

LEGISLATIVE COUNCIL

Thursday 5 June 2008

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

The President read the Prayers.

BUDGET 2008-2009

Production of Documents: Order

Motion by the Hon. Greg Pearce agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Treasurer or New South Wales Treasury in relation to the 2008-2009 Budget:

- (a) any documents, excepting any budget papers tabled in Parliament, provided to individual members of Parliament outlining regional electorate capital works summaries, by electorate;
- (b) any documents, excepting any budget papers tabled in Parliament, which refer to capital expenses by electorate, by agency, funded by appropriations from Parliament as well as funds from asset sales and other sources;
- (c) any other documents, excepting any budget papers tabled in Parliament, which refer to capital and recurrent expenses by electorate; and
- (d) any document which records or refers to the production of documents as a result of this order of the House.

JURY AMENDMENT BILL 2008

Message received from the Legislative Assembly returning the bill without amendment.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Roy Smith agreed to.

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 121 outside the Order of Precedence, relating to the Firearms Amendment Bill, be called on forthwith.

Order of Business

Motion by the Hon. Roy Smith agreed to:

That Private Members' Business item No. 121 outside the Order of Precedence be called on forthwith.

FIREARMS AMENDMENT BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Roy Smith.

Second Reading

The Hon. ROY SMITH [11.17 a.m.]: I move:

That this bill be now read a second time.

The Shooters Party is pleased to move the Firearms Amendment Bill 2008. The bill proposes a number of amendments to the Firearms Act 1996 and the Firearms Regulation 2006. The proposed amendments to the Act and regulations will streamline and improve the operation of the system for the legal use and registration of

firearms for law-abiding citizens within the State of New South Wales by removing some of the necessary impediments to legitimate sport shooting, hunting and collecting, without any adverse impact on public safety. These amendments have been drafted following extensive consultation with the Ministry of Police, the Firearms Registry, and approved sport shooting, hunting and collecting clubs over a number of years.

Items [1] and [2] of schedule 1 to the bill insert a new definition into section 4 (1) of the Act, defining a "theatrical armourer" as a person who carries on a business of providing firearms for the purpose of film, television or theatrical productions. This, together with other associated amendments in the bill, will effect a change in the type of instrument under which a theatrical armourer operates. A theatrical armourer runs a business that has to be able to meet very diverse needs at short notice. Depending on the production being filmed by the client, a theatrical armourer may be required to produce at short notice—preferably yesterday—firearms or prohibited weapons from any period over the last thousand years.

A theatrical armourer cannot possibly own every type of firearm, weapon or prop that a film production might require, and must be able to borrow or hire firearms, weapons and props from other theatrical armourers or, in many cases, from private collectors. Currently, theatrical armourers operate under a permit issued by the Commissioner of Police under clause 53 of the regulations. Unfortunately, a theatrical armourer's permit only authorises a theatrical armourer to use firearms or prohibited weapons that are registered to the theatrical armourer. To overcome this problem, the bill will amend the Act and the regulations to allow theatrical armourers to operate under a subcategory of the firearms dealers licence because firearms dealers, whilst having to record details of every firearm in their possession, are exempt from the requirement to obtain a permit when acquiring a firearm and are not restricted to dealing only in firearms that are registered to them.

Item [3] of schedule 1 inserts expanded versions of certain exemptions from the Act that are currently contained in the Firearms Regulation 2006. Proposed section 6A will exempt persons from being required to have a licence to possess or to register any firearm manufactured before 1900 if the firearm does not take breech-loaded metallic cartridges or is a firearm for which ammunition is not commercially available. This amendment is an extension of an exemption and temporary amnesty set out in the regulations. A similar exemption is currently contained in clause 116 of the regulations in relation to long arms and pre-percussion pistols manufactured before 1900. All the firearms in question are more than 108 years old. They are antiques and are highly prized by collectors. It is important to note that these firearms remain a firearm within the meaning of the Firearms Act 1996 and the proposed exemption does not allow any such firearm to be fired.

Proposed section 6B will enable unlicensed persons to shoot on approved ranges whilst under supervision and subject to the requirements set out in the regulations. The proposed section also exempts supervised persons who are handling firearms as part of an approved firearms safety course from the requirement to be licensed. This proposed amendment streamlines the current procedures by which unlicensed persons can experience target shooting by extending the system that currently applies to open day participants. Under the proposed amendment, unlicensed persons wishing to experience target shooting may do so on approved shooting ranges whilst under supervision, but only after having received appropriate instructions and after having completed and signed a declaration to the effect that they are a person who would be eligible for the issue of a licence or permit under the Act.

Item [6] of schedule 1 inserts new section 11 (2A), which provides that the mandatory 28-day waiting period for the issuing of a licence does not apply if the application is for the renewal of a licence. There is clearly no need for a mandatory waiting period when the applicant is already the holder of a current licence and is merely seeking to renew that licence. Item [7] of schedule 1 amends section 17A of the Act to allow members of clubs affiliated with shooting bodies approved by the Commissioner of Police to apply for a special category C licence authorising the person to use a self-loading or pump-action shotgun in a recognised clay target shooting competition. Currently, only members of the Australian Clay Target Association or clubs affiliated with it may have access to category C shotguns for competition purposes in New South Wales. Western Australia, Victoria and Queensland have already extended this access to include people competing in shooting disciplines beyond those administered by the Australian Clay Target Association. Item [9] of schedule 1 removes the mandatory 28-day waiting period for permits to acquire a firearm where the applicant already has a firearm of that category registered to him or her. Former Minister for Police Paul Whelan, in his second reading speech to the Firearms Bill on 19 June 1996, said:

Permits to acquire will be issued as soon as possible at the end of a 28-day waiting period. This period is to give the police time to check that the applicant is properly licensed to purchase or otherwise acquire the firearm in question.

Some people refer to the 28-day waiting period as a cooling-off period, which is intended to minimise the remote possibility of a person acquiring a firearm in the heat of the moment with the intent to harm themselves

or others. I will not go into the merits or otherwise of that argument here, other than to point out that neither a waiting period nor a cooling-off period are of any value whatsoever if the applicant already owns another firearm. The Northern Territory, Victoria and Queensland do not impose a 28-day cooling off period where applicants already have a firearm registered in their name. Western Australia does not have a permit-to-acquire system or a cooling-off or waiting period for each firearm, but a person cannot acquire a firearm within 28 days of obtaining their licence.

Item [10] of schedule 1 relates to the use of mail for sending firearms. The current legislation provides a general prohibition on the use of mail for sending firearms or firearms barrels. However, there is an exemption in the case of licensed firearms dealers enabling them to use mail to send firearms or firearms barrels to another licensed firearms dealer in another State. The proposed amendment will amend section 52 of the Act to make it clear that a licensed firearms dealer can send firearms or firearms barrels to another licensed firearms dealer, either interstate or within New South Wales, by mail provided it is the type of mail that requires delivery in person to the addressee, such as registered mail. Item [12] of schedule 1 inserts new section 85A, which provides that the Commissioner of Police may deal with certain minor offences under the Act and regulations by way of a penalty notice. Penalty notices will not be able to be issued for any indictable offence. Penalty notices may be issued only for those offences prescribed in the regulations. The bill does not set out the offences that are to be prescribed. That will be a matter for the Minister to determine after consultation. The issue of a penalty notice will not constitute a disqualifying offence unless the person to whom the notice was issued elected to contest the matter in court and the person was found guilty by the court of the offence.

These are the principal changes proposed in the bill. The explanatory notes within the schedules to the bill provide explanation for the other more minor amendments to both the Act and the regulations. All the proposed amendments have been carefully drafted so as to ensure that they do not compromise the principles and objects of the Firearms Act 1996 or negatively impact on public safety. However, these amendments will remove several anomalies and inequities which unreasonably impact upon legitimate firearms owners. I commend the bill to the House.

Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by the Hon. Amanda Fazio agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 128 outside the Order of Precedence, relating to a take-note debate on a report of the Joint Standing Committee on Electoral Matters, be called on forthwith.

Order of Business

Motion by the Hon. Amanda Fazio agreed to:

That Private Member's Business item No. 128 outside the Order of Precedence be called on forthwith.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report: Administration of the 2007 NSW Election and Related Matters

The Hon. AMANDA FAZIO [11.29 a.m.]: I move:

That the House take note of report No. 1/54 of the Joint Standing Committee on Electoral Matters entitled "Administration of the 2007 NSW Election and Related Matters", dated May 2008.

Debate adjourned on motion by the Hon. Amanda Fazio and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

The Hon. DON HARWIN [11.29 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 129 outside the Order of Precedence, relating to the appointment of a select committee to inquire into the handling of information provided by Ms Gillian Sneddon, be called on forthwith.

I defer to my colleague the Hon. Trevor Khan who will make some remarks.

The Hon. TREVOR KHAN [11.30 a.m.]: The urgency of this matter is twofold. The reasons for the urgency are of substance and in stating them I will not preface them repeatedly with the word "urgency". The first reason is that this matter has broad currency within the community. The people of New South Wales believe, it would seem with considerable justification, that various people within the Government of New South Wales abandoned the victims in this matter and Ms Gillian Sneddon.

What the public perceive is that Ms Sneddon, having provided evidence to police, was cast aside, abandoned and ignored. It goes without saying that that perception is unseemly and demeans all of us. In that respect, it is a matter of profound importance that these perceptions are addressed without delay. The victims and affected persons of Milton Orkopolous are yearning for a voice; they need to be able to express their concerns at what did and did not happen in the situation leading up to the arrest of Milton Orkopolous and his subsequent conviction. There is an old legal maxim that justice delayed is justice denied. Perhaps, more appropriately for this place, I should quote clause 40 of the Magna Carta.

The Hon. Amanda Fazio: Point of order: My point of order is in relation to whether we can consider this matter at this time. In support of my reason for believing that it is improper for us to consider this matter at this time, I refer to the ruling you gave yesterday, which stated, in part:

It is both well-established and recognised that the Legislative Council and Legislative Assembly are equal and sovereign Houses of Parliament.

I still believe that this matter has not yet been resolved by the Legislative Assembly. This motion asks that the handling of information provided by Ms Gillian Sneddon be the subject of an inquiry and report, as should the effectiveness of current laws, practices and procedures in protecting government and parliamentary employees, who are well aware of the fact that Ms Sneddon was an employee of the Legislative Assembly. I am aware also of the fact that we have a sub judice convention in this House, and that convention states:

In the interests of justice and judicial process a convention has developed in parliamentary practice that members refrain from making reference either in debate through motions or questions in committee proceedings to matters before the courts in order to avoid prejudice to court proceedings or harm to specific individuals.

It states also:

In criminal cases a conviction applies from the moment a charge is made until the moment the verdict and sentence has been announced or judgement given. It becomes relevant again from the time a notice of appeal is lodged until the appeal has been decided.

There are, in fact, two legal proceedings that have not yet been finalised in relation to the matters raised by the Hon. Trevor Khan. The first is in relation to Ms Gillian Sneddon's actions against the Speaker as the leader of the Legislative Assembly, I understand concerning a compensation claim. Secondly, the time for the lodgement of an appeal by Milton Orkopolous has not yet expired.

The comments made by the Hon. Trevor Khan relate more to the Orkopolous case than to the treatment of Ms Sneddon. But I believe it would be improper for this House to consider setting up an inquiry into the treatment of staff of the Legislative Assembly in relation to these matters when the member of staff in question has an outstanding action for compensation against the Speaker. I ask that you consider the matters I have raised in my point of order. I believe it is improper for us to consider this matter now.

The Hon. Duncan Gay: To the point of order: Frankly, it is a spurious point of order. There is no substance to it whatever. I wish to address first the matter of sub judice, which was raised by the Hon. Amanda Fazio. Sub judice is exactly that: that a jury may be influenced by this House. In relation to this motion, there is

no matter currently before any jury in this State, so there is no case whatsoever of sub judice. Secondly, I refer to your statement to the House yesterday, Mr President, about the notice of motion of the Hon. Trevor Khan. The final paragraph of your statement states:

Accordingly, I recommend that the Hon. Trevor Khan consult with the Clerk to amend his notice of motion to comply with the principle of comity and mutual respect between this House and the Assembly. The amended notice of motion may then be published in the *Notice Paper* for tomorrow.

