history and the treatment of our indigenous people. Yet, interestingly enough, it is the same Premier who directed his party to move against the motion of Mr Ian Cohen today. A political party that had very great sympathy for indigenous people was not even allowed to debate their welfare. What kind of a political party would do that? He also mentioned that those who were members of the Fifty-first Parliament will always recall with great pride the date 18 June 1997, and he added:

... the day we made Australia's first apology to the Stolen Generation.

It is wonderful to apologise—as long as we do not repay the money we owe them, as some would claim. As mentioned by many speakers, we would not do that to any white person. At the end of the day the Premier talked about:

... our acceptance of hard truths, our determination to make amends.

In that spirit of facing hard truths and making amends I invite the House to turn its attention to another legacy of misguided paternalism: the fate of Aboriginal trust funds. The Premier gave a very good story of how the trust funds started, including the way some day the money should be repaid. Talking about establishing this scheme he said, "Over the coming months we will consult the Aboriginal community to find out how such a scheme can best work." [*Time expired.*]

**The Hon. DON HARWIN** [4.12 p.m.]: We are debating Private Members' Business item No. 82, which concerns the tabling of a document. The debate started when Mr Ian Cohen moved:



- (1) That this House grants leave to Mr Cohen to table a document entitled "Aboriginal Trust Funds Payback Scheme Proposal" including all attachments.
- (2) That, on tabling, the document is authorised to be made public.

The Minister has moved an amendment to add to paragraph (1) of the motion the words "excluding any document which is a Cabinet document". That is, of course, a very serious matter and it requires serious consideration by all members of the House before it is voted upon. I will talk briefly on the genesis of this whole issue of Aboriginal trust funds. I am grateful to the Public Interest Advocacy Centre's briefing note and I will quote directly from that note because I believe it is an excellent exposition of the situation:

Between around 1930 and 1969, Trust Funds were established for apprentices (mostly domestic workers and farm labourers), recipients of child or other endowments, pensioners (eg widow's pension) and beneficiaries of other payments. In many cases, a small amount was paid directly to an Aboriginal worker or person entitled, and the remaining monies held in a Trust Fund on their behalf. This arrangement originated from a belief held by governments of the day that Aboriginal people could not adequately manage their own money without the intervention of the State. To date, many Aboriginal people have never received the money owing to them from these Trust Funds.

That very succinctly gives us the background to this debate. I want to particularly congratulate the passion and the interest shown by a number of members in this debate, including the mover, Mr Ian Cohen. I want to pay tribute to my colleague the Hon. Catherine Cusack, who is passionate, as she always is, about this issue. She cares very greatly about this issue indeed. Nevertheless, there is a very serious issue we have to consider as a result of the Minister's amendment, that is, the exclusion of any document which is a Cabinet document.

I am mindful of what the Premier said in the other House, which is that he wants as much transparency about this process as possible and he wants to find a solution expeditiously. I certainly hope that is the case, but I also want to marry up those comments with what this amendment means. It would be fair to say that a number of members of this House share a little bit of the confusion that I have about exactly what this amendment will do. On the other hand, of course, it is extremely important that the traditions of Cabinet are not impaired in any way by what we do in the House.

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

## **CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL**

### **Withdrawal**

**Order of the day for the second reading discharged.**

**Bill ordered to be withdrawn.**

## **FAMILY IMPACT COMMISSION BILL**

### **Second Reading**

**Debate resumed from 25 February.**

**The Hon. CHARLIE LYNN** [4.17 p.m.]: I recommence my contribution to the debate on this very important bill. The Family Impact Commission Bill has a long history. It has been before this Chamber over the course of a 12-year period. The bill was passed at the second reading stage and then was referred to the Standing Committee on Law and Justice. After much inquiry the committee reported back to the House with arguments for and against the bill, but did not make any final recommendations on how to proceed with the bill.

The object of the bill is to provide for the establishment of the Family Impact Commission. I congratulate Reverend the Hon. Fred Nile on his initiative and on his well-known commitment to families in New South Wales. The bill provides that any proposed legislation or expenditure must be subject to a Family Impact Commission study and assessment. The commission will study and report on the moral, social and economic impact on New South Wales families for the purpose of ensuring that the sanctity of families is protected and that they remain as the important foundation that they are.

The traditional family unit is the fundamental building block of our society. However, modern society places considerable stresses on the traditional unit. The cost of living and the emphasis on material wealth means that it is quite normal for both husband and wife to have a job or career. The outcome of this change from a single breadwinner in a family unit has resulted in many couples being money rich and time poor.

Yet one of the most important issues in the raising of children is time—time for love, time for nurturing, time for teaching, time for play and time to be together. The demands of the modern workplace and of the modern child mean that many parents are flat out on the treadmill of life. One of the damaging outcomes of these pressures on the family unit is the divorce rate. It is now higher than ever. Our job as legislators is to find ways to protect the integrity of the modern family unit and ensure that there are no unintended consequences of legislation that may impact on the social, moral or economic wellbeing of families.

It is important to ensure that we give priority to providing the type of support that allows families to look after themselves and their children. We must do everything in our power to support those families who are most at risk of falling apart. To this end the bill provides that the family has the prime responsibility for the welfare, education and property of its members, and that the optimum conditions for maintaining the integrity of the family unit are preserved and promoted. Reverend the Hon. Fred Nile said that governments would not seek deliberately to harm families but there are many instances of decisions that unintentionally disadvantage the traditional family unit. I agree with his comments. I understand that the purpose of this bill is to review such decisions to ensure that the family unit is not adversely affected. The bill makes families a priority.

I note the existence of environmental impact statements to ensure that certain decisions do not affect the environment. Why not introduce a similar procedure for the family? Similar bills have been introduced in other parliaments around the world, including the United States of America. This is not the first bill of its nature. If we are to respect the United Nations Declaration of Human Rights—in particular, Article 16 (iii), which states, "The family is the natural and fundamental group unit of society and is entitled to protection by society and the state"—we must look at ways to ensure that our decisions as legislators do not work against this principle, directly or indirectly. In passing this bill we will clearly demonstrate that the Government has a responsibility to families. I appreciate that some members have a concern over the definition of "family" in the bill. The bill defines "family" as:

... an organic unit composed essentially of a man and a woman related by marriage and the children of either or both of them by blood or adoption, whether or not in a wider relationship of grandparents, aunts, uncles and cousins.

