LEGISLATIVE COUNCIL

Wednesday 17 March 2004

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

The Clerk of the Parliaments offered the Prayers.

ROAD TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT LANES) BILL

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

Motion by the Hon. Tony Kelly agreed to:

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

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

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** and **Reverend the Hon. Fred Nile**.

Gaming Machine Tax

Petition praying that the House reconsider the decision to increase poker machine tax, received from **the Hon. Rick Colless**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notices of Motions Nos 1 and 3 and Government Business Orders of the Day Nos 1, 2 and 3 postponed on motion by the Hon. Tony Kelly.

ABORIGINAL LAND RIGHTS ACT 1983: DISALLOWANCE OF ABORIGINAL LAND RIGHTS AMENDMENT (RATE EXEMPTIONS) REGULATION 2003

The PRESIDENT: Pursuant to sessional orders the question is: That the motion proceed as business of the House.

Question resolved in the affirmative.

Motion by Mr Ian Cohen agreed to:

That the matter proceed forthwith.

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

That under section 41 of the Interpretation Act 1987, this House disallows the Aboriginal Land Rights Amendment (Rate Exemptions) Regulation 2003, published in *Government Gazette* No. 107 Special Supplement, dated 30 June 2003, page 6805, and tabled in this House on 2 September 2003.

This matter is of grave importance to all people of New South Wales and greatly affects Aboriginal communities. The Aboriginal lands rights regulation gazetted by the Government on 30 June 2003 had the effect of removing the exemption from rates given to all lots listed on schedule 1 to the Aboriginal Land Rights Regulation 2002. Those lands include former Aboriginal missions that were handed over under the Aboriginal Land Rights Act in 1983. Those Aboriginal reserve lands, on which Aboriginal communities have continued to reside, are now owned by local Aboriginal land councils. The communities range in size from tens to more than a thousand residents. Historically the lands, when still Crown land, were rate exempt. All the lands were transferred to the Aboriginal Lands Trust in 1973 and remained rate exempt. With the introduction of the Aboriginal Land Rights Act in 1983 there was no provision for local government to recover unpaid rates against local Aboriginal land council land. In 1986 the Act was amended by inserting new section 44A to allow local government to recover rates from the New South Wales Aboriginal Land Council if rates remained unpaid for longer than 12 months.

The Aboriginal Land Rights Act included provisions for regulations to declare specified land as rate exempt. The Local Government Act 1993, enacted under the Coalition Government, includes in section 555 a provision for land specified under the Aboriginal Land Rights Act to be exempt. Section 555 provides also for rate exemptions for church lands and schools. That exemption on rates makes a lot of sense, and brings Aboriginal communities into line with other community organisations, such as churches and schools. That land is in the main former Aboriginal mission land. It is the land that Aboriginal people of this State were forced onto while their ancestral lands were taken; that land now forms part of the Aboriginal Lands Trust lands. The exemption from rates is a recognition that this land over time never received the level of water, sanitation, electricity and other local government services enjoyed by others. Nor has the standard of housing or roads enjoyed by the wider community been extended to this land. That exemption relieves local Aboriginal land councils of charges for services they never received, and continue not to receive.

Local Aboriginal land councils need all their resources to focus on improving the life opportunities for Aboriginal people in their community, not levies for non-existent services. The regulation has the effect of placing a huge financial burden on local land councils. The only asset of many local land councils is the land accorded to them under the Aboriginal Lands Trust Scheme. Now that huge debts are piling up against these councils in unpaid rates, the only practical effect will be that the land is sold to pay back the debt. So, this regulation rolls back the whole thrust of land rights. This regulation will force Aboriginal people off their land yet again. There is ample evidence to show that the Aboriginal people on the former reserve lands live in the most impoverished conditions of any group within New South Wales. The levying of rates does nothing to assist the people living in such circumstances. The ability to levy rates against local Aboriginal land councils can be abused by local government.

In June 2003 Kyogle Council resolved to levy a special water rate for augmentation of the water supply system to Woodenbong, Urbenville and the former Aboriginal reserve land now known as Muli Muli. Kyogle Council has issued a water rate notice to the Muli Muli Local Aboriginal Land Council in the sum of $322,000, or approximately $2,400 per resident. That rate is in excess of twice the rateable value of the land. More importantly, Kyogle Council has not levied the properties in the town of Woodenbong that will also benefit from the augmentation works. Through the operation of section 44A of the Aboriginal Land Rights Act 1983, any debt on rates must be paid by the New South Wales Aboriginal Land Council. Why has the Government decided to move this regulation while the New South Wales Aboriginal Land Council [NSWALC] is in administration? It is unconscionable for the Government to place further huge financial difficulties on the NSWALC while it is experiencing financial difficulties.

Honourable members should understand that this regulation came out of the blue. There was no consultation with the NSWALC that it would be hit suddenly with massive levies on this land. There was no consultation with local Aboriginal land councils, or with local government associations. There was no consultation on the capacity of the Aboriginal land councils to pay the rates nor the circumstance by which they should be assessed to pay rates. Most shire councils assess rates payable calculated on the whole parcel of land on which a few residences are situated. The calculation of the rates means that a large levy is applied to a large parcel of land with no reference to the householders' residence or the services they receive—or, in this case, services they do not receive. This whole issue should be publicly debated, consultation needs to occur, and responsibility for the costs of services long overdue to the Aboriginal Lands Trust land must be made the responsibility of the Government. I urge honourable members to support this disallowance, which will prevent another act of Aboriginal dispossession being promulgated by the New South Wales Government. I commend the disallowance motion to the House.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [11.17 a.m.]: If the motion moved by Mr Ian Cohen is successful, a large number of residential properties will be exempt from paying rates. The Local Government and Shires Associations argued that the exemption has considerable financial implications for a number of local councils, particularly those in rural and regional New South Wales. Prior to 1 July 2003, section 43 of the Aboriginal Land Rights Act 1983 granted Aboriginal land councils automatic exemptions from paying rates and charges on specified lands. Clause 7 (2) of the Aboriginal Land Rights Regulation 2002 specified which lands were eligible for an exemption from rates and charges. First, lands listed in schedule 1 of the regulation, which consisted of lands that were previously Aboriginal missions or reserves, were eligible. Lands were listed in schedule 1 on the basis that, prima facie, they had cultural or historical significance to Aboriginal people. Second, land that was not being used for a commercial or a residential purpose was eligible for exemption. Third, land was rate exempt if a land council had passed a resolution declaring it to be land of spiritual or cultural significance to Aboriginal people. In the event that such a resolution was passed, the Minister for Aboriginal Affairs was to be notified.

Since introduction of the new regulation, those types of lands are not necessarily automatically exempt from rates. In particular, land that would otherwise attract an exemption under that provision but is being used for a residential purpose is no longer exempt. Former reserves and missions are often residential areas and the cost of providing municipal services to land being used for a residential purpose is significant. To ease the financial burden on local government authorities and to encourage better delivery of municipal services to Aboriginal land council land, the Government came to the view that residential lands should not be eligible for rate exemption. The effect of the new regulation is to remove the lands previously listed in schedule 1. Instead of former reserves and missions being automatically eligible for exemption from rates and charges, an Aboriginal land council must now apply to have land listed in schedule 1. If the land is not residential—that is, it is not being lived on—or does not have house structures that are fit to be lived in, the Minister for Aboriginal Affairs may approve the land council's application.

This definition is derived from the Residential Tenancies Act 1987. An application would be subject to negotiation by the applicant Aboriginal land council and relevant local government authority. Further, land in respect of which an Aboriginal land council passes a resolution declaring it to be of cultural or spiritual significance will not automatically be exempt from rates and charges. Pursuant to the new regulation, land that is deemed to be of spiritual or cultural significance may be eligible for exemption only if the land council passes a resolution and that land is not being used for a residential purpose.

Upon the land council passing a resolution, the Minister for Aboriginal Affairs will consider and, if satisfied, approve a rate exemption. The process will be as follows: The Aboriginal land council will pass a resolution in accordance with the regulatory requirements, notify the Minister for Aboriginal Affairs of the resolution, and seek his approval for a rate exemption. The Minister must be satisfied that the land is not being used for a residential purpose and will consult with the affected local government authority before approving the resolution. Land that is vacant is not affected by the changes—that is, land that is not being used for a residential or commercial purpose will continue to attract an automatic exemption from rates and charges.

The amending regulation does not have retrospective operation. The regulation commenced and was effective as at 1 July 2003. Lands that were eligible for rate exemptions from 25 October 2002 until 1 July 2003 will not be levied for the payment of rates and charges that accrued in that period. Information packages have been developed in consultation with the New South Wales Aboriginal Land Council, the Local Government and Shires Associations and the Department of Local Government to give effect to these amended provisions. As ratepayers in the community, Aboriginal people should be confident of receiving an adequate level of service provision from local councils. The Government opposes the motion of Mr Ian Cohen.

The Hon. Reverend Dr GORDON MOYES [11.22 a.m.]: I support the motion of Mr Ian Cohen to disallow the Aboriginal Land Rights Amendment (Rates Exemptions) Regulation 2003. In 2003 the Minister for Aboriginal Affairs, the Hon. Dr Andrew Refshauge, tabled the Aboriginal Land Rights Amendment (Rate Exemptions) Regulation 2003, which removed all lots from schedule 1 to the Aboriginal Land Rights Regulation 2002. The lots that were listed in schedule 1 were all those former Aboriginal reserve lands that are now owned by local Aboriginal land councils.

Historically, the lands were Crown land when given to churches and missions and were rate exempt. In 1973 the lands were all transferred to Aboriginal land trusts and they remained exempt. I believe that everyone should pay for services that are provided by councils if, by choice, they live on such a site—hence the difficulty

with this motion. The process that was used to bring the regulation before the Parliament was entirely unsatisfactory. There was no consultation with the New South Wales Aboriginal Land Council, with any of the 120 local Aboriginal land councils or with the Local Government Association. It is an extraordinary state of affairs that those who are most involved were not consulted.

I put forward five good reasons for supporting this disallowance motion. First, we are talking about some of the most impoverished areas in rural and regional Australia. We are not talking about reserves set in the heart of the eastern suburbs; we are talking about some of the most impoverished areas in our nation that are being lived upon by some of the most disadvantaged people in our nation. Second, I support the disallowance motion because the tenants do not own their properties. They are unable to sell their land or to take advantage of any capital improvements to their land, and therefore they have no interest in paying the rates.

Third, the land was originally given to churches and missions to replace the free land occupied in perpetuity by Aborigines in the community. That land was to replace hunting and living land and to ensure that Aborigines stayed in one area. It was part of government policy at that time to create Aboriginal reserves on which only Aboriginal people could live. That land was given in perpetuity. It is not right for councils to start taxing that land. Fourth, having visited Aboriginal and indigenous communities around Australia I am aware that reserves are poorly serviced. Most have no sewerage services yet are being subjected to a high level of rates.

Fifth, councils could do with the income—and they certainly want the income—but I question the values that have been given to that rated land. None of that land can be freely developed; there are no queues of people wanting to buy housing land in Aboriginal reserves; therefore, the rates that are levied on such properties are usually out of proportion to their real value. This disallowance motion will encourage Aboriginal people across the community and afford us the privilege of supporting some of the most disadvantaged people in our country. I support the disallowance motion.

The Hon. CATHERINE CUSACK [11.26 a.m.]: The Opposition does not support the disallowance motion. I state at the outset that shadow Minister Brad Hazzard and other Coalition members have gone into this issue fairly thoroughly. We have looked at the arguments that have been put forward, we are aware of the history and complexity of this issue, and we understand the perspective of these Aboriginal communities. However, we do not believe we can support this disallowance motion. The principal reason is that some communities across New South Wales are being disproportionately affected and substantially disadvantaged by having to meet the costs of the wider community through increases to their rates and charges.

Some of those communities, in particular, in shires the size of Kyogle, have low socioeconomic statistics. It has reached the point where it has become impossible for councils to provide services. Aboriginal communities in those areas ultimately have their services withdrawn, which is no good to anybody. If Aboriginal residential communities are exempted from paying their rates, other poor communities will have to subsidise the poorest communities. If there are exceptional circumstances relating to an Aboriginal community, that is the responsibility of the entire community. It is unfair and unfeasible to expect a couple of local government areas to bear the full burden of those costs.

Local government in New South Wales is under enormous pressure to provide more services for less money. As I said earlier, we do not want any community to lose its services. The regulation, which was put in place by the Government, is a guarantee, if you like, that services can be provided to isolated and disadvantaged communities. This whole process of cultural empowerment requires Aboriginal communities to fulfil their responsibilities and to pay these rates. The half a billion dollars asset base that was developed for Aboriginal communities across New South Wales between 1983 and 1998 was based on revenue derived from the land tax levy.

The New South Wales Aboriginal Land Council has the resources to manage and be responsible for its assets across New South Wales—an appropriate use of funds in such an enormous asset base. However, we note that there has been a lack of oversight and administration of these funds. For example, some years ago the fund dropped below the required statutory level. We note also that the Carr Government did nothing to ensure that fund managers had the skills and the accountability mechanisms in place to manage the funds properly. The Government's lack of action when the fund dropped below the statutory limit is enormously concerning. An administrator was appointed only when media reports identified the problem and Opposition members constantly raised the issue. As a consequence, I think the fund will be able to be stabilised and built up to its original level.

Country councils are becoming increasingly impoverished. They are under attack. Yet they have more and more responsibilities. It is difficult to argue that these councils, which are few in number and small in size, and their ratepayers, whose incomes are low, should bear the full burden of service delivery to Aboriginal communities. They simply cannot bear this burden, and as a result services have been jeopardised and in some cases halted. We all bear the social responsibility of meeting the challenges facing Aboriginal communities. It is not fair, equitable or practical to expect a few communities to go it alone. The Opposition believes provision has been made to meet precisely these types of costs through the fund that was built up between 1983 and 1998.

I want to touch on a couple of issues that Reverend the Hon. Dr Gordon Moyes raised. They are important points and I shall explain why the Opposition does not concur with the honourable member's views. Reverend the Hon. Dr Gordon Moyes raised the issue of consultation. It is incorrect to say that Aboriginal communities have been unaware of the enormity of this issue and that they are surprised by the way in which it has been addressed. It is claimed that the Local Government and Shires Associations were not consulted before the regulation was made. However, the Opposition understands that the associations are as responsible as anyone for driving this regulation.

Reverend the Hon. Dr Gordon Moyes also referred to poor service delivery and unfair rating methods. They are valid issues but I do not believe disallowing this regulation is the appropriate way of addressing them. The Opposition will monitor this matter with interest and concern. Aboriginal communities should ultimately develop the same standards of living that are enjoyed by the community at large. That is very much part of the reconciliation process. However, we must proceed properly and there must be responsibilities as well as rights. For those reasons the Opposition does not support the disallowance motion.

Reverend the Hon. FRED NILE [11.32 a.m.]: The Christian Democratic Party supports the disallowance motion as outlined by Reverend the Hon. Dr Gordon Moyes. I will illustrate why the Government and the Opposition should support the motion. Reverend the Hon. Dr Gordon Moyes referred to the fact that those who live in Aboriginal communities do not own their land. Individual families do not own blocks of land; it is community land. That is totally different from the situation in suburbs and towns around Australia. Therefore, it is sometimes difficult to establish the amount of money that an individual family living on community land should pay. There have been many discussions over the years as to how to divide community bills between individual families, which differ in size.

Homes built by welfare groups and so on house extended Aboriginal families. Such families do not comprise a mother, father and two children; a small family community often lives in the same house. Who is responsible for paying the bills in that situation? The experience is very different from that of Australian society at large. Federal and State governments and sometimes local councils, acting with the best intentions, treat Aboriginal communities differently from white or European communities. Governments often adopt a paternalistic attitude and provide services in Aboriginal communities that they did not request and do not control. I will give a practical example. The issue of the Muli Muli Aboriginal community's huge water bill has a long history.

I have visited the community many times—most recently a year ago—and stayed in residents' homes at their invitation. Over the years community members have shared with me their frustrations at some of the developments. A classic example is the sewerage system. Residents awoke one morning to see trucks arriving on the community land. Workers proceeded to install a modern sewerage system. As far as the residents know, the plant was funded by some Federal government agency. The intentions were good but no-one consulted the community about the plant or asked where it should be built. Thus the automated sewerage plant is situated smack in the middle of the community's prime farmland.

No-one in the community knows how to operate the supposedly automatic plant. It transpires that the sewerage plant is sitting in the middle of a small lake. When the sewerage plant floods it generates a huge water bill from Kyogle Council. The local Aboriginal people say, "It's nothing to do with us; we didn't put the sewerage plant there. We can't stop the flooding because there's a fault in the system. We're not mechanics or engineers and we can't repair it. We know nothing about it. The plant is supposed to work automatically." That is why the community has had huge water bills over the years. When the community first contacted me some years ago I think it owed $34,000, and every year that bill has increased. At one point Kyogle Council decided to solve the problem by turning off the water. As a consequence a couple of hundred Aboriginal people and their families suddenly had no water. They obviously could not use the sewerage system without water. Imagine the impact that had on people's health and the welfare of children, from babies to teenagers.

The Hon. Duncan Gay: I don't think they turned the water off.

Reverend the Hon. FRED NILE: Yes, they did. Kyogle Council has been waging a full-scale battle—I will not call it a war—on the community, which is probably one of the best Aboriginal communities that I have visited. The community really cares about its residents. There are no wrecked cars and there is no rubbish lying around. The Aboriginal people take great pride in their village. It is a Christian village with the church at its centre. The pastor is a senior Aboriginal elder and a community leader. It is a co-operative effort: community members work together. I know of some Aboriginal communities—members of The Nationals could perhaps name some also—that are at the opposite end of the spectrum. They are derelict and run down. The Aboriginal people in this community have worked hard to provide a pleasant environment.

Another problem facing the Muli Muli community is that there is no employment. As a result teenage school leavers and their families must come to Sydney to find work. These families usually gravitate to the Aboriginal community around the Block. Following the tragic death of Thomas Hickey I spoke to families from Muli Muli who are living in Redfern. Aboriginal communities need more sympathy, not handouts. They are not beggars. We must take a different attitude to Aboriginal people living in difficult community situations. Governments try to help but often interfere in issues such as who is responsible for paying community rates and whether rates should be charged in the first place. We could have a philosophical debate about ownership. We could ask: If Aboriginal people owned all the land originally, should they not be granted land free of charge? I believe a strong case could be made in support of that argument.

I support the disallowance motion. I do not believe we should antagonise Aboriginal communities and destroy what little sense of co-operation we have. Sometimes we go forwards one step and back two steps, and the Aboriginal communities will interpret this as a backward step. This motion will allow further consultation with the New South Wales Aboriginal Land Council and other bodies. The Hon. Catherine Cusack said that the New South Wales Aboriginal Land Council has an asset base but, so far as I am aware, that base was never intended to be used to pay rates. It was to earn interest in order to develop employment projects, improve the economy, et cetera. If the asset base is used to pay rates there will be no money left, and the Aboriginal people will again fall behind the eight ball. The Christian Democratic Party supports the disallowance motion.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.40 a.m.]: I support this motion. The historical fact is that this country was Aboriginal land. It was taken from the Aboriginals by the act of white settlement. That fact is still being debated, but since the doctrine of terra nullius was extinguished by the High Court, it is acknowledged that this land was invaded. Churches were given land rate exemptions, so why not exempt Aboriginals, who have a greater spiritual relationship to the land than a church. The church has a spiritual relationship with God and Aboriginals have a spiritual relationship with the land. In a sense their Aboriginality and the significance of the land is as much a religion as the church is a religion.

It is ironic, and an historical anomaly, that we view the church as we do. I do not understand why land that generates revenue should be exempt because it belongs to the church. It would be absurd to use the Aboriginal Land Council's asset base to pay rates. Aboriginal people are impoverished, and the lack of progress made in Aboriginal health, education and life expectancy is a national disgrace. Something needs to be done about it. If a local council is impoverished because Aboriginals who are poor have been given land with rate exemptions, that is a problem that must be addressed by the Government. It cannot be dealt with by taking the assets of Aboriginals and giving them to the impoverished councils. Many areas of the State are impoverished, and the drift to the cities and the decline in agricultural commodity prices in the past century, relative to the cost of living for other commodities that have to be bought, is a long-term problem for the whole of rural Australia. That problem has to be addressed by government.

The solution is not to impoverish Aboriginals further. It may be that they have not managed their asset base well, but, as we read in the financial press, there are many financial organisations that do not manage their money well. The point is that it is the land and assets of a people, and, in economic terms, governments cannot go broke because they have an ongoing obligation to their people. The top 100 companies 30 years ago are either out of business or much smaller today. People and businesses go broke; others wax and wane. People need land, and governments have an obligation to help them manage it irrespective of who has custody of the land.

Governments flog off land to pay debt, but they are not the owners of land; they are the custodians of the land. Governments that are elected for four years to look after this State do not own the State; they are like real estate agents pretending to be landlords. The Aboriginals are the custodians of this land for their people for

the long term. If as custodians they do not have the expertise—their backgrounds may not make them ideally suited—to manage the land they have inherited in terms of the asset base and the way it is structured, it is up to the Government to take that matter in hand. It is true that that always leaves us open to the charge of paternalism. Aboriginal people are already disadvantaged, and in this instance they can very easily go backwards. We must make a genuine effort not to allow that to happen. We may be cutting off our nose to spite our face if we simply let the chips fall where they may.

If we further disadvantage Aboriginals problems will arise in the future. We may solve the rates problem of some western shires but we will not solve the problem of poverty and disadvantage amongst Aboriginal people. That has to be dealt with more skilfully, as does the poverty of rural shires. I do not believe for a moment that the problem should be ignored, but the Government should take a more holistic approach to the problem. This is not the answer to the problem. I therefore support the disallowance.

The Hon. JON JENKINS [11.47 a.m.]: I will support the motion but with some reservations, which I will put on the record. This land is not normal land: it has no access road facility, no commercial activity is allowed, it is not owned by the Aboriginal people, it cannot be improved, agriculture cannot be run on it, it cannot be sold, and it was given to the Aboriginal people in perpetuity. Therefore, it should not be rated in the same way as normal land. For instance, national parks and State forests are not rated.

The Hon. Duncan Gay: But they do make a contribution.

The Hon. JON JENKINS: Yes, they do.

The Hon. Duncan Gay: This land attracts money from the State Government.

The Hon. JON JENKINS: It does, and the local community as well. In any case, these changes should be phased in. It should certainly not be a case of no rates one day and full rates the next. The people should be able to prepare for the change. I believe that the levying of some nominal rates for actual water and garbage services delivered, above a preset rate, is not too much to ask of communities that use those services. The wider community would see the contribution as a small effort to help keep those services running. However, I will support the motion with those reservations.

Mr IAN COHEN [11.49 a.m.], in reply: I thank all honourable members who have spoken to the motion. It has been an elucidatory debate. In particular, Reverend the Hon. Dr Gordon Moyes and Reverend the Hon. Fred Nile indicated their experience with such communities in dealing with a number of issues raised by this debate. Essentially, this is a human rights issue. Some Opposition members made interjections relating to the impoverished nature of a number of councils. That is an issue, but it is a separate issue.

The Hon. Duncan Gay: It is part of the same issue.

Mr IAN COHEN: The honourable member says it is part of the same issue. That might be the case, but that does not detract from the imperative of social justice and land rights for Aboriginal communities. Reverend the Hon. Fred Nile referred to the imposition of an unannounced sewerage plant, which is inappropriate for this community. For a start, would the money not be far better spent on more relevant proposals to support the community? This regulation is a continuation of the paternalistic attitude that leaves these communities in economic and social trouble.

It is sad that the lifting of this exemption is agreed to by the majority of this House. The effect of the regulation will be a new era of dispossession of lands that were intended by the Aboriginal Land Rights Act of 1983 to be a salve. The practical effect of this regulation will be to force Aboriginal land councils to incur even more debts. In many cases, the only asset of local Aboriginal land councils is their land. Rising debt will force them to sell their only asset to meet the debt repayments. This regulation represents an insidious rolling back of land rights. A decision with such drastic ramifications on a section of our community should be the subject of open debate and consultation among the entire New South Wales community.

What is often overlooked in these decisions is their effect on unemployed persons. I have seen attacks on the unemployed in many communities, particularly in rural areas. Aboriginal people are sending their children to school, and clothing and feeding them. They are getting jobs where they can, in very difficult circumstances. They are the customers of many local shops and businesses. Many small towns rely at least to some extent on the business that is created by Aboriginal communities.

The Hon. Duncan Gay: It is the same for all other ratepayers.

Mr IAN COHEN: The Deputy Leader of the Opposition says that it is the same for all other ratepayers. I agree with that. But, as was said by one honourable member of this House, State Forests of New South Wales and the National Parks and Wildlife Service are among the many bodies exempt from paying rates. It is a sad state of affairs that this House does not concede that in the instant case we are dealing with a people who have been dispossessed and are asking for our support. I commend the disallowance motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 9

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

Noes, 31

Mr Burke	Mr Gallacher	Mrs Pavey
Ms Burnswoods	Miss Gardiner	Mr Pearce
Mr Catanzariti	Mr Gay	Ms Robertson
Mr Clarke	Ms Griffin	Ms Tebbutt
Mr Colless	Mr Hatzistergos	Mr Tingle
Mr Costa	Mr Kelly	Mr Tsang
Ms Cusack	Mr Lynn	Mr West
Mr Della Bosca	Mr Macdonald	
Mr Egan	Mr Obeid	*Tellers,*
Ms Fazio	Mr Oldfield	Mr Harwin
Mrs Forsythe	Ms Parker	Mr Primrose

Question resolved in the negative.

Motion negatived.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

SYDNEY FERRIES VIGILANCE CONTROL SYSTEM

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Transport Services. Is he aware of the memo issued by Sydney Ferries boss, Phil Watson, in 2002 with the subheading "Staff Visibility", which states, in part, that general purpose hands "should be spending as little time in the wheelhouse as possible". Given that on high-speed vessels, such as RiverCats and HarbourCats, the captain is also the engineer, and the absence of any vigilance control system, does such a direction put passengers at risk in the event of any serious medical collapse of the captain?

The Hon. MICHAEL COSTA: No, I am not aware of the memo.

STATE EMERGENCY SERVICES STORM DAMAGE RESPONSE

The Hon. PETER PRIMROSE: My question is addressed to the Minister for Emergency Services. What is the latest information on the work of the State Emergency Services?

The Hon. TONY KELLY: Let me acknowledge the day we celebrate: Happy St Patrick's Day! While most of the country is still gripped by ferocious drought, other areas are experiencing flooding rains and terrible storm activity. Recently the north coast of New South Wales and much of south-east Queensland were hit by severe rain and wind storms. When the weather turns rough like this you can take it for granted that volunteers from the State Emergency Services [SES] are hard at work helping the community. At the height of the storm 115 personnel from the Richmond-Tweed division of the SES were involved in a total of 141 tasks. Destructive winds from 80 to 90 kilometres an hour, with gusts of up to 125 kilometres resulted in more than 100 requests for help as a result of storm damage. Waves of up to five metres, on top of a six-metre swell, caused coastal erosion in several places along the coast. The largest wave recorded was 11 metres at Point Danger.

Minor flash flooding occurred in a number of urban areas, and moderate level flooding was recorded on the Tweed, Wilson and Richmond rivers. This affected Kyogle, Coraki, Lismore, Murwillumbah and Tweed Heads, as well as causing widespread disruption to local rural road networks. The districts SES and Volunteer Rescue Association [VRA] members also were involved in five search-and-rescue missions during the worst of the weather. I am sure the worst job that any of our emergency services personnel face is the search for a missing person that ends tragically. Murwillumbah SES and VRA members assisted local police in the search for a 10-year-old boy who had been swept off a flooded causeway that he had been crossing with his parents near their Uki property. Sadly, the boy's body was recovered the following morning.

Nambucca Heads SES volunteers were involved in the search for a woman missing in rain-swollen waters. Her body was later located. I am sure that all members of the House join with me in sending our sincere condolences to the family and friends of both of these victims. Our thoughts are with them at this terribly upsetting time. Murwillumbah, Lismore and Woodburn SES units worked throughout the worst of the weather on a number of other rescue operations, including plucking a man and his dog to safety from the top of a car trapped in rising creek waters at Dungay, helping police save a Lismore Base Hospital patient who had jumped repeatedly from a bridge into the swollen Wilson River, locating a stranded male hiker lost on the Mount Nardi walking trail, and locating a person who was rescuing a newborn calf from floodwaters in Bungawalbin Creek.

This was a weekend of hard and emotional times for the Richmond-Tweed emergency services. I thank members for their efforts to assist the community. I also take this opportunity to congratulate the members of the Nundle emergency services and community who are recognised in the Australian Bravery Decorations this week. Five members of the Nundle SES unit, a Rural Fire Service [RFS] volunteer and a local business owner have received a Group Citation for Bravery for their courage in assisting members of the community during severe flash flooding in the Nundle and Woolomin area on Sunday 19 November 2000. They were Nundle SES Local Controller, Tony Taylor; SES volunteers Gary Heggs, Darryl Slade, Colin Dawson and Diane Murray, nee Mitchell; RFS volunteer, Derek Bedford; and Nundle sawmill owner, Paul Summers. [*Time expired.*]

The Hon. PETER PRIMROSE: I ask a supplementary question. Will the Minister elucidate his answer?