Honourable members should know, and most would know—except one has chosen to ignore it—that the Hon. Trevor Khan consulted with the Clerks to produce a motion that was not out of order. The motion that was put on the *Notice Paper* today was prepared after consultation with the Clerks. The two points raised by the Hon. Amanda Fazio are killed dead. There is no sub judice and this motion does not breach any convention of this House; it fulfils the requirement of the President's announcement to the House yesterday that we consult with the Clerks to produce motions that conform to the requirements of both two Houses. Whether we support it or not or whether the Government does not want anything to happen on this matter is an entirely different matter, and that will be discussed in this debate. But to raise this particular point of order at this stage reeks of desperation.

The Hon. Amanda Fazio: Further to the point of order: Mr President, the ruling that you gave yesterday related to the relationship between the two Houses of Parliament in New South Wales and did not canvass the issue of sub judice. The issue of sub judice is, in fact, a valid point of order in relation to this matter because, despite what the Hon. Duncan Gay chooses to ignore, the fact is that Ms Gillian Sneddon has not settled her dispute with the Legislative Assembly; she still has unresolved financial claims against the Legislative Assembly that will end up in the Industrial Relations Commission of New South Wales. Comments given by her in an inquiry of the nature requested by the Hon. Trevor Khan would certainly be detrimental to having that matter dealt with in a fair manner.

As a result, sub judice certainly is a valid issue to raise in this matter, and it is a fact that if the Hon. Trevor Khan did not pursue this matter at this time and waited until after the issue was resolved with Ms Sneddon I would not have an objection to it being raised. But it simply is the fact that raising this issue now is inappropriate given that there is an unresolved legal matter that deals with compensation to which a person is entitled. We should not be dealing with this matter now.

The Hon. TREVOR KHAN: To the point of order: The issue of sub judice appears to have been raised on two grounds. Firstly, with regard to an apparent appeal by Milton Orkopolous. I do not believe there is any material that can be put before this House to indicate that any appeal has been lodged by Mr Orkopolous, and in that respect a claim of sub judice is without foundation.

With regard to the second point, that is, what one might see as crocodile tears for Gillian Sneddon's position, our understanding is that any claim she has is in the nature of workers compensation—a no-fault system—that will be determined, one would strongly suspect, on the basis of medical evidence, simple proof of employment and the like. An inquiry would go to issues entirely different from those that would be ventilated in a workers compensation case.

Of course, the point the Hon. Duncan Gay makes is also valid. In my submission, the position that one takes with regard to sub judice is different if one is talking about a jury trial rather than a matter before a judge alone. The issue is whether someone will be influenced. Plainly, the test that would apply in determining whether this House should support an inquiry is quite different in the lead-up to a criminal trial before a jury as compared to a matter before a judge alone. The implication that a judge sitting alone, duly trained and with the appropriate legal disposition, would be influenced by matters that may be ventilated in an inquiry is, in my submission, spurious in the extreme.

The Hon. Amanda Fazio: Further to the point of order: I know the Hon. Trevor Khan has not been a member of this place for long, but the matter that is being dealt with in relation to Ms Snedden will simply not be a workers compensation issue as the member claims, because most of the cases that have been taken—

The PRESIDENT: Order! The Hon. Greg Pearce will cease interjecting.

The Hon. Amanda Fazio: Most of the cases that have been launched in the past by former electorate offices employees have been dealt with as common law matters. They have taken that route rather than the workers compensation route. It is not a workers compensation matter, and the member is misleading the House by saying that.

[*Interruption*]

The PRESIDENT: Order! If people wish to remain in the gallery, they will be quiet. I am required to rule on this very important matter and I am trying genuinely to take in the various cogent points being raised by members. I do not need advice from people seated in the gallery. If I hear one more comment from anyone in the gallery, I will have the gallery cleared. Indeed, if members continue to interject, I will be asking offending members to leave the Chamber. The Hon. Amanda Fazio may continue, and she will do so without interruption.

The Hon. Amanda Fazio: Thank you, Mr President. I conclude by saying that simply because of this lack of clear understanding of what sort of legal options remain available in the case of Ms Snedden it is inappropriate for us to set up an inquiry now. The Hon. Trevor Khan thinks it is a workers compensation matter and I know from experience that most of these matters have been dealt with as common law matters. We do not know how this will be resolved; we do not know whether it will end up before a judge, an industrial commissioner or a jury. For that reason it is inappropriate for us to set up an inquiry to look into this matter now. If the member were genuine about looking at the systemic issues that have been raised by this case, he would be doing it after this matter had been resolved and not during the middle of it.

The Hon. TREVOR KHAN: Further to the point of order. I can advise that Ms Jillian Snedden would be a willing participant before any such inquiry. She obviously has access to appropriate legal advice should she require it with regard to any appearance. Plainly, her rights can be protected through various avenues if they are in any way subject to any prejudice. It is my submission, again, that feigned concern with regard to Ms Gillian Snedden—a person who wishes her story to be properly told—should not be delayed by this sort of frippery.

The Hon. Greg Pearce: To the point of order: It is apparent from the Hon. Amanda Fazio's last contribution that there are no proceedings in any court at the moment involving the lady in question. If there are, I invite the honourable member to give us the case number.

Reverend the Hon. Fred Nile: To the point of order: Mr President, I have a question about this matter relating to the issue of the two Houses of Parliament and the point you made in your original ruling. Could it be clarified that the action being taken by Ms Snedden is in fact being taken against the Speaker as an employer? Any discussions about her would involve the other place because her employer is the Speaker.

The Hon. John Della Bosca: To the point of order: To amplify the Hon. Amanda Fazio's point, obviously the Hon. Trevor Khan has superior knowledge about this matter. Presumably he has had conversations outside the House with various parties to these discussions, and that is an advantage he has in general discussions about this matter. However, the specific matters that this House would have to consider—and discuss in the committee—would include a range of issues that clearly do not necessarily go just to the rights of Ms Snedden. They also go to the rights of the Speaker at the other end of the potential litigation. I do not know whether there will be litigation.

The Hon. Amanda Fazio is quite right, it may well be—as I assume is the case from the publicity and related material that has been ventilated publicly—that the claims that Ms Snedden may make will relate to psychological injury. Those matters will not necessarily be dealt with under the statutory scheme. They may be agitated as a common law claim. That does not mean they are no-fault claims. That means the Speaker's rights or the transparency of the justice process is in jeopardy if we act pre-emptively. It is my submission that at this time it is inappropriate for the House to consider this matter solely on that ground and other important grounds that have already been canvassed by the Hon. Amanda Fazio.

The Hon. Duncan Gay: Further to the point of order: The Leader of the Government is busy with many other matters and may not have read the motion. Reverend the Hon. Fred Nile spent a lot of time with the Hon. Tony Kelly this morning and probably has not had a chance to read the motion either. Had they read it, they would have understood.

The Hon. Tony Kelly: I spent a lot of time with the Hon. John Ajaka and a few other members, too.

The Hon. Duncan Gay: Perhaps you should listen to this as well, because it might be helpful.

The PRESIDENT: Order! I am interested in listening to the points being raised, and I ask the Deputy Leader of the Opposition to address the Chair, not other members of the Chamber.

The Hon. Duncan Gay: Thank you, Mr President. Other members quite rightly raised points of concern, and the motion before the House addresses those concerns. The second part of paragraph (1) (a), after "and persons," states, "but excluding any dealings between Ms Snedden and office holders and officers of the Legislative Assembly". Mr President, if you are persuaded by the argument and the questions and concerns raised by Reverend the Hon. Fred Nile and the Leader of the Government in this House, I indicate that the motion that was drafted at your request by the Clerks addresses those concerns quite clearly in that section.

The Hon. John Della Bosca: Further to the point of order: Mr President, I do not want to test your patience too much, but I would like to make two points in relation to the Hon. Duncan Gay's submission. First, he has presented a false exclusion. The second part of the Hon. Trevor Khan's motion seeks to agitate material that is contingent on the first point. The reason Ms Snedden's submission it is of interest to this Chamber at any point in time—now or at some time in the future—is that the matters she will raise are the result of issues that she is agitating with the Speaker.

To draw an analogy that would find great disfavour with the Deputy Leader of the Government, it is like saying that we will have an inquiry into global warming but we will not talk about carbon emissions. It is simply impossible. He knows that and this is simply trickery. As for saying "the Clerks made me do it", what kind of an excuse is that? Members are responsible as members of this Chamber for the motions that they present, and the Chamber is the master of its own destiny. Of course the President can give good advice to consult the Clerks—they are experts in procedure. However, the House remains responsible for the proper conduct of its affairs.

The PRESIDENT: Order! This is obviously an extremely complex matter. At the outset I wish to make an observation about a matter raised by a number of members in speaking to the point of order, and that is the advice given by the Clerks. I would hope that all members would seek the advice of the Clerks prior to presenting material to the House. However, I remind members that they are responsible for any contributions they make to the House, just as I am responsible for any rulings that I make after seeking advice from the Clerks, whose learning and wisdom on such matters I respect. Therefore, it is difficult to take and use advice from the Clerks as both a sword and a shield.

One member strongly disagreed with the ruling I gave yesterday on this matter well aware that I had sought advice from the Clerks on it. The member understood, however, that I had taken responsibility for the ruling despite the fact that it had been given under advice.

Given the complexity of this matter, I propose not to rule on the point of order at this time. My decision will create precedent and will obviously have implications for determinations made by Presidents in future proceedings. I wish to give further consideration to the arguments raised by members and to the rulings of former Presidents on these matters. Accordingly, debate on the question before the Chair will be interrupted and the House will deal with the next item of business.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Mr IAN COHEN [11.51 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 117 outside the Order of Precedence, relating to an order for papers regarding gene technology, be called on forthwith.

This matter is indeed urgent. Genetically modified [GM] canola has already been sown in New South Wales. If we ignore and do not debate this motion today, GM canola will enter the supply and food chain without members of Parliament and the New South Wales public comprehensively understanding the processes and protocols promised by the Minister for managing GM canola. Debating this in the September session will be too late as the crops will already be seeding and farmers will start swathings ready to harvest after maturity, well into the robust supply chain management process promised. Details and contracts for harvesting, transport and handling will need to be finalised before September or October. Transparency and accountability are needed now, before the grain is handled and shipped to ensure the approval process has the required adequate management protocols. Reviewing the protocols for managing GM canola varieties as a regulatory afterthought does not serve the citizens, the farmers or the mum and dad consumers well.

If we do not debate this motion now, we will be turning a blind eye to unfulfilled promises and assurances so fundamentally important to managing GM canola cultivation in this State. Genetically modified

crops and foods are not a topic upon which ministerial monopolies on information are conducive to informed choice and consent—principles at the very heart of the Minister's role in this matter. By not debating this call for papers as a matter of urgency we condone this monopoly of information as the State embarks—as we speak—on this very new agricultural process. I believe there is a significant argument that this matter should now proceed urgently.

The Hon. ROBERT BROWN [11.53 a.m.]: The Shooters Party supports Mr Ian Cohen's motion.

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

Motion agreed to.

Order of Business

Motion by Mr Ian Cohen agreed to:

That Private Members' Business item No. 117 Outside the Order of Precedence be called on forthwith.

GM CANOLA COMMERCIAL CULTIVATION

Mr IAN COHEN [11.53 a.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents created since 7 December 2007, in the possession, custody or control of the Minister for Primary Industries or the Department of Primary Industries, relating to:

- (a) any application under section 7A of the Gene Technology (GM Crop Moratorium) Act 2003 (the Act) by a representative of a relevant industry,
- (b) advice sought by the Minister from the Expert Committee established under the Act in relation to any application under section 7A of the Act,
- (c) meetings and deliberations of the Expert Committee in undertaking any function conferred by the Minister or by section 13 (6) of the Act,
- (d) the Minister's reasons, which reasons are to be made public under section 7A (12) of the Act, for making the order of 12 March 2008, published in *Government Gazette No. 33*, dated 14 March 2008, page 2267, declaring that licensed GM canola is approved for commercial cultivation in New South Wales, and
- (e) any document which records or refers to the production of documents as a result of this order of the House

Last year we debated in this House amendments to the Gene Technology (GM Crop Moratorium) Act 2003. There was a significant polarisation of opinion on genetically modified [GM] technology. There was, however, one point of agreement from all parties: Any approval of commercial cultivation of GM crops needs to be undertaken in a transparent and equitable fashion. The one point about which there was consensus has now been lost, and scant regard has been given to the need for transparency. I concede that sections of our community are anti-GM. More importantly, though, all of New South Wales are interested in how the State will regulate GM crop cultivation. I cannot emphasise this enough. Every member of this House will have constituents with a stake in or concern about how GM canola is managed in New South Wales.