I strongly believe that this definition is very clear and measurable for the purposes of the legislation. I agree with Reverend the Hon. Dr Gordon Moyes that the ideal of a family is about blood and other relationships; it is not about self-defined friendships that may come and go. The Women's Action Alliance, in its submission on the bill, stated:

To use strong, concise definitions ... is to promote stability and consistency for families in NSW.

To reject the bill over such a clear definition would be detrimental to families in New South Wales. I agree with the intent of the bill as it provides for a mechanism for information to be presented to the Parliament that will allow us to make better-informed decisions on proposed legislation. I believe the bill needs further refinement in view of concerns raised by honourable members during debate. I ask Reverend the Hon. Fred Nile to give due consideration to those concerns before honourable members are asked to vote on the bill.

**The Hon. DAVID CLARKE** [4.22 p.m.]: The Family Impact Commission Bill has been under consideration by this House for some time. It contains proposals that raise important issues. It gives deserved prominence to the family; it exalts the family; it recognises and enshrines the family as the basis of our society; and it confirms that the family is the cornerstone upon which our society stands, as it should in any humane and civilised society. The bill seeks to ensure that any legislation that comes before this Parliament is considered and examined to ascertain the impact it will have on the family and on family life. It seeks to ensure that legislation—and, indeed, any Government expenditure—harmonises with family life so that the family is not adversely impacted upon by such legislation or expenditure.

This is a very worthy objective that should be enshrined in appropriate legislation, although the way in which we seek to accomplish this must be carefully analysed so that we get it right. Legislation that may have an impact on our natural environment is subject to an environmental impact study, and that is appropriate because we value our natural environment. For the same reason it is appropriate for legislation to be subject to some sort of family impact analysis because the family and family life are central, indeed essential, to the proper and good functioning of society. I congratulate Reverend the Hon. Fred Nile on his perseverance with this worthy cause. He is a great advocate of the family and family life. He has a well-deserved reputation in the community for his compassion and support of the family.

On previous occasions when Reverend the Hon. Fred Nile has spoken on this bill, he has emphasised that he does not seek to claim ownership of this issue but seeks to get the ball rolling, as it were. Reverend the

Hon. Fred Nile has expressed the wish that all members of Parliament, regardless of party affiliation, will work to provide an effective and workable bill to ensure that legislation and expenditure are subject to appropriate scrutiny to ascertain their impact on the family. He welcomes all contribution towards improving, finetuning and making workable such a proposal. The bill seeks to enshrine in legislation the substance of Article 16 (iii) of the United Nations Declaration of Human Rights, which states:

The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

This is a worthy foundation for such a proposal. It is a pity that so many United Nations member States do not even go through the pretence of paying lip-service to this commendable objective. It is a pity that in so many other parts of the world the family is a family in name only, existing as an institution where wife and mother exist in servitude as second-class citizens and even as chattels. What sort of family is that? Indeed, from time to time some of these nations have had the gall, nerve and cheek to lecture Australians on how to run our own internal affairs. Thankfully, the Federal Government has stood firm against these intrusions into our affairs by United Nations committees, which do not know what they are talking about.

I commend the concept that we establish a process to analyse the social, moral and economic impact on families of existing and future laws in this State and expenditure of Government funds. The bill seeks to uphold the family, consisting of those individuals related by blood, adoption or marriage, as the foundational social unit of the community. The bill seeks to ensure that the family is to be given the widest possible protection and assistance as the natural and fundamental unit of society, especially where it is responsible for the care and education of dependent children.

The bill recognises that the family has prime responsibility for the welfare, education and property of its members. It seeks to ensure that optimum conditions exist for maintaining the integrity of the family unit so that it can be preserved and promoted. The bill specifically provides for the preparation of family impact studies and assessments for all bills introduced into Parliament and for all expenditure or programs of expenditure of public money. It provides also for these guiding principles to be taken into account when preparing such studies and assessments.

The Family Impact Commission Bill seeks to uphold, extol and exalt families. It recognises their fundamental and vital importance for the stability and progress of our society. It seeks to harmonise legislation with family life to assist the family in its central role as the stabiliser of our community. This is a very worthy aim indeed. Now that Reverend the Hon. Fred Nile has laid down a general parameter and has specified general concepts to form the foundation of such a proposal, we should direct our thoughts and efforts to the specifics, the nuts and bolts, the things required for such a proposal to move forward and function effectively. We now need to focus and finetune these concepts to satisfy those who agree with the overall aim but have particular concerns as to the specific functioning of the bill in its present state.

Once again, I congratulate Reverend the Hon. Fred Nile on introducing this worthy bill to ensure that legislation harmonises with family life. I am delighted to accept his nobly motivated invitation, which he has previously extended to every member of this House, to focus on concepts and procedures that may be supported by all honourable members in order to uphold and strengthen family life in the State of New South Wales.

**Debate adjourned on motion by the Hon. David Clarke.**

## **DEVELOPER DONATIONS (ANTI-CORRUPTION) BILL**

### **Second Reading**

**Debate resumed from 26 February.**

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [4.29 p.m.]: Previously I was saying that by funding election campaigns, the public is paying for politicians to give them a message. That may be hard to swallow. The fact is that there is inequality in the message the public is given. Each politician has the same amount of money per vote to give people the message. That is an advantage in this country, unlike in America, where the Republicans continually and grossly outspend the Democrats. At the last election Bush grossly outspent Gore by two or three to one but got fewer votes than Gore. I believe that the small difference between the number of votes won by the two main parties can be related to the extreme imbalance in the amounts of money spent by them, quite apart from faults in the American electoral system such as occurred in voter registration. I believe that the man who spent the most became President as a result. The effect of that result on the history of the world since then has been considerable.

Although this may seem to be a trivial issue, it is not. The Greens, to their credit, have meticulously documented in this House on a number of occasions the too-close relationship between the Carr Government and the developers. One example is the development of Luna Park, which was a playground. Basically, because a few people threatened to sue, the Big Dipper was rendered uneconomic. It was then sold to a company that had no expertise in running parks but a lot of expertise in constructing big buildings and making a lot of money from the sale of them. Effectively, the forecourt of Luna Park has been destroyed from a visual viewpoint by a huge car park. There is argument in this House about changes to the development application, squeezing buildings between fig trees, and so on. If the developers cannot make money from the tiny historical residue of park that remains, they will ask for a bit more development, and a bit more after that, without considering the slightest aesthetic consequences. This Government seems to be extremely accommodating about such behaviour.