The Hon. TONY KELLY: I understand that these people place their lives in extreme peril to go to the assistance of the community. They rescued one family whose vehicle had been swept away by floodwaters and then attempted to rescue a second isolated family. This time the conditions were so severe that they were unable to reach them. The family was advised of precautions to take, which ultimately placed them in the safest location. They were later located unharmed. With Nundle isolated by floodwaters washing out or heavily damaging bridges and roads the community of Woolomin was also evacuated to the highest ground, which is now the location of a new evacuation centre. The quick, selfless actions of these seven people helped to save the lives of at least two families and ensure the safety of many others in the local community. I am sure that the people of Nundle and Woolomin can never thank them enough. The Citation for Bravery is the Australian community's way of saying thank you for a job well done. Again, I extend my congratulations and the congratulations of this House to all of them.

DEPARTMENT OF AGRICULTURE HELICOPTER CHARTER

The Hon. DUNCAN GAY: My question is directed to the Minister for Agriculture and Fisheries. Why was it necessary for his department to charter a helicopter last Friday afternoon to fly from Barraba to Gunnedah, pick up officers, then travel a distance of 60 kilometres to meet with farmers whose properties were locust affected? Is the Minister aware that the cost of the exercise was more than $3,000? Could it not have been done more efficiently and cheaply in a car? Will officers from NSW Agriculture return in yet another chartered helicopter to one of the same properties this afternoon at 1.30 p.m. to assess it? How can the Minister justify this kind of extravagance when NSW Agriculture is demanding that farmers whose properties are locust affected pay for aerial spraying?

The Hon. IAN MACDONALD: Where has this deputy leader of the green Nationals been? We have sightings of locusts from the north of the State down to the Central West. The Government is endeavouring to tackle this problem on behalf of the land-holders of this State, and if it takes helicopters to get control officers around the State quickly to carry out inspections so that we can take action, so be it. We are taking every possible action to ensure that the latest problem is brought totally under control. We have done that in the northern part of the State, around Bourke, Enngonia and Coonamble. We have sprayed many thousands of hectares of land. Over 200,000 hectares have been sprayed in the past month or so in southern Queensland and northern New South Wales. I cannot believe this so-called leader of The Nationals in this place would criticise the Minister for Agriculture and Fisheries and NSW Agriculture for spending money on helicopters for aerial inspections of areas where lots of sightings of locusts have been made. I cannot believe it.

What is happening to The Nationals? I think we need a summit! We need Country Labor to advise and counsel The Nationals about how to look after the rural people of this State. The Nationals think that control officers can traverse many thousands of kilometres across this State by car to tackle the locust problem. I just wish the farmers' representatives could have heard the question that has been asked by the leader of the green Nationals who suggested that those officers should have travelled by car. I assure this House that if solving the problem requires helicopters and planes to fight locusts on behalf of the people who live in the central-western and north-western parts of New South Wales, we will put control officers in helicopters and planes so that they can carry out aerial inspections to determine whether there is sufficient banding of locusts in an area to justify the deployment of aerial spraying to resolve the problem.

When I hear the Deputy Leader of the Opposition ask questions of that type, I think to myself that The Nationals need counselling. I make the offer to have the honourable member for Bathurst, Gerard Martin, who is the convener of Country Labor, call a meeting with The Nationals because they need counselling about rural New South Wales, particularly on the issues that affect people who live west of the Great Dividing Range and who suffer as a result of locusts infestation. Those people want locusts treated quickly and they do not want departmental officers wandering around by car. The next suggestion the Deputy Leader of the Opposition will make is that cars are too expensive and the officers should be travelling around by horse and buggy. We will not be doing that. The Deputy Leader of the Opposition may rest assured that the Government will be tackling the problem. I know the Hon. Melinda Pavey is incredulous after hearing the question asked by the leader of the green Nationals.

The Hon. John Della Bosca: She is laughing at him.

The Hon. IAN MACDONALD: I cannot believe it. The Deputy Leader of the Opposition wants us to travel by car across many thousands of kilometres.

The Hon. Michael Egan: No. He wants the aerial inspections done by horse and buggy.

The Hon. IAN MACDONALD: I thank the Leader of the House for his assistance. I assure honourable members that the Government will tackle this problem as hard and as fast as possible on behalf of the farmers and citizens of western and north-western New South Wales, and that it will do whatever it takes to ensure that we are on top of the problem to avoid difficulties in the spring should the problem get out of control.

The Hon. DUNCAN GAY: I ask a supplementary question. In relation to the Minister's answer, how will he justify to the farmers of northern New South Wales the fact that there is no money to spray their crops because he has spent $3,500 on a helicopter to travel 60 kilometres?

The Hon. IAN MACDONALD: Again, I will have to embark on a bit of a lesson, but unfortunately I have only two minutes in which to do so. The Government has 32 tonnes of chemicals for aerial spraying, which will be issued free of charge to farmers who are fighting this problem in areas west of the Great Dividing Range. The Government will also meet the costs of aerial spraying. The Deputy Leader of the Opposition has no idea what rural people have been saying. The Government has already spent $1.5 million on tackling this problem. How could the Deputy Leader of the Opposition ask this question? I will ensure that he is given information from the department so that at least he will have a better understanding of the issues.

The Hon. Michael Egan: Give him some briefings.

The Hon. IAN MACDONALD: I will provide the Deputy Leader of the Opposition with all the briefings he likes, but I point out to him that for aerial spraying to be effective, aerial surveillance must be undertaken first. Funds have been provided to do exactly that. The funds are totally available to do that.

CENTREPOINT TOWER REDEVELOPMENT

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Transport Services, representing the Minister for Infrastructure and Planning: Is he aware that Westfield Trust has lodged a development application with the City of Sydney for major changes to one of Sydney's premier landmarks, Centrepoint Tower? Is the Minister aware that the redevelopment of Centrepoint includes 12 new levels of underground car parking, two residential towers, excavation under Pitt Street and that it will cause a three-year disruption to the city's major shopping precinct, the Pitt Street Mall, and challenges the current planning setback laws which Wesley Mission had to obey in an adjoining 40-storey property development? What assurance does the Government give that it will not override the City of Sydney planning process to expedite this redevelopment? What assurance does the Government give that it will not change the existing planning laws regarding setback requirements?

The Hon. MICHAEL COSTA: Having listened to that question, I suppose my response would be, no, I am not aware.

The Hon. Melinda Pavey: You should be.

The Hon. MICHAEL COSTA: No, I should not be. I have other things to be very aware about that to my mind are much more important.

The Hon. Melinda Pavey: Do you not read the *Sydney Morning Herald*?

The Hon. MICHAEL COSTA: No, I do not read the *Sydney Morning Herald* regularly. I am not aware of that, but I take it that the question is directed to the relevant Minister. I will obtain an answer from that Minister.

LOCUST OUTBREAK

The Hon. TONY BURKE: My question is addressed to the Minister for Agriculture and Fisheries. Will he inform the House of the current locust situation and what is being done to help to control them?

The Hon. IAN MACDONALD: This question at least gives me the opportunity to examine the issue in more detail in contrast to the appallingly framed and ill-timed question from the Deputy Leader of the Opposition. The Australian Plague Locust Commission [APLC] has conducted aerial spraying over 200,000 hectares in the Bourke and Enngonia areas to assist in the control of populations of adult locusts. As at late yesterday, no more visible targets could be found in those areas. The Carr Government is committed to helping farmers who are affected by these pests. In common with droughts, floods and mouse plagues, locusts are a harsh reality of life on the land. Swarms of adult locusts can appear in a matter of hours, travel up to 500 kilometres overnight, and disappear again just as quickly. Federal and State bodies are working together to control locusts in New South Wales. They have achieved real success.

The Hon. Duncan Gay: Why did your people say the chemicals were not available because of terrorists?

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition should read *Hansard* properly. Ground and aerial controls were under way in Coonamble until Monday, when rain forced a halt to spraying.

Control programs will be able to start again the minute there are suitable targets. More than 2,360 litres of on-the-ground chemicals have also been issued to rural lands protection boards in the past four weeks, and that will be enough to cover 9,200 hectares. On-the-ground treatment for juvenile locusts is under way in Brewarrina, Coonabarabran, Moree, Narrabri, Tamworth, Walgett and on the northern slopes. NSW Agriculture control officers are on the ground in Gunnedah and Dubbo. Inspections are also taking place today in Narromine, Gilgandra, Narrabri and Moree. These inspections will help to determine the best control options for the current conditions.

This morning NSW Agriculture also held an emergency meeting to look at additional measures we can take, and tomorrow will be deploying additional staff in key areas. It is important to remember that there are two factors which can prevent aerial spraying of adult locusts: One is when locusts are not banding together in sufficient numbers for aerial control to be effective, and the other is when aerial spraying cannot be carried out in close proximity to water, irrigation areas, registered organic farms, susceptible crops, or in residential areas. Those protocols were developed by the APLC in conjunction with State governments. Locusts are dynamic and ever-changing pests. Control strategies can change on a daily basis.

[*Interruption*]

The pests will not be eliminated overnight. The Government is committed to taking all appropriate steps to fight the locusts. In response to an interjection by the Deputy Leader of the Opposition, I inform him that one of the national protocols, which has been agreed to by the States and the Commonwealth, states:

> The targets must be dense and visible from the air.

Why have a helicopter? Before aerial spraying is commenced, the target has to be seen from the air to determine whether it is of the appropriate density. Therefore, a helicopter is needed. The Deputy Leader of the Opposition may be able to fly his hotted-up Falcon, or whatever he has. He probably could have flown the former President's vehicle around his farm at some stage, when he was not carting hay around. I reiterate, the national protocol states that the targets must be dense and visible from the air. That is why a helicopter was used, because it gives a chance of finding dense populations from the air.

OFFENSIVE PUBLICATIONS AND ABUSE OF WOMEN

Reverend the Hon. FRED NILE: My question without notice is addressed to the Treasurer, representing the Premier. With further cases of alleged mistreatment, abuse and group rape of women by football players and other gangs coming to light in New South Wales and Victoria, does the Premier recognise that this issue may be a much broader problem among young men within our society than previously recognised? Is the Premier familiar with Professor Albert Bandura's widely accepted theory of social cognition and reciprocal determinism? Has the Premier recognised the link between the conditioning stimuli of pornography, obscene productions such as *XXX*, television, films and videos such as *Thirteen*, *Irreversible*, *Baise Moi*, et cetera, and the unacceptable attitudes and behaviour of a percentage of young men in this State who treat young women as sex objects? Will the Premier take action to ensure that young and impressionable males are protected from perverting material? Will the Premier have introduced relevant educational material in high schools? Will the Premier raise these issues at the next Council of Australian Governments meeting?

The Hon. MICHAEL EGAN: That was a serious question and deserves a serious response. I will refer it to the Premier for just such a response.

CARENNE SCHOOL THERAPY SERVICES

The Hon. JOHN RYAN: My question is directed to the Minister for Community Services. What answers does the Minister have for the families of the 55 students at the Carenne School at Bathurst who have been asking the Government to provide additional funding for therapists at the school? The school has not had regular access to therapists for 10 years. Is the Minister aware that even if the Central West service currently funded by the Department of Ageing, Disability and Home Care and operated by the Spastic Centre at Orange had a full complement of staff, virtually none of the students would qualify for services, because the needs criteria of the service excludes them from providing any services to the children at Carenne? What plans does the Minister have to address the chronic underfunding of therapy and early intervention services for children with disabilities in rural areas that were clearly identified by the recent report of the Standing Committee on Social Issues into early intervention for children with learning difficulties?

The Hon. Dr Arthur Chesterfield-Evans: Put it on notice.

The Hon. JOHN RYAN: I do not think that the people of Bathurst want that question to be put on notice.

The Hon. CARMEL TEBBUTT: The issue raised by the Hon. John Ryan is of great significance to some parents in Bathurst. I have had discussions with the local member about those issues, and the Department of Ageing, Disability and Home Care has had discussions with the Department of Education and Training and the concerned parents. The Department of Ageing, Disability and Home Care shares with NSW Health responsibility for providing therapy services such as occupational therapy, physiotherapy and speech pathology for people with a disability. In addition, the department works closely with the Department of Education and Training in the delivery of therapy services in schools. Therapy complements the role of carers and teachers in assisting children and young people with a disability to achieve their goal. The department employs 220 therapists and funds a further 80 positions through non-government organisations. On a typical day an estimated 554 people with disabilities access therapy services from both government and non-government providers.

It is well known that some therapy service providers have recently experienced difficulties in attracting and retaining qualified therapists, particularly in rural areas of New South Wales. The department is looking at ways to address that, including building strong relationships with NSW Health and with border States. The Government committed an additional $1.6 million recurrent funding in 2002-03 to enhance therapy services for children and young people with a disability between the ages of 6 and 18 years. The funding has been used to establish additional therapy positions across New South Wales and to implement innovative recruitment strategies, such as recruitment by the Spastic Centre of a small number of therapists from the United Kingdom.

With regard to Carenne School, the Department of Ageing, Disability and Home Care has negotiated a collaborative model of therapy service delivery across the Central and Orana far-west areas, which will assist the pupils of that school. The Spastic Centre has received $100,000 in recurrent funding to deliver therapy services for school-age children with a disability in schools throughout the Central West. The centre has recruited a speech pathologist, occupational therapist and physiotherapist and their services are provided to school-age children with a disability, their families and carers across the Central West. The department will also advertise for three therapy positions in the Central West in the first half of this year. In the longer term, the department has undertaken to review therapy services across those areas to identify demand and to ensure a sustainable and equitable service is developed. I am aware of the issues with the Carenne Special School, and the department will continue to work with the parents to address their concerns.

BIOTECHNOLOGY INDUSTRY

The Hon. AMANDA FAZIO: My question without notice is addressed to the Treasurer, and Minister for State Development. Will the Minister inform the House about positive developments in the New South Wales biotechnology industry?

The Hon. MICHAEL EGAN: New South Wales researchers have been recognised as being at the leading edge of international biotechnology research. Representatives of three New South Wales biotechnology organisations have been invited to speak at Bio2004, which every honourable member would be aware is the world's largest—

The Hon. Patricia Forsythe: Are you going this year?

The Hon. MICHAEL EGAN: No, I am not.

The Hon. Patricia Forsythe: You will lose out to Queensland again.

The Hon. MICHAEL EGAN: Why? We beat Queensland hands down at most things, except for the Commonwealth Grants Commission. This is an obsession of the Hon. Patricia Forsythe; she believes that I should travel the world for 365 days a year. I have other responsibilities in the Parliament and in other ways. Bio2004 is the world's largest and most important biotechnology conference. This year it will be held in San Francisco, between 6 and 9 June. Between those dates I will be working very hard on producing an excellent and very fair budget.

The Hon. Duncan Gay: You will have a lot of work to do this year.

The Hon. MICHAEL EGAN: Yes, I do have a lot of work to do this year, because the Opposition's Federal colleagues have taken $376 million off this State. They can rectify that. I am travelling to Canberra next Friday to try to get that $376 million back. I know that John Brogden said that New South Wales has subsidised other States forever and a day, and that is true.

The PRESIDENT: Order! Members must draw my attention to the fact that they wish to take a point of order, especially when there is a considerable amount of noise in the Chamber.

The Hon. Greg Pearce: Point of order: My point of order is relevance. The Treasurer has refused to answer the useful question asked by the Hon. Amanda Fazio. The Treasurer ought to address his answer to biotechnology, rather than ranting on.

The Hon. MICHAEL EGAN: To the point of order: It is my practice, because I like to answer questions, to answer interjections from the Opposition. I was pointing out that whilst New South Wales has been subsidising the other States for ever and a day, in the past seven or eight years, since John Howard has been Prime Minister, the size of that subsidy has gone from $1.2 billion a year to $2.9 billion a year—that is, an increase of $1.7 billion.

The PRESIDENT: Order! Is the Minister talking to the point of order?

The Hon. MICHAEL EGAN: I was answering an interjection by the Opposition. I thought it important that Opposition members know the truth about this rip-off.

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

The Hon. MICHAEL EGAN: Madam President, you do not understand original sin. If you did, you would understand that it is impossible to ignore a temptation like that. When Opposition members serve me up an interjection that enables me to— [*Time expired*].

The Hon. AMANDA FAZIO: I ask a supplementary question. Could the Minister please elucidate his answer?

The Hon. John Ryan: Point of order: The Minister has traversed issues such as original sin, which I do not think come within his portfolio. Under standing orders I am not sure whether he can answer such a question.

The Hon. MICHAEL EGAN: To the point of order: A heretic like the Hon. John Ryan would have no understanding of the meaning of "original sin". And the fact that he is wearing a green tie today does not give him any theological authority at all!

The PRESIDENT: Order! The supplementary question seeks elucidation of the Minister's original answer. The Minister may continue.

The Hon. MICHAEL EGAN: I am sure the information that I am desperate to give to the House will be able to be given in some other form at some other time—probably later in question time when I am asked a rephrased question.

COALITION FOR GUN CONTROL ADVERTISEMENT

The Hon. DAVID OLDFIELD: My question without notice is directed to the Minister for Justice, representing the Minister for Police. Is the Minister concerned about the ongoing lies that are being espoused by the Coalition for Gun Control? Is the Minister concerned about how misleading that organisation is? Tomorrow it intends to mislead the media and the public further through the launch of a new advertising campaign. Is the Minister concerned by that bogus organisation's false claims, including, "it is easier to get a handgun than a drivers licence"? Such claims, which are demonstrably untrue, are intended simply to deceive. Is the Minister concerned that even its promotional tool, a cut-out of a handgun, actually represents a firearm already made illegal by this Government? Will the Minister acknowledge the misleading and inflammatory nature of calling for bans on guns that are already banned? When will this Government condemn the Coalition for Gun Control for the ongoing dishonesty of its campaign to deceive the public?

The Hon. JOHN HATZISTERGOS: I am not aware of the issue that the honourable member has raised. However, I will refer it to the Minister for Police. Any suggestion that it is easier to get a handgun licence than a drivers licence is clearly absurd and ought not to be propagated by anyone. I will obtain more details and advise the House in due course.

SUGAR INDUSTRY

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Agriculture and Fisheries. Is he aware that all Australian sugar growers and harvesters are currently suffering extreme financial difficulties, including those in the New South Wales sector of the industry, which contributes $230 million to the State's economy? Is he further aware that the Queensland Government has announced a major contribution to the Federal Government's support package? Will the New South Wales Government be standing up for the industry by taking Queensland's lead and allocating a proportionate contribution to the Federal Government's support package? Will the Minister, to quote the Treasurer, the Hon. Michael Egan, "beat the Beattie Government hands down on this issue"?

The Hon. IAN MACDONALD: I am happy to answer that important question. Recently I met with sugar cane growers and mill operators in northern New South Wales. They asked me questions about the 3¢ sugar levy and what they believe to be their proportion of the regional structural assistance program—about $36 million of $120 million. The Federal Government announced that program approximately two years ago. At that time there was no mention of the fact that States had to put in a matching contribution in order to draw down on funds for this structural adjustment. The Beattie Government has some initiatives of its own.

As I said earlier, I spoke to growers and to mill operators and I made the position clear. The Federal Government has had no consultation with the State Government about obtaining a contribution before allocating funds to sugar growers in northern New South Wales. The $120 million is being collected by virtue of the 3¢ levy. Two years later the Federal Government should not say, "We will give that money to New South Wales growers only if that amount is matched by a State Government contribution." That $120 million should be allocated with no strings attached. Approximately 40 per cent of those raisings are obtained from New South Wales consumers who pay that 3¢ sugar levy. I said to growers and to mill operators that that money should be paid with no strings attached.

[*Interruption*]

Let me make it clear. The proceeds that are obtained from that 3¢ sugar levy should be distributed to growers.

OLYMPIC GAMES CONTRACTS

The Hon. HENRY TSANG: My question without notice is addressed to the Treasurer, and Minister for State Development. Will the Minister inform the House about Olympic contracts that have been won by New South Wales companies?

The Hon. MICHAEL EGAN: I am pleased to be able to do so. Recently I spoke about six New South Wales companies that travelled to China to promote their expertise in Olympic and international sports infrastructure at a major exhibition. The companies, supported by the State Government, attended Stadia China 2004, which is a leading event for stadium design, construction and infrastructure, which was held in Beijing between 16 and 18 February. As a result, considerable interest was shown in their products. I will tell the House about some of the successes that New South Wales companies have had to date with Olympic contracts.

For the Athens 2004 Olympics, Bligh Voller Nield is undertaking master planning for the Olympic sites and for the Hellinikon Sports Complex as well as designing a number of other venues. For the Beijing 2008 Olympics, Bligh Voller Nield won the right to design the Beijing Aquatic Park, which will be the city's largest Olympic facility. From the designs that I saw in the *Sydney Morning Herald* some months ago I am aware that it will be spectacular. The company was also appointed to undertake initial master planning for the Beijing Olympic Green, the major precinct for the 2008 Beijing Games. Starena International, a company based in West Gosford, developed the unity seat specifically for use at the Athens Olympics. It will supply seating for the beach volleyball complex.

I understand that Starena has also been short-listed to supply seating for the 90,000-seat main Olympic stadium in Athens. It is interesting that four or five months from the Games that matter has not yet been

finalised. Some other Olympic project successes by New South Wales companies are as follows: Sydney architects Group GSA won the design competition for the Beijing Olympic Shooting Centre; two Sydney specialists in transport planning, engineering and consulting, GHD and Parsons Brinckerhoff, provided Olympic-related advice to Beijing agencies—GHD, for example, also won a contract to design a major water supply pipeline to Beijing; MI Associates, which includes some former staff of the Sydney Organising Committee for the Olympic Games, won a major consultancy contract with the Athens Organising Committee; and TAFE New South Wales also won a major Athens contract to provide training support. I have no doubt that the Athens Olympic Games will be an outstanding success and I am pleased that several New South Wales companies will assist with the preparation and staging of that event.

The Government's Sydney-Beijing Olympic Secretariat helped a number of New South Wales companies to secure Olympic contracts. The Department of State and Regional Development implemented a post-2000 Sydney Olympics business program designed to promote the State's Olympic expertise directly overseas. The program, which has been developed in conjunction with Austrade, has organised seminars on the Athens and Beijing Olympics. These have provided information on the tendering process, forthcoming contract opportunities and access to officials within the organising committees, government agencies and principal contractors. We all look forward to very successful Olympic Games in both Athens and Beijing. We can be very pleased that New South Wales companies will play a part in the success of those events and undoubtedly also in the 2012 Olympic Games, wherever it is held. I think that decision will be made fairly soon.

STATE TRANSIT AUTHORITY BUS SERVICES

Ms LEE RHIANNON: My question is directed to the Minister for Transport Services. As part of the Unsworth review does the Government intend to put out to tender any State Transit Authority [STA] bus routes or contract regions—that is, routes or regions where the majority of bus services are currently operated by the STA? Will the STA be able to bid for those routes or contracts? Will the STA be able to bid for new regions where the contracts are held by private operators?

The Hon. MICHAEL COSTA: I take it that the honourable member refers to the final report of the Unsworth review, which was released today. This review is one of the most important that we will undertake in the transport portfolio. There has been considerable focus on rail and some of the issues and problems in that area, but bus services—particularly private bus services—are the major method of transportation for the bulk of people in New South Wales, especially those in commuter areas. The Unsworth review represents the first comprehensive stocktake of the bus system since trams were removed from the network in 1961.

The Hon. Michael Egan: I can remember that.

The Hon. John Della Bosca: Yes, I remember it too.

The Hon. MICHAEL COSTA: A number of honourable members remember that. The review has highlighted a number of problems with the bus system. These include unequal access to fares and concessions; inconsistent services across Sydney, particularly in the north west and far Western Sydney; a lack of co-ordination and planning and contract areas that mean operators do not provide the services that the community requires; bus contracts that do not give the Government adequate controls or safeguards against poor service; and falling patronage on the private bus network. That area requires particular attention as patronage has declined by 18 per cent in the past decade. In addition, there is the problem of the School Student Transport Scheme [SSTS], which currently costs about $450 million a year. The problem of phantom riders has been highlighted on several occasions and is estimated to cost taxpayers about $112 million a year. We clearly need to improve our bus services, and that is the purpose of the Unsworth process.

Competitive tendering in the private sector will also be examined. The current bus system is exemplified by a range of inflexible contracts that must be reviewed. The competitive tendering issue has been around for some time. The honourable member is probably not aware that the previous, conservative government introduced tender contracts. In fact, the STA currently has a contract with the Ministry of Transport and is funded by Treasury in relation to its service provision. The Unsworth review is primarily about considering new bus routes—which we are calling strategic corridors—that are not serviced at the moment, even though there is a crying need for them, because of the contract arrangements. We will consider new contract arrangements that provide services in these new strategic corridors.

We will also introduce electronic smart cards to try to address the problem with the SSTS. In addition, for the first time—I believe we should all take pride in this—pensioner excursion tickets will be introduced

covering areas that are currently not serviced by those tickets. There will certainly be an increase in cost from $1.10 to $2.50.

The Hon. Patricia Forsythe: Coalition policy.

The Hon. MICHAEL COSTA: I welcome the Coalition's support of this measure. This issue is crying out to be addressed and we must extend the range of pensioner excursion tickets. I thank the Bus and Coach Association for its support in these difficult areas, and I thank the member for Heffron, Kristina Kenneally, the member for Strathfield, Virginia Judge, the member for Canterbury, Linda Burney, the member for Heathcote, Paul McLeay, the member for Drummoyne, Angela D'Amore, and the member for Penrith, Karyn Paluzzano, all of whom supported the review process by holding local forums. It is important reform and I am glad that Greens members are interested in it. I look forward to their support as we go forward. Difficult decisions must be made in this area.

Ms LEE RHIANNON: I ask a supplementary question. Will the Minister for Transport Services elucidate his answer and in so doing explain whether the State Transit Authority's existing bus routes and services will be open to tender? If so, what is the timeline for those tenders?

The Hon. MICHAEL COSTA: I do not want the Greens to put words in my mouth, and that question was an obvious attempt to do so.

Ms Lee Rhiannon: I was asking for an answer.

The Hon. MICHAEL COSTA: No, Ms Lee Rhiannon asked what services would be put out by the State Transit Authority—

The Hon. Duncan Gay: You have enough trouble putting words in your own mouth.

The Hon. MICHAEL COSTA: The Deputy Leader of the Opposition should listen to this; it is important and it will help some of his constituents—if he has any left. The way The Nationals are going—

The Hon. Melinda Pavey: There are still people living in country New South Wales.

The Hon. MICHAEL COSTA: But they do not vote for The Nationals. It is a big mistake to assume that all those who live in New South Wales vote for The Nationals. We can see from the election results that support for The Nationals is going down rapidly. If their support continues to decline at that rate, no-one will vote for The Nationals at the next election. If the trend continues, The Nationals will have zero support.

As part of the reforms, we are making some changes to the State Transit Authority [STA] board. I have announced that Barrie Unsworth will be the new chair of the board and that Jim Bosnjak and Keith Todd, who are bus operators of long experience, will also serve on the board. I will allow them to make decisions about the services provided by the STA. If the Greens did some research in this area, they would discover that contracts exist between the STA and the State Government for the provision of bus services. These matters are reviewed by the STA board. The Government has no intention as part of the Unsworth process to direct the STA board to do anything in relation to services other than what it believes to be in the interests of its customers and the taxpayers of New South Wales.

LOCAL COUNCIL AMALGAMATIONS

The Hon. PATRICIA FORSYTHE: My question is directed to the Minister for Local Government. Has the Minister counselled the Labor candidate for the Federal seat of Eden-Monaro over his decision to include the issue of local government boundaries in a list of possible concerns on an elector survey form? Has the candidate advised the Minister that the inclusion of the issue is an indication of the level of community disquiet in his region at the actions of the Carr Government?

The Hon. TONY KELLY: It should not come as a surprise to anyone in this room—it is certainly not a surprise to any member on the Government side of the House—that the Carr Government is determined to continue its reform process in New South Wales. In particular, we will ensure that ratepayers in this State get a fair deal for the rates they pay. We have asked councils to discover better ways of delivering better services to their ratepayers in future. If Opposition members have a complaint about that, they will have to take it to the electors at the 2007 State election.

CHILD PROTECTION PROFESSIONALS SECURITY

The Hon. CHRISTINE ROBERTSON: My question without notice is directed to the Minister for Community Services. Is the Minister aware of a recent report by the Australian Institute of Criminology into violence, threats and intimidation in the lives of professionals whose work involves children? What is the response of the Department of Community Services to that report?

The Hon. CARMEL TEBBUTT: I am aware of this important report by the Australian Institute of Criminology, which I welcome as a contribution to the community's understanding of the pressures confronted by many professionals who deliver front-line services in the area of child protection. The report looks at violence, threats and intimidation in the lives of professionals whose work involves children, particularly those who are working in child protection. There is no doubt that working in child protection can be confronting and stressful. I am constantly amazed, impressed and reassured by the front-line staff of the Department of Community Services, who tell me about their day-to-day work and the many pressures associated with it.

I take this opportunity to applaud the hard work and dedication of workers of the Department of Community Services in the face of those many pressures. Of course, many people also work in the non-government field and deal with these issues. As the report acknowledged, intervening to protect the welfare of children is likely to cause tension, and professionals who have mandatory reporting obligations and child protection roles may find themselves in opposition to adults who have perpetrated abuse against children. This can have a significant impact on the way workers in child protection perform their work, not to mention their morale.

The Department of Community Services has a range of measures to deal with the sorts of issues that have been identified in the report of the Australian Institute of Criminology. The new occupational health and safety policy of the Department of Community Services, signed off recently by the director-general of the department, clearly states that occupational health and safety risk management must be integrated into departmental policies, procedures and day-to-day work practices. With regard to risk management, the Department of Community Services is introducing significant reforms to bring itself into line with industry best practice. With regard to offices of the Department of Community Services, the department's manual, entitled "Security Standards for Departmental Facilities", includes security standards for Community Services Centres having regard to such things as the design, fittings and fixtures for the public foyer, counter design and layout, design and layout of interview rooms and conference rooms, and standards for an intruder alarm system. The security standards manual provides for induction programs for new staff to include a segment on general staff security and emergency procedures within the work unit.