I will specifically deal with each class of document in the call for papers. I will deal first with those referred to in paragraph (d), as the issues surrounding this specific documentation provide the necessary justification and impetus for documents requested in paragraphs (a), (b) and (c) to be made available. Paragraph (d) calls upon the Minister for Primary Industries to comply with a statutory obligation imposed by section 7A (2) of the Act. The section requires the Minister to provide reasons for any order approving commercial cultivation of GM crops. I think it would be beneficial to reflect upon the history of this statutory obligation. Section 7A (12) was moved as a Government amendment at the request of the shadow Minister for Primary Industries. The Minister gave assurances to the shadow Minister in a letter placed on the record by the Hon. Rick Colless. In the letter Minister Macdonald stated:

I can also inform you that I had given instructions for a government amendment to be prepared to adopt your proposal that I be required to make public any reasons for my decision to make or revoke an order declaring a GM food plant to be approved for commercial cultivation.

What was intended in this amendment was an assurance of reasons for GM approvals, not meaningless doublespeak that GM canola was approved because, in the subjective opinion of the Minister, the procedural

element of section 7A was satisfied. In agreeing to the amendment the House and the citizens of this State wanted a delivery of the substantive reasons as to how relevant industry applicants propose to manage the introduction of GM canola. It was a consolation for the restrictive privatisation clause in section 7A (11), which purports to make any decisions under this section immune from judicial review in any court in this country. In Committee the Minister said:

This amendment provides for me to make public any reasons for making an order or revoking an order under proposed section 7A. ... In the interests of transparency, accountability and equality in the decision-making process, it is proper that I make public my reasons for approving the commercial cultivation of a GM food crop or for revoking that approval.

On 14 May 2008 I asked the Minister why he had not informed the public, the farmers starved of objective and forthright information and the mothers and fathers who put food on their children's plates, of the reasons why he had approved two GM canola varieties for commercial cultivation in New South Wales. The Minister's response was that he had complied with section 7 and made his reasons available in a press release entitled, "GM canola gets go-ahead", which was issued on 14 March 2008—two days after the approval. The press release stated:

"I received an industry application wanting to grow GM canola on a commercial scale in NSW," Mr McDonald said.

"The application was required to clearly address the key criteria set out in NSW legislation for removal of the moratorium on GM canola.

"These include identification of the requirements demanded by key domestic and international markets for GM canola, threshold levels for accidental or unintended presence of GM traits, robust supply chain management processes and any approvals required under the law of the key domestic or international markets relating [to] the importation of GM canola."

In essence, the Minister's purported reasons as evidenced in the press release—and the Minister has assured the House he has had legal advice that this complies with section 7A (12)—state no more and no less than the reasons for approval are based upon compliance with the procedure set out in section 7A. I do not know who gave the Minister his legal advice but I can provide the Minister with an extensive list of Australian case law that suggests that the duty to provide reasons means a duty to provide adequate and substantive reasons. The Minister's press release does not satisfy the requirements of section 7A (12). With this in mind, it has been 2½ months since the Minister approved two GM organism varieties—InVigor canola and Roundup Ready canola—for commercial cultivation in New South Wales. When I asked the Minister why he had not complied with the Act and made public his reasons for approval on 13 May 2008, the Minister stated:

The House and the other House were very solid on the issue. Members understand the potential benefits of genetically modified crops in some areas ... Whichever way it is put, both Houses of Parliament overwhelmingly supported the legislation.

I ask the House to consider this as ludicrous. I do not think that a matter in which a bill was passed in this House and the lower House has any material connection or bears any causal nexus to the legislative requirement for the Minister to inform the citizens of New South Wales of his reasons for approving GM organisms for commercial cultivation. No matter how the bill progresses through the House, the legislation is crystal clear: the Minister must provide reasons. He has not done so. Reasons must include: "identification of the requirements demanded by key domestic and international markets for GM canola; threshold levels for the accidental or unintended presence of GM traits; robust supply chain management processes and any approvals required under law for the key domestic or international markets relating to the importation of GM canola".

Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

MR MARK STANDEN INFORMANT VISITS

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Attorney General, and Minister for Justice. What inquiries has he or his department made, or commenced, into visits by Mark Standen to New South Wales correctional facilities to meet with any of his informants? Answer this very carefully, Minister.

The Hon. JOHN HATZISTERGOS: Mr Standen is currently before the court. I am not going to disclose any information relating to any investigations or details. I will make inquiries of the commissioner in relation to any visits that he might have undertaken.

The Hon. MICHAEL GALLACHER: I ask a supplementary question about any inquiries into any other matter where he has met informants in the correctional services system outside of the current investigation?

The Hon. JOHN HATZISTERGOS: The question is unintelligible. I refer to my previous answer.

MATHEMATICS SYLLABUSES

The Hon. PENNY SHARPE: My question is directed to the Minister for Education and Training. Can the Minister advise the House what the Iemma Government is doing for year 11 and year 12 students to make mathematics more accessible and meet the needs of those who want to pursue traineeships and apprenticeships?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his question and ongoing interest in education and training. Obtaining a solid understanding of maths can be the key to students successfully pursuing and completing traineeships, apprenticeships and other forms of further study. But 12 per cent of students who obtained the Higher School Certificate in 2007 did not complete a maths course to the end of year 11 and 18 per cent did not finish a year 12 course.

To make maths more accessible and appealing to students, the Iemma Government is proposing to improve the year 11 and year 12 syllabuses. As part of our improvements we are planning to introduce a new practical course to help students who are pursuing traineeships or apprenticeships. Mathematics General One will provide year 12 students with knowledge and skills in a broad range of areas such as household finance, including accommodation costs for buying and renting, costs of running a household, maintenance and repairs. It will include subjects about the human body, such as measuring heart rates under different conditions, lung capacity, blood pressure and predicting height. It will also include mathematics and design, geometric skills, scale drawings and house plans. The proposed changes make the senior maths courses even more relevant to students and their interests, as well as giving them deeper foundations for further study and training relevant to different trades and technical skills.

Business now expects more from trainees and apprentices, and many trades and services require staff to have solid applied mathematical skills. Examples of vocational courses at TAFE where an applied knowledge of maths and/or science is needed include: civil construction, automotive, shop fitting, surveying, nursing, and biotechnology. The New South Wales extension mathematics syllabuses and the advanced mathematics syllabuses, which are currently regarded as the most challenging in Australia, will be retained and the standards of their rigor maintained. In addition to the elements of the course we are currently teaching, we will require year 11 mathematics courses to focus on practical elements of using skills.

The year 11 Mathematics General course will include communication. It will involve mathematical problems relating to mobile phone, internet access plans and digital download and file storage. It will include driving, which will look at mathematical problems about vehicle purchase, running costs, blood alcohol limits and stopping distances. Maths teachers and academics have worked with the Board of Studies to create these new practical courses. The board is currently consulting teachers across the State about the changes, which will be implemented from 2010. What has been the reaction to our proposed changes? Today, the *Daily Telegraph* features an editorial, which says our proposals are a winner in two ways for the following reasons:

... it will maintain interest in maths for students who otherwise may have ditched their calculators entirely ... and because it actually appears to be of real world benefit.

It means also that students will be more likely to pursue further studies in maths. What does the Opposition think of our changes?

The Hon. Charlie Lynn: The same as Eddie Obeid does. He is calling for changes.

The Hon. JOHN DELLA BOSCA: Andrew Stoner thinks that, does he? On radio 2SM this morning the shadow spokesman for Education said:

This is the sort of teaching and learning that will make a lot of sense to young students.

It does make a lot of sense. What does not make any sense is that more than a year after the State election the Opposition still has no education and training policies. The Nationals website has a tab entitled "Policies". When one clicks that tab, a page is revealed with the headings "State Policies" and "Federal Policies", but, curiously, there is no text beneath them. The website is completely devoid of policies. This is further proof that the Opposition has no plan and no vision for education and training. [*Time expired.*]

NORTH WEST METRO PROJECT

The Hon. GREG PEARCE: My question is directed to the Treasurer. What is the funding plan for the North West Metro project over the forward estimates period?

The Hon. MICHAEL COSTA: I do not understand the question but I point to the budget papers, which provide some funding arrangements for the north-west. I have the budget summary in front of me, which, for capital works, shows the actual funding in the forward estimate years. I hope that answers the question. The budget on infrastructure was very well received—that was the reception across the community, particularly on projects to do with transport infrastructure. The budget will be supplemented next week by the State Infrastructure Strategy, which will have a 10-year program of infrastructure. We committed to do that every two years. It will provide even further detail of the Government's record infrastructure program. I make the comment that, unfortunately, I was walking past my television set and I saw the budget-in-reply speech of the Leader of the Opposition. I have never seen anything as appalling or pathetic.

The Hon. Duncan Gay: You did not see your own. It was worse.

The Hon. MICHAEL COSTA: I doubt that. The home equity scheme may have some merit, but they are going to fund it by taking amounts above budgeted revenue items. To look at some of the items in the past, the \$800 million to \$900 million of the amounts received above budgeted revenue came from the Commonwealth, and a lot of that money was for road infrastructure. On the one hand, they are arguing that they want to invest in a home equity scheme but they are going to take money from fundamental road infrastructure to do that. What an appalling way of funding a program. More interesting was that Andrew Stoner asked the Government to lend him the Government for a period of time, conceding that they will never actually win it on their own merits. He used a quote by Abraham Lincoln about General McClellan during the Civil War, as the general was not performing. Andrew Stoner asked us to lend him the Government so he could implement some of his very shallow ideas. What a concession! The Coalition will never win government in its own right and on its merits because it does not have any ideas.

There was nothing in the reply speech of the Leader of the Opposition about infrastructure, and there was nothing about public sector wages. The best the Coalition could do was conduct a survey of front-line workers about how they would like to see the money spent. Rather than managing the State's affairs, the Coalition would conduct surveys! It is a bankrupt response, a response of an Opposition that has no idea of what it is doing, an Opposition that is so bankrupt that it has conceded defeat in the next election before that election even starts.

INTEGRATED ROAD AND RAIL TRANSPORT PLAN

Ms SYLVIA HALE: I address my question to the Minister for Roads. Given the number of competing and contradictory plans that the Government has floated over the last 12 months for road, rail, light rail, metro and bus proposals for the transport corridor from the city to the north-west growth centre, when will the Government produce and commit to an integrated road and rail transport plan for that corridor so that councils can plan accordingly?

The Hon. ERIC ROOZENDAAL: As members would be well aware, we have a number of plans in place. First, we have the urban transport statement. In addition, we have the announcement of a number of transport initiatives, and we have the latest announcement in terms of the budget. In relation to Roads, we have a record Roads budget. We are working very closely with—

The Hon. Duncan Gay: It is just a reannouncement of the old stuff.

The Hon. ERIC ROOZENDAAL: I am glad the Deputy Leader of the Opposition has interjected to indicate that he simply does not understand. In fact, \$4 billion, which will be spent on New South Wales roads, is a record in the history of this State. It is the highest amount of money ever spent on roads infrastructure in New South Wales. And the best the Deputy Leader of the Opposition can do is whinge and complain about it. The budget outlines our extensive strategies to deal with public transport, to deal with roads, and to manage the freight task in this State.

Ms SYLVIA HALE: I ask a supplementary question. My question centred on requesting the Government to advise me when it would produce and commit to an integrated road and rail transport plan—not on the Government's announcements about initiatives and ad hoc, off-the-cuff proposals.

The PRESIDENT: Order! That is not a supplementary question.

ASIA TRADE LINKS

The Hon. HENRY TSANG: My question is addressed to the Minister for Primary Industries, and Minister for State Development. What is the Government doing to promote trade and investment between New South Wales and Asia, particularly China and Korea?

The Hon. IAN MACDONALD: I thank the Hon. Henry Tsang for his question. The honourable member has been actively promoting our links with Asia over a long period. In 1972, when Prime Minister Whitlam first officially recognised China, our bilateral trade was worth \$113 million. Today, we have since seen our bilateral trade increase to nearly \$50.5 billion, with the New South Wales share alone at \$15.4 billion. I am pleased to report that the Iemma Government is working to secure even more of these lucrative Asian markets for New South Wales.