Canadian legislation provides electoral funding from the public purse. I believe that is a good step but it must go together with the closure of loopholes that allow trusts simply to collect money. Money from the trust is accounted for, but money paid into the trust is not accounted for. Donations in kind must also be examined. An excellent article in *Multinational Monitor*, March 2003, Volume 24, No. 3, entitled "The Corporate Drive for Legal Immunity", refers to sweeping legislation in Canada to deal with that. The Democrats have been assiduous in trying to have the source of donations made clear. In America, some money is known as "hard", which means that it is visible. Money known as "soft" money is given to the party structure, an organisation that is not directly connected to a party, or to a trust as so-called soft donations. That does not stop groups with extremely vested interests from making donations.

For example, because there is no national health scheme, health insurance funds are putting huge amounts of money into that; because there are no strict gun laws, the armaments industry and the gun lobby put a lot of money into that; because America has a fairly belligerent foreign policy, the armaments industry puts a lot of money into that; because there is no good greenhouse policy, the energy industry, particularly the oil industry, puts a lot of money into that; and because there are no strong tobacco control policies, the tobacco companies put a lot of money into that. Money that is donated against the public interest is transparent nevertheless, so at least people know what is happening. Of course, money from the public purse allows honest candidates to run a decent campaign, but they will be outspent by the many donations that distort public interest in favour of moneyed and vested interests. At least honest politicians who see their job as standing up for the little people against vested interests—which I believe is the essence of our task in a democracy—have a financial base from which to put their point of view.

I remember sitting in the parliamentary dining room, hosting a dinner, when a captain of industry said to me, "What right have you people to tell us how to run our business?" I said, "I will tell you what right I have, mate. It is as clear as this. Four per cent of the population voted for me to look after their interests. What percentage of the population voted for you to look after their interests? Damn all! The fact is that you are there to make money for your shareholders within the framework of the public interest of the citizens of New South Wales, and I am here to set that framework. That is my job." It was like I had hit him with a wet fish, because no-one had ever stood up and said, "This is what parliamentarians are for. This is why we have legitimacy."

However, parliamentarians only have that legitimacy if they are for the people. If they have been bought as a quid pro quo for election donations, they have abdicated both their duty to the people of New South Wales and their legitimacy in this place. These donations and the venal behaviour that comes with them is the reason that politicians in Australia are held in such contempt. This bill is a step forward but I do not think it is comprehensive enough. In this Parliament the fact that a bill is not perfect is not a reason to criticise it. Many bills are not perfect. Basically, we vote in favour of them if they are a step in the right direction. No doubt this bill from the Hon. Lee Rhiannon is a step in the right direction and as such I support it.

**The Hon. PETER BREEN** [4.38 p.m.]: I am pleased to support the Developer Donations (Anti-Corruption) Bill, on the basis that developers have too much influence on the Government and are a negative influence so far as the environment is concerned. Developers seek to maximise the yield on every square inch of land they own and the most efficient and cost-effective way to do that is to become a donor to the political party that happens to hold office. If the party has a narrow majority or an election is in the wind, developers have two bob each way and donate to both major parties. The present system of monitoring developer contributions to the major parties is not transparent, and this bill addresses that deficiency in the electoral laws.

Prior to the last election I met a developer in the foyer of Parliament House. He was on his way to a \$2,000 per head dinner in the President's dining room that was being hosted by the member for Campbelltown. I

was informed that all the guests at the dinner were developers. I am not aware of how many developers can be seated at the President's dining table but it is a very long table. I hasten to add that the President's dining room serves a multitude of interests and causes, and I have no objection in principle to developers sharing a meal with their local member.

The question that has always bothered me about that dinner is where did the \$50,000 or \$60,000 profit finish up? How was it described for the purpose of the electoral laws, and were each of the developers identified as contributors to the Labor Party? The question is an important one in terms of accountability and it is one that the present bill will address. My understanding of the law as it presently stands is that there is no requirement in the circumstances I have mentioned for the individual member to disclose a developer's contributions. Rather, the funds are received by the party and it is the party that bears the disclosure obligation. In my opinion, such an arrangement masks the relationship between the developers and the member, and the electors have no opportunity to evaluate that relationship when they cast their votes.

The influence that developers have over politicians can be seen in the posturing of the two major parties over the nomination of Clover Moore, the member for Bligh, as a candidate for mayor of Sydney in the forthcoming council elections. Clover Moore has put a cat amongst the Liberal and Labor pigeons, who were hoping to be funded by Sydney developers into the foreseeable future. The member for Bligh rightly described the developers as a cash cow for funding the Labor party to the tune of \$5 million over the past five years. Today we have the extraordinary situation that the former mayor and now Labor Party Minister, Frank Sartor, is recommending to his friends in the Town Hall that they support former Liberal Opposition leader Peter Collins in the race for the mayoral robes.

I have a real concern about the negative influence of developers on the growth of Sydney. This bill goes some way to addressing that concern, but it is not all good news. The Legislation Review Committee has pointed out that the bill raises questions of the right to freedom of political communication recognised in the Australian Constitution by the High Court in 1997 in *Lange v Australian Broadcasting Corporation*. On the other hand, in 1992 the court found in *Australian Capital Television Pty Ltd v the Commonwealth* that "... a comparison or balancing of the public interest in freedom of communication and the public interest in the integrity of the political process might well justify some burdens on freedom of communication".

This bill certainly infringes the right to freedom of political communication, as the Legislation Review Committee points out. What the committee failed to recognise, however, is that the bill enhances the right to vote and the right to stand for election, two rights recognised by the Universal Declaration of Human Rights. Time does not allow me to expand on these important political rights, but I note that the Developer Donations (Anti-corruption) Bill places the right to vote and the right to stand for election above the right of the major parties to grow rich on the crumbs that fall from the property developers' table. For this reason alone the bill is worthy of support and I commend it to the House.

**Reverend the Hon. Dr GORDON MOYES** [4.42 p.m.]: The Christian Democratic Party supports the Developer Donations (Anti-corruption) Bill but there are some aspects of the bill with which we are not satisfied. I regard the objects of the bill, which will amend the Election Funding Act, as a step in the right direction. We support the move to prohibit major developers and persons found guilty of offences involving bribery and corruption, from making political contributions. However, I find the bill very elitist and selective. It is an absolute shame that none of the Christian Democratic Party members have ever been approached by huge developers with large donations! There is something wrong with the system if they do not attempt to bribe us! But in spite of these deficiencies we have played the game with a straight bat and have disclosed every major development company that has provided us with any kind of political donation or act of bribery! I am sorry there have not been more, because our total number is zilch and I feel discriminated against! If any company would like to help us out I would gratefully receive their invitation to have a discussion! Notwithstanding that, we will support the bill.