I am advised that the department's Learning and Development Branch has just accredited 15 staff of the Department of Community Services in conducting a two-day managing workplace violence course. This course should form part of a new induction program, which is commencing soon. Of course it is the case that many of the possible sources of danger for caseworkers of the Department of Community Services are outside the offices of the Department of Community Services. There are procedures in place to also address those threats. It is common practice within the manager's casework of the Department of Community Services to send two caseworkers, primary and secondary, on a home visit together if it is an initial contact with a family, a contentious matter or a difficult situation.

Police are often contacted in relation to exchange of information about the safety, welfare and wellbeing of a child. If police have information that relates to potential safety issues for the child, for example, assault charges or possession of firearms, the Department of Community Services may be advised. In those situations police will often accompany caseworkers if it is believed there may be safety issues for the child and/or the Department of Community Services. Police are delegated under the Children and Young Persons (Care and Protection) Act 1998 to remove children at immediate risk of serious harm. If there is an issue of safety, police will often undertake the removal rather than the Department of Community Services.

The new key information and directory system also enables staff of the Department of Community Services to access address alerts, and that is designed to alert staff when it is known that a safety or other issue exists—for example, a vicious dog or firearms on the premises. The Government has also legislated to permit courts to impose higher penalties when individuals performing public functions are injured as a result of performing their duties. I take this opportunity to thank all staff of the Department of Community Services for their commitment and dedication to their very important work of protecting children.

TRAINS VIGILANCE CONTROL SYSTEM

The Hon. Dr PETER WONG: My question without notice is addressed to the Minister for Transport Services. Is the Minister aware of an article that appeared two days ago in the *Daily Telegraph* about the trial of the new Tangara dead man's safety device, which failed because the system did not work at high speed? Will the Minister inform the House how much the Tangara has cost the citizens of New South Wales so far? Will the Minister assure the House and the people of New South Wales that the Tangara is safe? How much will it cost to fix this dangerous fault? Who will pay for that cost?

The Hon. MICHAEL COSTA: I give some credit in relation to this matter to the shadow Minister, who asked me exactly the same question the other day. I made the point then that matters to do with the Tangara vigilance device are technical and are really for the engineers to make comments upon because the engineers have a responsibility to ensure that the devices work. I remind the member that the reports in the *Daily Telegraph* relate to trials. Quite obviously the purpose of a trial, by definition, is to test a device to ensure that faults that may well occur are picked up before they are put into operational service. I was alarmed about the sensationalism generated by that article. The electrical fault was identified on a test run. That is the purpose of a test run. For comments to be made in the media about faults found on test runs seems to me to be a pointless exercise. Let us leave it to the technical people to make the assessment and correct any problems. They are the people qualified to do that.

MILLENNIUM TRAINS

The Hon. GREG PEARCE: My question is directed to the Treasurer. Does the Treasurer stand by the following answer he gave yesterday to a question about Swedish financing of the Millennium Trains:

> To the best of my knowledge and recollection I had no involvement in that matter at all.

In light of the Treasurer's answer will he explain how it is that his signature appears on Treasury documents dated 13 December 2002, authorising financing of Millennium carriages by Swedish lessor Skandinaviska Ensklilda Banken AB and approving the transaction pursuant to the Public Authorities Financial Arrangements Act?

The Hon. MICHAEL EGAN: If the honourable member who, no doubt, has scoured the boxes of documents—

The Hon. Michael Costa: Hundreds of boxes—

The Hon. MICHAEL EGAN: —scoured the hundreds of boxes and found a document along the lines he has informed the House of today, I will certainly not contradict him. I will accept his word for it. I was asked a very detailed question yesterday and I gave an answer that to the best of my knowledge and recollection was correct.

DIGITAL DATACASTING TRIAL

The Hon. TONY CATANZARITI: My question without notice is addressed to the Minister for Commerce. Will the Minister inform the House of any new initiatives to deliver government services and information using digital technology?

The Hon. JOHN DELLA BOSCA: This morning I had the pleasure of launching a three-year trial of a new digital datacasting service being supported by Broadcast Australia. It is a major step forward in the development of the local broadcast industry. It is an Australian first. But what exactly is datacasting? Datacasting is an important new aspect of digital broadcasting. It provides access to information services as well as traditional video television channels. The technology allows television viewers to access a richer diversity of content than ever before. Datacasting is defined by the Federal Government's legislation as everything that is not aired via traditional television programming. Instead of being entertainment and sport focused, datacasting provides information and educational content and related services.

Broadcast Australia is conducting a three-year trial of datacasting in the Sydney metropolitan region. The trial initially features six information services, including ABC news. The New South Wales Government is participating in the trial by broadcasting a sample of ServiceNSW, one of the most popular Government web sites in Australia, on a dedicated State Government information channel, channel 45. The Government's involvement in the trial is part of its ongoing effort to make it easier and more convenient for the public to access government information and services. This trial is an important learning opportunity for us.

Service NSW, or channel 45, is a public information channel that will provide a range of events information, announcements, traffic updates, coastal and surfing conditions and cultural information. It has been established to test datacasting as a platform for government communication and electronic services delivery to the people of New South Wales. The Government has been a leader in the adoption of new technologies such as the Internet to provide improved services to the public.

As I said earlier, ServiceNSW is one of the most popular government web sites in Australia. It provides access to a wealth of information and services—everything from transport timetables and health care information, to maps and lists of the most popular baby names. The next step is for the New South Wales Government to provide this information using datacasting. During the trial we will identify the most appropriate information and services that suit this new medium and the public as a whole. The Department of Commerce will co-ordinate the New South Wales Government's participation in this trial.

I would like to acknowledge the support from other government agencies, including the Roads and Traffic Authority, Tourism New South Wales, the Department of Health, the Sydney Harbour Foreshore Authority and Coastal Watch. The New South Wales Government is keen to encourage this ongoing innovation in the media sector. I congratulate Broadcast Australia on supporting this important trial, and look forward to updating the House on its results and further developments.

The Hon. MICHAEL EGAN: If members have further questions, they might place them on notice.

Questions without notice concluded.

PARLIAMENTARY ETHICS ADVISER

Appointment

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

MADAM PRESIDENT

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

That the appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, as resolved by the House on 5 December 2003, be extended for a further four month period.

The Legislative Assembly requests that the Legislative Council pass a similar resolution.

Legislative Assembly
12 March 2004

JOHN AQUILINA
Speaker

Consideration of message deferred.

STOCK DISEASES AMENDMENT (FALSE INFORMATION) BILL

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

Motion by the Hon. Michael Egan agreed to:

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

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

[*The President left the chair at 1.05 p.m. The House resumed at 2.35 p.m.*]

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Report on Community Housing

Debated resumed from 10 March.

The Hon. JAN BURNSWOODS [2.35 p.m.], in reply: If no other members of the House wish to speak, I will speak in reply to last week's debate on the report. I thank the Hon. Robyn Parker, the deputy chair

of the committee, the Hon. Dr Arthur Chesterfield-Evans, Reverend the Hon. Dr Gordon Moyes, the Hon. Dr Peter Wong, and my Government colleagues the Hon. Ian West and the Hon. Kayee Griffin. As I and other speakers said last week, it is not surprising that the committee recommendations were unanimous. The witnesses and virtually everyone involved in the community housing sector, whether as tenants or as people involved in the department, the churches, community organisations or co-operatives, agreed generally about the need for legislation and regulation to put the sector on a sound footing for the future.

Our views diverged somewhat on some of the more difficult issues we grappled with during the course of the inquiry, particularly title and equity. But the committee produced recommendations that everyone can agree on. I believe that the Government can sort out with goodwill the detail of reversion of title over 20 or 30 years in community housing projects operated by churches. Goodwill exists because everyone believes that, ever since its beginning, the community and co-operative housing sector, although small, has performed a very useful role in its own right within the broader social housing sector. At its best it is genuine community housing. It provides a model for many other services, such as the Department of Housing and other housing operations, in integrating housing—bricks and mortar—with support services in a thoughtful and sensitive way.

Perhaps the sector will not grow very much beyond its current 8 per cent or 9 per cent, but no-one suggests that it should be smaller. The diversity and innovation it offers are valued both within community housing and more broadly. Even though it was beyond the committee's terms of reference, a number of speakers referred to the terrible problem of public housing waiting lists, the degree of homelessness and the shortage of satisfactory housing in our community. We drew attention to the continuing tendency under the Commonwealth-State housing agreements for Commonwealth funding for social housing to drop in both real and monetary terms. The squeeze is affecting every State, not only New South Wales. We are always faced with the terrible choice between spending money on maintenance and a decent public housing sector that provides a satisfactory environment.

However, we know that the number of houses available is getting smaller and smaller, partly because many of the older ones are literally falling down and are in areas where a high demand for housing no longer exists. The problem in Sydney, but also in other larger regional centres in New South Wales and other cities in Australia, continues to get worse. The problem for people who cannot afford to get into a housing market, like the Sydney housing market, is getting worse. The community housing sector cannot do a great deal because of its size and its lack of capital funds for growth. Nevertheless, it provides very important and high-quality housing for those who are lucky enough to have it. Again, I thank the members of the social issues committee and others who participated in the debate. I thank members of the committee and the committee staff who participated in the inquiry and in writing the report.

I am very much aware, as noted by the Hon. Robyn Parker during her comments, that members who joined the committee last June when it was reconstituted after the election were somewhat at a disadvantage. By that stage the committee had completed its evidence gathering, receipt of submissions, public hearings, site visits and so on and it was hard for the new members to get on top of the quite complex issue. They nevertheless played an important role and the committee once again has produced a unanimous report. As other members of the committee who have participated in the discussion have done, I conclude by commending the committee's 33 recommendations to the Government. I look forward to an early response by the Government to the report.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report: Budget Estimates 2003-04

Debated resumed from 25 February.

Reverend the Hon. FRED NILE [2.43 p.m.]: As I have already discussed the report in detail, I will conclude my remarks by thanking all members of General Purpose Standing Committee No. 1 for their participation in the budget estimates hearings. I thank the deputy chair of the committee, the Hon. Peter Primrose, the Hon. Tony Burke, the Hon. Jan Burnswoods, the Hon. Catherine Cusack, the Hon. Don Harwin and Ms Lee Rhiannon. A number of other members of the House served as substitute members at different points in the examination of budget estimates, including the Hon. David Clarke, the Hon. Patricia Forsythe, the Leader of the Opposition the Hon. Michael Gallagher, the Hon. Jennifer Gardiner, the Deputy Leader of the Opposition the Hon. Duncan Gay, the Hon. Melinda Pavey, the Hon. Greg Pearce, the Hon. Christine

Robertson, the Hon. John Ryan and the Hon. Henry Tsang. I thank all members of the committee for their co-operation during the hearings.

The committee always used its time constructively and profitably. I thank the members of General Purpose Standing Committee No. 1 for their good sense and the way in which they handled questions directed to various witnesses. As honourable members know, the committee is responsible for some of the most important areas of the Government's administration, including the portfolios of the Premier, the Treasurer, the Special Minister of State, and the Minister for Education and Training, and Minister for Aboriginal Affairs. Moreover, it is always a little nerve-racking when the committee questions the President of the Legislative Council. Happily, the committee has always had good experiences.

The Hon. Michael Egan: With me too, I hope.

Reverend the Hon. FRED NILE: Yes, I include the Treasurer. There was no tension or problem when the committee heard from the Treasurer or the Premier. I made the comment that some tension may be expected when the committee is questioning the President, but there were no problems in relation to that hearing, either. The committee held hearings on 1, 2, 3 and 4 September, and supplementary hearings to call back witnesses in relation to the Education portfolio, on 17 November 2003, and to ask additional questions relating to WorkCover and the Premier's Department, on 1 December 2003. I believe the committee has made good progress.

I thank the members of the secretariat who serve our committee, particularly Steven Reynolds and Rachael Simpson. They continue to assist the committee in its current inquiries, and continuity of staff is a good thing. I thank the Clerks, particularly Mr Warren Cahill, for providing the committee with assistance during difficult times. One of the advantages of continuity of staff is that they have an opportunity to get to know each other, which has been very important to the very smooth running of General Purpose Standing Committee No. 1. I am pleased to present the report to the House.

The Hon. DON HARWIN [2.47 p.m.]: As a member of General Purpose Standing Committee No. 1, I wish to make brief comments of a mainly general nature on the estimates committee process and how it works. I thank Reverend the Hon. Fred Nile for his chairmanship of the committee. By and large the committee avoids the type of tetchiness that sometimes occurs in other committees under different chairmanship. Perhaps the secret of the chairmanship of Reverend the Hon. Fred Nile lies in the fact that he is the father of the House, or perhaps it is because he adopts a slightly different approach from that of some other members. I certainly do not always agree with him.

Reverend the Hon. Fred Nile: I just try to be fair.

The Hon. DON HARWIN: Indeed, Reverend the Hon. Fred Nile tries to be very fair. I pay a particular tribute to other members of the Opposition who have substituted for me and the Hon. Catherine Cusack while we were serving on other committees that were conducting estimates hearings—the Hon. David Clarke, the Hon. Patricia Forsythe, the Leader of the Opposition, the Hon. Michael Gallacher, the Hon. Greg Pearce, the Hon. John Ryan, the Hon. Jennifer Gardiner, the Deputy Leader of the Opposition, the Hon. Duncan Gay and the Hon. Melinda Pavey. The Opposition believes it is important to match the skills, expertise and knowledge of the members of this House to portfolio estimates hearings. Some members, particularly crossbench members, have asked me why we do that.

We do that for good reason: it brings a greater degree of probity and scrutiny, and adds to the value of the work of the estimates committees. I will leave most of the detailed comment on particular portfolios to other Opposition members. All estimates committee hearings this year have had a level of scrutiny that is really refreshing. Estimates committees have come into their own this year in a way that I have not experienced during my five years in this House. I congratulate all honourable members on their commitment to the process and on their willingness to go beyond previous practice. It is also important to note that the estimates committee process, as conducted under last year's resolution, is by no means perfect. The Opposition has a number of concerns with the estimates committee hearings, which will probably need some refinement at a future time. But that is a debate for another day.

For a long time the Opposition—and I speak for many of the crossbenchers—has been unhappy that the Treasurer, and Leader of the Government, has not allowed proper debate on the budget in this House. It is all very well to have an estimates process, but honourable members should have an opportunity to address the

totality of the budget beyond simply serving as members of general purpose standing committees. In my time in this House I have not been able to contribute to a single take-note debate on the budget, simply because of the way the Government has conducted the business of the House. That is not acceptable. I understand that because of the operation of the Constitution Act we have a position in this House through our role in the budgetary process. Nevertheless, that does not mean we cannot have a full and frank debate on the budget.

Members of the Legislative Assembly have many opportunities to debate the budget, and it is wrong that members of this House do not have the same opportunities. Chapter 5 of the report of General Purpose Standing Committee No. 1 deals with the Legislature. I thank Madam President for assisting the committee by providing answers to questions by honourable members. She was most helpful. The staff of the Parliament were also helpful. However, in the absence of the House Committee and the Library Committee, which deal with the administration of Parliament, many members feel that it will be necessary in future to expand the committee's scrutiny of the operation of the Legislature. The House Committee and the Library Committee provided an opportunity for members to participate in the administration of Parliament and to give feedback and guidance to the Presiding Officers. With those few comments, I commend the work of the committee, the chair, and the staff in preparing the report. Finally, I thank honourable members for their participation.

The Hon. GREG PEARCE [2.54 p.m.]: I commend the chair and members of the committee for their work. Unfortunately, the problem with this committee was with the witnesses. I joined the committee for its supplementary hearings on the proposed expenditure for the Premier's Department and Cabinet. Those supplementary hearings were necessary because the Premier was quite evasive in his answers to the committee. He took a lot of questions on notice and either ignored or prevaricated others. Written answers to questions on notice were disappointing, to put it nicely. In fact, they were downright insulting to members of the committee. They were evasive and obfuscating, and some were not answered at all. Answers to questions regarding advertising, travel, media monitoring, use of consultants and office space are all of great interest to the community.

Answers such as "Expenditure is within guidelines" or "Expenditure is appropriate to the requirements" were disgraceful and unacceptable. At the supplementary hearing, suffice it to say that the officers present initially took the view that they would try to continue that obfuscation and evasion. It soon became apparent that they were going to be forced to answer the questions, which they did. Some of the information that was provided to the committee was remarkable in that it confirmed the level of spin in which the Government is engaged. One interesting matter disclosed at the supplementary hearing on 1 December 2003 concerned the salaries of a number of ministerial advisers. I will not go through them all, because it is a bit embarrassing.

The Premier's press secretary, Walt Secord, earns $178,208—not bad for licking postage stamps and delivering pieces of paper; Amanda Lampe is paid $155,303; and Graeme Wedderburn is paid $204,512. It is disgraceful that the Premier's Department has a staff of 29, most of whom seem to be nothing more than messengers. The committee finally got an answer on the radio and television monitoring requested by the Government. Many departments have been asked to answer questions about radio and television monitoring and have answered, "Monitoring is in accordance with the guidelines" and "Monitoring is appropriate to requirements", and so on. After the Premier admitted that in previous years he had spent about $500,000, $600,000 and $700,000 on media monitoring, his officers finally admitted that the Rehame contract with the Government cost $3.2 million last year.

That $3.2 million would employ 45 nurses, or 40 teachers. Why does the Premier not employ 45 new nurses instead of spending $3.2 million on people clipping newspapers; why does he not learn to read the newspapers himself? The ministerial budgets were examined, and the figures are contained in the papers. The total budget for the Premier's Department was $5.964 million, of which the budget for 29 staff was just over $3 million. That is an average of $103,831 for each and every staff member in the Premier's office. If honourable members think that is bad, they can read through the entire list of Ministers. I will give this list to any member who wants to read it. The Treasurer's office has 14 staff who are paid an average of $106,312.

Craig Knowles has 15 staff members who are being paid an average of $103,000. Diane Beamer has eight staff members who are being paid an average of $100,000. All up, those 246 ministerial staff members—the handmaidens, food tasters, dry cleaning collectors and stamp lickers who assist these Ministers—are paid an average of $94,500. I think the community would like to know that the emperor's food tasters and the 246 other ministerial handmaidens are earning an average of $94,500, which is outrageous and disgraceful. We found some other important information relating to expenditure on consultants. In spite of this being a matter of embarrassment for the Government year after year, the total in 2002-03 was $90 million—in a year when the Hon. Michael Costa said it was a disgrace to have consultants in the transport department.

The Government has not got off the drip feed; it still loves its consultants. It spent $99 million on them in 2002-03. When the Premier appeared before the estimates committee one of the quite disgraceful responses he gave related to a question he was asked about the Millennium trains. He was asked whether he remembered being the chair of the budget subcommittee that approved the $104 million blow-out to EDI. He said no. That was a lie. Later the Premier admitted that he was the chair of that committee. I have in my hand the Cabinet minute in which the Cabinet committee on the budget agreed to that disgraceful secret payment in November 2002 to get the trains delivered before the election. It gave away $104 million of taxpayers' money just to keep things quiet about the Millennium trains, and to get a few of them delivered.

There was then the debacle after the election when those trains were delivered. We were also treated to a quite astonishing but revealing discussion in relation to what were referred to by Department of Health representatives at another hearing as senior executive service [SES] look-alikes, which was quite intriguing. We asked some of the Premier's Department representatives about that matter. For years the Government has been trumpeting the fact that it has reduced the size of the senior executive service. The truth is that it has reduced the size of the senior executive service, but in its place it has spawned a whole lot of contract public servants who, in some cases, are called senior executive service look-alikes. How outrageous is that! We were then able to extract—and I mean extract because officers did not really like this one—information about the New South Wales public service and the supposed reduction in its senior executive service.

We obtained a publication from the Premier's Department—the public sector work force profile for 2001, which was the latest that was available. That publication showed that 4,671 employees were earning between $80,500 and $104,984 in 2001 and another 4,773 employees were earning over $104,985. We discovered that in the years since 1995 the number of public servants on those incredibly large salaries—$80,000 plus—had doubled. The Government's claims in relation to the SES are full of the usual spin, selective quoting and dishonesty.

I want to touch briefly on the issue of productivity savings. The Premier was asked about the productivity savings that the Government is supposed to be achieving across the government sector. Those savings are supposed to be 6 per cent across the entire sector. The Premier was unable to say anything about where those savings were being achieved. He could not point to anything that indicated there were any productivity savings in the public service. That led us to ask a question that is on everyone's lips at the moment, at a time of massive Government tax revenues: Where has the money gone, Bob? The money has gone to the food tasters and handmaidens in the Premier's office. It has gone to the public relations people and to the army of public servants who are now on massive salaries.

The Hon. CATHERINE CUSACK [3.05 p.m.]: I join other honourable members in thanking Reverend the Hon. Fred Nile for his chairmanship of General Purpose Standing Committee No. 1. As I am a relatively new member of the Chamber—

The Hon. Melinda Pavey: On this side anyway.

The Hon. CATHERINE CUSACK: I am not quite sure what the Hon. Melinda Pavey meant by that interjection. It is fair to say that I was not quite sure what to expect as a member of that committee. I found Reverend the Hon. Fred Nile to be an outstanding and eminently fair chairman, and I thank him. There is no doubt that he cracks the whip. Our meetings seemed to be significantly shorter than other meetings and he focused on the business of the committee. That meant we were able to cover a lot more ground much more effectively and it enabled us to continue work in other areas. I thank also the Hon. Peter Primrose, the deputy chair of the committee. Even though we are on opposite sides of this House we were able to achieve a number of legitimate results. The Hon. Peter Primrose was successful in achieving those results but he never used his position in a way that unfairly fettered other members or undermined the work and purpose of the committee. I also enjoyed working with him.

I thank all the witnesses, in particular the public servants, who attended our supplementary estimates committee hearings. I again pay tribute to Reverend the Hon. Fred Nile, who was not aware of the mood amongst members of this Chamber in regard to extending those estimates committee hearings. When he arrived back from Europe, where he had been conducting business, we had gone some way towards achieving our goal. He got off the plane and came into Parliament House only a matter of hours before the committee met. He was tired and had been given very short notice. I am sure he expected that the committee would only be reporting back to the House. I appreciate his willingness to take on board the issues and to assist members in their attempt to extend estimates committee hearings.

Reverend the Hon. Fred Nile and the public servants were unaware of these events, but we appreciated their co-operation. As the Hon. Greg Pearce said earlier, we achieved some mixed results early on in the hearings. It was difficult to make people appreciate that we were entitled to obtain legitimate answers to legitimate questions. Once that mood had been established, public servants were quite revealing in the information they gave, which was of benefit to us and to all the organisations that were involved. It does not assist anyone if there is a sense of politicisation and cover-up in an organisation. In many instances we were able to obtain simple explanations. We are grateful for the substantial amount of material that was provided to the committee. That is another issue that was in the public interest.

Waste and politicisation are the Opposition's current major themes. Opposition members were able to explore some of those issues through that estimates committee. Earlier the Hon. Greg Pearce eloquently referred to the information that was obtained from departmental officers, in particular at the supplementary estimates hearings regarding the Premier's Department. The evidence given by Brad Fitzmaurice disappointed me. It is apparent that he has been a close friend of the Premier for many years and he is a colleague of the Premier in the Maroubra branch of the Labor Party. He was evasive when giving evidence and was reluctant to answer questions. After questions had been put to him in five or six different ways—and he had a rather sour expression on his face—the information was extracted. It was like extracting a tooth. After many years of loyal service to the Premier, Mr Fitzmaurice has been appointed—

The Hon. Greg Pearce: It's his pay-off.

The Hon. CATHERINE CUSACK: I note the interjection by the Hon. Greg Pearce. Mr Fitzmaurice has been appointed as the Carr Government's equivalent of the agent-general in London, and he and his family have been relocated to the United Kingdom. Mr Fitzmaurice conceded during the estimates committee hearings that he had no qualifications in the trade area and no experience in the international business area. He confirmed that he had travelled to Fiji a couple of times to help that Government set up its senior executive service—

The Hon. Melinda Pavey: No wonder Fiji is broke!

The Hon. CATHERINE CUSACK: Indeed. Mr Fitzmaurice had no experience of interacting with the private sector even at a small business level, let alone a global business level. We would expect the holder of such an important senior position to have that experience. Undeterred, the Government made the appointment following the estimates hearings. The position was not advertised—there is a pattern here—no other candidates were given the opportunity to apply and somehow Mr Fitzmaurice has been ensconced in the United Kingdom for an indeterminate period. Unfortunately, despite our best efforts, we were unable to elicit details of his salary and remuneration.

That is just one issue that was raised during the estimates committee hearings. The hearings were a great experience for members in this place. We gained great insight into the way that government works and decisions are made. Concerns raised during the hearings will be pursued in the next 12 months. As the Hon. Don Harwin said, Opposition members would like to see various operations of estimates committees refined in some way. While this year's estimates committee hearings have proved successful, there is much more that we can achieve. I acknowledge the co-operation of Government members—with one or two exceptions—during the committee hearings. Most members understand the significance of these committees to the role of the House and the importance of giving someone the authority to ask the kinds of questions that were asked. Accountability of the different branches of government is a cornerstone of our democracy. I thank all honourable members who participated in the hearings and look forward to budget estimates committee hearings for the 2004-05 financial year.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Budget Estimates 2003-04

Debate resumed from 4 December.

Reverend the Hon. Dr GORDON MOYES [3.12 p.m.]: It was a great privilege for me, as the novice chairman of General Purpose Standing Committee No. 2, to present its report on budget estimates 2003-04. I had been recently re-elected to Parliament and had never served on the general purpose standing committees or

been involved in any of their inquiries. Yet I suddenly found myself the Chair of General Purpose Standing Committee No. 2, facing the formidable task of leading the hearings. Therefore I am more than thankful to those who helped me in that role. I must admit that, having served as chairman of publicly listed and private life and general assurance, broadcasting and film production companies and on the boards of public and private hospitals, I knew how to chair meetings. However, a dozen or so parliamentarians are no match for my usual group of a dozen or so church leaders.

The examination of budget estimates for 2003-04 was a harmonious and significant exercise. There was a little arm wrestling in the early days as some of the more experienced committee members sought to demonstrate their competence and abilities, but we soon settled down and performed our work well. I thank committee members the Hon. Patricia Forsythe, the Hon. Tony Catanzariti, the Hon. Dr Arthur Chesterfield-Evans, the Hon. Robyn Parker, the Hon. Christine Robertson, the Hon. Henry Tsang and those members who attended the hearings, including the Hon. David Clarke, the Hon. Catherine Cusack, the Hon. Duncan Gay, the Hon. Amanda Fazio, the Hon. Charlie Lynn, the Hon. Melinda Pavey, the Hon. Peter Primrose, the Hon. John Ryan and the Hon. Ian West. With such a cast we should be able to produce a good report.

The committee held 13 meetings and examined in detail the work of various Ministers and secretariats. I thank the committee secretariat, particularly Steven, Rachel and Beverly, who helped us during the meetings and in preparing the report. The responses from Ministers and their staff were generally excellent. The committee examined the portfolio areas of Health, Community Services, Ageing and Disability Services, Youth, Tourism, Sport and Recreation, Women, and Gaming and Racing. Many significant issues were addressed in those areas. The newly appointed Minister for Gaming and Racing, Mr McBride, was evasive. He constantly refused to answer questions, choosing instead to take them on notice. The newly appointed Minister for Health, Mr Iemma, also preferred to take questions on notice rather than answer them in the committee, and the answers were provided very slowly.

The committee scheduled a number of supplementary meetings at which members considered a range of questions. I thank the various Ministers who, in almost every case, responded within 35 calendar days to members' questions, with the exception of those who attended the supplementary hearings and responded within the agreed seven-day time frame. The questions on notice tended to be very complex and Ministers and their staff responded efficiently and effectively. We moved in detail through the budgets of each department and raised many of the same issues explored by General Purpose Standing Committee No. 1.

At the time of our hearings serious issues were raised about NSW Health. There were the public disclosures by the whistleblower nurses—as they are now known—the alleged 19 deaths at the Camden and Campbelltown hospitals and various allegations of impropriety in the New South Wales health system. The committee decided that these matters could not be handled in the usual manner and should be addressed in a separate inquiry into the complaints handling system in New South Wales. The committee members worked together extremely well. They were patient with each other and, as they represented four political parties in this place, asked a variety of questions. We explored emotional and important issues during the inquiry into the complaints handling system. They concerned the lives and the deaths of ordinary people, including children, aged persons, the frail, the sick and the dying. It will be several months before all witnesses to the inquiry are heard and the report written.

In light of the seriousness of many of those issues, quite frankly, the other issues such as tourism, gaming and racing, sport and recreation and the like pale into insignificance. I thank members of the committee, Ministers and their staffers for answering our questions to a high degree of satisfaction, and I thank the committee secretariat for helping us put this report before the House. I am quite happy to move that the House take note of the report.

The Hon. CATHERINE CUSACK [3.20 p.m.]: I thank and congratulate Reverend the Hon. Dr Gordon Moyes on this chairmanship of the committee. He was a marvellous chairman. He was very enthusiastic in his duties and was diligent to ensure that the rights of everyone at the hearings were respected and that all members had a fair opportunity to ask questions and that witnesses had a fair opportunity to respond. That he is a new member of this Chamber makes his efforts even more impressive.

One set of hearings in which I participated related to the budget of the Department of Women. I attended one of the most bizarre hearings I have ever attended, that is, an examination of the portfolio areas of Tourism, Sport and Recreation and Women. Basically the Department of Women had only just been restructured. At one point it became clear that the key bureaucrats who appeared before the committee were not

in a position to understand their own area and therefore to answer questions. I recall Minister Nori crying out in frustration constantly that she appeared to be the only person who understood what was going on in the room. Certainly it was very confusing to the committee—and most unclear to the bureaucrats—who was supposed to be doing what.