Last month the Premier led a major trade delegation to China to show that New South Wales is very much "open for business". During the visit we built on our strong trading relationship in the areas of coal and minerals, infrastructure and construction, education and tourism. We worked to strengthen our relationships with the various provinces. In Guangzhou, for example, I had the privilege of addressing the twenty-second joint economic meeting between Guangdong and New South Wales—one of our most important, long-term, sister-State relationships. This agreement, signed in 1979, was the first between an Australian State and a Chinese province.

The mission has laid the groundwork for more agreements. In Ganzu province, for example, during my visit a draft memorandum of understanding was signed between the Department of Primary Industries and its counterpart in Lanzhou, the Department of Land and Resources. That agreement will see an exchange between the two departments for specialist training. It builds on previous research-based agreements, namely in the areas of grasslands, grazing and business management. In Yunnan, I met with Government leaders and established a negotiating base for further exchanges between New South Wales and that important province in the areas of minerals and tourism.

In addition to the mission to China, I led a delegation of minerals business leaders to Seoul. There we met with government agencies, the Dongwha Group, and leading steelmakers, including Posco, the electricity corporation Kepco, and SK. Each of these companies is keen to increase their annual purchase of New South Wales coking coal from 15 million tonnes to 21 million tonnes by 2010. Make no mistake, both China and South Korea will constitute high-growth markets for New South Wales well into the future.

Clean coal technology and associated services are likely to become more important, longer-term opportunities as environmental standards and emissions targets are adopted. Indeed, Korean officials advised me about their investment in clean coal technology, and we will hopefully arrange clean coal collaborative ventures in Korea and in New South Wales. Indeed, we are working with GE on a 51 per cent-efficiency turbine.

Dr John Kaye: A coal turbine?

The Hon. IAN MACDONALD: Yes, a coal turbine, with 51 per cent efficiency. I thought that would prick Dr John Kaye's interest. Another issue discussed during the visit to Seoul was the future export opportunities for the Australian beef export market. With the United States soon able to export into South Korea, it is important that we stress our competitive advantage through our disease-free status and effective traceability through the National Livestock Identification System.

The unfortunate flow-on effect from the re-entry of beef products from the United States into South Korea is that Australia's exports to South Korea are likely to drop by 26 per cent, to around 110,000 tonnes, in 2008. Additional challenges for the Australian beef industry include the continued high Australian dollar, lowering grain-fed production due to record grain prices, and world shortages of grain. It is now vital that Government and industry work together to promote the many benefits of our beef products. During our visit to Seoul, at a general level the Korean officials expressed concern about United States beef and its lack of traceability; indeed, the issue was part of general discussion everywhere. So we do have a very good face in Korea, and their interest in our beef is still strong. We have worked hard over there. We have had delegations—*[Time expired.]*

HERONS CREEK POWER PLANT

Dr JOHN KAYE: My question is directed to the Minister for Energy. I seek clarification of the Minister's answer to my question yesterday in respect of International Power Pty Ltd's proposal to build a

150-megawatt diesel fuel turbine generator for peaking duty at Herons Creek, near Kew. Is the peaking capacity required specifically within that region, rather than at another location such as the Hunter Valley where gas may soon be available, because of capacity constraints on the transmission system or the sub-transmission system feeding into the pristine Camden Haven? If so, have any studies been conducted in respect of up-rating the relevant transmission or sub-transmission lines? If such studies have been done, what was the cost? If such studies have not been conducted, why is that the case?

The Hon. IAN MACDONALD: Dr John Kaye constantly hammers at these issues. In my view, International Power would not have proposed to invest in such a development in that region without a market and a need. I find Dr John Kaye's suggestion quite extraordinary. International Power would not put a diesel fuel power station in that region if there were not sufficient demand. And I think the company would have done plenty of studies about that.

Dr JOHN KAYE: I ask a supplementary question. I ask the Minister to elucidate his answer. Is the Minister aware whether TransGrid has done such studies?

The Hon. IAN MACDONALD: That is a totally new question. However, the plain fact of the matter is that this corporation, which is a very serious player in the energy market, would not be proposing such a development without having considered the market opportunities available in the region.

CARBON TAX

The Hon. DUNCAN GAY: My question is directed to the Treasurer. Is he aware of the recent Citibank report that the cost of a carbon tax to the State's generators may range from \$1 billion to \$3 billion? What will be the cost of a carbon tax to the State's generators? What is the impact of the cost of a carbon tax of \$3 billion on the sale price of the State's generators? Is the Government willing to indemnify the purchasers of the State's generators for the cost of a carbon tax above a certain level? Will the Treasurer allow the Auditor-General to make an independent report to Parliament before the sale is finalised, so that members of Parliament can make a fully informed decision on the sale, including the impact of a carbon tax on the sale of the State's electricity assets?

The Hon. MICHAEL COSTA: That is a very good question and one to treat seriously. The issue of a carbon-trade regime will affect not only the national electricity market but also many of our markets that have carbon inputs. I wish the Government were in a position to give a definitive answer.

The Hon. Duncan Gay: So no-one knows?

The Hon. MICHAEL COSTA: I gave you credit for asking a reasonable question so let me answer it. Until we know the final carbon-trade regime, we cannot assess the final impact. The Commonwealth Government is presently undergoing a process, including input from Professor Garnaut, to establish the framework for that market. I refer honourable members to this Government's submission to Professor Garnaut, where the Government has raised issues of concern particularly to do with the electricity industry.

Part of the reason for our lease process not being affected is that no matter what the figures end up being, a carbon-trading regime will not change the generator merit order. As Professor Owen showed, New South Wales will remain in the middle of the merit order. The most dramatic effect will be on Victoria. That is not to mitigate the likely impact on New South Wales and the national electricity market, because we need Victoria to continue generating. I have made that point very clearly in the public debate.

[Interruption]

Dr Kaye does not want them to generate. I do not understand that but I do understand what the Greens want. I saw this photo of a lost tribe in the Amazon in the paper the other day and it reminded me that with the Greens' policy on energy and everything else, the Greens clearly would have us living in the way shown in this photo.

The Hon. Duncan Gay: Point of order: My point of order is to relevance. Where and how the Greens live has no relevance to the situation. The Minister has not answered the second part of the question. Mr President, I request you to draw him back to the question he was asked, rather than his providing us with theatrics.

The PRESIDENT: Order! I ask the Minister to be generally relevant.

The Hon. MICHAEL COSTA: It was not theatrics but an observation about the likely impact of the Greens' policies. All of us would be concerned about the green policy framework that led to the Amazonian tribe living in the standard that the Greens would like us to live. I have already answered the first part of the honourable member's question. The Government is concerned about the carbon-trading regime but we cannot assess the final impact until we see the detail of the carbon-trading regime. The Government is not concerned about its relative impact on our generators. It will be less of an issue for New South Wales than for Victoria because of our position in the merit order.

The Hon. Duncan Gay: Is it going to be closer to \$1 billion or \$3 billion?

The Hon. MICHAEL COSTA: You have asked me a question so let me answer it.

The Hon. Duncan Gay: I am trying to get it.

The Hon. MICHAEL COSTA: I cannot deal with your genetic problem. The reality is that if generators come out of Victoria, the price of electricity will go up and there will be an increase for New South Wales. We do not want that to happen because we need all of our generator capacity.

The Hon. DUNCAN GAY: I ask a supplementary question. Given the Minister's response, is it going to be closer to \$1 billion or \$3 billion?

The Hon. MICHAEL COSTA: The answer, as I outlined previously, is that we have to wait until we know what the carbon-trading regime is before we can make an assessment. The most important point I want to comment on relates to the Auditor-General. I held a meeting with the Leader of the Opposition and the Leader of The Nationals to look at their terms, conditions and requirements in relation to the Government's energy strategy. I believe the Government can meet most of those requirements. One area, however, is not within the control of the Government but it is for the Auditor-General, which is a statutory agency that reports to this Parliament. We are happy to facilitate that but need a discussion between the Auditor-General and the Opposition about some of their requirements.

Having said that, I think some of the requirements of the Opposition are sensible. Under the Unsworth process, we undertook a regional impact statement but the Opposition have requested a broader one and we are happy to accommodate that. In relation to some of the other issues raised by the Opposition, we will do what we can. It is an important issue and I would like to see bipartisan support of it.

I welcome the Opposition's question on carbon trading but it is something that the Commonwealth Government needs to resolve. The New South Wales Government has written to the Commonwealth asking them to resolve the issue. All of our advice is that the likely impact on our electricity strategy is low because of our placement in the merit order. I do not think it will have any effect on retail buyer interest. As to the leasing of the generators, indications from the players involved in the discussions are that because of their exposure across the national market, they will have a keen interest in our assets and, ultimately, the market will determine that.

CROWN RESERVE TRUST MEMBERSHIP

VOLUNTEER OF THE YEAR AWARD

The Hon. MICHAEL VEITCH: I address my question to the Minister for Lands. Will the Minister provide details of what the Government is doing to encourage volunteers to join trust boards that manage local parks, showgrounds and meeting halls on public land?

The Hon. TONY KELLY: I thank the honourable member for his question particularly in relation to trust boards, as I know all members in this House would have trust boards in their area. We encourage members of the community to join in various trust boards to manage the numerous facilities on public Crown lands that benefit the local community.

To further encourage that volunteer spirit, I have recently launched a television campaign to persuade people to become a member of the Department of Lands' trust boards. These trust boards manage local parks,

showgrounds, meeting halls and community facilities on Crown land. Our television community service announcements feature Channel 9's weatherman Mike Bailey, along with communicator Samantha Wilkinson. The announcements have been sent to regional television stations for broadcasts. Those announcements promote the role of Crown reserve trustees in managing important community assets under the theme "It only takes a small effort to build a community".

The New South Wales Government reserves Crown land for many purposes, including public recreation, showgrounds, sports grounds, public walls, environmental protection and local parks. A reserve trust is a legal body that cares for reserved or dedicated Crown land on behalf of the people of New South Wales. Community volunteers, who devote many unpaid hours to the service of their communities, manage more than 700 Crown reserves. They perform a vital role, under supervision of the Department of Lands, and we need more volunteers to manage Crown reserves.

The Hon. Rick Colless: Yes, we need more.

The Hon. TONY KELLY: That is true. We do need more. I acknowledge the interjection of the Hon. Rick Colless who has a close connection with many reserve trusts. I encourage anyone who wants to contribute to their community to join a Crown reserve trust board. They can do so by visiting the Department of Lands' website at www.lands.nsw.gov.au and then follow the trust membership link from the main page.

The Iemma Government wants to promote community strength and harmony through volunteering. It wants to recognise the time and effort, and perhaps sacrifice, of the vast majority of volunteers. To do this, the Government has announced the 2008 New South Wales Volunteer of the Year Award. The awards are being held across the State, and the final will be held on 5 December, which is International Volunteer Day. The Department of Lands is also sponsoring a Crown Reserve Trust Award in the Regional Achievement and Community Awards.

These important initiatives are part of the Iemma Government's commitment to its 330,000 volunteering organisations and their 1.7 million community volunteers. The Government's initiatives acknowledge the vital contribution of volunteers. As the Centre for Volunteering notes, volunteering can deliver a wealth of benefits. It can be a way of expressing gratitude for help received in the past, or giving back to the community, or an opportunity to support a cause one feels strongly about. Overall, being a volunteer on a reserve trust can make a difference within one's own community. People wishing to join a reserve trust award should visit the Department of Lands website. Remember the theme of its television community service announcements: It only takes a small effort to build a community.

MOOREBANK INTERMODAL FACILITY

Reverend the Hon. Dr GORDON MOYES: My question without notice is directed to the Minister for Roads, on behalf of the Minister for Transport. Is the Minister aware of the joint venture by Queensland Rail, Stockland and Kaplan Funds Management to create a major intermodal facility at the Department of Defence National Storage and Distribution Centre in Moorebank as part of its plans to build a national freight business to take trucks off Sydney's roads? Is the Minister aware of phased construction of at least two terminals, one for domestic interstate containers and a separate larger terminal to handle port container traffic? Is the Minister aware that trains of up to 1,800 metres in length would be able to operate and that it is estimated that the terminal would handle at least half a million twenty foot equivalent unit [TEU] domestic and interstate freight containers annually? Will the Minister inform residents along the East Hills line about the proposals and expected impacts on their communities and health and why no environmental impact statement has been undertaken on the rail corridors?