**Ms LEE RHIANNON** [4.44 p.m.], in reply: I thank the members who took the time to consider my bill and debate it. Some members have indicated they will not support the bill. I will make some brief comments on the concerns they raised. I was pleased to hear the member Don Harwin acknowledge that we must tackle the issue of donations, though I am not sure if this reflects the thinking of his Federal colleagues. Recently, according to the *Australian Financial Review*, Treasurer Peter Costello held a \$10,000-a-head dinner for 10 executives at a banker's house in Hunters Hill. That same week the Millennium Forum held a fundraising lunch for the Liberal Party at the Wentworth Hotel. This is identical to Labor's frequent cash-for-access events at swanky hotels. Mr Harwin's main concern seems to be that the Liberal fundraisers are not as successful as Labor Party ones. I presume that this is what he means when he talks about the lack of a level playing field.

The Greens are not motivated by their inability to match the Labor Party's donations. Our concern is the fundamental injustice of a system that gives big donors more access to the Government than ordinary people. Whatever the Liberals' motivation, we welcome their support for our overall campaign against political donations. I congratulate Mr Harwin on a thoughtful contribution, which looked at a number of different alternatives to our bill, such as the Canadian system. The Greens share his interest in alternative models using public funding but we felt it was too ambitious to propose such a system in this bill. Given Mr Harwin's comments, we hope that he and his Federal colleagues will support parliamentary inquiries into alternative regimes for funding political parties and election campaigns.

Our bill has a more modest aim: to curb one of the worst excesses of the current donations system. The public has a deep-seated hostility towards donations, particularly developer donations. Development issues are also the subject of almost daily decisions by local councils and State governments, and those decisions directly and materially affect developers. The potential for donations to influence development processes and policies is more acute than in almost any other industry or sector. This is why the Greens and the public see the need for this bill. Mr Harwin says we are unfairly singling out one industry, but we say that developers have singled themselves out. Their donations are of a different order of magnitude than those from any other industry.

In the lead-up to the last State election, five of the top 10 donors to the ALP were developers. Likewise, four of the top 10 donors to the Liberal Party were developers. Developers are the only industry, apart from hotels and clubs, that gives more than \$1 million a year to political parties. As a whole, developers give twice as much as clubs and hotels. The size of some developer's donations is staggering. Over the past five years the big names like Australand, Leighton, Lend Lease, Meriton, Mirvac, Multiplex, Walker and Westfield have each given hundreds of thousands of dollars. Then there are other more mysterious donors like Cienna from Neutral Bay, Memo Corporation, Shima Holdings from Hong Kong, and the Toga Group, which runs the Medina serviced apartments. If developers choose to put themselves in the spotlight by pouring millions into the coffers of the parties that determine their profits, they should accept the consequences. Lend Lease has admitted that such donations tarnish their image as a good corporate citizen and has stopped making donations.

Mr Harwin cited the Legislation Review Committee's view that banning developer donations trespasses on personal rights and liberties. The Greens believe that it is developer donations that trespass on our rights and liberties. Democracy—the idea of one vote, one value—is thwarted by these donations. While developers use their donations to gain access and influence, those affected by developments are left on the sidelines. Surely that is a more important trespass, and our bill would remedy that. To those who believe the corporate spin that donations are aimed at supporting democracy, I refer them to an exchange on the ABC's *Stateline* program between a journalist and the Australian Hotels Association's John Thorpe:

Journalist: Do you think they listen to you because you give good donations?

Thorpe: Look, democracy is not cheap. And your firm and your company—everybody's involved with assisting political parties because at this stage we need to keep these people in place to have the democracy we have today.

Journalist: Does that help, do you think?

Thorpe: Look, what helps is this—you attend as an observer, as I did, at the ALP national conference. Yes, it costs money. But we did get interviews with ministers, we did get interviews.

The Hon. Don Harwin went some way to acknowledging this, but said that our bill is not the answer. He said that our bill would only apply in New South Wales. The Greens say: Let our bill be an example for other States to follow. The Hon. Don Harwin also said that our bill could be circumvented. The Greens say: Give more resources to the Australian Electoral Commission to monitor compliance. The Hon. Don Harwin also said that our bill does not address the need for publicly funded elections. The Greens say: Let us have a parliamentary inquiry. Let us get some legislation to bring this in as soon as possible. This bill is just the first step. The Greens want to ban all corporate donations and change the funding system. But we see this as an evolving process. The Hon. Patricia Forsythe suggested that development is crucial to our community. The Greens have never argued against development per se, but we want community-driven development, appropriate development, and sustainable development. The Hon. Patricia Forsythe seems to be suggesting that all development is good.

**The Hon. Patricia Forsythe:** No, I did not say that.

**Ms LEE RHIANNON:** I said you seem to be suggesting that. Attitudes such as those of the Hon. Patricia Forsythe nearly lost Sydney its priceless historic precinct, The Rocks. Is she really suggesting that we should not try to keep developers in check? It was only thanks to the Greens' forebears in the green bans

movement—I salute the courage and skill of Jack Munday and his colleagues—that our heritage has been preserved in the face of big developers. The Hon. Patricia Forsythe seems unable to distinguish between growth and good growth—a failing she shares with her Federal colleagues. The Greens want community consultation and community input. Developer donations circumvent the community and drown out the voice of the people in ways that Sylvia Hale, Ian Cohen and I have illustrated in our speeches.

Jon Jenkins based his speech on inaccurate information from the web site *crikey.com.au*. The record has already been corrected but, for his information, the donations from overseas Greens parties were reimbursements for the cost of attending the Global Greens conference in Australia in April 2001. The Greens NSW do not accept corporate donations. Speaking of Crikey brings me to the contribution and the writings of the Hon. Tony Burke, the future member for Watson and soon to be the beneficiary of a \$25,000 bonus payment from the New South Wales taxpayer. That will wait for another day.

I do not know whether I can really call his remarks a contribution as they had very little to do with the bill. His opening comments were interesting. Perhaps he has detected an anomaly in the bill. If so, we would welcome any proposal from him to amend the bill. Of course, that will not happen, because the Labor Party likes things just the way they are. We will not get any thoughts on cleaning up politics. We will not get any useful amendments. Labor, including the Hon. Tony Burke, has a vested interest in defeating the bill because it receives the best part of \$1 million a year from developers. That is the bottom line. And it puts Labor on the defensive.