In fairness, most of that confusion related to the fact that the portfolio had only been restructured the previous week when the head of the department was sacked and sent elsewhere. At some stage a group of witnesses arrived before the committee in a state of confusion; they were completely unclear about their roles and responsibilities. I have to say that, surprisingly, the Minister showed no patience whatsoever and constantly berated members of the committee throughout the hearing. I know that the Hon. Charlie Lynn, who unsuccessfully sought to ask a number of questions, was berated by the Minister for asking questions that were not inappropriate but rather were not asked at the right point of the meeting. So people were being shuffled around the room in a very strange and distracting way.

However, there was more success when the hearings were reformed—minus the Minister—and we were able to talk more directly to the bureaucrats. Of course, by that stage Robyn Henderson, another departmental head of Minister Nori, had been sacked also. The committee had before it a new acting head of the Department of Women again on her first day on the job who was unable to answer several questions we were able to ask about the policy of the Australian Labor Party being still on the department's web site.

Other questions were asked relating to women, including a question about the amount of more than $100,000 that was being spent on a "Women on Wheels" consultation in northern New South Wales, in relation to which a government bus had been donated by the Department of Transport to assist the women in this project. The idea was that everybody would be on the bus on the drive around northern New South Wales to stop and visit places. It was perplexing to me, therefore—and I never got a clear explanation for this—why more than $56,000 had been spent on air fares, and additional moneys spent on hire cars and taxis. We also learnt that only 100 copies had been printed of the annual report of the department at a preparation cost of $30,000. I have certainly got a copy of the annual report of the Department of Women; it is the most valuable book in my collection of books at more than $300 for a few pages, some of which were printed in eight point in green on a green background—which made it very difficult to read the financial details for the department.

The committee asked why the annual report was printed green on green. The answer given was that the colours of women are green, purple and white, last year's annual report was printed in purple, and as it is not possible to print in white this year's report was printed green on green. I am not saying necessarily that the answers we received were reassuring, but at least it was helpful that we were given some answers. I thank the witnesses who appeared before the committee and I thank other members of the committee for their participation. I look forward to further estimate hearings in 2004.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [3.26 p.m.]: The report of General Purpose Standing Committee No. 2 was interesting for a number of reasons. The most important purpose of the budget estimates process is to enable members ask Ministers questions and to receive answers to those questions. So the process is as important as the outcome. It should be noted that the willingness and ability of Ministers to answer questions varied widely. The Hon. Carmel Tebbutt, who has taken over the Community Services portfolio, is a breath of fresh air because of her obvious efforts to be on top of her brief and to provide answers whenever she can. Her performance was exemplary and a great improvement over the performance of previous Minsters. The performance of Mr Morris Iemma, the Minister for Health, who is relatively new to his portfolio, was poor on detail. He took a large number of questions on notice. His information was very poor in relation to tobacco-related illnesses, about which I had briefed him. Given the stress that tobacco-related illnesses causes the health system I should have thought it would have been prudent for the Minister to look at the possibility of demand management. For example, the department could undertake disease prevention, but that did not receive much attention.

Mr Grant McBride**,** the Minister for Gaming and Racing, was generally forthcoming but his responses on the important issue of the provision of gambling statistics were quite poor. I suggest that the Minister and Mr Brown, the public servant in charge of his department, were quite obstructive. They are very keen to insist that people wishing to have statistics compiled pay for the service—that is, at a very expensive rate of approximately $4,000 per local government area. If the impact of gambling in this State is to be properly examined, statistics have to be publicly available on the record, as they are in some other States. The obsession with cost recovery at a governmental policy level, and certainly at the level of the Department of Gaming and Racing, is quite unacceptable. These figures have to be made available if we are to get serious research.

How long did it take to get research on tobacco, the most researched subject in the world? Tobacco was obviously doing harm to society, and a lot of medical research was done in relation to it, but the industry denied that research. When the industry approved of the researchers, all the research was redone. Almost 25 years was lost repeating that process, and I shudder to think how many deaths caused by tobacco-related illness occurred worldwide in that time. The gambling issue is similar in that the gambling industry denies that there is any harm in gambling. It is not conducting any research into social harm, such as that being conducted by the health industry into cancer and heart disease and tobacco. Any research carried out into the gambling industry will be constricted by the fact that the industry gives money for research to people it can control so that it can control the amount and nature of research. The only way to break this nexus is for the Government to make relevant statistics available. For the Minister for Gaming and Racing not to make such statistics available is negative policy.

The Hon. Sandra Nori, the Minister for Tourism and Sport and Recreation, and Minister for Women, provided some answers. I was impressed by the thoroughness with which the Department for Women had surveyed the subject. Sport is a poor cousin. Given the degree of obesity and lack of exercise in the school population, the Government's decision to save money on school facilities is a problem, and it will have to be addressed by the Sport and Recreation portfolio being much more active than it has been.

I also asked about the use of Linux computers and the amount of money being spent on computer software. I did not get a satisfactory answer from any of the Ministers. I still have not. That is deplorable, in the sense that the Government has spent vast millions of dollars on Microsoft software licences. Microsoft won the tender because it was the only organisation able to supply Microsoft licences. As the Government has already spent a great deal of money to become a holder of such a licence, obviously it will not be spending money developing Linux software, which would in the long term be much cheaper. Because of the Government's unwillingness to answer the question, through each Minister individually and through the Ministers collectively, I still do not have a sensible answer to the question, despite having asked it in the estimates process and in question time in the House. That makes it very difficult to get information from the Government, despite the budget estimates process.

The Hon. Dr Brian Pezzutti, who formerly chaired the committee and had been most active in this area, pushed the boundary on insisting that public servants—and indeed Ministers, to the best of his ability—answer questions. Certainly, public servants ought to answer questions. However, it appears to me that senior public servants are far more scared of their bosses, the Ministers, and protective of their senior executive service contracts, than they are of any committee that they have been called to answer to. Effectively, this means that the Government can bottle up information and keep everything secret from the public because if Ministers and senior public servants will not answer questions asked in budget estimates proceedings the Government simply will not provide an answer.

Prior to coming into the House I was looking at the difficulties that whistleblowers get into and the sticky fates they suffer. That makes it all the more difficult for the New South Wales public to ever get information. One of the last things the committee did was to call Jennifer Collins of Campbelltown hospital to the inquiry. The transcript of that hearing was interesting. She felt she did not have to answer a question because it was likely that she would have to answer to the Independent Commission Against Corruption and the Walker inquiry. Ms Collins was not in fact compelled to answer the question.

The first question for this House is: Will it empower committees to summons people to give evidence to committee inquiries? I do not think there is the will to do that. The second question is: Will senior public servants be summonsed to appear before committees, and will they be compelled to answer questions asked at committee hearings? If they are simply able to say, "I choose not to answer that question," or choose to refer the matter to the Minister, effectively the Minister will be able to hide things. As is well known, the upper levels of the public service are answerable to the Minister, and have SES contracts to that effect, meaning that they can be dismissed.

If the committee system does not have the power to require people to answer questions effectively, there is no accountability in New South Wales. My view is that, given the paucity of information being made available, at vast cost, through freedom of information procedures, the way in which committees are currently operating is quite unsatisfactory. The legislation that I have foreshadowed is based on New Zealand legislation, which requires that all information should be publicly available unless a case is made out that a particular piece of information should be kept secret in the interests of the State, with the Ombudsman determining that question. That system has worked very well for 13 years in New Zealand. So it is nonsense to suggest that the

world would come to an end if such legislation were promulgated in New South Wales. It must be recognised, as General Purpose Standing Committee No. 2 illustrated and as I have instanced in this speech, that we are a long way from holding any government accountable through the committee process. The process needs to be changed, so that committees are able to subpoena people to attend inquiries and compel them to answer questions. If we are not able to do that, if we cannot have far more open information as a starting point, we will never get good government in New South Wales.

Pursuant to sessional orders debate interrupted.

THOROUGHBRED RACING LEGISLATION AMENDMENT BILL

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

Motion by the Hon. Ian Macdonald agreed to:

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

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

PARLIAMENTARY REMUNERATION ACT 1989: DISALLOWANCE OF PARLIAMENTARY REMUNERATION AMENDMENT (DEPUTY-SPEAKER) REGUALTION 2004

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Pursuant to sessional orders the question is: That the motion proceed as business of the House.

The House divided.

Ayes, 21

Dr Chesterfield-Evans	Ms Hale	Ms Rhiannon
Mr Clarke	Mr Jenkins	Mr Ryan
Mr Cohen	Mr Lynn	Dr Wong
Ms Cusack	Reverend Dr Moyes	
Mrs Forsythe	Reverend Nile	
Mr Gallacher	Ms Parker	*Tellers,*
Miss Gardiner	Mrs Pavey	Mr Colless
Mr Gay	Mr Pearce	Mr Harwin

Noes, 19

Mr Burke	Ms Griffin	Ms Tebbutt
Ms Burnswoods	Mr Hatzistergos	Mr Tingle
Mr Catanzariti	Mr Kelly	Mr Tsang
Mr Costa	Mr Macdonald	
Mr Della Bosca	Mr Obeid	*Tellers,*
Mr Egan	Mr Oldfield	Mr Primrose
Ms Fazio	Ms Robertson	Mr West

Question resolved in the affirmative.

Motion by the Hon. Michael Gallacher agreed to:

That the matter proceed forthwith.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.45 p.m.]: I move:

That under section 41 of the Interpretation Act 1987, this House disallows the Parliamentary Remuneration Amendment (Deputy-Speaker) Regulation 2004 published in Government Gazette No. 51, dated 5 March 2004, page 1014, and tabled in this House on 9 March 2004.

I have moved this vitally important motion on behalf of the Opposition seeking the disallowance of the Parliamentary Remuneration Amendment (Deputy-Speaker) Regulation in the interests of ensuring the public

accountability of members of this Parliament. As honourable members are aware, the regulation has given Mr John Price, the honourable member for Maitland and Deputy-Speaker in the other place, an additional salary rate that is 30 per cent higher than the basic salary of a member of Parliament [MP] and an expense allowance equal to 20 per cent of the basic salary of an MP. Earlier this month we saw media reports stating that the effect of the regulation would be to increase Mr Price's earnings from just under $137,000 per year to $153,000 per year.

The Opposition has taken this position for three fundamental reasons. The first relates to procedure. Obviously, the increase in the Deputy-Speaker's salary and allowance was made by regulation provided for under section 6 (4) of the Parliamentary Remuneration Act 1999, which provides that regulations may amend or substitute schedule 1 to that Act. In other words, changes to the additional salary and expense allowances payable to recognised office holders can be made by way of regulation without reference to the Parliamentary Remuneration Tribunal or the Parliament. The Government is well aware that, because additional salary and expense allowances for recognised office holders are covered under part 2 of the Act as parliamentary remuneration and not under part 3 of the Act as additional entitlements, their actions on behalf of the Deputy-Speaker would not be subject to the scrutiny of the Parliamentary Remuneration Tribunal.

During the period leading up to the 2004 budget, which I predict will slash to the bone grants from the State Government to small community groups, one would not think that we would be confronted with the Government using this lack of outside scrutiny to take full advantage of legislation to give the honourable member for Maitland an undeserved pay rise. The second reason the Coalition opposes the regulation is that the so-called extra workload of the Legislative Assembly's Deputy-Speaker does not justify an increase in his salary or allowance at this time. The office of Deputy-Speaker was created after the 1999 State election, a fairly recent innovation, and used by the Carr Government as—and we said this at the time and still believe it—a reward sinecure for a loyal factional warrior who won the seat of Maitland. The member for Maitland has held the position of Deputy-Speaker since that time.

Previously the position provided the honourable member for Maitland with a $20,400 increase in salary and a $10,200 expense allowance on top of the basic MP's salary. As a result of the regulation his basic salary will be increased by $30,060, and his expense allowance will now creep up to $20,400. However, the extra workload, whether we are talking about 1999 or 2004, is not onerous. This month Mr Price told the *Daily Telegraph* that he sits in the Speaker's Chair for an average of two to three hours each sitting day. On the basis that the other place will sit 67 days this year, it will be in session for a total of about 200 hours in the course of year. In addition, there are members in the other place who undertake the task of Acting-Speaker—similar to the way in which members in this place undertake the role of Deputy-President—to assist in chairing proceedings. They do not receive extra remuneration, because extra remuneration is not necessary. Surprisingly, the Deputy-Speaker of the Legislative Assembly, Mr Price, admits that although he did not lobby for the pay rise and certainly was not seeking one, he has defended the increase. That is interesting when one considers that he was happy with what he was already receiving.

In the Legislative Council, the member who holds the position equivalent to the role of the Deputy-Speaker in the Legislative Assembly is Deputy-President the Hon. Amanda Fazio, but she does not receive additional remuneration for fulfilling that role. Schedule 1 to the Parliamentary Remuneration Act 1989 does not provide for any such entitlement, and at this point in time nor should it. I certainly hope that the Hon. Amanda Fazio will not use this regulation as a precedent for an approach to the Premier to seek extra remuneration for holding her position. I give notice to the honourable member that if she does so, the Opposition will move for disallowance of that regulation as well.

I summarise the Opposition's position by saying that in addition to the absence of any evidence of extra workload involved in fulfilling the position of Deputy-Speaker in the Legislative Assembly, there is simply not enough justification for the increase in salary and allowance that is provided for in the regulation. In 1999 the Opposition dubbed the position of Deputy-Speaker as a Labor Party jobs-for-the-boys measure for the benefit of the honourable member for Maitland, and the regulation we are debating confirms that nothing has changed. The third reason the Opposition opposes the regulation, and it is of equal importance to the two I have already mentioned, is particularly relevant to current circumstances in New South Wales.

Earlier I alluded to numerous examples of continuing and ongoing mismanagement and waste by this Government over the past 12 months since the 2003 State election. Instances have been revealed daily. Without a doubt, there is daily exposure of the sheer neglect by this Government in its various areas of responsibility. Some examples that readily come to my mind include the whole Millennium trains fiasco, the complete failure

of the Sydney rail system which occurred last month, and the disgraceful events involving the Camden and Campbelltown hospitals. Despite the boasting by the Treasurer of budget surpluses, he has refused to rule out tax increases and spending cuts in the forthcoming budget. Currently the people of New South Wales are confronted with the likelihood of budget cuts across areas affecting every aspect of life in this State, yet at this time the Government takes the opportunity to give one of its chosen sons a helping hand.

It is clear that, under Labor, this State is heading into deficit. Already we have seen the Premier wasting public money on television advertisements in a desperate attempt to blame the Commonwealth instead of himself and his Ministers for the financial shortcomings and performance of New South Wales. The most recent example was $21 million of taxpayers' funds lost on the failed Austeel Pty Ltd project and the refusal by the Premier, Mr Carr, to prevent Labor members of Parliament undertaking their Easter junket to Japan. Despite funding shortfalls for essential services and capital works that the New South Wales Government should be providing, this Government can still find some extra money to top up the incomes of faithful party servants under very dubious circumstances. One only has to examine the electorate of Maitland to appreciate some of the matters that need to be addressed.

In Dungog and Woodberry the local community is calling for airconditioning of classrooms. I am sure that the additional money that is provided for in the regulation would be well received by students and their parents in Dungog and Woodberry who are calling for some respite from the summer heat in the Hunter Valley. People who have been attending Maitland TAFE recently found out that their courses will be significantly cut. Approximately 25 students have been left in the lurch in the Maitland electorate. I am sure that the additional money provided to increase the salary and allowance of the honourable member for Maitland would be well and truly welcomed by the people who live in the Maitland electorate to ensure that the students are able to continue their studies. The Carr Government is not able to find money for important services such as education, but can certainly find some largesse in the Treasury coffers to top up the salary of a member of Parliament in his capacity as the Deputy-Speaker. Instead of providing for funding for services in Maitland, the Government is providing more funding to benefit the area's member of Parliament—who is, of course, a Labor mate.

In conclusion, I reiterate that the Opposition is putting a fair proposition. Circumstances in New South Wales draw into question the commitment of the Government in proceeding with the additional remuneration for the honourable member for Maitland. The terms of the motion are that under section 41 of the Interpretation Act 1987, this House disallows the Parliamentary Remuneration Amendment (Deputy-Speaker) Regulation 2004 published in Government Gazette No. 51, dated 5 March 2004, page 1014, and tabled in this House on 9 March 2004. I commend the motion to honourable members.

The Hon. IAN MACDONALD (Minister for Agriculture and Fisheries) [3.55 p.m.]: The office of Deputy-Speaker was specifically established to provide support for the Presiding Officer. The Executive Council has approved an increase in the salary and expense allowance payable to the Deputy-Speaker of the Legislative Assembly. The increased allowances recognise the specific functions and responsibilities of the Deputy-Speaker, and these responsibilities, as distinct from those of other officeholders, warrant the level of remuneration. Consequently, the Government opposes the motion.

Ms LEE RHIANNON [3.55 p.m.]: The Greens support the motion. One would have to ask what is so special about the member for Maitland, Mr John Price. Suddenly that member of Parliament is worth an additional $16,000 a year, yet no submission has been made to the Parliamentary Remuneration Tribunal and no explanation has been given by the Premier, apart from a few words in the *Government Gazette*.

The Hon. Catherine Cusack: And there has been no explanation from the Minister at the table.

Ms LEE RHIANNON: I totally agree with that interjection—there has been no explanation from the Minister at the table. I was looking forward to hearing it.

The Hon. Melinda Pavey: So was I.

Ms LEE RHIANNON: Yes. We are all waiting for the explanation. It must be very embarrassing for the Minister for Agriculture and Fisheries, Mr Macdonald, who has to carry the can. I had hoped to hear about how hard is the job of the Deputy-Speaker, Mr Price. If his job is so hard, I would really like the Government to tell us why. Is he stressed because he missed out on stepping into the shoes of the former Speaker, John Murray, and picking up all those workaholic overseas trips that are awarded to the Speaker? The Government should tell us if Mr Price has to work hard to keep his eyes on the behaviour of the honourable member for Murray-Darling, Mr Peter Black.

The Hon. Amanda Fazio: Point of order: My point of order should be well known to the Hon. Lee Rhiannon. This debate is on whether there should be disallowance of a regulation to provide the Deputy-Speaker of the Legislative Assembly with additional salary and allowances. It is not an opportunity for Ms Lee Rhiannon to launch into a personal attack on the occupant of the position. While I found the rest of her contribution quite interesting, though not surprising, I ask you, Madam Deputy-Speaker, to rule that the if honourable member wishes to make a personal attack on the office or position of the Deputy-Speaker of the Legislative Assembly, she should do so by way of a substantive motion.

The Hon. Duncan Gay: To the point of order: Ms Lee Rhiannon has a very nasty habit of making an imputation, disguised as a debating point, about people imbibing alcohol, and she has done so again. Whenever she is not winning an argument she uses that unfortunate tactic, and she should be stopped. The arguments she was advancing were interesting and stood up better than the slur that she caston the member of the other place. Frankly, one does not have to be drunk to be silly, and Ms Lee Rhiannon has just demonstrated that.

Ms LEE RHIANNON: To the point of order: I was not slurring the behaviour of Mr John Price.

The Hon. Duncan Gay: You do it all the time.

Ms LEE RHIANNON: I did not interrupt the Deputy Leader of the Opposition. I did not slur the behaviour of the honourable member for Maitland, and I draw attention to the inconsistency in approach to personal attacks, which is a matter of concern to me. I hope that you, Madam Deputy-President, will allow me to continue with my contribution, which will help to throw some light on the motion that is before the House.

The Hon. Ian Macdonald: To the point of order: Ms Lee Rhiannon always comes into this House and makes the most outrageous comments that she can about anyone and everyone who is in her sights at any given moment.

Ms LEE RHIANNON: You ought to talk. What about what you have said about my family?

The Hon. Ian Macdonald: I have not said much about her family at all.

Ms LEE RHIANNON: You have.

The Hon. Ian Macdonald: Come off it.

Ms LEE RHIANNON: It was disgraceful.

The Hon. Ian Macdonald: Ms Lee Rhiannon came in here and attacked members personally.

Ms LEE RHIANNON: I did not attack anybody.

The Hon. Ian Macdonald: What you did—

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! This is not a debate. I ask the Minister for Agriculture and Fisheries to return to his point of order.

The Hon. Ian Macdonald: I agree with the Deputy Leader of the Opposition and the Hon. Amanda Fazio, who said that Ms Lee Rhiannon was personally attacking people in the other Chamber. She should do that by way of substantive motion, rather than coming in here and constantly slurring members of either House. The slur was not about the Deputy-Speaker, it was about the member for Murray-Darling.

Ms Sylvia Hale: To the point of order: Ms Rhiannon was obviously canvassing the range of duties that the Deputy-Speaker is obliged to undertake, and during that process she referred to behaviour that was not totally becoming of members of either House. Not one member of the public would consider that behaviour as becoming in any way. She referred also to the onerous duties of overseas trips that had to be taken. In doing so, since considerable public money is at stake, it is important to determine whether the additional duties expected of the Deputy-Speaker are worthy of being granted via regulation rather than by the remuneration tribunal.

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! Ms Lee Rhiannon would understand that her debating style of referring to a member in the first person and by name without reference to

title makes it very difficult for her to sustain an argument that on occasions she is not making a personal attack on that member. The member has chosen not to use the convention adopted by others in this House of referring to other members in the third person and by their electorate or title. It would be much easier for everyone if Ms Lee Rhiannon were more conscious of that tradition and referred to other members in the third person.

Further, Ms Lee Rhiannon must confine her remarks to the subject matter of the motion and not make personal attacks on other members. If a member wishes to make a personal attack on another member, he or she should do so by way of substantive motion.

Ms LEE RHIANNON: Up to 1999 the member for Maitland was Chairman of Committees in the lower House. After the 1999 election he lost that job and was given the title of Deputy-Speaker. But let us be fair, it is more than a title—he has to sit in the Speaker's chair for a few hours a day. For all that, he has retained at taxpayer's expense those entitlements he had when he was Chairman of Committees. When the Government created that separate position—that is, Deputy-Speaker—on top of Chair of Committees, more taxpayer dollars were needed. All up we are talking tens of thousands of dollars each year. Every year there is the extra $30,000 in salary and about $20,000 in allowances—that is the difference in earnings between an ordinary member and the Deputy-Speaker.

On top of that there is the cost of the extra 32 taxpayer subsidised trips to and from the member's electorate each year, said to be necessary because of his additional position as Deputy-Speaker. All overseas phone calls made by the Deputy-Speaker are paid for, so at least he can plan for his overseas trips. So why is the member for Maitland worth an additional $16,000? Is the Premier buying off this member? We still do not know, so we have to collect as much information as we can. The member for Maitland was looked after in 1999 when the Government clearly wanted to bring some new blood into the job of Chairman of Committees. The member of Maitland was kicked upstairs with not much to do, but with the great title of Deputy-Speaker. He retained his entitlements at that stage, but not that nice little perk called salary of office.

So the Greens strongly support this motion. The position of Deputy-Speaker does not warrant an additional $17,000 a year. But we are still not clear about why the Premier, Bob Carr, last week signed a government regulation that lifts the annual salary of the member for Maitland from around $137,000 to $153,000. Is this the sweetener the Premier had to deliver to him to save Labor at a State and Federal level from an embarrassing by-election? Let us remember that the member for Maitland represents a marginal seat that in part sits in the Federal marginal seat of Paterson.

As would be expected, a spokeswoman for Premier Bob Carr has defended the pay rise, saying it is fair and recognises the responsibilities the member has taken on in his role as Deputy-Speaker. But as no-one has told us what those responsibilities are—and the rumours are rife that the member of Maitland wants out—I ask whether the regulation in *Government Gazette* No. 51, dated 5 March 2004, at page 1014, is in fact a bribe to the member for Maitland to stay in office?

The Hon. Peter Primrose: Point of order: I refer to Standing Order 91 (3) which states:

> A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

That is exactly what Ms lee Rhiannon is doing at this time.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! I ask the member to refrain from making implications against the character of a member of the other place. The member can criticise the Government but should not make references to an individual member.

Ms LEE RHIANNON: I note that the Leader of the Opposition made comments about whether there would be a flow-over to Miss Amanda Fazio's position in this place. Again, we have not heard anything from the Government, and there is still time for other Government speakers to clarify that. The House deserves the Government being open with us on that matter.

The Hon. Dr PETER WONG [4.07 p.m.]: I support the principle of the motion and the sentiment expressed by honourable members, in particular by the mover of the motion. Furthermore, I agree that it is totally inappropriate to give a pay rise to any member without going through due process. However, I have sought an opinion from the Clerk of the Parliaments. I have been told in the past that there is independence

between the Houses. I went to see the Clerk and am grateful to him for providing me with a reference from the Federal Government, which I would like to read.

The DEPUTY-PRESIDENT (Reverend the Hon. Fred Nile): Order! The member should refrain from referring to statements made to him by the Clerk, which were made in confidence.

The Hon. Dr PETER WONG: I will withdraw that. I obtained an opinion, which I will read. It states:

> INDEPENDENCE OF THE HOUSES
>
> Each House functions as a distinct and independent unit within the framework of the Parliaments. The right inherent in each House to exclusive cognisance of matters arising within it has evolved through centuries of parliamentary history and is made clear in the provisions of the Constitution.
>
> The complete autonomy of each House, within the constitutional and statutory framework existing at any given time, it is recognised in regard to:
>
> - Its own procedures;
> - questions of privilege and contempt; and
> - control of finance, staffing, accommodation and services.

This principle of independence characterises the formal nature of inter-House communication. Communication between the Houses may be by message, by conference, or by committees conferring with each other. The two Houses may also agree to appoint a joint committee operating as a single body and composed of members of each House. The document also states:

> As an expression of the principle of independence of the Houses, the Speaker took the view in 1970 that it would be parliamentary and constitutionally improper for a Senate estimates committee to seek to examine the financial needs or commitments of the House of Representatives. In similar manner the House of Representatives estimates committees, when they operated, did not examine the proposed appropriation for the needs of the Senate.

The Hon. PETER BREEN [4.11 p.m.]: I am pleased to support the Opposition's motion for disallowance of the Parliamentary Remuneration Amendment (Deputy-Speaker) Regulation. In particular, I support the Opposition's argument that the Parliamentary Remuneration Tribunal should decide all salaries and entitlements and the rules for guiding members in the use of their entitlements. If the Government wants to give members a pay rise, or otherwise add to their entitlements, the appropriate procedure is that the Premier, as Minister responsible for the Parliamentary Remuneration Tribunal, should give a suitable reference and ask the tribunal to make a special determination under section 12 of the Parliamentary Remuneration Act.

The last time that I recall the Premier seeking a special determination from the Parliamentary Remuneration Tribunal was the reference he gave, I think in 2001, to secure funding for members of the Legislative Assembly wishing to send regular newsletters to their constituents. On that occasion the Parliamentary Remuneration Tribunal approved an annual payment to lower House members of $5.6 million for printing and postage. It was a massive payment by comparison with the small pay rise currently being sought for the Deputy-Speaker. But the important point is that the process put in place by this Parliament should be followed. Few people now question the annual electorate mail-out, even though it is an obscene amount of money in my opinion for material that inevitably finds its way into the rubbish tin.

The annual electorate mail-out account proves that the Government can secure whatever benefits it needs to appropriately remunerate officeholders, provided it follows the rules, that is, the rules made by the Parliament, not the rules made under delegated authority. Without the involvement of the Parliamentary Remuneration Tribunal there is a real danger that the Government will give itself a pay rise. The Parliamentary Remuneration Tribunal plays an important function in determining the level of remuneration and entitlements for members of this place. To circumvent the tribunal, which the regulation seeks to do, in my opinion is to undermine an important referee body on the question of entitlements and remuneration.

Another example of the work of the tribunal being undermined that comes to my mind is the current reference of the tribunal to look at the question of the Sydney allowance. Members have been interviewed about that and the tribunal has undertaken wide research. It has investigated how other jurisdictions deal with the question of country members and their representation in city parliaments. While this process is going on, of course, the Independent Commission Against Corruption is undertaking its own inquiry as to the way it thinks that the Sydney allowance should work. That, to my mind, is a huge waste of public resources and another

example of the work of the Parliamentary Remuneration Tribunal being undermined. I support the motion for disallowance. I think it reflects a growing trend for the Government to give itself a pay rise on this occasion and to provide its own allowances without going through the process that has been put in place by the Parliament. On that basis I hope that the disallowance motion is successful.

Mr IAN COHEN [4.14 p.m.]: I have listened with interest to debate thus far. I support the comments made by Ms Lee Rhiannon and other speakers in support of this disallowance motion. I support also the comments of the Hon. Peter Breen. In recent years much controversy has surrounded the issue of pay increases and allowances for members—increases that have been passed in the Parliament or by various executive officers such as the Premier. As a result we have asked the Parliamentary Remuneration Tribunal to set the standards—a body that is separated, to a degree, from political debate. That is an appropriate safeguard for politicians, who are often accused of having their snouts in the trough.

Accusations are made by the media—both fair and unfair—that degrade the standing of politicians in the eyes of the public. I support the sentiments that have been expressed about making the Parliamentary Remuneration Tribunal the arbiter of such matters. This proposed pay increase for the Deputy-Speaker in the other place, which is unjustified, is an offence to taxpayers in New South Wales. The position of Deputy-Speaker is not a long-standing position. In fact, that position was created only in 1999. Was that position created because of the work overload of the Speaker in the other place? I am sure that the answer to that question is no. The Deputy-Speaker appears only briefly in the other House. Many Deputy-Presidents perform that sort of duty in this House.