The Hon. ERIC ROOZENDAAL: I thank Reverend the Hon. Dr Gordon Moyes for his question, which I will pass on to the Minister for Transport for an appropriate response.

MURWILLUMBAH PROBATION AND PAROLE OFFICE CLOSURE

The Hon. DAVID CLARKE: My question without notice is directed to the Attorney General, and Minister for Justice. Why is the Department of Corrective Services proposing to close the Murwillumbah office of the Probation and Parole Service and move this service to the Lismore office? Given that the Byron Bay, Mullumbimby, Murwillumbah and Tweed regions are some of the fastest-growing areas in New South Wales and that the seven staff at the Murwillumbah office monitor 190 clients across New South Wales and

Queensland, why does the department consider that the community will be better served by closing this office, thereby forcing those who are required to check in for probation and parole purposes to travel 1½ hours each way without adequate public transport?

The Hon. JOHN HATZISTERGOS: It is not true that people on probation and parole are only supervised by attending our offices. The Department of Corrective Services provides outreach services, which means that from time to time officers go to various locations and reach out to these people. At times our accommodation requirements change, and it is appropriate that we review the location of our offices to ensure they are best suited to be able to meet our obligations. All the matters implicit in the Hon. David Clarke's question are inaccurate. There is nothing sacrosanct about the latitude and longitude of an individual office.

ELECTRONIC TOLLING INITIATIVES

The Hon. IAN WEST: My question without notice is addressed to the Minister for Roads. Will the Minister update the House on the Government's new electronic tolling initiatives for Sydney's motorway network?

The Hon. ERIC ROOZENDAAL: As I have previously reported to the House, the Iemma Government is committed to making Sydney's motorway network cashless. More and more motorists are taking advantage of E-tags for getting around our great city. That is why we have taken the first steps to making the Sydney Harbour Bridge cashless. An extra E-tag lane was added to the bridge last month and from next month another four lanes will be converted from cash to electronic tolling. Part of the process is improving the electronic tolling products available to motorists. The Roads and Traffic Authority has developed a short-term E-tag to be made available for casual users of all Sydney's motorways. This product gives rural and regional motorists a more convenient way of using Sydney's motorways. This tag can be used on all of Sydney's motorways. It is aimed at motorists who are travelling on toll roads over a short period of time and makes travelling around Sydney as easy as renting a DVD.

This new product means that visitors to Sydney are spared the hassle of calling individual motorways and paying tolls over the phone. Motorists can just pick up the short-term E-tag from a participating motor registry and give it back when they are finished with it. It costs just \$5 a week plus the cost of the tolls. Once the tag is handed back there are no more fees. The toll fees will be automatically charged to the visitor's credit card. The short-term E-tag is currently being trialled at the Roads and Traffic Authority's Bathurst, Campbelltown, Charlestown, Wollongong and Gosford motor registries. Last week I was pleased to announce that the Maitland Roads and Traffic Authority is being included in the trial. I launched the Maitland trial with the hardworking member for Maitland, Frank Terenzini, and the hardworking staff at the Maitland registry, including Maitland registry services manager Clint Carter, the registry services operations manager RTA North Beryl Bowen, and the regional manager for the Hunter Roads and Traffic Authority Jim Peachman. Following the trial, the tag will be rolled out to all E-toll motor registries across the State by the end of July.

The short-term E-tag means there is no deposit to pay, no vehicle matching fee and no limit on the number of weeks that the tag is active. Currently, people visiting Sydney for a short time can register for an E-toll pass on selected motorways but the pass does not yet operate between all motorways. This new short-term rental E-tag can be used on all motorways in New South Wales, Victoria and Queensland. The Iemma Government is committed to taking Sydney's motorway network fully cashless. We did it with the harbour tunnel last year and it worked. It is one of the few places in the world where there has been a successful transition from a cash toll to a fully cashless tolling process. The smooth transition is a credit to motorists who accepted the move to cashless tolling. It was a major step forward for the Sydney road network.

Now we are taking the first steps to making the Sydney Harbour Bridge cashless. The move to cashless tolling means less queuing at tollbooths and no more searching pockets and ashtrays for coins. The Roads and Traffic Authority will continue to closely monitor the uptake of electronic tags before the Government makes a final decision on when the Sydney Harbour Bridge will become fully cashless. More information on the short term E-tag is available from the Roads and Traffic Authority website. I urge all interested members to log onto www.rta.nsw.gov.au. or www.myrta.com, which are both excellent web sites for information about the Roads and Traffic Authority.

CHILD PORNOGRAPHY

Reverend the Hon. FRED NILE: I ask the Attorney General a question without notice. Is the Attorney General aware of the recent case where a European website featuring extreme child pornography

received 12 million hits within 76 hours, including hits from 2,883 computers in Australia? As a result of this case have 1,513 suspected paedophiles subsequently been identified in Australia, 13 of whom have had summons issued in New South Wales? Will the Attorney General increase the penalties for child pornography in New South Wales, as there is a clear need for higher penalties to deter surfing the Internet for child pornography? Will the Government provide a community education program to reinforce warnings about the depraved nature of this material and the associated penalties incurred by those who view it?

The Hon. JOHN HATZISTERGOS: Reverend the Hon. Fred Nile would be aware that the New South Wales Sentencing Council, headed by Mr James Wood, is currently undertaking a review into all sex offences, including the offences described by the honourable member in his question. According to advice I have received today, the Sentencing Council will provide the Government with the report before the end of the year. It will then make the report public, together with its response.

SUPERANNUATION DISCOUNT RATE

The Hon. JOHN AJAKA: My question without notice is directed to the Treasurer. Why is the Government delaying its planned change to the superannuation discount rate from 6.35 per cent to 5.85 per cent until 2010? Is it to preserve its budget surplus this year, when it will have to book a \$2.4 billion loss in 2010, or is it to minimise the potential loss in superannuation investments this year following last year's loss of \$2.7 billion?

The Hon. MICHAEL COSTA: The answer is no.

REMOTE WITNESS FACILITIES

The Hon. TONY CATANZARITI: My question is addressed to the Attorney General, and Minister for Justice. What is the latest information on the Government's commitment to assisting victims of crime and other vulnerable witnesses when they give evidence?

The Hon. JOHN HATZISTERGOS: The Government has a proud and strong record of recognising and supporting the rights of victims of crime. One way we have done so is to change the way that victims of crime are treated by the courts. An important reform has been the development of remote witness facilities, which allow victims to give evidence from a remote location away from the courtroom via closed circuit television in a controlled environment where there is no danger of them coming face-to-face with the accused and where they can have a support person present. This year the Government has rolled out more remote witness facilities across New South Wales. Over the past two years the Government has spent \$5 million on equipment and rooms at regional locations at Albury, Bega, Coffs Harbour, Coonamble, East Maitland, Goulburn, Griffith, Taree, Dubbo, Port Macquarie, Queanbeyan, Armidale, Bourke, Grafton, Moree and Parkes. Facilities have also been installed in 50 metropolitan locations, including Campbelltown, Sydney Central and the Downing Centre. There are now 83 remote witness facilities installed in metropolitan and regional courts. With the completion of installations in the remaining courtrooms at Downing Centre District Court and at the Penrith court later this year the Government will have taken remote witness facilities to every District Court in the State, ensuring that in sexual assault trials the victim will always be able to access a remote witness facility to give evidence.

The Government has committed a further \$3.25 million in the 2008-09 financial year to upgrade and install remote witness facilities in local courts. Remote witness facilities benefit victims in court by reducing the emotional trauma that often occurs when they enter a busy courtroom in which the attention not only of the judge, jury, lawyers and onlookers is directed at them but also that of their attacker. Taking the victim out of this environment and ensuring that he or she does not encounter the accused lessens the anxiety that can be caused in the trial process.

Previously, access to remote witness facilities had been discretionary and the onus lay on the witness to make an application to the court to use them. The Government changed this in June 2004 by amending the Criminal Procedure Act 1986 to give victims in sexual offence proceedings the right to use alternative arrangements when giving evidence. The Government has also extended protections to child witnesses, and in 2007 to intellectually impaired witnesses, through the Criminal Procedure Amendment (Vulnerable Persons) Bill 2007.

The Government has amended the law further to ensure that a sexual assault victim no longer has to undergo the process of giving evidence in court a second time, as a video recording of evidence at the first trial

can be used. I observed earlier today in another place that the member for Epping indicated that the Government had not rolled out these facilities and, in particular, he mentioned a case at Port Macquarie involving a barrister who was subject to media attention recently. The member for Epping stated that that particular trial had not been video recorded. His comments, together with those of his leader in a similar vein, were inaccurate and wrong. Indeed, I noticed yesterday that the Leader of the Opposition had to distance himself from the shadow Minister saying he should not be referred to as the shadow Attorney General, which is very interesting. I would like to see where that ends up.

In 2005 the Government introduced the Criminal Procedure Amendment (Evidence) Bill to create an exception to the hearsay rule to allow a recording of the previous evidence in a sexual assault trial to be used by the court if there is a retrial. This includes both the evidence in chief and the cross-examination. Giving evidence via a remote witness facility facilitates this by enabling the testimony of the witness to be video recorded as he or she is giving it so that, if necessary, the recorded evidence can be used again. In contrast to the Government, the Opposition's attitude towards victims of crime has not always been to prioritise their interests. [*Time expired.*]

AUSTRALIAN LABOR PARTY FUNDRAISER DINNER

Ms LEE RHIANNON: My question is directed to the Treasurer. Is the Treasurer the star performer at tonight's Labor fundraiser dinner promoting the New South Wales budget at the Westin Hotel?

The Hon. Michael Costa: Do you want a ticket?

Ms LEE RHIANNON: I do. Give me a ticket and I'll come. Considering New South Wales members of Parliament are obliged to not use resources associated with their office to undertake party fundraising activities, will the Treasurer ensure that money raised is donated to charity or will he break remuneration tribunal rules and pocket the money for the New South Wales Labor Party?

The Hon. Michael Gallacher: Oh no! What prop has the Treasurer got now?

The Hon. MICHAEL COSTA: The Leader of the Opposition has mentioned this and I have to apologise; I have just pulled this picture out. That cannot be an idyllic green village because the residents have weapons and they look like they are carnivorous. I apologise to the Greens.

Ms Lee Rhiannon: Point of order: I draw your attention again to Standing Order 65, which states that in answering a question the member should not debate the issue and he should be generally relevant—if that is possible.

The PRESIDENT: Order! The Treasurer was not debating the question. However, I ask him to be generally relevant in his answer.

The Hon. MICHAEL COSTA: I did not want to inadvertently mislead the Parliament. The picture has very similar features to what I thought a Greens' ideal lifestyle would be, but certainly the weapons have to be got rid of. The fact that it indicates the residents might be carnivorous is probably a problem for some members of the Greens.

In relation to the member's question, I suggest that it be directed to the organisers of the event. I speak at many events, be they party-based or be they, like yesterday, for the Committee for Economic Development of Australia [CEDA] and a breakfast. That is the role of a Minister. Ms Lee Rhiannon will not know that because she will never become one. But I also note that the Greens have a function tonight in connection with the soy-based products that are not genetically modified that they are engaged in.

SOUTH COAST CORRECTIONAL CENTRE ACCESS ROADS

The Hon. DON HARWIN: My question without notice is directed to the Minister for Roads, and Minister for Commerce. Why is it that on the one hand the State Budget has allocated significant funds to commence the construction of a new 500-bed correctional centre at Nowra but, on the other hand, the Government has failed to provide any funds in the 2008-09 Roads and Traffic Authority budget to secure proper access to the correctional centre from the Princes Highway through the building of a roundabout at Warra Warra Road? Does this mean that during the busy construction phase vehicular access will be via Central Avenue,

overloading an already overloaded roundabout and disrupting residents and business owners? Is this not just another example of the Government's incapacity to deliver infrastructure in a timely and coordinated fashion? Will the Minister review the decision and fund the expedited construction of an appropriate access road to the new correctional centre?

The Hon. ERIC ROOZENDAAL: This year \$144 million will be invested on the continuing upgrade of the Princes Highway and \$124.5 million will be spent on major road infrastructure projects such as the Northern Distributor extension and the Oak Flats to Dunmore upgrade. That is real money being invested this financial year to upgrade these important pieces of road infrastructure. We will also start on the \$31 million Lawrence Hargrave Drive intersection upgrade, and work will finish on the \$40 million Kiama ramps project.