Rather than amend the bill or even enter the debate constructively, as the Hon. Don Harwin did, Labor used its only tactic when it comes to the Greens—mud slinging. Boilermaker Burke tried to equate individual donations worth a few thousand dollars from party members with massive corporate donations worth hundreds of thousands of dollars. Nice try, boilermaker Bill—sorry, I mean Tony—but the public can tell the difference. Boilermaker Burke tried to suggest that because the Australian Greens took a donation from the Ethical Investment Trust we have a vested interest in developers. What interests would this trust be trying to push? What developments would it be lobbying us on? It is ludicrous to suggest that this bears any resemblance to developers donating hundreds of thousands of dollars a year, or that it bears any resemblance to developers paying tens of thousands of dollars a head to sit down to dinner with the planning Minister. But although boilermaker Burke thinks of himself as an intellectual he has not realised the trap he is in.

**The Hon. Rick Colless:** Point of order: The honourable member knows that if she wishes to make such statements about another member of this House she should do it by substantive motion. I ask her to withdraw the statement.

**The Hon. Peter Breen:** To the point of order: If there was a damaging imputation against another member and that other member is in the House, he is quite capable of defending himself. Given that he has not taken any objection to it I suggest that there is no point of order.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! Ms Lee Rhiannon's reference to another member of this House is not in accordance with the standing orders. She should refer to members by their proper title. If she complies with the standing orders, she may continue.

**Ms LEE RHIANNON:** The Hon. Tony Burke's attempt to smear the Greens about donations reveals that he thinks that donations are bad. And if donations are bad, who is the chief villain? His own party. He cannot have it both ways. If he wants to smear the Greens with muck, he has to look down and realise that he is already covered in the stuff himself. People in glass houses should not throw stones, and people who throw stones should do so under their own name. I am disappointed, but not surprised, that the Government has chosen not to support the bill. But I am surprised that nobody from the Government benches has chosen to engage the issue intellectually. The Australian Labor Party President, Carmen Lawrence, has raised the issue many times. She is prepared to debate the morality of donations rather than engage in a knee-jerk reversion to mud slinging. In the *Sydney Morning Herald* of 4 March Dr Lawrence wrote:

It disturbs me, as it should all citizens, that there are some who are more equal than others.

Commenting on the public perception that large campaign donations may help to open doors, she wrote:

It's almost certain that they do. Corporations do not make large donations out of a charitable impulse or a commitment to civic duty.

Her conclusion was:

We do not know how much is being spent to inform, persuade and cajole our decision makers.

It is time we subjected the process to scrutiny, and judged the decisions of our governments knowing who has been in their ears.

Why is the Government not listening to Carmen Lawrence? Is it too busy reading and writing pieces for Crikey to actually think about the political implications of the donations it receives? It is time to change. The Government may not recognise it but the Greens do. And the public does. Our bill is the first step along the road to a cleaner, fairer political system. I urge honourable members to support it.

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

**The House divided.**

**Ayes, 9**

Mr Breen  
Mr Cohen  
Ms Hale  
Reverend Dr Moyes  
Reverend Nile  
Mr Oldfield  
Ms Rhiannon  
*Tellers,*  
Dr Chesterfield-Evans  
Dr Wong

**Noes, 22**

Mr Burke	Miss Gardiner	Ms Robertson
Ms Burnswoods	Mr Gay	Mr Ryan
Mr Catanzariti	Ms Griffin	Mr Tingle
Mr Clarke	Mr Hatzistergos	Mr Tsang
Mr Colless	Mr Jenkins	
Ms Cusack	Ms Parker	<i>Tellers,</i>
Ms Fazio	Mrs Pavey	Mr Harwin
Mrs Forsythe	Mr Pearce	Mr Primrose

**Question resolved in the negative.**

**Motion negatived.**

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

**SPECIAL ADJOURNMENT**

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

That this House at its rising today do adjourn until Tuesday 16 March 2004 at 2.30 p.m.

**ADJOURNMENT**

**The Hon. TONY KELLY** (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)) [5.10 p.m.]: I move:

That this House do now adjourn.



## CHINESE WOMEN'S ASSOCIATION FIFTIETH ANNIVERSARY

**The Hon. PATRICIA FORSYTHE** [5.10 p.m.]: Last Sunday, 7 March, I was privileged to attend on behalf of the State Opposition a dinner in celebration of the fiftieth anniversary of the establishment of the Chinese Women's Association of Australia. Approximately 250 guests attended the outstanding event. I was interested to learn about the history of the association, which was founded in 1954 by Mrs Phyllis Wong. Mrs Wong said she founded the association to combat the problems of isolation and loneliness that she encountered when she first came to Australia with her husband, Martin Wong, in 1937. The idea of a women's group that would meet regularly, socialise, learn from each other's experiences, and help one another was born. The first meeting was held on 14 March 1954 in Mrs Wong's home and was attended by 37 women. Its first function was attended by 400 people.

Since that time the Chinese Women's Association has continued to meet regularly, host functions, and encourage its members to make a positive contribution to society. The association also set up the Younger Set, an offshoot for young Chinese people. I was impressed to learn that while the Younger Set no longer exists, many of its members continue their membership of the Chinese Women's Association. In fact, Doreen Cheong, a former President of the Younger Set, was the master of ceremonies at the dinner.

Throughout modern history Chinese Australians have contributed richly to the fabric of our society, and the work of the Chinese Women's Association has played an important part in this. For 50 years the association has sought to promote a close relationship between Chinese women in Australia, foster greater friendship between Chinese and Australian peoples, and provide a better knowledge and understanding of the Chinese and Australian cultures, people and living conditions. Indeed, the purpose of the dinner, aside from being a celebration of the association's fiftieth anniversary, was to raise funds for the new dementia unit of the Bernard Chan Nursing Home in Burwood.

The association has supported many other functions to raise funds for charitable causes, which include Australian Chinese nursing homes, elderly Australian Chinese homes, the Can-Revive Cancer Unit at Westmead Children's Hospital, and the spinal unit at Royal North Shore Hospital, to name but a few. I pay tribute to the work of the committee members, not only for their organisation of the dinner but for their past achievement and their ongoing efforts: President Valery Quay, Vice-Presidents Rose Wong and Rebecca Choy, and the Secretary, Leanne Tam. I hope that the Chinese Women's Association will continue from strength to strength in the coming months, years and decades, as it has done so ably in its first 50 years.