When tellers count the numbers in divisions, people often jokingly ask them how much they will be paid for doing that. Those sorts of roles have to be performed by responsible members of the House but we should not put a wage quota on every role they play in the functioning of this Chamber. People who have a great deal of experience should perform those roles to enable the important functioning of this House. It is an insult to everyone that the Deputy-Speaker should receive a pay increase of $17,000 a year. As a result of national competition policy the Government is doing away with job security in a number of industries. However, it is now asking us to support an unnecessary and unjustified pay increase for the Deputy-Speaker in the other place. There is a degree of hypocrisy and rhetoric in that request, so it is appropriate for the Greens to support the disallowance motion that was moved earlier by the Opposition.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.17 p.m.]: I support the disallowance motion moved earlier by the Opposition. The Democrats have been consistent in their position in relation to this matter. On 27 June 2002 the Government moved a motion, at the suggestion of the Opposition, that the deputy leader of a party with more than nine members in this Chamber should receive an increase in salary. At that stage the number of Liberal Party members represented in this place dropped from 10 to nine after pesky crossbench members were elected as a result of the introduction of the tablecloth ballot paper. Members of the Liberal Party were keen to ensure that the then Deputy Leader of the Opposition, James Samios, did not lose his salary. The motion, which was referred to as the Samios motion—

The Hon. Ian Macdonald: And that was not rejected by the other House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: No. The devil looks after his own. In that case Opposition members were in favour of the motion. In this case the Deputy-Speaker in the lower House is to receive a pay rise. No-one denies that John Price is a fine fellow. I gather that, after 20 years as a member of Parliament, he has reached his superannuation maximum. As he has not been appointed as a Minister or as the Speaker it appears as though his current position will be the highest that he will hold. Will the Deputy-Speaker retire? If he receives a small pay rise—and that will result in an increase to his superannuation—he is less likely to retire. That also means that there will be no necessity for a by-election. He might be persuaded to stay on in a marginal seat for the benefit of his electors. Being a good fellow he probably also has a personal following. The Government obviously does not want to hold a by-election at the moment, with Campbelltown health services receiving adverse publicity and the trains coming off the rails. As Mr Ian Cohen pointed out, a $17,000 sweetener will keep a sitting member in place. It is bad to display that sort of largesse.

The Australian Democrats believe in the Parliamentary Remuneration Tribunal but we must remain vigilant. Electoral allowances for members of the lower House increased after submissions to that tribunal, while electoral allowances for upper House members remained static. Members in this place do our best to keep in touch with our constituents and an increased electoral allowance would have been quite useful in that regard. Perhaps that is not an urgent issue for upper House members from the major parties, who do not have specified

electorates in the manner of members of the Legislative Assembly. However, for crossbench members the State is our electorate and we try to keep in touch with our constituents.

It is interesting to note that the Government appears not only to give sweeteners to those people whom it considers valuable but also to deal very skilfully with the Parliamentary Remuneration Tribunal. The Australian Democrats support the Parliamentary Remuneration Tribunal but we also support equity in the tribunal's decisions regarding different parties, Houses and circumstances. We do not see any particular reason to increase the Deputy-Speaker's allowance. At present, 20 per cent of the Deputy-Speaker's salary of office is added to his base salary.

He also receives an expense allowance of 14 per cent of his base salary. The regulation seeks to increase the 20 per cent loading to 30 per cent and to increase the expense allowance from 14 per cent to 20 per cent of salary. The Australian Democrats do not see any reason for this change. We believe the Parliamentary Remuneration Tribunal should be supported and that it should give a fair go to members in both Houses and from all political parties. We oppose hypocrisy on the part of both the Government and the Opposition.

The Hon. JON JENKINS [4.22 p.m.]: I do not support the motion of the Leader of the Opposition. However, I reiterate the suggestion made by several honourable members and in the media that this extra entitlement is designed to prevent the resignation of a Government member and a subsequent by-election for his seat. That should cause the Government some concern and Government members should search their souls.

The Hon. Rick Colless: Condemn them.

The Hon. JON JENKINS: I am condemning them. I am advised that the pay rise or entitlement was reviewed by the Parliamentary Remuneration Tribunal and that the regulation amends the necessary legislation. It has been suggested that there was no due process. There was due process, but the rules may need to be revised. One could argue that it is cheaper to add entitlements to the member's salary than to call a by-election. I do not know how much a by-election costs, but it might be cheaper to pay the extra entitlement.

The Hon. Ian Macdonald: It saves money.

The Hon. JON JENKINS: I acknowledge the interjection of the Minister for Agriculture and Fisheries. It may not save the Minister's soul. The affairs of the other House, including salaries and conditions, should remain exactly that: the affairs of the other House. I ask the Government to consider the precedent that it is setting before the wheel turns full circle.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [4.25 p.m.], in reply: I thank honourable members for their contributions to the debate on this motion, particularly the bizarre contribution by the Minister for Agriculture and Fisheries. He had a great opportunity to clear the air on this issue but he simply dipped his finger in and stirred. I wish that the Hon. Jon Jenkins had been quicker in acknowledging the Minister's interjections, which may have helped those members who are confused about how to vote on this issue to make up their minds. Several members expressed concern—

The Hon. Amanda Fazio: Just do what Johnny boy tells you.

The Hon. MICHAEL GALLACHER: The Hon. Amanda Fazio should not worry about it because she is not getting a pay rise. Cranky Mandy is not getting the pay rise but John Price might divvy it up with her fifty-fifty. There is no-one more bitter than a person who is not going to get the dough. The gravy train has not pulled up at Fazio central.

I want to comment on the contributions of several honourable members, particularly the Hon. Dr Peter Wong and The Hon. Jon Jenkins, who expressed the view that the affairs of the other House are not the affairs of this House. I remind each and every member that this is the House of review. We review the decisions and actions of the other place. At the end of the day when the rubber hits the road and it comes to community issues, which House do the people turn to? The people turn to us: They always come to us to fix the intentional or neglectful mistakes that the mob opposite makes day in, day out. Do not lose sight of this fact: The moment we relinquish that responsibility we will render this House absolutely useless when it comes to protecting the public and ensuring transparency of government decisions. Scrutiny of the Government's every decision is paramount in all that we do. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Mr Breen	Miss Gardiner	Mr Pearce
Dr Chesterfield-Evans	Mr Gay	Ms Rhiannon
Mr Clarke	Ms Hale	Mr Ryan
Mr Cohen	Mr Lynn	*Tellers,*
Ms Cusack	Ms Parker	Mr Colless
Mr Gallacher	Mrs Pavey	Mr Harwin

Noes, 22

Mr Burke	Mr Hatzistergos	Ms Tebbutt
Ms Burnswoods	Mr Jenkins	Mr Tingle
Mr Catanzariti	Mr Kelly	Mr Tsang
Mr Costa	Mr Macdonald	Dr Wong
Mr Della Bosca	Reverend Dr Moyes	
Mr Egan	Reverend Nile	*Tellers,*
Ms Fazio	Mr Oldfield	Mr Primrose
Ms Griffin	Ms Robertson	Mr West

Pair

Mrs Forsythe	Mr Obeid

Question resolved in the negative.

Motion negatived.

DISORDERLY CONDUCT BY MEMBERS

Ms LEE RHIANNON [4.35 p.m.], by leave: I move:

That proposed new Standing Order 190, presently adopted as a sessional order, be amended as follows:

No. 1 Insert after paragraph 1 (f):

or

(g) continues to display drunken behaviour and refuses to leave the chamber when requested,

No. 2 Insert after paragraph (3):

(4) If a member enters the Chamber under the influence of alcohol or other drugs, a motion may be moved without notice, that the member be suspended from the service of the House for the remainder of the sitting.

(5) If a motion is moved under paragraph (4), the alleged member may submit to a breath analysis to determine the concentration of alcohol present in their blood.

(6) Where a member submits to a breath analysis and the concentration of alcohol in their blood is less than 0.05 grams of alcohol in 100 millilitres of blood, the motion under paragraph (4) lapses.

(7) Where a member elects to not submit to a breath test, or submits to a breath analysis and the concentration of alcohol in their blood is more than 0.05 grams of alcohol in 100 millilitres of blood then the question is to be put on the motion moved under paragraph (4).

This motion is substantially different to the motion of which I gave notice. It takes on board the concerns of the Coalition. The Leader of the Opposition, Mr Brogden, has expressed concern that the Government could use this sessional order, which I seek to amend, to gag dissenting members of the Opposition or crossbench. I have considered those concerns. The amendment to the standing orders will allow members to take a breath test that will determine if the motion against them is justified. Therefore, I believe it addresses the concerns that have been expressed by the Leader of the Opposition and other members of the Coalition.

Reverend the Hon. Fred Nile: And by the Christian Democratic Party.

Ms LEE RHIANNON: I acknowledge the interjection. If the member proves not to be drunk, the motion to suspend the member does not proceed. If the member proves to be drunk, a vote takes place on the

motion. If the member refuses to take the breath test, a vote also takes place on the motion. It is thus in a member's interest to take the test. As this motion is substantially different to the motion of which I gave notice, I want to give all members time to consider this major change. I therefore seek to adjourn the debate. I move:

That this debate be now adjourned.

Motion for adjournment negatived.

Ms LEE RHIANNON: This motion seeks to change the standing orders so that they explicitly address the issue of drunken behaviour in the House. The motion allows either the President or a member to move to suspend a member who is blatantly intoxicated. The changes that have been included in the motion will provide further safeguards. My motion has several advantages over the ideas raised by other members in motions and discussions over the past week. Firstly, it is simple and immediate. The Greens do not want to see this issue buried by a committee process or closed-door deliberations. We know that the public do not want stalling on this issue. They want action. The Greens motion delivers an immediate start on changing the culture of alcohol consumption in Parliament House.

We acknowledge it is only one step, but it is certainly a step towards changing that culture. It gives us an action point so that we can address these problems that arise rarely—but they do arise. The other proposals may have merit, but they will simply delay and defer the issue. With this motion we can start acting now. Under this motion Mr O'Farrell in the other place would have been able to eject the member who was drunk on Wednesday night instead of being ejected himself. It was an unfortunate incident that brought all members into disrepute.

Our motion delivers what the Liberal Party wants, what Mr O'Farrell needed last week. He needed a mechanism. It is provided in the motion. The Greens' motion has a second major advantage over some of the other motions. Our motion puts the responsibility for changing the culture of the place squarely on members of Parliament in the other place and members of the Legislative Council. Some of the proposals that have been put on the table would place an unfair responsibility on the parliamentary staff to police responsible drinking.

One of my concerns is the difficult position in which parliamentary staff are being put. The law has certain provisions prohibiting the serving of intoxicated persons, but that law does not stand in this Parliament. Staff are also obliged to respond to the requests of members. So at present this Parliament does not have a satisfactory system regarding staff serving alcohol to members of Parliament. Is it fair to ask these staff to stand up to a senior politician? That puts them in an awkward and untenable position. I would hope none of us would want to do that.

We can debate the merits of these proposals, but they should not be seen as a substitute for my motion. Even if Parliament is dry, or the bar needs a liquor licence, we still need a way to censure members of Parliament. We still need a drug and alcohol policy for our workplace. We need a drug and alcohol management plan, as is required under the occupational health, safety and welfare policy. That is clearly set out on the Premier's web site. It has been a requirement since 1998. Six years on, I hope the Premier will start showing leadership on this issue. In the meantime, the Greens provide a mechanism that can take us forward to some degree in addressing this issue.

My motion delivers on those needs. Our standing orders govern our conduct, and are the ideal means by which to address the issue. We cannot afford to wait for legislation to be drafted, or for the President to undertake a lengthy contemplation of the issue, or for the issue to be dealt with by the Parliamentary Ethics Adviser. The Parliamentary Ethics Adviser has an important role to play in assisting members, but when it comes to excessive drinking by members I do not think we need an ethics adviser to inform us that that is the case.

The issue is in the public domain, and the public want the right thing done. My motion allows us to take a definitive step in the right direction. In the light of the events in the Legislative Assembly last week, the Greens believe that this issue has gained additional relevance and urgency. Members of Parliament cannot afford to allow the reputation of parliamentarians to be compromised by a public perception that drinking on the job is acceptable in our workplace. We all need to show leadership. Premier Bob Carr and Opposition leader John Brogden are not showing that leadership at the moment. They really are fudging on this issue. We heard the Premier address the personal circumstances of Mr Black's behaviour, and what we are hearing from Mr Brogden does not provide leadership on an immediate way forward on this matter. It is up to us. We are members of a House that has the ability to make changes in the culture of this establishment.

Last time we discussed a similar matter, the Opposition Whip and the Government Whip spoke about informal mechanisms. Such informal mechanisms are not the answer. Trying to put off the issue indefinitely by sending it to the Parliamentary Ethics Adviser is not the answer. A simple, clear standing order is the right solution. Mr O'Farrell could have made good use of such a standing order last week. I think we can give an example to the Legislative Assembly by agreeing to this motion. I urge honourable members to support the motion lest we risk further undermining our standing in the eyes of the public. I commend the motion to the House.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [4.43 p.m.]: I lead for the Opposition on this motion. The House took an opportunity to consider this issue at some length last week. Some fairly solid argument was put on the record by a number of members who expressed concerns about the practicability of what was being proposed. What confronts us today is an issue that points in a similar direction, that is, what will be the flow-on effect of the motion? With that in mind, I have considered the debate that took place last week and what has been put to members in the past 24 hours regarding this motion. I move:

That the question be amended by omitting all words after "That" and inserting instead:

the President requests the Parliamentary Ethics Adviser to consider and advise on the desirability and practicability of implementing an alcohol and drug policy for the Parliament.

2. That the Parliamentary Ethics Adviser consider the terms of the notice of motion given by Ms Lee Rhiannon relating to an amendment of Standing Order 190 and the notice of motion given by Reverend the Hon. Fred Nile relating to an alcohol-free and drug-free parliamentary workplace.

It is extremely important, as we proceed further into this debate, that this House and the other place have the benefit of the assistance that the Parliamentary Ethics Adviser can give to ensure that any further decisions we make are based on the most up-to-date advice and assistance that can be given by a party outside the Parliament but entrusted with a very important role regarding the conduct of individuals in the Chambers and the Houses themselves. I believe I have put forward a reasonable and safe proposal—safe in the sense of ensuring that any future decisions on these types of issues are based on an understanding of the cause-effect implications of any changes. I commend the amendment to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [4.46 p.m.]: I support the motion moved by Ms Lee Rhiannon, who is to be congratulated on raising the issue of alcohol in this House. It is a matter that needs to be addressed. It is being addressed socially at a great many levels, but particularly to eliminate the involvement of alcohol in train and bus accidents. The debate on drink-driving of motor vehicles took place in Australia 25 or 30 years ago, but breath testing of train drivers, bus drivers and those in the workplace is a very sensitive issue. I have some experience of testing for drugs and alcohol in the workplace. This was a very sensitive issue in the 1980s, as were personal drinking habits at lunchtime, as was drinking late in the evening because workers could possibly be driving to work the next morning with high concentrations of alcohol in their blood. I was involved in some of the negotiations that took place on the testing that would take place at Sydney Water for pre-employment medical checks as well as testing in the workplace.

If members of Parliament think that we are somehow superior and the issue does not need to be addressed here, then I should advise them that is a piece of old-fashioned nonsense that really should go the way of the wig and the gown. We are a Parliament for about seven million Australians, and that makes our role only a little bigger than that of some large local councils in other cities. We should not delude ourselves about how important we are. Our function is to make the laws of this State. That is an important function, but it does not mean that we should not be subject to the same laws and mores as are other people in this State. It is fundamentally an occupational health and safety issue.

We have to make sensible decisions. As such, our job of making decisions about legislation is comparable with people in other workplaces making decisions about taking tasks from their in trays and putting them into the out trays, or whatever be their job of work. That we should become precious and send the issue to an ethics advisor, rather than to WorkCover, seems to be part of an ethos that we are different from the rest of the world. I do not believe we are. Our bar in Parliament should not serve intoxicated persons, it should not serve intoxicated parliamentarians, and it should not serve intoxicated parliamentary staff.

This matter is being sought to be addressed by a change in the standing orders. I had some problem with the original motion because, theoretically, the Government, if it had the numbers, could expel members on the pretext that they were drunk. In addition, the motion lacked a quantitative definition of "drunkenness". In society it is accepted that a person is impaired if he or she has a blood-alcohol level of 0.05. People have

different degrees of impairment at different blood alcohol levels, depending on their tolerance, but an acceptable measure had to be found. Exhaustive tests conducted at a number of universities have determined—and it is socially accepted—that a level of 0.05 is the appropriate standard. Reference to that level in the revised motion of Ms Lee Rhiannon is a sensible compromise. If the blood alcohol level of members is under 0.05, they should be deemed not to be drunk; they should be able to stay in the Chamber and not have to face a vote.

If they refuse to be tested or if they are tested and results reveal that they are over that level, then they may be expelled, depending on the outcome of the vote of the House. On the night of the media Christmas party I asked that an amendment be put to the vote and the amendment was carried. I was delighted because it was a significant amendment. I remember Government members leaving the Chamber and going to the media Christmas party and bringing into the House a crossbench member who had consumed a large quantity of alcohol. The question on the amendment was put again and the Government, with the help of that crossbench member—who would not have passed a sobriety test—won the vote and my amendment was thrown out. The belief that a motion does not matter because a great number of the members of this House are members of one or other of the major parties and vote along party lines has no substance. The fact that members are in the Chamber at the time of a vote is critical, however, because as members of the major parties they will not cross the floor to vote against their parties.

We have a duty to the people of New South Wales to take our jobs seriously and vote according to the best of our ability and consciences—and that requires sobriety. I do not see how, in the normal course of events, the obligation to stay under a level of 0.05 while we are working should be exceptional. If it is not, then clearly there is no reason not to support the motion. We do not need ethics advisers to report on the matter and thus take it out of the realm of occupational health and safety, which is where it belongs. Nor do we need to vote against the motion just because it relates to a sensitive issue. We must adopt a far more mature approach. The motion of Ms Lee Rhiannon, including the amendments, should be supported. To send such matters to an ethics committee, as has been suggested by the Opposition, would not be the proper and ethical way to deal with an occupational health and safety issue.

Mr IAN COHEN [4.53 p.m.]: I support the motion moved by Ms Lee Rhiannon. Times have changed. The obvious parallel is drink-driving, which many years ago was not treated so strongly by authorities. Nowadays, however, a strict regime of testing is in place. Similarly, it is now acknowledged that it is not acceptable for people to be under the influence of alcohol on the job. In 1995 I remember saying cheekily in this House that those who run the ship of State should be under the limit. During my early days as a member of this House the level of alcohol consumption and the state of inebriation of a number of members was unacceptable. It is reasonable that we should move to some degree of control. It is not unreasonable to test a member who is reported by another member of the House to be under the influence of alcohol.

The Hon. Ian Macdonald: What about sniffer dogs as well?

Mr IAN COHEN: In the context of the running of the Parliament of New South Wales, fine. If the member wants to have sniffer dogs to achieve a sense of balance, so be it. I feel very comfortable.

The Hon. Duncan Gay: Is that with the Drug Squad?

Mr IAN COHEN: The member is seeking to denigrate the debate, but it is important. Those of us who have been members for some time well recall an occasion when the President at the time slid out of his chair in this Chamber. When I said at the time to Steve Chase, the ABC radio reporter, "Perhaps it is the result of some medication", everyone laughed at me.

The Hon. Ian Macdonald: He was on medication.

Mr IAN COHEN: That may be so, but that is not what I understood to be the problem. Some members of this House have on occasions been well over the limit, and it is time we set an example to the rest of the community. A number of workplaces, particularly those that involve the safety of others, are cracking down on the level of alcohol consumed at work by employees. To some degree, the way in which the House has been run is not acceptable. The motion of Ms Lee Rhiannon is reasonable because it will send a strong message that it is not acceptable for members to be over the limit and to work in this House. If there is great resistance to it and there are complaints about our long hours of sitting, then we should make the sitting times more family friendly—9.00 a.m. to 5.00 p.m.—and sit more often. But late sittings should not automatically mean that overindulgence in alcohol is an accepted part of debate.

The Hon. IAN MACDONALD (Minister for Agriculture and Fisheries) [4.57 p.m.]: The Government will support the amendment moved by the Leader of the Opposition. It is appropriate that the Parliamentary Ethics Adviser should advise and guide us in this rather difficult matter. Mr Ian Cohen referred to a former President. It was a tragic situation and the person paid incredibly dearly for one episode on one night.

Mr Ian Cohen: It was consistent behaviour.

The Hon. IAN MACDONALD: No, Mr Ian Cohen is mocking him. Most of the times the former President in this Chamber conducted himself with great decorum. Mr Ian Cohen may have thought that the former President had a few drinks too many on some occasions in, but those occasions may have been when the former President attended one of the many functions he was required to attend on behalf of the people of New South Wales. But by and large he conducted himself with great dignity as President of this House. Mr Ian Cohen cannot come into this Chamber and rubbish people without due consideration of the issues. There has been some talk about applying drug testing in workplaces that have grave safety issues. However, I do not believe that a corollary of that is that we should be operating a booze bus outside the doors of this House—which is what the member is trying to do.

It could be said that a blood alcohol concentration of 0.05 might be dangerous in the context of driving a car, but it may not necessarily be dangerous for a member to consume three or four glasses of alcoholic beverage before coming into this Chamber and quietly voting on an issue. It should be remembered it is the right and responsibility of a member of Parliament to vote on issues. It would be a different matter if that consumption was associated with an obviously high level of abuse, but I have rarely seen such examples of intoxication in this House or in the lower House.

It is well beyond the pale for Ms Lee Rhiannon to come into this House with a regime governing conduct in the workplace, because clearly this debate is all about a little bit of extra publicity for the mover of the motion. The Parliamentary Ethics Adviser is the correct person to examine the issue, and referral of the matter to him is preferable to this House making policy on the run, especially when it is considered that policies of the type set out in the motion have broad implications. As all honourable members know, I have been a member of the Left in the Labor Party for many years—in fact, the Left generally. For many years it was the Left in the Labor Party and the Left generally that opposed draconian rules for workplace behaviour.

Mr Ian Cohen: But you left the Left!

The Hon. IAN MACDONALD: I have not left the Left. The Left opposed the imposition of the type of policies in workplaces referred to in the motion, yet this House is faced with the irony of a knee-jerk reaction by Ms Lee Rhiannon in her attempt to exploit the issue for some unrelated purpose. The problem is that proposals of the type reflected in the motion can have implications that go well beyond the purpose of a particular resolution at a particular point in time. Is Ms Lee Rhiannon proposing that the standard of conduct specified in the motion will apply to all workplaces across this State? Is it proposed that the terms of the motion will apply right across the State in every workplace to ensure that whenever people come into their workplace after lunch they will be drug tested on the whim of someone in authority? Is that the type of regime that members of this House want to set as a workplace example? Do we really want to do that? Why would a member move a motion to that effect in this House? Instead, why do we not move that the issue of alcohol consumption and its management within the precincts of Parliament House be dealt with by the Parliamentary Ethics Adviser?

That would be preferable to implementation of a prescriptive list that has already been devised by Ms Lee Rhiannon for testing people by reference to an arbitrary level of 0.05 blood alcohol concentration, which may later be enshrined in the standing orders. I do not believe Ms Lee Rhiannon has thought through the consequences of this diabolical motion. Someone outside Parliament might say, "Look at what they are doing in Parliament. I will apply this to my work force." It could happen in every office in Sydney and every factory in the western suburbs of Sydney. I do not think Ms Lee Rhiannon really wants that to happen. I strongly suggest that members of this House look beyond the immediate effect of motions on important issues. Alcohol and drug management are very important issues that should be dealt with by someone who calmly considers the implications of reform, not someone who is working out the next time they will be able to appear on the ABC.

Reverend the Hon. FRED NILE [5.02 p.m.]: Briefly, because I have given notice of a motion in terms similar to those of the motion presently being debated, I support the referral of the matter to the Parliamentary Ethics Adviser. I have indicated my preference for the Speaker and the President to be involved; I

assume they will be, because in a sense they are employers and any new policy would have to be approved by them as the Presiding Officers. I am happy for the Parliamentary Ethics Adviser to consider the matter and make recommendations that may be agreed to instead of members engaging in a political fight about policy, which will not help anyone.

Ms LEE RHIANNON [5.03 p.m.], in reply: I thank all members for their contributions to the debate. I find it hard to believe that the Leader of the Opposition in the Legislative Assembly, John Brogden, needs an ethics adviser to tell him that a drunken member of Parliament is not okay. I am disappointed that the Opposition will not support the motion, even with the amendment, considering that the amendment has clearly responded to the concerns outlined by the Opposition. The Greens have a clear mechanism to ensure that drunken members of Parliament will be removed from the House but the Coalition and the Government have decided to defeat the proposal. It is disappointing that members of the Parliament are not showing leadership on this matter and are not coming forward with a clear mechanism to respond to circumstances that arise periodically. All members know that such events occur. For years the Premier has turned a blind eye to the antics of the honourable member for Murray-Darling, and has thereby done a disservice—

The Hon. Peter Primrose: Point of order: I simply draw attention again to Standing Order 91 (3), "Rules of Debate", which states:

> … all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

That is exactly what the honourable member is doing. I believe it is appropriate to have a debate, and that is what we are doing. Proposals have been put, so let us deal with the arguments without making disorderly personal reflections on members of either House.

Ms LEE RHIANNON: To the point of order: I was not making a personal reflection. I just commented on what happens and what has happened in recent times.

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! I uphold the point of order. Ms Rhiannon may continue her speech but I remind her of the previous points of order that have been upheld during this debate.

Ms LEE RHIANNON: I will move on to discuss the inconsistencies in the Government's policy on this issue. Yesterday this House passed important legislation that prescribed a very low level of blood alcohol content, 0.02 , for P-plate drivers. The House heard about important reasons why the level needed to be so low. Clearly a mechanism was needed. I would argue that society is gradually improving its standards in relation to the consumption of alcohol. Members of Parliament should adhere to the highest standards. If it is good enough for nurses, teachers and train drivers not to drink on the job, why is it okay for members of Parliament to do so? Members of Parliament have told me privately that their colleagues do not know when they are affected by alcohol, and that after consuming one or two glasses of alcoholic beverage they know they are not doing such a good job.

The response by the Minister at the table, the Hon. Ian Macdonald, signalled his return to a form that is not as much in evidence these days as it used to be—attack-dog mode. He considerably distorted what has been said in this debate—that is certainly what he did to the contribution I made. For his benefit, given that he appears to be so out of touch with conditions in workplaces, I inform him that most workplaces operate by rules. Members of Parliament are not setting those rules; indeed, we are trying to catch up. Currently there are no rules applying to the consumption of alcohol in Parliament House. The Carr Labor Government has been very lax in bringing forward an alcohol management program that was stipulated on the Premier's web site as being required under the occupational health, safety and welfare policies of workplaces. That stipulation was made in writing six years ago, yet Parliament House does not have such a policy. Surely the Government should get moving, but even during this debate nothing has been said.

The Hon. Ian Macdonald: So you want all workplaces to be formally required to have this?

Ms LEE RHIANNON: No. I acknowledge the interjection made by the Minister. I have not said that. The standard outlined in the motion is not a mandatory testing regime but, rather, a mechanism to ensure that the motion would not be lost. I believe that the Minister knows that, but time and time again he uses dishonest methods. In workplaces other than Parliament House, bosses decide who will be sent home for being drunk. The Minister knows that that is the situation currently, and the employee sent home cannot appeal against such a

decision. Parliament House is different, so the motion calls for a voluntary test. It is clearly voluntary, and if the Minister misunderstood that, perhaps that is because he was not listening. The motion provides for a voluntary test to provide a member of Parliament with an opportunity of proving the allegation against him or her to be unfounded.

The amendment considerably improves the original motion. It will be a very unfortunate day if this motion is interpreted as being the mechanism by which the Parliament has become a dry workplace. The motion has nothing to do with members of Parliament abstaining from the consumption of alcohol on the job, although I referred to that during my contribution. The motion is a simple mechanism to provide members of Parliament with a means by which to improve standards that operate in this House. That is badly needed. I believe that one day it will become a reality. It is a pity that it will not happen now.

Amendment of amendment agreed to.

Question—That the motion as amended be agreed to—put.

The House divided.

[*In division*]

Ms Lee Rhiannon: I seek leave of the House to call off the division.

Leave not granted.

The division proceeded.

Ayes, 30

Mr Breen	Miss Gardiner	Mr Pearce
Mr Burke	Mr Gay	Ms Robertson
Ms Burnswoods	Ms Griffin	Mr Ryan
Mr Catanzariti	Mr Jenkins	Mr Tingle
Dr Chesterfield-Evans	Mr Lynn	Mr Tsang
Mr Clarke	Mr Macdonald	Mr West
Mr Colless	Reverend Dr Moyes	
Ms Cusack	Reverend Nile	
Ms Fazio	Mr Oldfield	*Tellers,*
Mrs Forsythe	Ms Parker	Mr Harwin
Mr Gallacher	Mrs Pavey	Mr Primrose

Noes, 3

Ms Rhiannon
Tellers,
Mr Cohen
Ms Hale

Question resolved in the affirmative.

Motion as amended agreed to.

SNOWY MOUNTAINS CLOUD SEEDING TRIAL BILL

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

Second Reading

The Hon. IAN MACDONALD (Minister for Agriculture and Fisheries) [5.09 p.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to introduce measures to allow Snowy Hydro Ltd to commence a cloud-seeding research project by winter 2004. The research project must be commenced this winter to secure benefits for all

stakeholders. Snowy Hydro Ltd, the leading Australian producer of renewable energy, has proposed to conduct a closely controlled six-year research project, winter cloud seeding, in the Snowy Mountains area. The aim of the Snowy Mountains research project is to increase snowfall from clouds passing over the Snowy Mountains and to assess the effectiveness and reliability of precipitation enhancement technology in the Snowy Mountains.