[Interruption]

The Hon. Don Harwin may not care, but the people on the South Coast care about these important projects. That is the difference: this Government is about delivering infrastructure to the people of New South Wales. What is your tiny little obsession, Don? Key Princes Highway projects in the 2008-09 budget include \$45 million to continue the Oak Flats to Dunmore upgrade to dual carriageway; \$35 million to continue the Northern Distributor extension; \$20 million in joint State-Federal funds to continue construction of the Conjola Mountain realignment project; \$11.8 million to complete the joint State-Federal Princes Highway South Nowra safety upgrade, with an additional \$4.5 million in State funding to extend the project to Jervis Bay Road.

The Department of Corrective Services has been working in cooperation with the Roads and Traffic Authority on access to the new South Coast Correctional Centre. I am advised that owing to a proposed upgrade to the Princes Highway it is not practicable for access to the new correctional centre to be established via the highway. I understand that an alternative route has been selected as the most practicable. I am advised that the Department of Commerce conducted traffic impact assessments on behalf of the Department of Corrective Services so the full impact of the proposal on local residents' traffic levels could be ascertained.

CENTRAL COAST BUDGET

The Hon. LYNDA VOLTZ: My question is directed to the Minister for the Central Coast. Can the Minister update the House on the Iemma Government's delivery of services for residents of the Central Coast as a result of this week's State budget?

The Hon. JOHN DELLA BOSCA: I thank the member for her question and for her ongoing interest in the affairs of the Central Coast. A record \$265.7 million will be spent on the Central Coast and it will deliver better services and new investment in education, roads, health, and transport projects during 2008-09. During the four years since 2005-06, the budget for the Central Coast has more than doubled. I pay tribute to the tenacity of David Harris, Grant McBride and Marie Andrews, who have worked with portfolio Ministers to ensure services are delivered in the region.

I want the House to know that my colleague the Minister for Roads has delivered for the Central Coast. He is a Minister who knows how to get his hands dirty with hard work, and we both managed to get our shoes dirty the other day because we were out there delivering for the roads on the Central Coast. A record \$114 million will be spent to upgrade the region's busiest arterial roads. Last year new road funding was a feature of the Central Coast budget. This year there is a massive 43 per cent increase in funding from an already high base: \$18 million to continue upgrading the Pacific Highway to dual carriageway at Ourimbah; \$15 million for planning and preconstruction of the Central Coast Highway upgrade from Carlton Road to Matcham Road; and \$13 million to continue upgrading Tuggerah straight. I could go on.

These are practical projects that residents of the Central Coast need and the Iemma Government is making this investment. Commuters will benefit from an allocation of \$4.7 million for the expansion of the transport interchange and increased parking at Woy Woy and Tuggerah railway stations. In addition, \$18 million will be spent on the Central Coast sections of the F3 to implement the traffic emergency plan. The Government will also spend \$24.5 million for new and improved social housing to meet the needs of the disadvantaged on the Central Coast and in the New England region. The Government is improving health services with further funds to complete the redevelopment of the Gosford and Wyong hospitals and \$8 million for the Mandala mental health unit. This will provide an additional six acute-care beds at Gosford and 20 hospital beds at Wyong for mental health patients.

Yesterday, the member for Terrigal issued an ignorant news release claiming there was "not a cent for Central Coast schools", no money for Kariong High School and none to build the new Kincumber fire station. A triple whammy for him: Chris Hartcher is wrong on all three counts. I spoke to some Central Coast journalists about this and they said: "It's okay, we know he's wrong." Despite loitering in the other place for 20 years—as the member Gosford and now the member for Terrigal—the member has never bothered to learn to read a budget paper. If he could, he would have found funding for construction of the new high school at Kariong in Budget Paper No. 4 on page 5-21. If the member is listening—and I know he probably is not—that is where he will find it. The budget also includes funding for a new gymnasium at Gorokan High School, toilet upgrades at nine Central Coast public schools, including three in the Terrigal electorate—not that the local member played any role in that or takes any serious interests. The budget also includes funding for four new classrooms at Pretty Beach Public School. The fire station was funded a year ago, the development application is about to be lodged and funding has been provided to employ the expert personnel to ensure it will be in operation when completed.

The Hon. Lynda Voltz: Will the Minister elucidate his answer?

The Hon. JOHN DELLA BOSCA: Yes. Sadly, the Leader of the Opposition in this place—

The Hon. Michael Gallacher: Good, I didn't want you attacking him.

The Hon. JOHN DELLA BOSCA: I know this Leader of the Opposition would not want that. The Leader of the Opposition in the other place rang a Central Coast radio station and claimed that there was no money for the Wyong police station.

The Hon. Michael Gallacher: Where is it?

The Hon. JOHN DELLA BOSCA: He is still claiming that by interjection. I direct the member to budget paper No. 4, page 5-53, which clearly lists \$7 million in this year's budget for the Wyong police station.

The Hon. Michael Gallacher: Point of order: The Minister has obviously been misled by Minister Campbell.

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

The Hon. MICHAEL GALLACHER: It is a subterranean block of land—

The PRESIDENT: Order! The Leader of the Opposition will sit down.

The Hon. Michael Gallacher: They can grow oysters on this land.

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

The Hon. JOHN DELLA BOSCA: The member is now getting into primary industry and saying that he can grow oysters underground. No wonder the industry will not talk to him. He thinks he can grow oysters underground! He should take some Latin lessons and get a good education. It is a very poor Opposition that whinges when we fund fire stations in its electorates and whinges again that it cannot find the funding for police stations, high schools, school toilet upgrades and classroom replacements in its own electorates. Those funding details are in black and white in the budget papers. It is the Opposition members' fault: they should learn to read a budget paper. They should get themselves some proper instruction and get their party to sponsor some training. The Iemma Government is meeting its commitment to the people of the Central Coast and is delivering better services and greater investment in infrastructure for our region.

FISHERIES ORGANISED CRIME

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. Is the Minister concerned that 50 per cent of fisheries compliance officers interviewed for the purpose of the Australian Institute of Criminology report "A National Study of Crime in the Australian Fishing Industry" stated that their jurisdiction is ineffective in dealing with organised crime in the fishing industry? Does the Minister also acknowledge that fisheries officers stated, and the report confirmed with empirical evidence, that existing penalty regimes were inadequate and that the courts were too lenient? Can the Minister inform the House how many New South Wales fisheries compliance officers are employed and whether that number is adequate to address the problems raised by the report?

The Hon. IAN MACDONALD: This is an extremely good question and it has been exercising the minds of officers in the Department of Primary Industry for some time. Organised crime in our fisheries has taken the issue of compliance to another level, particularly in the high-value areas of abalone and rock lobsters. Many reports have been received about organised crime elements in those fisheries. When someone is caught with one tonne of rock lobster one wonders about the scope of their activities. The Government is examining the penalties because of the extensive theft of our natural resources, particularly in the South Coast abalone fishery.

The Hon. Duncan Gay: This is not new; it has been going on for some time.

The Hon. IAN MACDONALD: Yes, it has. The Government has done many things to address this issue. Compliance activities have been enhanced as a result of more vessels. The FPV Swan has played an important role locating and knocking over a number of syndicates operating in that area. However, there is no doubt that the penalty regime needs to be enhanced, and the Government will be doing that. In fact, I was working on that issue yesterday. I believe that the State has about 90 compliance officers. I do not think the numbers are the problem; the problem is that organised syndicates have infiltrated the industry. The high-value fisheries are quite lucrative.

The Hon. Duncan Gay: They need to be more mobile. You cannot send out big ships.

The Hon. IAN MACDONALD: We need bigger vessels and smaller vessels. The Government has provided fast, targeted vessels particularly to deal with organised crime in the abalone fishery. The Government will increase the penalties and the relevant legislation will be introduced into Parliament in the spring session.

BIOSECURITY

The Hon. AMANDA FAZIO: My question is addressed to the Minister for Primary Industries. Will the Minister inform the House about how the Government is enhancing the State's biosecurity measures?

The Hon. IAN MACDONALD: Over the past year the public has learnt just how devastating an exotic disease can be with the outbreak of equine influenza in New South Wales in August last year. That is why this year's Primary Industries budget includes a massive investment in biosecurity to upgrade the State's frontline laboratory facility, which protects New South Wales from harmful plant and animal diseases. More than \$43 million will be spent over the next five years to upgrade the Elizabeth Macarthur Agricultural Institute near Camden to bolster the State's capacity to respond to exotic disease incursions.

Elizabeth Macarthur Agricultural Institute currently has the capability to quickly detect and rapidly respond to potentially high-cost biosecurity threats. This investment is about delivering better biosecurity services and providing vital infrastructure that will protect and benefit the hardworking families and individuals of New South Wales. The funding is part of the Iemma Government's \$467 million 2008-09 budget for Primary Industries. As part of the upgrade, a new plant biosecurity precinct will be constructed and the viral disease diagnostic capability will be expanded with a new high-security wing at the institute. For the State's plant and animal industries, this project will deliver an improved diagnosis and testing platform.

The centre will be on the frontline in the event of an unthinkable large-scale disaster, such as an outbreak of foot-and-mouth disease or bird flu. Scientists and staff based at the institute would play a crucial role and would carry out thousands of diagnostic tests as part of the Government's response to quickly eradicate any disease incursion. I am happy to inform the House that the upgrade will begin later this year. All work carried out will ensure that the New South Wales Department of Primary Industries' premier laboratory facility maintains its world-class exotic disease testing capabilities and response capacity.

Last year we witnessed the important role rapid disease diagnosis plays in countering exotic disease incursions. The Elizabeth Macarthur Agricultural Institute was at the forefront of the successful battle to clear the State of equine influenza, after it broke through the Howard Government's quarantine centre at Eastern Creek. During the horse flu outbreak Government scientists at the institute firstly diagnosed the disease and then conducted thousands of tests per day to monitor the progress of the disease and develop control strategies. The testing capabilities and outstanding efforts of the laboratory team, under the leadership of Dr Peter Kirkland, played an instrumental role in successfully eradicating the disease in record time from New South Wales. During the outbreak, the laboratories worked seven days per week, testing more than 131,000 samples.

The speed of the institute's response limited the spread of the disease and shortened the eradication campaign by three months, saving the New South Wales economy an estimated \$540 million and allowing horse

owners to get on with their lives. This saving could be dwarfed in the event of a large-scale foot and mouth disease outbreak in New South Wales where, according to the Productivity Commission, reducing an outbreak from 12 months to a two or three month outbreak, would reduce the losses to the national gross domestic product from between \$8 billion and \$13 billion to \$2 billion to \$3 billion. So, clearly, the Iemma Government's \$43 million state-of-the-art upgrade at the Elizabeth Macarthur Agricultural Institute is a wise investment in our State's future.

HUNTER REGION ROAD FUNDING

The Hon. ROBYN PARKER: My question without notice is directed to the Minister for Roads, and Minister for Commerce. Following the Minister's recent visit to Maitland for regional Cabinet, is he aware of comments from the member for Maitland, Frank Terenzini, who told local media that the Thornton Bridge was at the top of his wish list and he wants to see it go ahead as quickly as possible? Why did the Minister not provide any funding for this project in the New South Wales budget and why did he again ignore one of the most pressing road issues in the Hunter by failing to address it as well the Swansea Bridge? When will the Minister fund these important infrastructure projects in the Hunter region?

The Hon. ERIC ROOZENDAAL: Is that a Hunter Liberal's question?

The Hon. Robyn Parker: At least I know where the Hunter is.

The Hon. ERIC ROOZENDAAL: The Iemma Government's 2008-09 budget includes a record \$279 million investment on Hunter region roads. Some of the key Hunter funding initiatives include \$159 million for major road infrastructure projects; \$104 million to maintain existing road infrastructure; \$9 million to improve the traffic network; and \$6 million for regional road safety initiatives. The budget ensures critical Hunter road projects such as the replacement of the Tourle Street Bridge and the construction of the Weakleys Drive interchange will be delivered on time.

The Hon. Robyn Parker: That is not in Maitland.

The Hon. ERIC ROOZENDAAL: I am talking about the Hunter.

The Hon. Robyn Parker: My question was about Maitland.