## NRMA MEMBER SERVICES

**The Hon. PETER PRIMROSE** [5.13 p.m.]: More than 400 road service patrol officers have just voted unanimously to petition for a general meeting of NRMA members to discuss the company's plans to reduce member services. I must declare an interest here. I have been a member of the NRMA for around 25 years. Like most of the people who join the NRMA, I do not know much about cars. Since I spend so much time away from home, it is a great comfort for me to know that if my wife and young son break down on the side of the road in the middle of the night, one of the NRMA's white knights will be there to rescue them. In fact, an NRMA patrol officer almost delivered my son when, at around midnight a couple of days before he was born, my wife, Jan, got a flat tyre in a back street of Blacktown.

So, like most other members, I do not mind the fact that the NRMA has recently doubled its road service membership fees. We are prepared to pay that fee because we believe that the service we receive from the road service patrols makes the fees worthwhile. The patrol officers we are paying for are all experienced and fully qualified mechanics who, as the NRMA management will proudly tell us, have a 94 per cent success rate in getting cars back on the road when they are called out.

The problem for me as a member of the NRMA is that I might not be paying for the white knights that I am used to. I recently discovered that the NRMA plans to eliminate at least 100 road service patrols. It also plans to replace the current patrol officers with contractors, who may or may not be qualified tradespeople. So, despite the increased fees, not only will there be fewer patrols but the remaining patrols will not necessarily be qualified tradespeople but, rather, contractors with limited skills, all on individual contracts.

Members will recall that I have raised in this House on previous occasions the issue of individual contracts. Individual contracts are encouraged by the Federal Government to force people in this State to work under inferior wages and conditions, with no long-term job security. So why would the NRMA jeopardise its

best asset: its road service patrol officers? And how does it justify making such a fundamental change to member services without any consultation with the members who are expected to continue to pay increasing fees?

Last week the road service patrol officers voted unanimously to call for a general meeting of NRMA members so they could inform the membership of management's plans, and allow a democratic discussion and decision about the future direction of the NRMA. What was the response of the NRMA management? Did it offer to sit down and talk to the patrol officers about the issue? Did it offer to provide an information update to its members, using its media liaison unit and member newsletter? No. The response of the NRMA management was to tell the patrol officers that it intended to apply to the Industrial Relations Commission to immediately terminate the patrol officers' agreement, stripping away all their conditions, and return to the basic metals award. This is the reward that the NRMA management gives to its major asset, the white knights of its advertising campaigns, the major reason that so many people join the NRMA and are prepared to hand over their rapidly increasing membership fees.

Why does the NRMA management refuse to consult with its members? Does it have something to hide? Members of the NRMA who are paying rapidly increasing fees have a right to know what is planned for the roadside patrol service. What else is the NRMA management planning to do to its members without telling them? I urge the NRMA management to resolve its industrial dispute with its patrol officers, and to ensure that its members are fully informed of any changes that are likely to affect member services.

### **PUNCHBOWL BOYS HIGH SCHOOL KOKODA TRACK WALK**

**The Hon. CHARLIE LYNN** [5.17 p.m.]: About a year ago the *Daily Telegraph* ran the headline story that identified Punchbowl Boys High School as the worst school in Australia. This was a damning indictment of the school, and it caused the teachers and students to feel that they were being unfairly stigmatised. A young Bankstown boy, Brett Murray, who runs a youth organisation called Camp Dare, realised that the potential for social alienation within the school was considerable. He sought a meeting with the principal, Michael Glenday, with a proposal that 10 leaders for the school be selected to walk across the Kokoda Track as a rite of passage to Australian adulthood. They would then become role models in the school, to lead the attitudinal change necessary to help the school become one of the best schools in Australia.

To his great credit the principal embraced the concept, and 10 students volunteered and were selected. They were Abdullah Daruish, Mohammad El Assaad, Mohammad Kabaaita, Mohamed Osman, Wissani El Sakey, Talosaga Felise Saena, Mark Terangi, Mark Tuton, Omar Abdo and Khaled Omar. I was asked whether I would volunteer to lead the students across the track, to give them the history of the track and to help them with safety issues and the care they needed.

Brett Murray put together a team of volunteers who were as professional as any of the people I have met in my dealings with people in the bush. They were Ronnie Yilhaus, Daniel Bonnington, Dominic Kelsall, James Holden, Ian Cook, and Thomas Aguilar from Fitness First and Camp Dare. We were also accompanied by Stuart Shannon and Matt Lynch from Channel 7 on what was to be an epic journey involving a lot of planning.

Brett had given the school about two months notice to allow it to work through the necessary protocols with the Department of Education and Training. On Friday 27 February, two days before departure, Brett was advised that he would have to provide insurance cover for the group to the value of \$10 million. To his great credit, he worked through the night and was able to obtain from a United Kingdom company a policy that covered each individual for \$6 million. The insurance cover cost him an additional \$7,000.

Brett was advised by Rod Leonarder, the superintendent for Bankstown, that this was not good enough. When Brett asked for the contact details of the person who provided the insurance advice, Mr John Moon, the chief legal adviser for the department, he was refused. He was also advised by Rod Leonarder that the education department would not support the initiative, and that the three teachers who had trained with the students would not be allowed to participate in the trek.

On the Saturday morning Brett contacted each of the parents to show them the insurance policy he had secured, and to seek their approval for their sons to participate. They all agreed. This unnecessary delay had a serious adverse effect on the final preparations for the trek. It certainly put Brett under a lot of pressure. However, despite this he provided an inspiring leadership example for the students.

The trek was as tough as any I have done, and the students were as good as any I have led over the past 10 years. We had only six days to cross the track—I normally allow 8½ days—and it was the height of the wet season. On the Saturday we had to get up at 2.00 a.m. for a 3.00 a.m. start to complete the trek on time. We made Isurava at around 10.00 p.m., and we were hit by the best storm of the wet season thus far according to the locals. We could only allow a four-hour sleep before another 2.00 a.m. start, and we reached Kokoda just as our charter plane landed.

The students were physically exhausted but justifiably proud of their achievement. They now have a much better understanding of, and respect for, our Australian heritage and our relationship with Papua New Guinea. At Naoro village the chief advised us that a school was being built but that it could not afford the 200 kina per month for the two teachers it needed. The boys from Punchbowl Boys High School have agreed to establish a relationship with the village and to conduct the necessary fundraising—about \$1,200 per annum—to pay for those two teachers. They are also going to work on establishing sister school relationships. On arrival back in Australia there was a great deal of excitement with the parent-student reunion, and Channel 7 covered every aspect of it.