This legislation, which will authorise only this trial, only for research and only for six years, will include strict powers to monitor, cease or suspend the trial, if necessary. I turn now to the detailed provisions in the bill. The main objective of the bill is to authorise the carrying out of cloud-seeding operations by Snowy Hydro Corporation. The main provision dealing with that is clause 4. Clause 7 deals with the application of other legislation that may otherwise apply to the trial. Clause 7, without limitation, also specifies that the Environmental Planning and Assessment Act 1979 and certain other Acts and statutory orders do not apply to the extent, if any, that they would prohibit or interfere with the cloud-seeding operations.

The cloud-seeding operations are described in more detail in clause 4 of the bill. These activities include the discharge of seeding agent, certain land-based operations and the entry onto public land for the purposes of conducting these operations. The area targeted for the cloud-seeding operations is outlined in a map contained in schedule 1 to the bill. Clause 5 will limit the authorisation of the cloud-seeding trial to six years, unless sooner terminated. Clause 6 provides that the authorisation of cloud seeding may be suspended or terminated by an order jointly made by the Minister for Infrastructure and Planning and the Minister for the Environment. The clause provides that the authorisation may be suspended or terminated if the Ministers are satisfied that any of the following applies: the cloud seeding operations are having, or will have, a significant adverse environmental impact; or Snowy Hydro has not complied with any requirements with respect to the cloud-seeding operations that have been imposed by the Ministers to minimise any such environmental impact.

The Ministers may also suspend or terminate if Snowy Hydro fails to provide information concerning the environmental impact of the cloud-seeding activities. Clause 8 provides that the Natural Resources Commission is to supervise the environmental impact of authorised cloud-seeding operations and report on the environmental impact of those operations to the relevant Ministers. Each report of the Natural Resources Commission is to be made public within a reasonable time after it is provided to the relevant Ministers. Clause 9 provides for the exclusion of Crown liability in relation to authorised cloud-seeding operations.

I turn now to some of the specifics of the research project. Seeding will occur using ground-based generators. These generators will create a stream of rising hot air, which will carry very small amounts of silver iodide and an inert tracing agent into winter storm clouds. That agent, of course, is indium sesquioxide. The process will create no more noise than a backyard barbeque. Relay signal facilities will allow remote control of the ground-based generators in order to minimise access to the sites. The expected average annual increase in snowfall will be approximately 10 per cent, which is within the existing range of natural variability. This increase in snowfall equates to an approximate 70 gigalitre increase in annual water yield in the Snowy Hydro Scheme.

The trial will send an extra 70 gigalitres of water—or the equivalent of 70,000 Olympic-sized swimming pools—down the Murray River once the snow melts in the spring. The research project, and the consequential precipitation, is likely to provide benefits to a wide range of stakeholders, including New South Wales irrigators, the Snowy Mountains alpine environment, and Snowy Mountains tourism operators and the community. The research project will provide the ability to partially offset the impacts of the forecasted worsening drought conditions for New South Wales irrigators in the Murray and Murrumbidgee valleys. The Snowy Mountains region is currently seven years into a continuing severe drought—already the worst drought in that area for 20 years.

Snowy Hydro advises that, under the forecast continuing dry weather patterns, the scheme's water storages could drop to 36 per cent by 2007-08. That would be the lowest-ever recorded level. By replenishing water storages in the Snowy scheme, the additional water from the research project will increase the certainty of water releases for irrigators from the Snowy scheme and enable the continuation of water borrowing arrangements. Environmental benefits may be expected as a result of the research project through mitigating the declining snow cover in Kosciuszko National Park and, therefore, the adverse effects of long-term climate change on the alpine region of New South Wales.

This approach has been tried and tested elsewhere. Tasmania has conducted successful experimental and commercial cloud seeding for the last 40 years, including over wilderness areas. In assessing these activities, environmental impact statements completed by Hydro Tasmania found no adverse environmental

impacts from the release of silver iodide, and no statistically significant changes in rainfall in surrounding areas as a result of cloud seeding. It has been estimated that, during the trial period, there has been an enhancement of water in trial areas of around 15 per cent. Currently around 100 cloud-seeding programs are taking place in the United States of America.

In Nevada, cloud seeding has been conducted in the Tahoe area since the 1960s. Estimates of augmented water from seeding have varied from 4 per cent to 10 per cent, generally greater in drought years and less in above-normal years. In Utah, the Utah Division of Water Resources has been involved with numerous cloud-seeding programs designed to increase the winter precipitation within different areas of the State. Studies indicate that those winter seeding projects generally increase the winter precipitation by 14 per cent to 20 per cent. The economic analysis of these projects has shown that the benefits from the extra water outweighed the operational costs of seeding.

The cloud seeding trial is a human-induced response to a human-induced problem. It is a recognised fact that there has been a human influence on the global climate and that these trends will continue for the foreseeable future due to the continued emissions of carbon dioxide and other greenhouse gases. As part of the environmental assessment of the research project, it was concluded that climate change and declining snow cover are very real threats to the Kosciuszko National Park and that the research project represents an opportunity to locally mitigate the impacts of global climate change. Research has indicated that snowfalls in the Snowy Mountains region have been decreasing on an average of 1 per cent per year for the past 50 years. That decline in snowfalls, if continued, may lead to the extinction, within 70 years, of between 15 to 40 of the 200 alpine plant species.

Additionally, the research project has the ability to potentially benefit other species and ecological communities in the Snowy alpine regions. In particular, species vulnerable to shallow or declining snow, such as the mountain pygmy possum, the endangered northern and southern corroboree frog, the alpine tree frog, the broad-toothed rat and the alpine herb fields may all benefit directly from the increased snowfall. The research project will also provide environmental benefits by increasing the capability of Snowy Hydro to produce clean, renewable energy. The estimated additional water from the research trial will allow Snowy Hydro to produce an amount of hydroelectricity per annum that, if produced by a New South Wales coal plant, would emit approximately 117,000 tonnes of carbon dioxide or CO_2 emissions.

The increased snowfall from the research project will also benefit tourism operators and communities in the Snowy Mountains. Improved snow depth and the length of the ski season are both expected outcomes from the research project. The project has the support of the Snowy Mountains ski industry and local chambers of commerce. However, not only does the research project present an opportunity to achieve all these benefits, it also does it with what the Government understands to be no significant adverse environmental impacts. The independent environmental assessment of the research project concluded that it would not have a significant adverse impact on the environment or significantly affect the environment; will not negatively impact on the conservation values of Kosciuszko National Park; and will not have a negative impact on precipitation in areas downwind of the research project. If anything, it is likely that the impact will be a small increase in precipitation in those areas.

That is a point I would like to emphasise. I take this opportunity to dispel the common misconception that cloud seeding effectively increases precipitation in one area at the expense of another area downwind. Not all water in clouds falls as precipitation; a lot of the water actually passes back out to sea without falling on land. The Snowy research trial will target winter clouds that are considered barren, that is, that they do not have the natural characteristics for all the water in them to turn to precipitation. Without cloud seeding this water would not fall either on the Snowy Mountains or on any other area of land.

Available scientific evidence suggests that there will actually be more precipitation in downwind areas. That is because the ice crystals formed by the cloud-seeding process survive longer and have a better chance of falling to the surface on downwind areas than the natural cloud droplets. Further, to ensure any adverse environmental impacts are minimised, Snowy Hydro has revised the research project to exclude the seeding of clouds from within the Jagungal Wilderness Area.

This will effectively halve the potential water yield from the research project but was adopted by Snowy Hydro to address earlier concerns. The Department of Environment and Conservation has examined the expert panel assessment and found that any adverse impacts on the environment would be minimal. On the basis of this advice and in view of the associated benefits to a wide range of stakeholders, the New South Wales

Government has endorsed Snowy Hydro to undertake the project. However, given that drought conditions are expected to continue, it is critical that the research project commence in winter 2004 to maximise the benefits to irrigators, the environment and to Snowy Hydro.

The process of approval for the research project required under New South Wales environmental legislation will not allow the project to commence in winter 2004. To address this issue and to ensure that the benefits of research accrue, the only satisfactory approach is to introduce special provisions legislation. Special provisions legislation has been used in other jurisdictions, such as Victoria, which adopted this approach with its legislation specifically authorising rainmaking activity. This legislation will allow Snowy Hydro to undertake the research project without seeking permission under New South Wales legislation. The basis for allowing this exemption is as follows. First, the research project has been subject to extensive assessment by experts in the field, with the subsequent review concluding that the research project is unlikely to have significant adverse environmental impacts. Second, the operations of the research project will be carried out subject to requirements imposed jointly by the Minister for Infrastructure and Planning and the Minister for the Environment. Third, when these requirements are not adhered to or when the operations are having, or will have, a significant adverse environmental impact, the Ministers have the joint power to suspend or terminate the research project.

Fourth, the Natural Resources Commission will supervise the ongoing environmental monitoring of the research project. The relevant Minister will be able to direct the commission to request reports from Snowy Hydro when it is deemed necessary, and these reports will be made public. Fifth, the special legislation will apply for only six years. After that time sufficient data will have been collected to review and assess the project. The bill authorises only this single research trial. If the trial is not successful the project will not continue beyond the trial period. However, if it does work we will have a proven, safe technology to help offset the impacts of climate change. Even then, new legislation or complete environmental assessment will be required at the end of that period for any further cloud-seeding activity to continue. In summary, I believe the new Snowy Mountains Cloud Seeding Trial Bill presents an opportunity for the Government to encourage and facilitate a scientific experiment that could potentially yield substantial benefits for the Snowy Mountains, rural irrigators and the environment at large. I commend the bill to the House.

Debate adjourned on motion by the Hon. Duncan Gay.

LOCAL GOVERNMENT (COUNCIL AND EMPLOYEE SECURITY) LEGISLATION

Ministerial Statement

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)) [5.33 p.m.]: The Local Government (Council and Employee Security) Bill, which will come before Parliament either later today or tomorrow, will allow the Minister to delay elections when the Boundaries Commission is considering an amalgamation proposal or boundary change or when a council is the subject of a public inquiry. The bill will also improve employment protection for council staff and will allow councils to apply for rate variations over seven years on a fluctuating basis rather than on an annual basis.

The New South Wales Government will proceed with the bill but I want to clarify the situation and offer some certainty to councils that are discussing boundary changes. The Government first proposed legislation last year and, if it had been passed at that time, we would have been able to delay elections before then. However, that did not happen. So today I give a commitment that, regardless of whether the legislation passes through the upper House, we will not delay any more elections. I would like to delay some local government elections, especially the election at Walgett, whose council is the subject of a public inquiry under section 740 of the Local Government Act. I do not believe it is in the public interest to proceed with elections when a council is the subject of such an inquiry. However, I am not prepared to jeopardise additional employment protection or the financial security of councils. The Government will seek to ensure that the bill is passed at the earliest opportunity. I do not know whether that will happen tomorrow or when Parliament resumes after the local government elections. Even if the bill is passed I give an undertaking that I will not seek to delay any further elections.

The four new local government areas that were proclaimed today—Peel Regional Council, Liverpool Plains Shire Council, Upper Hunter Shire Council and Gwydir Shire Council—will hold their elections on 26 June. The new local government areas in southern New South Wales—Cooma-Monaro, Eastern Capital City Regional, Greater Argyle, Greater Queanbeyan City, Tumut, Upper Lachlan, and Yass Valley—will also hold

their elections on 26 June. Most councils asked to hold their elections on that date. The Upper Hunter election will take place on 25 September 2004 under administrator John Jobling. Clarence Valley Council will hold its election on 5 March 2005. Severn and Glen Innes councils—which had their elections delayed while a voluntary amalgamation proposal was discussed—will hold their elections on 18 December 2004, although they could be brought forward. Obviously the elections are also delayed of the three councils that are under administration following their dismissal after public inquiries.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.36 p.m.]: The Opposition welcomes the announcement by the Minister for Local Government. Dare I say that the shadow Minister for Local Government in the other place, Andrew Fraser, all Opposition members, most crossbench members and I suspect some Government members believe it is about time. Today is 17 March and the 2004 parliamentary session resumed on 17 February. It is not unusual for bills to be introduced by a Minister other than the Minister with portfolio responsibility for the legislation. A draft local government bill has been out to consultation for some time. The bill could have been introduced in the lower House in the first week of the parliamentary session, rubber-stamped by the Government—which has a majority in the Legislative Assembly—and then sent to this place a week later on 24 February. Yet it is now 17 March and a week into pre-polling for the local council elections. People have distributed election material without knowing whether the elections will proceed.

According to the scuttlebutt in this place—and I think it is pretty right in this case—the Government always wanted to introduce the bill as late as today. What does that tell us? It tells us that the Government is out of control. It has no direction and it does not care. Candidates in the local government elections needed to print their election material—I dare say even Labor candidates are in this position—but they did not know what would happen. The Coalition was lobbied by the Country Mayors Association, which represents the larger councils, to support a provision in the draft legislation. The association's president lobbied me at the Western Division shires conference to support the Minister. He has obviously been rolled since then because the Shires Association opposes the legislation. The Opposition welcomes the Minister's statement. But why can we not have some planning in the local government area? The Government's only plan for local government appears to be its plan to break its election promise. That is not good enough.

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (TAIL DOCKING) BILL

Second Reading

Debate resumed from 10 March.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.40 p.m.]: I lead for the Opposition on the Prevention of Cruelty to Animals Amendment (Tail Docking) Bill. The Opposition will oppose the bill, but it was not an easy decision. I have been visited by experts from all sectors who have offered their own arguments and have matched and cross-matched opposing arguments. They have waved their sabres and produced doctors, professors and friends. For every argument there has been a counter-argument. I speak to the bill from my recollections and my feelings about this issue, and some may wish to attack the accuracy of small points that I will make. I want to talk about the philosophy and the reasoning of the Opposition.

Despite the Opposition opposing this legislation, I remain convinced from the information I have read that in 98 per cent of cases tail docking is an unnecessary operation. I am also not completely convinced that dogs with docked tails are used as working dogs, although in the past they had to go down burrows to hunt for a living. When I was a young man we had a pack of small dogs that we sent down small burrows when rabbiting but I have not seen a working dog work like that for a number of years. The reality is that tail docking is done for show, and in some cases it is a genuine aspect of a breed.

All those who made representations to me addressed the pain issue. Bruce Cartnell, with whom I have worked on many pieces of legislation before this Parliament, and who has earned the greatest respect from all sides, is a veterinarian who does a terrific job representing the position of fellow veterinarians. He is a canny guy because he brought with him Jenny Churchill, who has been a family friend of mine for 30-odd years. She was my local veterinarian and is now the wife of my local veterinarian. Jenny and her husband are great mates of mine and I respect them. Bruce was devious to bring Jenny with him because apart from being great in her job, and in many other areas, she can put a very convincing argument. They both made valid points about pain and gave examples of surgery on dogs.

A professor from the Canine Council said that docking a dog's tail with a ring in the first five days of its life had been shown in reports and studies not to be painful. He was just as convincing as my friends except that

he mentioned the use of a ring to remove the sixth finger from babies born with six fingers. I found it somewhat amazing that that still occurs—it sounded almost like a story from Peter Black. People are concerned about what practitioners do. I respect Bruce Cartnell, but in the past I have had differences with him about whether veterinarians are needed to do everything in relation to animals. If tail docking is as simple as putting a ring over the tail of a young puppy, a general veterinarian may not be the best person to do the job. In fact, a practitioner who docks the tails of lambs or gives injections to farm animals is probably better at the job than someone who does it occasionally.

A further concern is that if such an apparently simple operation as docking the tail of a dog has to be done by a veterinarian, will the mulesing and tail docking of lambs also have to be done by a veterinarian? To their credit, all the veterinarians were quite up-front with their views. They believe that tail docking and mulesing of lambs should be continued for the sake of animal welfare. But the Opposition is concerned that if the docking of a lamb's tail is shown to be more painful than the docking of a pup's tail—which is now virtually banned if it is not carried out by veterinarians—where will that leave the farming sector? We checked with the RSPCA, the veterinarians association, the Canine Council and the New South Wales Farmers Association. New South Wales Farmers believe that tail docking should only be done for therapeutic reasons. Yet the definition in new section 12 (2A) states:

> A person is not guilty of an offence against this section if the court is satisfied that the procedure comprising the alleged offence was the docking of the tail of a dog, was performed by a veterinary surgeon and was in the interests of the dog's welfare.

When we first looked at that definition we thought it fulfilled our election commitment that tail docking be allowed, but only by a veterinarian. Interestingly, NSW Farmers propose that tail docking be done by veterinarians, but only for therapeutic reasons. That is considered to be a tighter and more stringent definition than that proposed by the Government in the bill. It is interesting that the Australian Veterinary Association also is persuaded to that view, but regards the words "in the interests of the dog's welfare" appearing in the bill as providing a large loophole. The RSPCA has a different view. I paraphrase its feeling, rather than what it said, by saying that the bill would enable the RSPCA to prosecute anyone who did tail docking.

It gets even more confusing. This bill emanates from Federal legislation, agreed to by the States, to have consistent legislation across Australia. The New South Wales bill is similar to that of Queensland, except that that State's provisions are more stringent. I am not sure that Victoria has passed its legislation. I have read both that it has legislation and that it has not. The one thing I am sure of is that Western Australian has legislation that has been mimicked by the Northern Territory. The Western Australian legislation—which is effected by regulation—states that a "registered veterinary surgeon shall not carry out tail docking of a dog unless he or she believes there are sufficient reasons for the tail docking to proceed for therapeutic or prophylactic purposes." Thus, if the tail docking can help the animal in the future, the Western Australian veterinary surgeon can do it. That virtually means that the Western Australian legislation gives carte blanche to tail docking. If you can find a veterinary surgeon who believes tail docking is acceptable within his creed, you can have it done.

As a consequence, New South Wales will have legislation that says maybe tail docking can be done if it is for the welfare of the dog. One can argue whether it is for the welfare of the dog when the National Competition Council is arguing that the Farm Debt Remediation Act cannot have a definition of "good faith" because that question just cannot be properly determined. New South Wales has a definition that relates to a dog's welfare. But Western Australian and Northern Territory legislation permits tail docking. When RSPCA inspectors are in New South Wales will they know whether the puppies they see here were taildocked in Western Australia or in New South Wales? Eventually they will, but it will not be an easy question for them. That brings me back to my concern that the bills that are being passed by the States are not only confusing but represent bad legislation.

A further question put to me is: What happens in the case of a bobtailed dog? Breeders have been breeding for a recessive gene that will result in the industry having a bobtailed dog. It happens accidentally, but breeders tell us that this legislation might lead to some breeders aiming at breeding bobtailed dogs. We need to hear from the Minister what will be the position regarding onus of proof. To establish their innocence, will breeders have to prove that a bobtailed dog was a bred animal, or will their guilt have to be proven in accordance with the normal premise of law in New South Wales? Another concern is that, unfortunately, some breeders will continue to breed for bobtailed animals even though they know that will leave the animals susceptible to other congenital conditions, including spina bifida, which is appalling. It concerns breeders—I do not rate it a legitimate concern, although it is a real concern—that this could happen.

There is one other question on which I would be seeking a response from the Minister. The bill does not appear to provide for a review process. I think provision should be made for review of the operation of this legislation. Although, as the Minister indicated in his second reading speech, many European countries have moved to ban tail docking, Sweden has taken a step backwards by exempting, I think, the German short-haired pointer breed from legislation banning tail docking. This was because information showed that after the ban was put in place structural problems began to emerge in the current breed of the German short-haired pointer.

Mr Ian Cohen: It was probably a fault in the breeding.

The Hon. DUNCAN GAY: Mr Ian Cohen says that was probably the fault of the breeder. I do not disagree, and that is why I was very careful to use the term "the current breed". That is the current state of the breed. In the past I had a German short-haired pointer. It was a lovely animal that had been tail docked when I got it; I did not have a choice about that. I am not sure what is the position regarding a dog of that breed that has a tail—although I recently saw one and it looked good and it seemed to be happy. The evidence of veterinarians and practitioners in Sweden—who moved very early in this direction—is that they have had to reverse the effect of that country's legislation.

We will be looking to the Government, through the Minister's reply to the debate, to give a commitment about review of this legislation and to undertake an analysis of the effect of the legislation on these breeds. We do not know what the potential problems are. If there are such problems, they are not showing up at the moment because these dogs currently have their tails docked. I do not wish to take up more time of the House. But once again I indicate that this is one of those bills on which it is not easy to make a decision because there is right on both sides. I have been lobbied extensively—and, I must say, nicely and quite properly. However, on balance, the Opposition believes this legislation is wrong. For the reasons that I have already given, we will be opposing the bill.

The Hon. KAYEE GRIFFIN [5.58 p.m.]: I am pleased to support the bill. Some people have a personal preference for the appearance of dogs with docked tails. It has become part of the signature of the breed, for instance, spaniels, boxers and rottweilers. Many of the arguments put forward to justify tail docking are no more than a smokescreen to cover the overriding reason, namely, the appearance of the dog. The issue is whether the discomfort, pain and frustrations suffered by a dog are justified simply to achieve an appearance based upon personal or historical preference. We say that this is not justified.

The bill, therefore, prevents the routine or cosmetic docking of puppies' tails arising from personal preference. It will bring New South Wales into line with other States, following a resolution of the Primary Industries Ministerial Council in October 2003 to co-ordinate a national ban on the docking of dogs' tails by April 2004. Community standards now require that this outdated cosmetic surgery be banned, unless it is in the interests of the dog. Community standards change, and legislation must reflect that. Practices that were acceptable, such as ear cropping for dogs, are no longer acceptable. Dog breeders in Australia have long accepted this. Ear cropping is still common in certain dog breeds in America, but it has been outlawed in Australia for many years. It is not appropriate to alter the appearance of animals to achieve a cosmetic outcome.

Some breeders have cited prevention of tail injury as a reason to tail dock, particularly for working dogs with delicate whip tails or large breeds of dogs, such as greyhounds, boxers and Dalmatians. However, very few of the docked working breeds with delicate working tails continue to be used as working dogs. The weakness of the working dog argument is apparent by a comparison of terrier breeds. Take, for example, the Manchester terrier, a short-haired breed, and the fox terrier. Both are of similar size and are traditionally used for ratting and other vermin-control work. However, the Manchester terrier has an entire tail and the fox terrier's tail is docked. Similar comparison can be made between the miniature versions of these two breeds. The English toy terrier has an entire tail and the mini fox terrier has a docked tail.

The weimaraner is a docked breed of gun dog. The long-haired weimaraner is identical in confirmation and temperament. However, the tails of long-haired weimaraners are not docked. Similarly, the tails of English pointers are not docked, but the tails of German short-haired pointers are docked. Another anomaly exists between the cardigan Welsh corgi and the Pembroke Welsh corgi, the former having an entire tail and the latter having a docked tail if not already born with a bobtail, as the breed often is. It has been argued that when dogging a fox in its den it is an advantage for a dog to have a shortened tail, because it is more practical when working in a confined space. However, I am informed that it would be rare to use a dog in New South Wales for this purpose. I note that foxes seem to manage very well underground without having a short tail.

I have owned dachshunds, which are badger hounds. Originally they were bred to go down holes after badgers. They certainly have tails and the breed has never been docked. Dogs do not need a shortened tail to chase another animal down a hole, whether it is a fox or a badger. Most working dogs in Australia are kelpies and cattle dogs, used for working stock. These dogs perform well with tails. Given the high standard of veterinary treatment now available, the issue becomes whether the pain, discomfort or frustration suffered by a working dog through a chance tail injury or infection is greater than the pain, discomfort and frustration that a dog suffers if its tail is docked at birth as a preventive measure. I support the retention of the entire tail of all dogs, including working dogs, with veterinary treatment sought only if injury or disease should occur. It is time to move on. I commend the bill to the House.

Reverend the Hon. Dr GORDON MOYES [6.02 p.m]: The Christian Democratic Party will support the Prevention of Cruelty to Animals Amendment (Tail Docking) Bill. The purpose of the bill is to amend the Prevention of Cruelty to Animals Act 1979 to limit the docking of dogs' tails to veterinarians, and then only when it is in the interests of the welfare of the dog. We, likewise, have been lobbied by some very fine people who are interested in animal welfare and animal rights, and who come down on both sides of the argument. Currently in New South Wales the docking of a dog's tail is allowed to be performed by any person if the dog is under five days of age. We have seen this, although not in recent years, done by people who breed their own puppies and those who have puppies as result of a dog becoming pregnant. Many breeds of dogs are routinely tail docked within days of birth.

The bill seeks, on the encouragement of the RSPCA and others, to eliminate cruelty to animals. We have received many emails and letters saying that the RSPCA does not have the right to do this, that it exists to care for the welfare of animals. But I would argue that the RSPCA has an advocacy role on behalf of prevention of cruelty to animals, and I accept what it is doing. The bill prevents the routine or cosmetic tail docking of puppies only. It limits tail docking to veterinarians only, and it ensures that the operation is performed only when the welfare interests of the dog are being served, not for cosmetic purposes. A number of reasons appeal strongly to us to support the bill. One is that the bill makes concessions if a dog is injured. As previous speakers mentioned, injuries are usually caused by the dog's tail being caught, and slammed, in the doors of cars. I understand that only 0.4 per cent of dogs present with such an injury, which would require tail docking.

The second reason we support the bill is that tail docking seems to have no clear benefit for the dog. Many people argue that small dogs do not feel pain, but I remember doing experiments at university with even the smallest kind of life, such as amoeba. When we deliberately created stimuli and pain the amoeba, even though it took a long time, reacted to pain. Even the most primitive form of life can feel pain. We have listened to Professor Bob Hales and others talk about the problem of pain, but we are quite sure that in most cases the dogs feel pain. Leaving aside the pain there is still the likelihood of infection when ordinary instruments are used to dock the tails of dogs.

I have in my possession at home a very sharp folding penknife given to me by my grandfather. When I was about 10 he instructed me to always keep it clean because it was the knife I should use when I was fixing cats. I admit that I have never used the knife to fix cats, but if those types of instruments that are neither sterile nor clean are used, infection can occur. I believe there is a difference with pigs and lambs. I have asked the professor and others about this and they tell me that there are clear scientific reasons for de-tailing pigs and lambs, particularly when they are fly blown. We note that in 10 countries it is illegal to dock dogs or to show docked dogs. It is quite appropriate that Australia should line up with those countries. I note that breeders will continue to seek to have tails docked.

Some people who came to see us expressed the view that because there is availability in both Western Australia and the Northern Territory under regulations to dock dogs they will send their dogs to Western Australia. They claim that they already send scores of dogs to Western Australia and the Northern Territory every single week for various purposes, and it would be no trouble for them to have the procedures done in Western Australia or the Northern Territory. This seemed to us to be a very curious line of argument. There is community support for the bill, even though the majority of written material I have received came from those who breed and show dogs, and who are members of the Canine Council. I know that they are heavily committed to having their dogs' tails docked. We listened with respect to their viewpoint, but we support the principle of prevention of cruelty to animals.

The Hon. AMANDA FAZIO [6.09 p.m.]: I am very pleased to support the bill. Tail docking has been under consideration for many years, both in Australia and overseas. Tail docking started hundreds of years ago when people were more complacent about the welfare of animals than they are today. In fact, in those times

people were often far more complacent about the welfare of human beings than is the case today. The practice of tail docking became common in the Middle Ages in Britain and western Europe. A number of theories have been proposed for the commencement of tail docking, including the prevention of rabies, the prevention of back injury, increasing the speed of the docked dog and the prevention of tail damage owing to fighting with other animals, ratting or baiting.

Docking of tails on farmers' or drovers' dogs that are used for herding or driving cattle and sheep began in early Georgian times in England because the practice exempted the owner from a tax levied upon working dogs with tails. Many other types of dogs were also docked to avoid the luxury tax. Although the imposition was repealed in 1796, the habit of docking particular breeds has persisted. We can talk around this issue all we like, but inevitably the reasons for tail docking are because of human desires, not animal necessities and certainly not animal welfare. Given the variety of historical reasons for the practice of tail docking and the fact that none has significant application in a modern animal welfare oriented society, there is no compelling reason for continuation of this practice in the future.

Arguments are proffered about the appearance of dogs, hygiene matters and traditional standards. I will address the question of hygiene. I do so with the benefit of considerable experience because my family's history of pet ownership is an association with border collies, Pekingese, and currently six cross shitzu-bichons. All of those breeds are long-haired dogs and all require considerable grooming. Quite simply, if people own such breeds, they must also be prepared to keep them in good condition, which includes proper grooming.

The suggestion has been made that for long-haired breeds, such as the Old English sheepdog and the Yorkshire terrier, tail docking is required in the interests of hygiene. It is claimed that long-haired breeds may have increased problems related to faecal soiling and flystrike around their breach and tail if they are left undocked. An owner of a long-haired breed of dog that allows such a thing to happen is clearly not responsible enough to own dogs that have long hair and a tail. Amputation of the dog's tail should not be considered a substitute for the proper care and grooming that is required to keep long-coated breeds in good condition. The failure to prevent faecal soiling by a change of diet, grooming, judicious clipping and the failure to notice injury or infection and seek veterinary care raise questions of inadequate care and irresponsible pet ownership.