The Hon. ERIC ROOZENDAAL: You asked a question about the budget. Now you get to listen to the answer. That is how it works. The \$104 million maintenance budget will be invested in existing infrastructure such as the restoration of the Goulburn River Bridge at Yarrawa and the replacement of the Hunter River Bridge at Aberdeen. Key road initiatives include \$80 million to continue the Karuah to Bulahdelah upgrade to dual carriageway. I could go on with the many projects we have committed to in the Hunter as part of the record \$4 billion roads budget this year, but in view of the time I will conclude there.

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

EATING DISORDERS FOUNDATION

The Hon. TONY KELLY: On 6 May 2008 Reverend the Hon. Dr Gordon Moyes asked me a question to pass on to the Minister Assisting the Minister for Health (Mental Health). I have been advised by the Minister that the New South Wales Government acknowledges the significant impact eating disorders have on the individual, their parents and carers, and remains committed to the provision of services focused on addressing their impacts. The Minister is aware of the Eating Disorders Foundation of New South Wales that the member alluded to, and the good work it does in providing support, information, referral and advocacy services to people impacted by eating disorders.

In New South Wales the focus of eating disorder funding is on increasing clinical services and treatment programs for sufferers and their families and building capacity for care across the spectrum of clinical service providers, from general practitioners through to tertiary inpatient care. With the mental health enhancement funding for eating disorder services of \$4.1 million over four years announced in the 2007 budget, specialist eating disorder services provided through various area health service subspecialties represent at least \$2 million per annum for up to 25 specialist eating disorder inpatient beds and 24 intensive day program places across New South Wales.

Persons with eating disorders in New South Wales access treatment at a number of non-dedicated specialist inpatient eating disorder services through general health or medical programs, which represent an additional annual investment of at least \$3 million. Mental health services also provide significant non-dedicated eating disorder treatments particularly through child and adolescent services.

JUVENILE JUSTICE CENTRES DETAINEE NUMBERS

The Hon. JOHN HATZISTERGOS: On 3 June 2008 Ms Sylvia Hale asked me a question about transfers from Juvenile Justice to the adult correctional system. I am advised that from 1 July 2007 to 4 June 2008 20 detainees have been transferred from the Department of Juvenile Justice into the adult inmate population of the Department of Corrective Services. Inmates can be ordinarily transferred to the Department of Corrective Services upon their attaining 18 years of age, unless the court has made an order for special circumstances, in which case there are special conditions for transfer which require concurrence on the part of the Director General of the Department of Juvenile Justice and the Commissioner of Corrective Services.

Questions without notice concluded.

APPROPRIATION BILL 2008

APPROPRIATION (PARLIAMENT) BILL 2008

APPROPRIATION (SPECIAL OFFICES) BILL 2008

STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET) BILL 2008

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

Motion by the Hon. Tony Kelly agreed to:

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

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

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Mr Ian Cohen agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 117 outside the Order of Precedence, relating to an order for papers regarding gene technology, be called on forthwith.

Order of Business

Motion by Mr Ian Cohen agreed to:

That Private Members' Business item No. 117 outside the Order of Precedence be called on forthwith.

GM CANOLA COMMERCIAL CULTIVATION

Debate resumed from an earlier hour.

Mr IAN COHEN [2.46 p.m.]: The obligation imposed by section 7A (12) only requires the Minister to say that the 7A process has been complied with. So it is farcical for the Minister to say, "I approve GM canola varieties." The Parliament presumes procedural compliance from the order announcing the approval. GM canola proponents have been much more forthcoming. In *Ground Cover Issue 74* of the Grains Research and Development Corporation, David Strong, Business Manager for Pacific Seeds, is quoted as saying:

Industry has been directed to manage and self regulate the cultivation and segregation of GM canola ... At this point, the Government handed over control to industry to self regulate.

Strong's comments are certainly consistent with the Grain Research and Development Corporation's single-vision document entitled "Delivering Market Choice with GM Canola". Regulation, segregation or co-existence is farmed out to contractual arrangements governing the relationship between GM farmers and multinational patent licensees. At this point I acknowledge that the order for papers asked for documents beyond the scope of section 7A (12) of the Act. In light of the matters I have put and an aversion to the transparency and accountability that is emanating from the Minister, as witnessed in this House, I urge the House to consider carefully the disclosures sought in the order for papers.

With regard to the order for papers in paragraphs (a), (b) and (c) of the motion, it is a concerning state of affairs that such a call is required to make a Minister of the Government comply with a legislative requirement. The Minister has been most evasive with regard to the approval process under the Act. It is the Minister's obvious continued discomfort at having to directly answer my questions about the approval process that gives strong impetus to the request for the public to have access to the documents.

In regard to the papers referred to in paragraph (a) of the motion, the first part of the approval process required industry representatives, which may have included companies such as Pacific Seeds, to outline how they would address the criteria in section 7A (3). These documents explain how under a self-regulatory model private companies will regulate safety and management protocols in New South Wales. By not releasing these documents the Minister is denying farmers the knowledge of how GM canola will be regulated and what is required by non-GM farmers in order to continue to market their non-GM product. Instead, they have to rely on comments in the media such as those made by the Executive Director of the Australian Oilseeds Federation, Rosemary Richards, who delivered the following news:

Growers wanting to market their grain as non-GM must ensure the status of their seed prior to planting. Also, the grower will need to demonstrate traceability through the supply chain. This could involve procedures such as vendor declaration, monitoring contractors and deliver to storage in compliance with customer requirements.

In his second reading speech on that bill the Minister said:

The bill will extend the operation of the Act. It will provide a clear way for GM food crops to enter the market where appropriate. It will provide certainty for investors in the research and development of new GM products. Importantly, it will maintain a mechanism to protect Australia's non-GM export grain markets.

The Act does no such thing. It is left to technology-user agreements between GM farmers and seed companies that bar non-GM farmers from the discussion. Of more concern though were the extensive advertising campaigns run by Pacific Seeds and Newseeds offering GM canola varieties to farmers in New South Wales before the Minister had even made the approval. It is true that the very fine print said, "Subject to appropriate approvals", but the visibility and magnitude of the advertising campaign clearly established that there was no doubt in the minds of the seed companies that Minister Macdonald would approve GM canola for commercial cultivation in New South Wales. We need access to these documents so that New South Wales understands the regulation of GM canola in this State.

In relation to paragraphs (b) and (c) of the motion, during debate on the bill the Hon. Rick Colless, as if gazing into a crystal ball, said in relation to the re-branding of the advisory council to the expert committee:

The structure of the expert panel as constituted is far too vague. It has no reporting requirements and no transparency. There is no indication that the Minister will take any account of the reports that the expert panel gives him. We must introduce a safety net.

Access to the deliberations of the expert committee and its advice to the Minister in this context are required. The Minister may suggest that proposed section 13(a) clarifies the legislative intention to keep the advice of the expert committee out of the public arena. However, I think there are very convincing public interest considerations that counterbalance the desire for confidentiality. On 5 March 2008 I asked the Minister to table the expert committee's disclosure book. The purpose of the question was to ensure transparency in the process and to placate concerns that members of the committee may or may not have had direct or indirect pecuniary interests in the commercial cultivation of GM canola. The Minister responded:

The advice provided to me is that there is no breach and his information is completely wrong. Even if it were correct, it would not constitute an act that would detract from the decisions of the committee.

In responding to that request the Minister drew the conclusion that no member of the expert committee had a direct or indirect pecuniary interest and that even if there were a pecuniary interest, it would not detract from the decision of the committee.

On 6 March 2008 I asked the Minister if any expert committee member had made disclosures of direct or indirect pecuniary interests. The Minister responded that he had nothing to hide, but gave no undertakings to provide reasonable access to the expert committee disclosure book. I have seen the records of the expert committee's disclosures that were allegedly compiled on 25 January 2008. There are certainly members of the committee with small, possibly insignificant, shareholdings in companies such as AWB Pty Limited and GrainCorp. That does not necessarily mean there is a conflict of interest, or that the decisions of the committee are tainted if such members disavow themselves of their decision-making capacity during aspects of the committee's deliberations.

Of fundamental concern is whether the advice and recommendations of the expert committee were adopted to their fullest extent and to the precise word. This House needs to reassure itself that the Minister has not cherry-picked elements of the advice from the committee that may or may not have been conditional to use as the basis for granting approval. We also need to reconcile whether all views of the committee—which I am sure were expressed and recorded—were adequately detailed and addressed. In summary, the process needs to go under the blowtorch. The Minister has indicated that GM wheat and soy will be the next crops to be considered by the expert committee. We must ensure that the system is transparent, accountable and equitable. I commend my motion to the House.

The Hon. IAN MACDONALD (Minister for Primary Industries, Minister for Energy, Minister for Mineral Resources, and Minister for State Development) [2.56 p.m.]: Whenever Mr Ian Cohen speaks in this House about genetically modified products he always neglects to mention the important point that the Parliament has passed legislation on this issue designed to provide a pathway for such products to enter the market. The Greens member is clutching at whatever straws he can in an attempt to overturn just and transparent decisions to allow the commercial cultivation of GM canola in New South Wales. According to the latest Australian Bureau of Agricultural and Resource Economics report entitled "Economic impacts of GM crops in Australia", that decision has the potential to increase economic activity in New South Wales by up to \$273 million, or \$3.5 billion if approvals are given for other GM crops.

The Government has acted with the utmost care and transparency in dealing with the issue of GM crops. The issue is highly emotive—certainly for Mr Ian Cohen. It is the Government's role to cut through the emotive rhetoric and to make decisions in the best interests of the State. In arriving at the decision to approve commercial production of GM canola in New South Wales, the Government undertook a wide range of activities, which included the establishment of an independent panel to review the Gene Technology (GM Crop Moratorium) Act. The review, chaired by the Hon. Ian Armstrong, received submissions from the public and also conducted face-to-face meetings with key stakeholders. The review recommended the release of GM canola and the establishment of the process of review of applications for commercial GM food crops in the future.

The review's recommendations were adopted by this Government and debated by this Parliament when amendments to the Gene Technology (GM Crop Moratorium) Act were tabled last year. Members will recall that there was considerable debate about the proposed amendments. That is the function of good government and it is our duty to conduct that debate. Members will also recall that during that debate the Greens moved a number of amendments, including amendments to establish a review committee to oversight the expert committee and to remove the confidentiality provisions in the legislation. Those amendments were not supported by the Government or, indeed, by the Opposition.

Having been unsuccessful in their attempt to quash confidentiality and to establish supreme bureaucracy in having committee oversight of a committee, the Greens now wish to openly question the authority of this House by requiring that the very documents that this House deemed confidential and commercial-in-confidence be made available for scrutiny. This is clearly an attempt to undermine the authority of this House and, indeed, the democratic system of government that has served this State so well. The Parliament agreed on the robust process for the regulation of gene technology in regard to economic and trade impacts when it passed amendments to the Gene Technology (GM Crop Moratorium) Act. This Government has followed that process and has approved the commercial release of GM canola. The reasons for the approval were made public in my press release of 14 March 2008: I stated:

As part of the legalised requirements I referred the application to the Expert Committee to assess and the Committee's subsequent advice was that the application met the criteria required.

That advice also took into account the dissenting views of a minority of the committee. Obviously, those persons are still rather sore. My legal obligations in respect of the public reasons for my decision have been met, and legal advice provided to me by the Department of Primary Industries confirms this. It states:

...the Minister has complied with the requirement to make his reasons public. The reasons for making the order were made public in Section 7A Order dated 12 March 2008 and published in the *Government Gazette* No. 33 of 14 March 2008 at page

2267 and in the related press release dated on or about that date. Those reasons were that the Minister had taken into account advice provided by the Expert Committee and that he was satisfied that the canola industry met the criteria specified in section 7A(3) of the Act.

For the benefit of members, I quote the gazettal notice:

I, Ian Macdonald MLC, Minister for Primary Industries, pursuant to section 7A of the Gene Technology (GM Crop Moratorium) Act 2003 (the Act) and, after taking into account advice provided by the Expert Committee, being satisfied that the canola industry meets the criteria specified in section 7A(3) of the Act hereby declare that licensed GM canola is approved for commercial cultivation in New South Wales.