I would like to pay tribute to Brett Murray from Camp Dare for this outstanding initiative. However, I am highly critical of the attitude of the Department of Education and Training, which did everything in its power to stop this venture. I wonder what makes the legal officers—bureaucrats—in these departments tick. Are they so happy with their jobs that they go home to their families and say, "By crikey I had a good day today. I stopped the best initiative I have heard of in the last 10 years. They nearly got it done but I stopped it"? Do their children say to them, "By god, daddy, we're proud of you". If that is the attitude in these bureaucrats in the Department of Education and Training, John Howard was right—these people should be culled out. These officers should concentrate on helping with the growth of our students, not inhibiting that growth. The young men who took part in this initiative proved to be worthy custodians of our spirit of Kokoda. Their parents and their school can be proud of them.

### ENERGY REDUCTION

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [5.21 p.m.]: This Government big-notes itself for taking action to reduce greenhouse emissions, but the question of demand management or using less power must be looked at systematically. I have been struck while walking around the city at night by the number of lights and air-conditioning units that have been left on in buildings. Much more power is being used in big buildings than is necessary. Most building managers are concerned about their elevators—which seems to be the one service that most often breaks down in many buildings—and about their security systems. But a building can be divided into a number of parts: the atrium, which is the foyer; the lifts and the areas around the lifts; the car park; the air-conditioning system, which moves air through the building and generally cools the building down; and the body of the building, where the occupants are using computers, lights, et cetera.

These parts in a big building can be looked at individually. When there are fewer people in a building, less energy for lights and air-conditioning is required. On weekends when there may be only a handful of people in the building, services can be turned down. It may be decided that after business hours the temperature need not be regulated and there would just be the air flow. In other words, considerable flexibility can be exercised with regard to the amount of electricity used. Not many people have actually given this matter the attention it deserves. Buildings could be fitted with timers to regulate power; to turn electricity off and on, or regulate the flow, in various parts of the building. Of course energy demands are very different at different times of the year—on public holidays and so on. If electricity in a building were programmed or switched off during holiday periods, considerable savings would be realised. It would make a huge difference.

If a building has very high energy use, its air-conditioning chiller may be turned off intermittently because the warmth of the bricks and mortar will keep the air inside the building at a constant temperature even if the air is not chilled for a period. This can be managed by individual metering of segments of the building; it can even be done by telemetry. In other words, a message can be sent to a central office where a computer looks at the building's energy usage profile—there is an Australian greenhouse office rating, a star rating—and a determination is made about how that building's energy can be effectively utilised and electricity costs can be reduced from 5 per cent to 20 per cent. The payback time from installing such a system is only 6 to 18 months. I thought about energy savings when I was redesigning my own house. It came to my notice that such a service is offered by EP&T Energy Systems, which has a large number of clients in the private sector, including a group called Macquarie Asset Services, using this sub-metering system to save a lot of money. As I said, the payback period for such a system is less than two years, and after that time significant profits are enjoyed by those perceptive enough to have such a system installed.

Macquarie Asset Services identifies what utilities are being used, where they are being used, at what time and at what cost. Macquarie identifies whether utility usage within a property complies with industry-accepted benchmarks; whether the utility bill is accurate; and whether energy is being wasted during public holidays, through non-use of the outside air cycle, as a result of competing heating and cooling systems, because of incorrect temperature controls for air-conditioning, or because of excessive and unusual after-hours use of air-conditioning plant, building lights, car park lights, car park mechanical services, and lifts shunting. Most lifts are set to minimise waiting times so that if one lift is used, another lift moves to an intermediate floor. If there are few people in a building, fewer lifts should be used. Lifts shunting and moving up and down or in sequence use up a lot of power. The company also identifies major plant working after business hours to supply a small 24-hour tenant requirement. It verifies the proper operation of energy management projects that have been implemented; it accurately sub-meters tenants and allocates costs-to-cost centres; it selects the best available tariffs if there is a plan available to buy the electricity; and it tracks the Australian building greenhouse rating. The company provides an effective reporting tool from senior management to site personnel.

There are 200 Intelligent Systems in Australia and, sadly, not many of them are used by the New South Wales Government. That is the reason I wanted to speak on this subject today and why I am asking questions of individual Ministers about energy management. [*Time expired.*]

### DURI HISTORY

**The Hon. CHRISTINE ROBERTSON** [5.26 p.m.]: Tonight I would like to talk about community identity in small communities, and particularly my community of Duri. Despite a strong social and blood-related culture, it is the development and maintenance of the school that has created strong long-term bonds within the community and provided an environment to enable new people to join the community and to maintain the identity of Duri. With the consent of honourable members I seek to table a copy of the Duri Public School History from 1887 to 1987, which was published to coincide with the centenary of the school.

#### Document tabled.

Interestingly, this excellent compilation of community history, written in 1987 for the centenary celebration of the school, was published with the assistance of the Hon. Jan Burnswoods, who was then in the history unit of the Department of Education. I am proud—as are the members of all the Duri families that are included in this publication—that my sons are a part of that history. The school started in 1887 as a result of a collective submission from local families to the Department of Education, and it has continued for well over 100 years with trained and untrained teachers—sometimes one, sometimes two, sometimes three—and student numbers varying from 14 to more than 60. Perceptions of ownership of the school by the community have always been strong, and the controversy surrounding the connection of water to the school in 1956 resulted in blows being exchanged. In 1979, when we arrived in Duri, some families still did not speak to each other—some still do not—however, they were all very willing to give us their side of the story.

The railway line and the Duri railway station were pivotal to the ongoing development of Duri and its community. The rail line meant that wheat and stock could be transported to markets at Tamworth and Sydney. In about 1926 the railways put a motor train between Werris Creek and Tamworth. As Ida Page wrote on page 24 of the school's history:

It consisted of two carriages, first-class—adults only—mostly used by women shoppers; and second-class for the school children. The two carriages were separated by the guards' van or engine room. The second-class was filled to over-flowing with noisy teenagers, who now had the opportunity of a secondary education. The guard on this motor train had a very difficult job trying to keep the children from destroying one another. But I don't think any real damage was ever done.

When we moved to Duri in 1979 our peers travelled to Tamworth on this train to high school. Of course buses now travel that route and things are quite different. The Duri community has always had a strong Christian base and the history of its churches is as full and extensive as the history of the school. It is not an exclusive Christianity, but a powerful form of Christianity which has created good works throughout the world, in Australia, and within the local community itself. Religious education was taught at the school, then a union Sunday school was commenced in about 1915 by a gentleman of good works who rounded the kids up and carted them off every Sunday. As the three churches were built in the village, the Sunday schools moved to them. Scripture classes were always an important part of the school and they were given by the local people.