Many long-haired breeds, such as the bearded collie, the Afghan hound, the Komondor, the Pekingese and Maltese terriers are undocked, which highlights the fallacy of the argument related to the hygiene requirements of long-haired breeds of dogs. Moreover, as I understand it, there is some veterinary evidence suggesting that tail docking may contribute to the development of urinary incontinence and soiling in bitches of large breeds of docked dogs, such as the Old English sheepdog, rottweilers and doberman pinschers. It must be remembered that dogs' tails have nerve endings in them. By docking dogs' tails, we do not know for sure what injury is caused to dogs and their nervous systems, particularly in relation to spinal movement. This bill is specifically aimed at protecting the interests of dogs, not the interests of breeders. That is the purpose of the bill and the reason it is being debated. It is therefore not surprising that there has been some opposition to the legislation.

Perhaps the best demonstration of the reasons this House is debating the bill is the defence that exists for veterinarians. The bill allows the tail docking procedure to be done when it is in the welfare interests of the dog. Veterinarians, through their professional training and experience, are best placed to determine the factors constituting the welfare interests of a dog on a case-by-case basis. During this debate the Deputy Leader of the Opposition, the Hon. Duncan Gay, referred to naturally occurring bobtail dogs. Some breeds are known to regularly or occasionally give birth to bobtail or short tail puppies. This is a genetic characteristic that has been selected by inbreeding in some lines or breeds of dogs. For example, there is a type of Australian cattle dog that is born with a bobtail. Pembroke corgis and Australian shepherds may also be born with bobtails.

Some owners and breeders have expressed concern that they may mistakenly become the subject of actions to enforce the ban on tail docking when their dogs have naturally occurring bobtails. However, it will be a simple matter to respond to any such unfounded allegations. People who have a history of breeding dogs with naturally occurring bobtails would also have a history of seeking veterinary assistance in the breeding of their dogs: Most responsible breeders do. They would therefore be able to provide evidence from their veterinarian about the composition of the litter. If the litter comprises six puppies, perhaps three will be born with bobtails and three without. I am sure that responsible breeders and owners will have no problem in providing ample evidence to prevent any mistaken enforcement of action being commenced, especially in breeds where the bobtail or short tail occurrence is common.

Another issue was raised by both the Deputy Leader of the Opposition, the Hon. Duncan Gay, and Reverend the Hon. Dr Gordon Moyes relating to dogs' tails being legally docked in Western Australia. I had not heard about large-scale transfer of puppies from New South Wales to Western Australia to have their tails docked and then bringing them back to New South Wales. Presumably that would make the cost of such breeds prohibitive. Is it suggested that breeders put the dogs into the back of a car, drive them over to Western Australia, have their tails docked by veterinarians, and then bring them back again?

Mr Ian Cohen: A helicopter?

The Hon. AMANDA FAZIO: The cost of flying dogs is quite considerable, irrespective of whether they are transported on a commercial freight flight or a passenger flight. The transportation of dogs from one State to another would make their cost so prohibitive that people would be unlikely to undertake that practice.

The Hon. Duncan Gay: I did not say that.

The Hon. AMANDA FAZIO: I know that. The Deputy Leader of the Opposition said that tail docking is legal in Western Australia. Reverend the Hon. Dr Gordon Moyes stated that he had been advised that it is likely that there would be a trade in dogs.

The Hon. Duncan Gay: People move to Western Australia and sell dogs back here.

The Hon. AMANDA FAZIO: Typically in a federation we are unable to control what happens in other States, and if breeders want to move to Western Australia we can only do our best to ensure that the practice does not occur. However, the simple fact is that dogs born in New South Wales and kept in New South Wales should not have their tails docked. The other issues I wish to mention have been raised with me in emails I have received in connection with this subject matter. I must say that I expected to receive an absolute deluge of email messages and correspondence on this issue because I know that many people are involved in dog breeding and are very concerned about the issue.

People who are concerned about animal husbandry issues also are concerned that this legislation will be the thin end of the wedge to enable animal liberationists to place their stamp on government policy and determine the way in which animals are dealt with. I received some material supporting the legislation and the Government's proposals. I received approximately half a dozen letters from people, including representatives from top breeding associations, and I received perhaps a dozen emails from others. The emails to which I have responded have resulted in people writing back to me with more information and there has been ongoing correspondence. The main issue raised by people in emails I have received on this bill is simply that they believe this will be the beginning of some crazy animal liberation move. One email I received stated:

> The Animal Liberationists have 1 view, and that is that "all animals should roam free" they should not be farmed or kept at zoos regardless of them being endangered species, the majority of these people are Vegan, and those that have pets force them to eat as they do from a Vegan perspective. I have many quotes and links to these organizations. They want to ban shearing and mulesing, dairy cows, battery hens and the like without even thinking of the repercussions it will have on our economic circle, a taildocking ban they have stated will open the door for more bans and wider animal husbandry practices, which in turn will affect general society, [some] people are not looking at the big picture.

I assure the House that the New South Wales Carr Labor Government is a responsive Government. Country Labor is a very responsive organisation within the Australian Labor Party. The view has been expressed that animal liberationists will somehow see this legislation as a win which will lead to their changing the way everybody in New South Wales, Australia and ultimately the whole world will manage their farms, manage their animals, harvest their animals and put them into the food chain for human consumption and that the next thing that will happen is there will be a proposal for this legislation to be the beginning of a ban on people wearing leather shoes.

I know that some people are probably right to take a very sceptical view about the rational behaviour of a lot of animal liberationists, particularly taking into account what has happened in England, where animal liberationists have gone to absolute extremes, but this legislation is the Prevention of Cruelty to Animals Amendment (Tail Docking) Bill. The bill is designed to stop the cosmetic docking of dogs' tails. Its purpose is to stop dogs from being docked and owners from claiming that the dog conforms to a standard that was devised by judges in a breeding group in the United States or England, not Australia, which has led to specific traits becoming mandatory for particular breeds.

Honourable members should not be distracted by the suggestion that this legislation represents the thin end of the wedge, that the end of the world is nigh, or that Chicken Little is saying "The sky is falling!" That is

simply not the case. This bill is all about stopping cruelty to dogs. If a dog has a broken or injured tail, the legislation will provide an opportunity for a veterinarian to treat the dog, including the removal of the tail if the tail will not heal and its removal becomes necessary.

We are debating the Prevention of Cruelty to Animals Amendment (Tail Docking) Bill, and people who are concerned about its provisions should realise that it prevents the cosmetic docking of dogs' tails. All dog owners, people who like to have a companion animal, and people who have regard for the pain and suffering of animals, should support the bill. They should not be sucked in by the argument that this is the beginning of the end of farming as we know it. I commend the bill to the House.

Mr IAN COHEN [6.21 p.m.]: Discussion on this bill has been interesting so far. The Greens are pleased to support the Prevention of Cruelty to Animals Amendment (Tail Docking) Bill, which aims to control and regulate the horrible act of tail docking—I tend to call it amputation. The practice proliferated when people realised that money could be made with breed and purebred dogs. The bill brings New South Wales into line with other States that have banned the archaic practice. I take the point raised by the Deputy Leader of the Opposition that there are differences in the laws of each State, and I will touch on them later. Current practices are dictated purely by the interests and the vanities of dog owners and not the interests of dogs. The bill will bring some sanity to the practice, allowing veterinary surgeons to conduct tail docking only where there is sufficient evidence that the operation is necessary for the dog's health.

Western Australia has allowed the insertion into its legislation of a prophylactic condition to justify tail docking. At crossbench briefings we heard many submissions by groups on both sides of the argument. It was said by a group at odds with the RSPCA and other peak organisations that because of that provision in the law in Western Australia puppies will be transferred there to have their tails docked. Earlier in the debate it was said that Western Australia allows tail docking for prophylactic means as well as for the health of the animal. It was argued that certain specialist breeds, such as terriers that are used for ratting, justify the prophylactic removal of the tail. The argument against that is that many breeds of dog, especially the fox with its magnificent tail, do very well down rat holes. The threat that dogs will be transported to Western Australia for the purpose of tail docking is really an idle threat; I do not believe that will happen.

Another point of great interest to me is that dogs are subject to fashion, and fashions do change. Various dogs become fashionable for a period—a rather superficial approach when one considers that dog owners bear a responsibility for about 15 years. Many of the so-called fashion accessories end up being left in dog homes when they are no longer in fashion. They are left without adequate care and often they are euthanased as the focus on different breeds changes. At the same time we see inbreeding and line breeding, which leads to problems. As the Hon. Amanda Fazio said, Pekingese dogs have heart attacks because of inbreeding. Some breeds have a high intelligence quotient within the canine population.

[*Interruption.*]

No, I am not referring to a particular Pekingese, I am referring to dogs that are bred for purposes other than their intelligence. There is considerable breeding for the sake of fashion, and it is my hope that over time the impact of the bill will result in a fashion away from tail docking. Hopefully, in a short time from now, a dog with a healthy tail will be judged as being the best of its breed. Such a change in thinking will completely negate the threat by certain breeders that they will transport their dogs to Western Australia to have their tails docked. There is no justification for the continued practice of the routine or cosmetic tail docking of puppies. The pure breed and breed associations that have written to my office have argued that tail docking does not harm the dog in the long term, has health benefits for the dog, and stems from a long tradition of dog care and breeding.

I reject those arguments. The tail docking of dogs is based on the continuing assumption that humans have the right to manipulate animals to serve their own purpose. That is a cruel assumption. Puppies have their tails docked when they are around two to five days old by a pair of scissors or a very tight rubber band. Currently in New South Wales tail docking does not have to be carried out by a veterinary surgeon; anyone classed as an experienced breeder can cut off a puppy's tail. Usually anaesthetic is not used, despite the fact that highly sensitive nerves are cut. Many veterinarians oppose the procedure on the ground that it is cruel, painful and unnecessary. I am convinced by those arguments.

Advocates of the practice claim that tail docking does not cause pain or discomfort to a dog, as the nervous system of puppies is not fully developed at the time of docking. That is not the case. The RSPCA has advised me that the basic nervous system of a dog is fully developed at birth, and the available evidence

indicates that puppies have similar, if not increased, sensitivity to pain as that of adult dogs. Docking a puppy's tail involves cutting through muscles, tendons, up to seven pairs of highly sensitive nerves and severing bone and cartilage connections. Puppies give repeated intense shrieking vocalisations the moment the tail is cut off and during stitching of the wound, indicating that they experience substantial pain. Inflammation and damage to the tissues also cause ongoing pain while the wound heals. Only one breed of dog has a naturally short tail, and that is the stumpy tailed cattle dog. All the other dogs that we are used to seeing with short tails are victims of outdated traditions kept alive at the fancy of breeders.

Tail docking has continued because, despite convincing arguments against it, breeders of traditionally docked breeds have kept the tradition going through adherence to the breed's standards. Although docking is not a written requirement for any breed in Australia, show judges, breeders, kennel councils and breed organisations continue to perpetuate that painful practice. I am very thankful that this bill will bring a stop to the cruel practice. I have heard the argument advanced that in certain cases tail docking avoids an animal's propensity to have back problems. If that is the case with a particular breed, breeders should start looking in other directions. If those faults are bred into dogs, it is about time the breeders started breeding for the health of animals, not fashion. In that way the relationship between a human and a dog can be successful without any mutilation. The Greens support the bill.

[*The Deputy-President (The Hon. Kayee Griffin) left the chair at 6.28 p.m. The House resumed at 8.15 p.m.*]

The Hon. JON JENKINS [8.15 p.m.]: This tail docking issue has been fairly well covered by most members who have contributed to the debate on this bill. However, I would like to add some of my thoughts. I found extraordinarily curious the threat by breeders to transfer their dogs to Western Australia to have them docked and then to bring them back to New South Wales—as though that would somehow convince us not to pass this legislation. I cannot see any reason that that would change any decision to pass legislation in this House. One of the matters raised in debate that had some validity to it was the assertion that people who have a dog with a docked tail, for whatever reason—it might be a medical reason, the dog's tail might have been damaged, or the dog's tail might have been docked in another State—would be assumed guilty of breaching New South Wales law, and that is somewhat concerning. A relatively simple mechanism to overcome that problem would be for the owner to produce a certificate from a veterinary surgeon to verify that the dog had had its tail docked for legitimate reasons. Another argument proffered by Opposition members concerned sheep and a surgical procedure done to the tails of sheep. However, this legislation is not about sheep. In any case there are legitimate reasons why sheep require their tails to be removed.

The Hon. Ian Macdonald: It is for animal welfare reasons. There is a difference.

The Hon. JON JENKINS: It is for animal welfare reasons. That argument has no weight in the case of dogs. I do not necessarily think that the concern that has been expressed relates to the pain and suffering of an animal. We could equally well have legislated that tail docking be done under anaesthesia and by a qualified and registered veterinarian; that would have removed the element of pain and suffering. But for me that is not really the core issue. The issue is about surgical intervention in the appearance of an animal for cosmetic reasons, which I find quite difficult to comprehend. People might wish to have surgery performed if their dog was born with a malformed tail, or its tail was damaged. Surgery might be done for prophylactic reasons, or for the numerous other reasons that have been mentioned, and the bill provides for those cases. They are fairly well covered in this bill.

The Hon. Duncan Gay: It does not provide for prophylactic reasons, it provides for welfare reasons.

The Hon. JON JENKINS: It provides for welfare. One of the earlier arguments related to dogs with an anatomical problem. I support Mr Ian Cohen's strong suggestion that any anatomical problem should be bred out of a dog. If certain breed of dogs have a problem with their tails, or the dogs have some other problem, breeders should breed that trait out of them or not breed the animal at all. They should stop the genetic problem at that point. Some honourable members referred to working dogs, which are more susceptible to tail damage. From my experience on the land—I have a lot of cattle and sheep working dogs—I cannot remember one of my dogs ever injuring its tail. My dogs run through thorns, thistles, fences, bush and scrub and in between cattle and sheep and I cannot ever remember even one dog damaging its tail. The Hon. Amanda Fazio said that there are dogs of all sizes, and she listed several breeds that have tails and other breeds that have no tails.

There was at least some reasonable evidence to suggest that working dogs do not suffer from problems to their tails. Reference was made earlier to bobtail dogs and to the Australian bobtail kelpie. This is a fairly

trivial matter. Owners can simply obtain a statement from their veterinarian to verify that their dog was born without a tail. As I said earlier, I do not think this issue is about pain; it is really about the concept of surgically altering an animal for cosmetic reasons. The practice was probably traditional in the tail-tax days of medieval times, but there is no real cause for it today. My dog, which is a mutt, has a tail. Dogs communicate with each other by wagging their tails; they put their tails between their legs when they are in a timid state. However, the two boxer dogs that live near me cannot communicate with each other in that fashion. I support this legislation and commend it to the House.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.21 p.m.]: The Australian Democrats have a record that is second to none on animal rights. I am pleased to support this legislation. I am also pleased with the information that has been provided to me by the Australian Veterinary Association. As a medical professional I take note of what veterinary associations have to say.

The Hon. Ian Macdonald: What about the information that we gave you? That was pretty good too, wasn't it?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I think I got something from the Minister. I quote from the material that was provided to me by the Australian Veterinary Association and by the RSPCA, which states:

> A ban on tail docking has wide animal welfare community support from the AVA, the RSPCA, the New South Wales Animal Welfare League, the Animal Societies Federation, the Animal Welfare Advisory Council and the Australian Labor Party.

For once the Australian Labor Party has done something right. I am sure that the Minister will be pleased to hear me say so.

The Hon. Dr Peter Wong: He is wagging his tail.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I acknowledge the interjection of the Hon. Dr Peter Wong. The Australian Veterinary Association also states:

> The docking of dogs' tails other than for therapeutic reasons is not scientifically defensible. Removing a dog's tail for preventive reasons when it is perfectly healthy and useful to the dog is clearly not in the animal's best interests. Inflicting a forced, painful and unnecessary injury to prevent an accidental one is contrary to the animal's welfare and interests.
>
> It is a view of the informed and educated that the act is inhumane, unwarranted and self-serving. No clear benefit has been shown to accrue from tail docking that can outweigh the potential harm that might be caused to the dog involved.

That statement is unequivocal. It is absurd to amputate a body part on the basis that it might be injured if it is not amputated. We must also consider the possibility that if the body part is not amputated it might not get injured. Taking the most elementary view of anatomy, a dog's head is at the front of the body and is the part of the body that would likely suffer injury first; its body is next, and it is larger than the head so it has a greater chance than the tail of being injured; then there are the feet, which are on the ground and could also be injured; and then there is the tail, which is the smallest part of the body and is at the rear of the animal and is by any commonsense measure the least likely part of the dog to be damaged. The idea that someone should whip off a dog's tail because it is likely to be injured goes against any commonsense analysis of the situation. While I am a great supporter of scientific expertise, I think commonsense is a good principle to apply to the problems that we consider in this place. The Australian Veterinary Association [AVA] continues:

> Most vets believe that tail docking causes significant to severe pain. Though currently legal for vets to perform tail docking for prophylactic reasons, very few vets in NSW are prepared to perform it. 76% of vets believe that tail docking is significantly to severely painful.

We must wonder about the remaining 24 per cent of vets. Virtually from birth, animals move towards heat and away from cold. They are sensitive to degrees of stimuli that are far less drastic than tail docking. One can have fancy arguments about whether the degree of myelin on the nerve sheaths is greater or lesser histologically when sectioned and viewed under a microscope, but that is virtually irrelevant. It beggars belief to claim that an animal does not feel pain when it is born, and perhaps even in utero. It also defies belief to argue that because an animal is young it does not feel pain. Those who believe circumcision in neonates is painless have not performed too many circumcisions. I have not seen a neonate yet who thinks it is a good idea.

Neither the Australian Veterinary Association nor the RSPCA supports the banning or elimination of purebred dogs, as has been suggested erroneously. Both organisations are keen to put that point on the record.

Dogs' tails can still be docked in the case of injury. That is fairly obvious. But such injuries constitute only 0.4 per cent of injuries to dogs treated by vets. Such injuries are usually caused when a person shuts a car door enthusiastically on a dog's tail. That is an injury related not to a dog's natural behaviour but to human activity. Injuries to dogs' tails are not a huge problem. Even though one or two such cases have been found and the injuries photographed—I have been directed to a number of web sites devoted to this issue—I find such argument most unpersuasive. The Australian Veterinarian Association goes on to say that the Australian National Kennel Council does not enforce tail docking. The code states:

> … docking should only be carried out in respect of those breeds with a known history or propensity to injury and/or damage to their tails in the course of their normal activities for therapeutic and/or prophylactic purposes … and for sanitary purposes.

"Prophylactic" has to do with prevention. It is absolutely absurd to amputate a dog's tail in case it needs to be amputated later. I think the idea of docking a tail for prophylactic purposes is a nonsense.

The Hon. Jon Jenkins: Congenital deformities.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I do not have any statistics on congenital deformities to dogs' tails but I imagine the incidence is low. The AVA and the RSPCA both see clear differences in docking dogs' tails and docking lambs' or piglets' tails. There are no demonstrated benefits of tail docking in dogs but tail docking in lambs prevents fly strike. Lambs can get very fly blown.

The Hon. Rick Colless: You'd know a lot about that.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I have docked a large number of lambs' tails, thank you very much. My brother-in-law is a sheep farmer in Balclutha in New Zealand and I help him dock many lambs' tails whenever I visit.

The Hon. Rick Colless: Is it a surgical procedure?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That description is perhaps a little pretentious.

The Hon. Melinda Pavey: Do you hurt the sheep?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes, it hurts the sheep. There is no doubt about that.

The Hon. Rick Colless: So it is a non-surgical procedure.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It is an apparatus like a diathermic guillotine that burns as it cuts. The sheep do not like it very much—let us have no illusions about that.

The Hon. Ian Macdonald: But it is important to their survival so you are prepared to do it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I do it to help my brother-in-law. I do not find it at all tasteful. Norway has banned the docking of dogs' tails since 1987. Part of Austria, Denmark, Estonia, Finland, Germany, Iceland, Israel, the Netherlands, Norway, Switzerland and Sweden have also banned tail docking.

The Hon. Duncan Gay: But Sweden revisited its decision.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I have received many emails about the situation in Sweden. The banning of tail docking will not financially cripple the purebred dog industry. I have many statistics about the exporting of dogs but I do not propose to enlighten the House in that regard. Dogs with tails may be exported to countries that have no legislation banning the docking of dogs' tails. Such animals have been successfully exported by dog breeders in Australia.

Presumably, if a breed is redefined, a period of changeover may cause some difficulty but at the end of the process the qualities that are sought will define what a breed is supposed to be. If the definition of a dog is that it has a tail, that fact will filter through to show judges and breeders will not be disadvantaged. In keeping with the policy of the Australian Democrats for a national ban on cosmetic tail docking, which was urged at the Primary Industry Ministerial Council meeting, I support this legislation, as did my Leader in Canberra, Senator Andrew Bartlett. The Democrats take a strong stand against tail docking, and I support that stand.

The Hon. Dr PETER WONG [8.31 p.m.]: I must inform the House that this legislation put me on a sharp learning curve for me because I did not know what tail docking was all about.

Reverend the Hon. Fred Nile: And you are a doctor!

The Hon. Dr PETER WONG: I know. I am not a veterinary surgeon. I have done circumcision.

The Hon. Rick Colless: Is it a surgical procedure?

The Hon. Dr PETER WONG: Yes. I share the view of professor the Hon. Jon Jenkins that the question is not about pain, tradition or cosmetic appearance, but it is about whether it is good for the welfare of the dog. However, if docking causes pain and there are also ill-effects then we have to consider why we should not support this legislation. From my research I understand all dogs have 27 bones. However, the number of tailbones, and therefore the length of the tail, varies from breed to breed. It is interesting that many honourable members received a letter from Professor Bob Hales, who is against the legislation. On the issue of physical pain referred to by many honourable members, Professor Hales stated:

> PHYSICAL PAIN. This claim is based on several studies of lambs; these studies (& a few similar, on calves & piglets) were properly scientifically conducted & published in peer reviewed …

However, he argued that for newborn pups only two to five days old, even if an anaesthetic is not employed, tail docking should not cause pain. Professor Hales accepted that there are other risks, such as bleeding and infection, as referred to by the Hon. Jon Jenkins. As a doctor I accept that in any surgical procedure it is common to have a 5 per cent to 10 per cent infection rate, so we ought not be concerned about that point if it is an issue in this case. The RSPCA campaign document states that tail docking is painful. The article states:

> Advocates of tail docking claim that it does not cause pain or discomfort, as the nervous system of puppies is not fully developed. This is not the case. The basic nervous system of a dog is fully developed at birth and the available evidence indicates that puppies have similar, if not increased, sensitivity to pain as adult dogs. Docking a puppy's tail involves cutting through muscles, tendons, up to seven pairs of highly sensitive nerves and severing bone and cartilage connections. Tail docking is usually carried out without any anaesthesia. Puppies give repeated intense shrieking vocalisations the moment the tail is cut off and during stitching of the wound, indicating that they experience substantial pain. Inflammation and damage to the tissues also cause ongoing pain while the wound heals.

I would imagine that most honourable members or their relatives have fractured a bone and know how painful it is. As the Hon. Dr Arthur Chesterfield-Evans said, even neonates experience pain. We cannot argue that if human beings experience pain then dogs do not, as we have a very similar anatomy and a virtually similar nervous system. It is not a question of whether there is pain; it is about the degree of pain that a dog suffers when its tail is docked. I do not want to waste any more time of honourable members except to say that there is no medical or veterinary scientific ground to support—

Reverend the Hon. Fred Nile: Cut off half the tail!

The Hon. Dr PETER WONG: Cutting off a part or the whole of the tail for cosmetic or any other reason is not for the welfare of the dog.

The Hon. RICK COLLESS [8.37 p.m.]: I want to raise three matters about this issue. First of all, I put on the record the concerns of some of the breed societies in relation to the tail docking issue. I say at the outset that my family and I are registered labrador breeders so we do have some working knowledge of the concerns of the breed societies in relation to tail docking.

Reverend the Hon. Fred Nile: You do not have a conflict of interest?

The Hon. RICK COLLESS: No, there is no conflict of interest, because labradors have never had docked tails. They are a long-tail breed, as required by the labrador society. My concerns and the concerns of the breed societies are that a breed specification of many breeds of dogs includes a docked tail. The logical way to have approached this issue, if we had wanted to remove the requirement that certain breeds have docked tails, would have been to have worked through the issues with the breed societies with a view to changing the specifications before suddenly slamming the breeders with this legislation.

As breeders attempt to sell their registered dogs with tails on, even though the breed society specification requires docked tails, they will find that their dogs are absolutely valueless and not able to be sold. That might be only for a short period of time, perhaps a couple of years, until the breed societies catch up. It

appears to me that it would have made a lot of sense to go to those breed societies first and say, "This is a welfare issue for dogs. We need to change the specifications in line with what is happening in the rest of the world. Why don't we work towards that?" That has not happened and the legislation is being dumped on the breeders. The bill will remove the need to tail dock dogs as a specification of particular breed societies. That issue should have been addressed before the legislation was brought into the Parliament.

There is one other matter I would like to put on the record, and that is the position taken by the Royal New South Wales Canine Council Working Party on Tail Docking. Tonight I received a fax from a Professor J. R. S. Hales, whose qualifications and CV are listed as: B.Sc.(Hons), M.Sc. (New Engl.), Ph.D.(Glasgow); retired biomedical Research Professor, Faculty of Medicine, University of New South Wales; Visiting Professor, Faculty of Veterinary Science, Sydney University; and Chief Research Scientist, CSIRO. So this is a person with eminent qualifications. Professor Hales sent me a fax explaining that he had:

> … become involved in the controversy because of the blatant misrepresentations of the matter and of scientific materials by the AVA/RSPCA: Eg., it is *not* done for cosmetics, it is *not* a bloody mess, pups do *not* "howl & scream & yelp", data demonstrating pain in lambs are *irrelevant*, lack of myelination *does* render the nerves functionally useless, pain sensation or threshold in dogs is *not* known to be the same as in humans.
>
> The *principal purpose* of docking puppies' tails is to avoid painful injury later in life. When essentially all breeds were first being developed 100's of years ago, humans had particular purposes in mind, eg., vermin control. As they were being bred & selected for appropriate temperament & sound physical & physiological characteristics, some breeds were found to 'have problems' with their tails while carrying out the normal duties for which they were being developed, eg., rats taking hold; tails were therefore docked. Since that time, breeders have continued to select for the characteristics needed for their particular purposes, *but the tail was not in the equation*. Consequently, when the tails are left on these particular breeds in the modern world, it is highly susceptible to injury.
>
> The <0.4% of injuries quoted by the AVA/RSPCA is ridiculous. Of course very few injuries are seen, because the tails of breeds which are highly vulnerable have been docked.
>
> At the age puppies are docked, viz., 2 – 5 days, they are incapable of feeling pain—as evidenced by electrophysiological measurements in rats at University College London, & my own current finding that the midside itch/scratch reflex in puppies is absent until about 8 days' age & not adult-like until 2 – 4 weeks.
>
> We suggest that Amendments be deferred until acceptable wording is agreed, eg., " … may be performed only by Veterinarians or properly trained, accredited persons …" OR "… only by Veterinarians for therapeutic or prophylactic (preventative) purposes" (to fall in line with WA & NT).

Professor Hales goes on to say that the wording:

> As proposed by the Govt., " … in the interests of the dog's welfare." is
>
> - so broad as to be unworkable.
> - unenforceable due to inter-state differences.
>
> +
>
> It is noteworthy that—
>
> - the UK, a country often regarded as leading the way in animal welfare matters, is considering deregulating aspects of the Veterinary business such as minor operations including tail docking, so that they may be performed by properly qualified, non-veterinary people.
> - Sweden has already reversed the ban on docking some breeds because of injuries.

I wanted to put on the record that that is the message coming from the Royal New South Wales Canine Council Working Party on Tail Docking. The third issue I want to raise tonight relates to agricultural animals. A number of members raised this issue in the debate. The bill does not cover agriculture, but I am concerned that it might be regarded as doing so. If this were to be used as an opportunity for animal welfare people to drive a wedge and start a process to implement changes in the management of agricultural animals, we need to be aware of that fact so that we can put an immediate stop to any such process before it gets up a head of steam.

Though I note that it is not the intention of the bill to cover agricultural practices, we need to consider some possible impacts should that process occur. Of course, docking of the tails of all lambs is a day-to-day management practice of all sheep producers in Australia. Mulesing of female lambs is done for health purposes—to stop fly strike and so on. Castrating of male lambs and male calves and other agricultural animals is a normal, day-to-day practice undertaken by all farmers on a routine basis. Ear tagging and ear marking lambs and calves is a routine agricultural practice that occurs daily on farms in New South Wales. Fire branding of calves takes place on every cattle farm in New South Wales.

My concern is that animal welfare people might say that those procedures are also painful for animals and should be banned. We all know they involve some pain, but I carry them out on a regular basis on my farm. All farmers take care when doing these things, but they must be done for the purposes of welfare of the animals and good stock management. If I were required to get veterinarians in to do those operations on our agricultural animals, it would cost me probably $50 or $60 for every calf that needed to be branded, ear tagged or castrated—a cost that the agricultural industry simply cannot afford. It would be absolutely ludicrous to consider that, at some stage down the track, agricultural animals should be subject to the sorts of provisions contained in this bill to address concerns similar to those that have been expressed tonight about the tail docking issue.

Reverend the Hon. Fred Nile: Would the RSPCA go down that track?

The Hon. RICK COLLESS: The RSPCA has already indicated that it is concerned about some agricultural practices. Certainly, animal welfare groups have attempted to impose their wills on agriculture. That is why it is important to put this matter on the record tonight, to make sure that the bill is not regarded as a step up the ladder for those people who would seek to advance their personal agendas in relation to the management of agricultural animals. With those few words, I have to say that we will not be supporting the bill. However, I am pleased that I have been able to make my contribution to the debate tonight.