The Duri Agricultural Bureau commenced in 1919 and continued to meet at the school until 1987. The group is still active, although it has undergone a minor name change. These days it meets in the tennis shed. The

Duri Hall was built as a wheat storage shed in 1914-15 and is now one of the biggest halls in the outlying areas of Tamworth. It is used for special functions such as weddings. Tennis has always been an important social activity in Duri and is often competitive. Even in the early days the school had a court, and the tennis club, which officially started in 1956, is still going strong, with members vying for positions. The sportsground is used for the annual gymkhana, which is very popular, and is also home to the Duri harbour boat race, an important dry-land event that my son's team has won three years in a row.

The Duri Ladies Hospital Auxiliary commenced in 1935 and is still going strong. The Duri Progress Association started in 1946, and although I am not familiar with the history of progress associations, the Duri association has been running for a long time and undertakes the majority of work around the town. The Duri village shop has survived for more than a century and we now have our own postcode and post office. The village has grown. It is only 26 kilometres from Tamworth. Indeed, Duri is actually a feeder village for Tamworth and supports surrounding rural industries. Duri is typical of villages and small towns throughout New South Wales—it is very proud of its heritage and very sure of its future. The role of the village has changed as communications and transport have changed—and this is typical of small towns and villages throughout New South Wales. The people of Duri are very proud of where they live.

### FIREARMS TESTING

**Ms LEE RHIANNON** [5.31 p.m.]: Testing of firearms knowledge and safety is in the hands of shooting organisations in many States. In New South Wales the two key organisations are the New South Wales Firearm Safety and Training Council Ltd [NFSTC] and the New South Wales Shooting Association Ltd [NSA]. The Chair of the NSA is Alex Comino, while the Chair of the NFSTC, Charles Copeman, former chief executive of resources giant Peko Wallsend, is a close associate of the Prime Minister. I understand that Mr Copeman does not hold a shooters licence. The NFSTC is a wholly owned subsidiary of the NSA, which received \$600,000 when Mr Ted Pickering was Minister for Police.

Mr Pickering and the NSA set up a watertight contract and NFSTC was the body awarded the contract that had been negotiated with Mr Pickering to carry out the testing. The contract was signed off in 1991 and runs until 2006, that is, 15 years. Both NFSTC and NSA are private companies. NFSTC is an umbrella body but most shooting associations are no longer affiliated. It costs \$77 to undertake a test in New South Wales—\$20 remains with the club where the test is organised and held, \$50 is paid to the New South Wales Shooting Association Ltd and \$7 is paid in GST. The New South Wales Government receives none of this money.

Although it is not known how many people take the test each year, we do know the number of people who have a licence to own a firearm. In 2002-03 at least 9,500 received their first licence, which means that 9,500 safety certificates were issued. In previous years the number of first licences that were issued varied between 10,000 and 15,000. These figures give us an idea of how much money is being raised. In 2002-03 the NFSTC received revenue from 9,500 safety certificates at \$50 per certificate, totalling \$475,000. Over the years since the contract was signed in 1991, millions of dollars have been raised for the NFSTC. It is not possible to get a copy of the contract or learn the terms of the contract. There is no public record of where this money goes or the total amount of the money. There is no record of any money going to any shooting club.

I understand that when Mr Whelan was Minister for Police he had legal people look into the matter but could do nothing about the contract. The Government cannot break the contract. I asked the present Minister for Police, John Watkins, whether the Government is aware of the qualifications required for gun instructors to work for the Firearms Safety Awareness Council. The Government did not know. The Minister said, "This is a matter for the Firearms Safety Awareness Council." It appears that the Government does not care about the procedures and practices of the Firearms Safety Awareness Council, and that is not good enough. The public has a right to know whether the Firearms Safety Awareness Council is ensuring that we are protected from unsafe gun users.

Testing should not be the responsibility of these organisations but should be carried out by a government instrumentality. The current testing regime is bankrupt, not just because of the secretive nature of the contract but because an applicant who fails the test can immediately sit for it again. I understand that many shooting clubs and associations are angry about the current arrangements and that they do not receive any of the money. Some believe that the Government should control any testing regime. The Greens agree with that sentiment.

**PACIFIC HIGHWAY UPGRADE**

**The Hon. ROBYN PARKER** [5.36 p.m.]: I wish to refer to a horrific car accident that occurred on the Pacific Highway last Friday. I extend my sympathies to Greg and Kath Campbell, who lost their daughters, Rebecca and Jessica, in that accident, and to the husband of Barbara Cheadle, who also died in the accident. I note that the Hon. Christine Robertson has a motion on the notice paper relating to upgrading the Pacific Highway. An upgrade of the Pacific Highway is long overdue. We all live constantly with the fear of accidents on the Pacific Highway. Last Friday my stepson, his partner and my new step-granddaughter travelled from Port Macquarie along the Pacific Highway to visit us. I was sick with worry about them when I heard the news of this accident. My heart goes out to those who have lost loved ones in this horrific accident. Despite their grief, Greg and Kath Campbell were brave enough to call on all members of Parliament to take action to fix those parts of the Pacific Highway that are considered death traps in an effort to ensure that their loved ones did not die in vain. An article in today's *Newcastle Herald* contains the following cry for help from the hearts of Greg and Kath Campbell and family:

Girls, we all loved you so much and thank you for the joy you gave us during the short stay in our lives.

It is now up to our politicians to ensure that their deaths were not in vain and fix the death trap that is called the Pacific Highway.

It is not right that they wait till innocent lives are lost before acting.

We urge all people who use this road to write to their Federal and State representatives and send the message that we are not going to accept the state of our roads.

Please help us make a difference.

Greg and Kathy Campbell,  
Cricket, John, Karen and  
Barry Midson, Christine  
Rubina and Gary Chapman

It is imperative that we heed that call. The time is long overdue for the State Government to do something about the condition of the Pacific Highway, particularly its dangerous intersections. The honourable member for Myall Lakes has called on the Government to provide funding urgently for maintenance of this particular intersection to prevent further tragedies. Our hearts go out to this family in their grief. I commend them for their brave comments at this terrible time. I am sure all honourable members share those sentiments. They have thrown down the gauntlet and the challenge for us is to take positive action. I ask honourable members to support the motion of the Hon. Jennifer Gardiner for the urgent upgrade of the Pacific Highway to ensure that Rebecca and Jessica Campbell and Barbara Cheadle did not die in vain.

**Motion agreed to.**

**The House adjourned at 5.40 p.m. until Tuesday 16 March 2004 at 2.15 p.m.**

---