The Hon. IAN MACDONALD (Minister for Agriculture and Fisheries) [8.47 p.m.], in reply: I thank all honourable members for their contributions to this important debate. In his speech the Deputy Leader of the Opposition suggested that veterinarians may not be the best persons to perform the tail docking procedure. He said, in part, that lay practitioners who perform tail docking more regularly might actually be better at this surgical procedure. Whilst we understand the point that the honourable member makes, we believe the issue is not simply a matter of determining who is best at performing the procedure, but also who is best placed to consider the whole of the dog's welfare interests. In both cases, but particularly when it comes to the dog's welfare interests, we believe that veterinarians are the best people for the job.

The Deputy Leader of the Opposition also sought a commitment to review the implementation of this ban. I thank the honourable member for his suggestion and for his contribution in this respect. I make it clear that I agree to this sensible proposal, and I will instruct NSW Agriculture to conduct an annual review to consider any supportable and convincing evidence brought forward of a systemic adverse animal welfare outcome in a group or breed of dogs. So we will have that annual review in relation to the ban.

Reverend the Hon. Fred Nile: Who will conduct the review?

The Hon. IAN MACDONALD: It would be the department. The Deputy Leader of the Opposition raised the possibility of breeders taking dogs to Western Australia for the docking procedure. Mr Ian Cohen pointed out that in fact this was unlikely. It should also be pointed out that tail docking is not legal in Western Australia. It is restricted to veterinarians only for therapeutic or prophylactic purposes. The legislation has been in place in Western Australia for some months, and to date there is no evidence that tail docking is taking place carte blanche: the legislation prevents it. I point out that at the 2002 Primary Industries Ministerial Council [PIMC] all the States and the Commonwealth agreed to implement a ban on tail docking. This legislation, following extensive consultation, is the result of that agreement.

The Hon. Duncan Gay: But it ain't the same.

The Hon. IAN MACDONALD: No, each State has slight variations. But an annual review will answer some of the questions raised by the Deputy Leader of the Opposition. Comments have been made tonight about the differences between the legislation in the various States and Territories and the potential for confusion. The aim of the bill is to capture the spirit of the decision made by the Primary Industries Ministerial Council as closely as possible, and stay in step with legislation introduced in other jurisdictions. Given that each jurisdiction must introduce its own legislation, naturally some issues will arise about uniformity. However, the bill captures the spirit of the resolution of the PIMC to ban the tail docking of dogs.

The bill gives effect to a national ban. Legislation to restrict tail docking of dogs has been introduced in Queensland, Western Australia, South Australia, the Australian Capital Territory and the Northern Territory in accordance with the resolution of the PIMC. Victoria's regulation is ready for gazettal before 1 April, which was the agreed deadline. Tasmania has moved to introduce legislation similar to that introduced in South Australia. It has been suggested that the wording of the proposed defence "in the interests of the dog's welfare" is too broad and open to interpretation. This is not an issue. First, tail docking will be restricted to veterinarians only.

The veterinary profession is highly professional, and veterinarians can reasonably be expected to act appropriately and to comply with standards set by the profession.

The Hon. Duncan Gay: It is the veterinarians who have said it is too broad.

The Hon. IAN MACDONALD: I have heard what they have said, but I am explaining that it is not quite the case. Second, a veterinarian will need to be able to demonstrate to his or her peers that the decision to dock a dog's tail was taken in the interests of the dog's welfare. In Western Australia and Queensland, where similar legislation has been in place for a number of months, there do not appear to be any problems about interpretation. The Deputy Leader of the Opposition raised concern that the ban would place an unreasonable burden of proof upon the person who is prosecuted for breach of the ban, for example in the case of naturally occurring bobtail dogs. For the reasons stated by the Hon. Amanda Fazio, they should not present any enforcement difficulties.

Section 12 of the Act imposes strict liability upon the person charged with docking the dog's tail. This has always been the case. The amendment to section 12 does not change that position. However, it provides a defence to registered veterinary surgeons who performed the procedure on the dog, having first assessed that it is in the interests of the welfare of that dog. The defence is clear as to whom it applies. It is also clear as to what assessment veterinary surgeons must make when confronted by a dog owner who requests the removal of the dog's tail. No unreasonable burden is placed on the veterinary surgeon. Veterinary surgeons are called on daily to make similar judgments in a range of areas.

Although the Deputy Leader of the Opposition speculated that the passage of the bill would have a flow-on effect to the tail docking of other domestic animals, I can assure the House that that is not the case. I refer also to comments made by other members in this House. In response to the point raised by the Hon. Rick Colless, there is no intention of interfering with necessary husbandry procedures performed by the farming community. The reasons for tail docking of other animals differ from species to species.

The Hon. Duncan Gay: Did you say that the liability is with the person who does the docking rather than the person who has the animal? Is that what you were saying was the defence for people who had animals with bobtails?

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition referred to bobtails and potential problems of proof as to whether the dogs were born that way or had their tails docked. Some breeds are known to regularly or occasionally give birth to bobtail puppies. This is a genetic abnormality that has been selected for by inbreeding in some lines or breeds of dogs. For example, one type of Australian cattle dog is born with a bobtail. Pembroke corgis and Australian shepherds may also be born with bobtails. If owners or breeders are concerned about prosecution it should be a simple matter to avoid such problems. Keeping notes about the birth by taking photographs of newborn pups and showing the animals to reliable witnesses soon after birth should provide enough evidence to prevent any mistake in enforcement action being proceeded with, especially in breeds where the occurrence is uncommon. Radiographic evidence may also be helpful in determining whether a dog was born with a short tail. It is a question of what the courts will deal with.

The Hon. Duncan Gay: That is the same stuff that Amanda gave us. It is not a proper answer, Minister.

The Hon. IAN MACDONALD: I think it is very much a proper answer. One cannot be certain in any circumstances whether it is a genetic abnormality or whether it is bred in the dog.

The Hon. Duncan Gay: And that is the concern that they have.

The Hon. IAN MACDONALD: But surely the breeders would be able to keep some evidence of it. What is wrong with that? There is no difficulty with that. The reasons for tail docking of other animals differ from species to species, but these are not related to cosmetic reasons as they are with some dogs. For example, tail docking of sheep is carried out to reduce the risk of fly strike. Anyone who has seen a fly-blown sheep would be aware that it is a major animal welfare problem that may lead to the death of sheep. Tail docking of sheep is recognised as a preventative measure, which is in the interests of the sheep's welfare. It is not carried out to produce a desired appearance. The bill is concerned with the tail docking of dogs and has no flow-on effect to livestock.

Cosmetic tail docking of dogs is no longer an acceptable practice. This is confirmed by the support received for this bill from the Australian Veterinary Association and other animal welfare groups, together with the resolution of the Primary Industries Ministerial Council to introduce a nationally co-ordinated prohibition on tail docking of dogs by 1 April 2004. The bill will remove a defence against prosecution that currently applies to veterinarians who conduct tail docking for reasons other than the welfare and interests of a particular dog. The bill, therefore, prohibits routine or cosmetic tail docking of puppies, but makes available the defence to tail docking where the procedure is performed by veterinary surgeons in the interests of the dog's welfare. There cannot be a reasonable justification for continuing the painful practice of cosmetic tail docking of puppies within New South Wales. I commend the bill to the House.

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

The House divided.

Ayes, 23

Mr Burke	Ms Hale	Ms Robertson
Ms Burnswoods	Mr Hatzistergos	Ms Tebbutt
Mr Catanzariti	Mr Jenkins	Mr Tingle
Dr Chesterfield-Evans	Mr Kelly	Mr Tsang
Mr Cohen	Mr Macdonald	Dr Wong
Mr Costa	Reverend Dr Moyes	*Tellers,*
Mr Della Bosca	Reverend Nile	Mr Primrose
Mr Egan	Ms Rhiannon	Mr West

Noes, 11

Mr Clarke	Mr Gay	Mr Ryan
Ms Cusack	Mr Oldfield	*Tellers,*
Mrs Forsythe	Mrs Pavey	Mr Colless
Miss Gardiner	Mr Pearce	Mr Harwin

Pairs

Dr Burgmann	Mr Gallacher
Ms Griffin	Mr Lynn
Mr Obeid	Ms Parker

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CAMDEN DISTRICT HOSPITAL MATERNITY UNIT AND LIVERPOOL HOSPITAL EUTHANASIA ALLEGATIONS

Return to Order

The Clerk tabled, in accordance with the resolution of the House of Wednesday 10 March 2004, documents relating to the Camden and Liverpool hospitals received by the Clerk this day from the Director-General of the Premier's Department, together with an indexed list of documents, and a return identifying documents for which privilege is claimed and which are available for inspection by members of the Legislative Council only.

WESTMEAD CHILDREN'S HOSPITAL USE OF PUBLIC DONATIONS

Return to Order

The Clerk tabled, in accordance with the resolution of the House of Wednesday 10 March 2004, documents relating to the Westmead Children's hospitals received by the Clerk this day from the Director-General of the Premier's Department, together with an indexed list of documents.

STANDING COMMITTEE ON SOCIAL ISSUES

Government Response to Report

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)) [9.09 p.m.]: Under Standing Order 233 (3), the Government's response to the report entitled "Realising Potential: Final Report of the Inquiry into Early Intervention for Children with Learning Difficulties", tabled in September 2003, is due. On behalf of the Leader of the Government, I advise the House that the Government's response will be tabled in the next sitting week.

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)) [9.10 p.m.]: I move:

That this House do now adjourn.

NEWCASTLE BICENTENARY

Ms LEE RHIANNON [9.10 p.m.]: As Newcastle's bicentenary approaches, the city's inhabitants are getting ready to celebrate their history. But this milestone is also a perfect opportunity to look to the future and to think about what kind of city Newcastle is becoming. Newcastle is growing and it is changing. It is still in touch with its heritage as an industrial city, but it has become much more than just a mining and manufacturing town. These days the real job creators are the retail industry and service sectors, such as health, education, tourism and property. The face of the city is also evolving. A changing economy means a changing urban landscape. At the same time, a rapidly growing population means development pressures are growing at both the centre and on the fringes. This is a great opportunity to rejuvenate and redefine Newcastle.

But not everyone's vision for the future of Newcastle is the same. Many of the city's inhabitants want development that respects tradition and heritage. They want development that is in accord with community values and needs. To achieve this, they need to ensure that the process of evolution and growth in Newcastle is not dictated by the interests of big developers. Already there are worrying signs. The battle to save the Newcastle rail line is an ominous portent of the tensions that exist between the community and the developers. The Lower Hunter Transport Working Group has ignored submissions representing hundreds of ordinary citizens and called for the line to be torn up.

The group has ignored also the compelling statistics that more than a third of Hunter rail traffic is on the Newcastle line; that passenger numbers have risen 10 per cent in the past five years; and, if one analyses the figures properly, rather than in the misleading way the working group did it, it can be seen that the service is profitable. The working group seems to have other priorities on its mind. The group, three of whose four members are on the Honeysuckle Development Corporation board, could not even wait until after the inquiry process to stamp Honeysuckle's name all over the rail corridor's future.

The group's first report recommended that Honeysuckle be given the right to develop the rail line area once the tracks were torn up. The third report contained blueprints for major commercial and residential development all the way along the route of this so-called transport corridor. That is but one example of how those charged with shaping Newcastle's future are seemingly lining up with developer interests over those of the locals. That is not an isolated incident. Community outrage over the Lee Wharf proposal is gathering steam. Will the New South Wales Government ignore concerns that the development is too high and will overshadow the street? Will the Government endorse a proposal that the development is not set back enough from the road and lacks adequate car parking?

Private commercial interests have also been placed ahead of the public good in the proposal to reinvent the Newcastle Mater Misericordiae Hospital as a public-private partnership. When 40,000 public hospital staff walked off the job over that issue, alarm bells should have sounded at the highest levels of the Carr Government. Why have governments been so unresponsive to the voice of the community? Why, to use the classic phrase, are profits apparently coming before people? The answer lies in political donations. Both the Labor and Liberal parties have reaped millions of dollars from corporate donations in the past few years, and developers have been particularly generous. In the five years to June 2003, the New South Wales Labor Party received almost $5 million in donations from developers.

The New South Wales Liberals, who were in Opposition for that whole period, still managed to collect almost $3.7 million. That flow of money was a blight on the democratic process. Even if donations do not buy access to Ministers and influence over politicians, that is still the public perception. The same insidious influence can also work at a local level, particularly with a council election looming. The New South Wales Greens is the only party that does not take donations from companies, especially developers. Our role is to represent the interests of the community, not donors and other corporate interests. Until those governing Newcastle at both council and State level can say the same, the future of this great city may not rest in the hands of the people who live here; and the next 200 years may not be as much of a cause for celebration.

UNBORN VICTIMS OF VIOLENCE

The Hon. DAVID CLARKE [9.15 p.m.]: Tonight I highlight and draw attention to the many deaths of unborn children that continue to occur in our State through acts of violence. I am not talking about the endless mass killing of unborn children caused by abortion—although it needs to be said again that the culture of abortion constitutes a monstrous evil which should be repulsive to every person with any sense of humanity and decency, and to the perpetration of which the law should no longer turn a blind eye. I am talking about a different category of death of unborn children. I am referring to the many cases where an unborn child dies or suffers injury as a result of an act that, had it occurred after the child had been born, would have seen the perpetrator of the act criminally charged with murder, manslaughter or assault occasioning grievous bodily harm. For too long this category of injury or death to unborn children has been crying out for the imposition of criminal sanctions.

For example, about two years ago there was the well-publicised case involving the death of an unborn child arising from an incident of road rage, and the perpetrator could not be convicted of manslaughter because no crime is deemed to be committed against an unborn child. In that case justice had to be satisfied with the perpetrator's conviction for a far lesser offence against the mother of the unborn child. In another shocking case reported in the *Australian* of 10 October 2003 a New South Wales District Court judge found that the kicking and stomping on the stomach of a 24-week pregnant woman causing the death of her unborn child could not result in the perpetrator's conviction for manslaughter. As the judge noted, "at common law a foetus cannot be a victim of a crime of violence".

As a result of the public outrage arising from a build-up of cases of this nature, in September 2002 the Attorney General finally announced a review, to be conducted by former Supreme Court Justice Mervyn Finlay, QC, to look at creating separate criminal offences for acts which result in the death of an unborn child. It was a review that was long overdue. As a result of Justice Finlay's recommendations, on 25 June 2003 the Attorney General announced that the Government would introduce new offences for the killing of an unborn child. Now, nine months later, where is the promised legislation? It is nowhere to be seen. Why is there such a long delay on a matter of life and death?

How many deaths of unborn children could have been averted had the promised legislation been in place? Why has the Government not given the same urgent priority to this legislation as it gave to rushing through a bill to lower the age for consenting males? Why is it that the reduction in the age for consenting males, which was not even raised as a State election issue, was fast tracked into law within days of Parliament's resumption after the election? Yet legislation promised nine months ago for the protection of the unborn child is not even on the horizon. Why did the Government fast-track legislation to mollycoddle the Kings Cross injecting room? I doubt it has saved any lives at all. Yet, proposals promised by the Government, which everyone agrees would save lives of unborn children, are still bouncing around goodness knows where.

In other parts of Australia and overseas this issue has been and is being pursued with the seriousness that it deserves. For example, the United States of America Senate is about to vote on the Unborn Victims of Violence Bill, which recognises an unborn child as a crime victim when he or she is injured or killed during the commission of a crime against the mother of the unborn child. The bill has already passed the United States House of Representatives and President Bush has announced his intention to sign it into law—probably a very different situation to what would have occurred had the White House been occupied by the likes of Bill Clinton.

People of goodwill are calling on the Government to honour its commitment to legislate along similar lines. They are looking to the Government to act on its promise as a matter of urgency, as a matter of priority and as a matter of humanity. They are looking to the Government to introduce this promised legislation before we have more tragedies involving the killing of unborn children. The longer this matter is delayed the greater is the loss of life of the unborn—the loss of life of the most vulnerable and unprotected in our society.

GRIFFITH PIONEER PARK MUSEUM

The Hon. TONY CATANZARITI [9.19 p.m.]: Recently I had the privilege to attend a local outdoor museum in Griffith, the Pioneer Park Museum. The Pioneer Park Museum is an open-air museum of 11 hectares and is located on reserve land on Scenic Hill in Griffith. It was established in 1971 by a committee of Griffith citizens who had become concerned that their former ways of life and achievements were to be forgotten by future generations. They began collecting material, machinery and farm equipment in the 1960s, and by 1971 they had worked with Griffith City Council to lease the land from the relevant State and Federal departments.

The museum continued to grow in material and popularity and by 1985 additional funds had been allocated for the employment of a curator, a position now fully funded by the local council. I acknowledge the current curator of the museum, Mrs Shirley Norris, a lady who does an excellent job; the manager of Pioneer Park, Mr Darrell Collins; and the immediate past president of Pioneer Park, Mr Les Spence, and his wife, Joan Spence. Joan has done immense work in the catering service at Pioneer Park. The Pioneer Park Museum seeks to portray the development that Griffith and its surrounding regions have undergone over the past half century.

The park focuses on the advent of the Murrumbidgee Irrigation Scheme as the major turning point in the development of this region and the work that has gone into it. The museum defines its aims as acquiring, conserving, restoring, researching and exhibiting objects that communicate the social, political and economic history of the region for the purposes of study, education, enjoyment and commemoration. The museum looks to the past for an understanding of the region's unique identity in the present. I believe that Pioneer Park is achieving its goal of educating future generations. Last year approximately 7,700 people attended the museum. A high proportion of those visitors were organised student visits. While most students come from the immediate local area, many schools outside Griffith bring students to Pioneer Park to learn.

Tonight I can attest to the fact that Griffith is also home to a large and active Italian community that has a strong sense of history. Pioneer Park sought to recognise its achievements by undertaking last year to establish a building incorporating displays to portray the Italian settlement of the region. Once operational, that new building will be known as the Italian Cultural Centre. The building has been funded almost entirely by local residents who formed the Italian Museum Committee. They have undertaken a number of fundraising initiatives to ensure that their heritage is remembered alongside the history that is already on display in the park. I eagerly look forward to the completion of that building in the coming months.

Obviously, with a museum of that size many staff would be needed to ensure its continued success. People in the Griffith area are generous. A flexible roster comprising 50 local volunteers ensures that Pioneer Park is well taken care of. Those local people do all the gardening that is required on the 11 hectares of the park. They also staff the concession stand, the information stands and the 50 display buildings that are scattered across the park. They work hard to maintain all the old farm equipment that comprises most of the exhibits in the park. Those volunteers are knowledgeable, helpful and always willing to listen. They perform their duties of their own goodwill and without supervision. I commend each of them for their generosity. I commend Griffith Pioneer Park Museum for its excellent local contributions and educational value. I hope everyone has a chance to visit that park one day.

COALITION FOR GUN CONTROL ADVERTISEMENT

The Hon. DAVID OLDFIELD [9.24 p.m.]: Tomorrow one of Australia's most insidious and deceitful organisations, the so-called Coalition for Gun Control, will launch its new advertisement. It should disturb every reasonable person that an organisation that professes public safety as its motivation will stoop to any low to frighten members of the public into believing that they are in great danger. A few years ago it enlisted the considerable talents of Andrew Denton to become involved with its shocking stunt that involved projecting a cross-hair gun sight onto unsuspecting city passers-by. The concept was that anyone could be shot down at any time in the middle of the street.

That concept was emphasised by promoting the idea that guns were everywhere. A statement was made that 500 handguns had been stolen in New South Wales in the previous 12 months. However, that was all unfounded, wrong and misleading—it was a lie. Innocent people are almost never shot down on the street. The handguns stolen in that period numbered just 83. The Coalition for Gun Control exaggerated by six times the true figures. The agenda for the National Coalition for Gun Control is to put in place laws to remove handguns—indeed, all guns—from law-abiding licensed shooters. But there is no justification for that, so it just makes up material to mislead people.

Rather than members of the public being in the sights of lunatics with guns, decent, innocent sporting enthusiasts are in the sights of lunatics from the National Coalition for Gun Control. The lead-up to the advertisement launch of the National Coalition for Gun Control makes it clear that the lies, the deceit, the illusions and the distortions are still all that organisation has to offer. It issued a paper cut-out of a Glock model 22 semiautomatic handgun to promote its forthcoming launch. The cut-out, which is the actual size of the handgun, carries on its reverse side the words "easy to conceal, isn't it?" Perhaps it is, but the gun that the organisation used is also illegal, so it would not matter whether it was able to be concealed; the fact is that no-one is allowed to have such a gun.

That is one of the problems with these nutters. They happily mislead people by stating that these guns are freely available and, as they specifically put it, "a licence for such a handgun is more easily obtained than a drivers licence". That is simply not true. In fact, the Minister debunked that rubbish today in question time. But the National Coalition for Gun Control has never considered truth as a barrier to its agenda. The promotional gun cut-out also has a swag of further dishonesty in the form of material presented as facts by the National Coalition for Gun Control, but they are not the facts. It claims that there are 300,000 deaths each year through small arms incidents.

To the uninformed that would seem to be the result of the misuse of handguns, except the figure takes into account every conceivable gun in existence, including all kinds of rifles, shotguns and machine guns. The 300,000 deaths include every poor unfortunate killed in every minor and major conflict across the planet in a 12-month period. That material is misleading in the extreme as there is no real relationship to handguns. The National Coalition for Gun Control also claimed that 80 per cent of those deaths involve women and children—an emotive assault on the basis of the killing of innocent people. However, the most recent world small arms survey that was conducted in Switzerland in 2003 specifically states that "it is well known that male deaths and injuries vastly outnumber those of females".

This most recent series of untruths and misinformation is presented as a background to the National Coalition for Gun Control calling for support to help stop guns falling into wrong hands, except none of what it presents is relevant to Australia. No handguns are manufactured in Australia. Our country is certainly not an exporter of military firearms. We are not responsible for guns falling into wrong hands. It is grossly untruthful for the National Coalition for Gun Control to portray that Australia could have some impact on the worldwide use of guns. Australians need to be informed of the truth.

Very few Australians are murdered with the use of firearms. Murderers strangle their victims, drown them, blow them up or burn them down. Some use guns, but many more use knives. In Australia, criminals are the problem. It is their guns that we need to collect. No amount of taking guns from law-abiding registered shooters will ever positively impact on crime—something that can be proven in many places around the world. Members of the National Coalition for Gun Control should be widely condemned as liars and appropriately dismissed as a nuisance.

INTERNATIONAL WOMEN'S DAY

The Hon. CATHERINE CUSACK [9.29 p.m.]: Monday last week was International Women's Day and last week was International Women's Week. It was not my intention to speak on this topic tonight as I have always regarded as a bipartisan event this celebration by women of all beliefs and from all generations in an expression of hope for the future. After reviewing the comments of the Hon. Jan Burnswoods and after some of the experiences that I had during the week I have no alternative but to place on the record a different perspective of events to that which was placed on the record last week.

The Hon. Jan Burnswoods referred to one of the key issues in International Women's Week as being the casualisation of the work force. She attacked the Howard Government in relation to that issue and referred to the difficulties that women are experiencing daily in obtaining employment. She referred also to a breakfast that she attended. The Hon. Patricia Forsythe and I also attended that breakfast, which was held to celebrate International Women's Day. The Hon. Jan Burnswoods lauded in an ideological way the achievements of four students who she said were a credit to public education.

In the interests of accuracy—and I understand that the Hon. Jan Burnswoods is a person who some would say is obsessed with accuracy—I point out that one of the four students, an indigenous student, was from St Catherines College at Waverley. That student, who was a magnificent credit to her school, made some inspirational remarks on the day. The Minister for Women, the Hon. Sandra Nori, also addressed people who

attended that breakfast. The theme of the breakfast was the South Pacific and what we could do to help them. A number of girl guides, their parents and families were present, in addition to the four students to whom I referred earlier, a choir and the parents and families of the members of that choir.

To everybody's horror, the Minister for Women made a graphic, political speech about the plight of Thai women who have been shanghaied into the sex trade in Australia. It sounded a sour note during the event, and it embarrassed the organisers and many of those in attendance—it was particularly awkward for the children present. The Minister delivered a political speech in an attempt to use the occasion to point score against the Federal Government—which is obviously the Carr Government's mantra these days.

I must respond to some of the comments by the Hon. Jan Burnswoods regarding the casualisation of the work force. Opposition members have become increasingly concerned about the plight of women in the New South Wales public sector. Figures provided in the public sector work force profile published by the Premier's Department revealed that in 2000 women in full-time positions in the New South Wales public service earned 89 per cent of male earnings for the same period. In 2001 the figure fell to 87.6 per cent and in 2002 it fell again to 87.3 per cent. We are witnessing the polarisation of salaries in the New South Wales public sector. It is immensely concerning that 85 per cent of those who earn less than $26,802 a year—I emphasise that I am talking about full-time equivalent positions in the New South Wales public sector—are women and only 23 per cent of people earning in excess of $104,985 a year are women. It is clear what is happening in the public service under this Government. That worrying trend will be very difficult to turn around. We are moving in the wrong direction and eroding the many achievements for women for which so many people fought for so long.

As for the casualisation of the work force, I point to the plight of our TAFE teachers. I raised that issue during budget estimates committee hearings and was advised by the Department for Women that it is not a matter for them. I also raised with the department the problem of child care for female bus drivers, but the department advised me that it does not consider that matter to be a problem for it either. I then asked about child care in the private sector, and the departmental officers replied, "Of course that is a matter for us."

The Hon. Carmel Tebbutt: That's a Federal Government responsibility.

The Hon. CATHERINE CUSACK: I acknowledge the Minister's interjection. The Department for Women is obsessed with the issue of child care in the private sector but not in the public sector—and public sector funding is definitely a New South Wales Government responsibility. International Women's Week ended sadly when a Labor member of Parliament in the other place groped one of his female colleagues—perhaps he was intoxicated by International Women's Week; I am not sure what prompted his actions. However, the entire week did the Labor Party no credit. Labor is shallow when it champions the causes of women and shifts blame onto the Howard Government. It is a great shame that International Women's Day—and indeed the entire week—was politicised in that manner. I hope we get better from the Government next year.

UNIVERSITY FUNDING

The Hon. HENRY TSANG [Parliamentary Secretary] [9.34 p.m.]: On 3 March I attended the University of Sydney's 2004 welcome to new students, which was held in the great hall of the university. The university's chancellor and vice-chancellor referred in their speeches to the global village that the contemporary university represents. I had a great opportunity to survey the student body, which I would describe as multicultural Australia condensed. I could not help but think back to 1964 when I received my matriculation certificate from the University of Sydney. My certificate states:

> I hereby certify that Henry Shiu-Lung Tsang has passed at the Matriculation Examination held in February, 1964, in the 6 subjects … and has thereby qualified to matriculate in all Faculties now existing in the University of Sydney.

That is not quite true because at that time Sydney university had only 82 places for Asian students, only two of which were in architecture, which is the subject I studied. A similar quota did not apply to any other overseas students. I am pleased to see that Sydney university has changed and that Australia as a whole is now a better and more inclusive society. In fact, our educational institutions are at the forefront of this change, with more overseas students studying at Australian universities now than at any other time in our history. That has come about through bipartisan support for a multicultural Australia. I congratulate both the Coalition and Labor on recognising that engagement with Asia was a good thing and inviting Asian students to study in Australian universities.

Some would argue that the Federal Government's de-funding of tertiary education is forcing universities to take on more fee-paying overseas students in order to meet their increasing financial needs. Such

students are prepared to pay considerably higher fees than local students. However, these students help Australians to understand the region better, and both overseas and local students benefit from attending a good tertiary institution. Some students told me that Australian students would suffer further as a result of the Federal Government's decision to allow universities to increase their Higher Education Contribution Scheme charges by up to 30 per cent. They are also concerned about the shutting down of student unions. The President of the Student Representative Council, Mr Felix Eldridge, in telling the student body about his concerns for the future, said:

> If you had finished one year later, and I am sure you all know people who will finish high school at the end of this year, 2004, a lot of you might not be here. Because from next year, this university will be allowed to increase the number of full-fee paying students admitted to 35%. More than a third of you could be paying tens, perhaps hundreds of thousands of dollars to be here, and the HSC you just spent 2 years focused on would mean very little. Because it isn't going to be marks that separate the next few years students at Sydney Uni—it will be money.

He then said:

> They call this Voluntary Student Unionism—or, when they're feeling really creative, Optional Membership of Student Organisations … Sometimes it seems like community is pretty much all that's left in higher education since this Federal Government started its dirty work. As we sit in overcrowded tutorials, with poor resources and overworked staff, we still have a student community. Now they want to take that away.

SOUTH COAST RAIL SERVICES

The Hon. DON HARWIN [9.38 p.m.]: On 26 February I sought an assurance from the Minister for Transport Services regarding the frequency of CityRail services to Gerringong, Bomaderry and Berry. The Minister replied:

> I am not aware of the concerns that have been expressed by the honourable member.

I then asked a supplementary question seeking an assurance on that issue, to which I received the response:

> I refer to my previous answer.

Yesterday I asked another question about those CityRail services and the Minister replied:

> I have already answered that question. I refer to my previous answer.

My concern is not with the Minister, who we know is a serial offender when it comes to giving contemptuous answers—and we will deal with that issue by way of substantive motion as outlined in private members' business item No. 87—but that we have received no assurances about the continuation of CityRail services and the frequency of those services. My concerns have been heightened because rail employees have been given a timetable that shows that services will be reduced from 12 to 5 on weekends. I want to know what the honourable member for Kiama is doing about this issue. Why is he not speaking up for his constituents? Why did he give them an assurance that rail service frequency would not be reduced when he has been proved wrong? Why has the honourable member not taken up this issue with the Minister and why are we not seeing some action?

[*Time for debate expired.*]

Motion agreed to.

The House adjourned at 9.40 p.m. until Thursday 18 March 2004 at 11.00 a.m.