The reasons for the approval were made public in accordance with the Act. They are on the public record and the Government stands by these reasons. Members should be aware that a multitude of evidence is available in the public domain regarding the requirements that industry has to make in respect of the licensing of GM crops. I wish to table the document that was sent to me by the industry and which forms the basis of the management regime in relation to the licensing and approval of GM crops. I am going to deal with it in some detail. It is the vision statement and is on the website. For the benefit of those who may not know, the website is Agrifood Awareness Australia.

Agrifood Awareness Australia has three founding members. They are CropLife Australia, Grains Research and Development Corporation and the National Farmers Federation. The document that outlines the management of the industry of the growing of canola and its distribution, et cetera, is contained within this incredibly extensive document. In effect, that is what the committee approved in relation to the management of crop. I seek leave to table this document.

Document tabled.

As I said, Agrifood Awareness Australia is an industry-based initiative that has information readily available on its website regarding the processes that industry will follow to ensure it complies with the requirements of the Act. The organisation is committed to providing quality, factual and science-based information on the use of gene technology in agriculture to allow informed decisions to be made. The single vision document, the one I tabled, *Delivering market choice with GM canola*, clearly sets out the processes and protocols of managing GM canola. As I said, this document is readily available on various websites and contains detailed information regarding the requirements and the processes that industry would use to manage the supply chain.

Within this document is an extensive technical reference list, some 22 documents that were reviewed and used in the development of this report and system for managing GM canola. References such as "segregating GM and non-GM Grain in the Australian Grain Storage System", produced by the CSIRO in 2004, and "Gene flow study implications for the release of genetically modified crops in Australia" by the Bureau of Resource Sciences in 2002, were all reviewed in this document's creation. These documents and the many others available clearly demonstrate that the information relating to the management and the decision to allow GM crops to be cultivated in New South Wales are readily available in the public domain. This, coupled with the statements made in my press release, clearly shows the public the reasons for the decision to grant approval of GM canola.

In summary, industry had prepared a comprehensive case through the single vision document process, and comprehensive reports from that process were submitted on behalf of the industry in the application to have the moratorium on GM canola lifted. I referred this to the expert committee to assess. The expert committee's advice was that the application—that is, this document plus covering correspondence—met the required, legislated criteria for approval. I made it clear when informing the applicants of the approval that it was conditional on their continued adherence to the legislated requirements. The regulatory and compliance section of the Department of Primary Industries will maintain oversight of the performance of the canola industry in New South Wales against the specified criteria and will inform me about whether the industry is meeting the requirements under the Act. The New South Wales Government also continues to be engaged in discussions relating to industry self-regulation as part of the national GM task force.

The honourable member also seems to be concerned with the notion of supply chains being governed by contracts between seed suppliers, growers, grain handlers and marketers. All grain supply chains are governed by such contracts to meet market and trade requirements. The introduction of commercial GM canola cultivation in New South Wales is a trade and market issue. Remember, a trade and market issue, not all the other issues that the Greens tried to wind into this debate, that is, the health and environmental issues, which are Commonwealth responsibilities. It is not surprising that those market and trade requirements are to be met in a similar fashion to conventional grain requirements, that is, by the placement of contracts.

Apparently, the urgency for this call of papers is predicated on the assumption that GM canola will be on the public plate by December this year. The member seems to have forgotten that Cargill has previously imported GM canola into Australia, under a licence from the Commonwealth Office of the Gene Technology Regulator, and that has already been crushed and consumed by Australians. All of the Federal regulatory requirements for this import were met and the GM canola in question has been approved for human consumption by Food Standards Australia New Zealand. The GM canola approved for commercial cultivation in New South Wales has similarly been approved for release by the Office of the Gene Technology Regulator and for human consumption by Food Standards Australia New Zealand. The process for approval of GM canola cultivation in New South Wales was undertaken in a proper and lawful manner, and the granting of the approval was the correct decision.

To suggest in this place on a number of occasions that there is something untoward about the expert panel just beggars credulity. Members of the expert panel that I appointed were members of the previous committee under the legislation before it was amended. Some have changed but essentially I have followed the criteria established in 2003. Two of the members that the member knows well were reappointed even though I was not obliged under the new Act to reappoint anyone from those particular organisations. The first was from concerned farmers and I think the second one acted on behalf of the Nature Conservation Council. I think that was the organisation she previously represented. Now, under the new Act, I am not required to look at the specific organisations or groups that people may represent, but I still reappointed those two people. Indeed, any other members of the committee who had served previously were reappointed.

The only changes that have occurred were people who had retired for one reason or another, and, generally speaking, I have appointed people from the same organisation or similar organisations. So, essentially, the composition of the committee, other than having a consumer representative and having the grain handlers represented on it, has not changed over the past five years. So, for people to traduce this expert committee is ludicrous given the fact that it has hardly changed over the past five years.

The member has not grasped that the legislation in New South Wales is now different. It provides a pathway for genetically modified crops to go to market, but only does this under very strict conditions. It has to go through an expert committee that considers all the issues and it needs ministerial sign-off at the end of that process. To constantly try to undermine the expert committee is outrageous. The committee considered the matter. The detail in this document is extensive and I could table many other documents that surround the management of genetically modified canola in New South Wales. It is a very detailed document prepared by some eminent organisations that I believe have the expertise and which have drawn on a high level of science in drafting the protocol under which the management of GM canola will take place in New South Wales.

Victoria had a process entered into with Gustav Nossal that recommended the moratorium be resolved without the need for an expert panel to deal with applications. Anyone wishing to grow GM canola need only access it from a licensed seller and put it in the ground. In New South Wales, application for approval must be made to the expert committee and the product put through a rigorous test. The product has to be approved by the Office of the Gene Technology Regulator, which examines the health and environmental factors before a determination is made on whether a GM crop can be planted or produced in Australia.

New South Wales has a good system. Open slather with respect to confidential documents and comments about committee proceedings being open and accountable were considered in debate in October, November or December last year but were rejected by this House. The Hon. Ian Cohen should not continue to try to undermine the role of the expert committee. On a number of occasions a couple of members of the committee have also tried to undermine the expert committee. I listened to one member who attacked the committee on the *PM* program, if I remember correctly. He slammed the committee, suggesting that I had set up a committee that was biased. This person had not attacked the previous committee and the only change was that its charter is a pathway to enable GM crops to be produced in New South Wales.

Globally in the future we will have many challenges to produce crops to feed the world. Many countries are experiencing increasing difficulty in producing food to feed their populations. Gustav Nossal said at the Press Club yesterday that genetically modified processes provide the basis to produce crops for the world and a wide range of benefits as we get on top of this technology, including pharmacological benefits from various crops and combinations of genes. This continual attack on modern technology by the Greens and their supporters is doing great damage. It is endeavouring to misuse science and our knowledge to prevent good technology being employed by humankind to solve many of the problems we face with feeding the world.

Population growth will continue to increase, though projections are that the growth may fall off after 2050. If we can find crops that grow in marginal areas by the use of genetic modification and splicing genes that help crops resist certain types of pests or weeds, fundamentally we are doing a good thing for humanity. Indeed, we use this technology extensively on humans. Most of the improvements to be made in health over the next 20 or 30 years will involve genetic modification in one form or another. To continually attack genetic modification and this expert panel does no service to the member, his party or the people of New South Wales. I urge members not to support the motion and this attack on the Parliament's own legislation.

The Hon. RICK COLLESS [3.15 p.m.]: I listened intently to the Minister's comments. If everything is so hunky-dory and above board, what possible reason could he have to object to producing the documents? The Minister said that the House passed the legislation, and he is right. He did not say that considerable concern was expressed in this Chamber about some aspects of it. As the Hon. Ian Cohen pointed out, I expressed concern about how some of the material would not be freely available after the committee had met. If the Minister is concerned about confidential information that may be required to be released, he has the option of claiming privilege. The material will be viewed only by members of the House and cannot be taken outside the Clerk's office. I see no reason to oppose such a request. There has been considerable discussion on this at various levels.

I see no reason for the Minister to oppose the motion except that he does not wish members to see certain material. If everything is so clean and above board, it is only reasonable that the information should be made available to members of the House. The Minister said that two members of the expert committee were causing problems. I know that one member was not even told about a number of the meetings. That is a concern.

The Hon. Ian Macdonald: That is a lie.

The Hon. RICK COLLESS: You say it is a lie. Show us the documents that prove that to be wrong. The Minister should bring the documents to the table to prove the statement is wrong because that is the information I have been given. I am not lying. If the Minister believes that is a lie, he has an opportunity to release the documents to show that what he has said is true. If everything is so clean and well thought out, I suggest the Minister support the motion to allow the information to be available. If he is concerned about commercial-in-confidence issues, he should claim privilege. The Opposition supports the motion.

Mr IAN COHEN [3.18 p.m.], in reply: I thank all members who took part in the debate and those who have listened to it. I thank the Minister, who has taken the issue sufficiently seriously to rise above the Treasurer's level of interpretation in this House, and he gave us a thorough and fulsome explanation of his point of view. I appreciate that. That is all I ask: open, honest and reasonable debate in the House on issues that I hold dear. All members have taken the matter seriously, and it is obviously a very important matter.

I take issue with a number of points put forward by the Minister. Certainly I am not arguing the value or otherwise of GM crops; primarily I am arguing the issue of transparency. I acknowledge that the crops are in the ground, and that we are dealing with the situation. Of course, I will continue, until convinced otherwise, to criticise this method of production. However, recognising where we are up to with debate on this issue, I appealed for the opportunity to debate the matter by way of contingency and the House afforded me that opportunity. I believe many members are aware of where we are up to with debate on this issue.

I believe the Minister has missed the point. I acknowledged in the first sentence of my contribution that the bill was passed in the House. I do not deny that. Indeed, the bill was passed with a very strong majority; only a few members objected to it. That is understood, and it is accepted. The Greens now raise concern about the process and the level of transparency, and still the Minister resists our calls for transparency. This is not about the merits of GM canola production; it is about being informed about how GM canola will be handled and managed in New South Wales overall.

The Grains Research and Development Corporation document that was tabled does not specifically cover process and protocols. The key requirements refer to management; the details are in the contracts. The Minister is creating an overlay by saying it is alright, but the details are in the contracts. We are told that GM management in New South Wales is not regulated except by contracts. The Greens ask: What are the terms of the contracts?

The Hon. Rick Colless raised a few succinct points. There may be issues of commercial in confidence. On many occasions when documents are tabled with the Clerks some of those documents are deemed to be

privileged and therefore can be viewed only by members of Parliament. In the vast majority of cases, members abide by that and do not disclose the documents to anyone. On occasions I have seen material in the Clerk's office that I would love to have taken to the media but because of that condition I have felt restrained. The Minister has every right to place that condition on documents tabled with the Clerks. The privilege condition can then be challenged upon the receipt of legal advice. In a number of instances Sir Laurence Street has delivered further advice to the Parliament following the Parliament's request, and the issues have been taken through to their logical conclusion, whatever that conclusion may be.

I have real concern about the convenient propaganda attack that the Greens continually criticise modern technology and are somehow against everything in the modern world. I noted the interjection by Reverend the Hon. Fred Nile. I wonder what he feels about the issue. I would like to have heard his views on gene technology. I am aware that many people have religious concerns about the issue. But that does not seem to matter: When railing at the Greens, it is fair go under any circumstances.

I believe there is a strong argument that, regardless of whether one agrees with gene technology, there is reason for real caution. Part of that caution relates to proper transparency. We hear throwaway lines such as, "crops to feed the world". Where are these crops going? How many of them are being used to feed the poor? How many of these crops will go to where they are needed? How many of them will go into biofuel in the future? There are food riots all over the world because crops are not going to the populations who need them but instead are being diverted to other uses in the developed world. These throwaway lines about feeding the world ignore the political realities of how food is distributed around the world.

Perhaps the Minister should consider how the countries that are in need could be encouraged to redevelop. I say "redevelop" because many countries—Cambodia, for example, which was at one stage the rice bowl of Asia—can no longer feed their populations because of the decimation by, in some cases, warfare and, in other cases, because of modern technology and the export economies that have upset the traditional styles of agriculture.

Many other arguments on the issue need to be properly assessed. But it is misguided to simply say, "We are doing this gene technology to feed the world." It is also misguided to compare gene technology with medicine, in which the development of technologies involves a much higher degree of care. I am certain that, given the level of scrutiny and transparency involved in developing medicine, an equivalent situation would not arise. Clearly, the experimentation and assessment involved in developing medicine is at a much higher level.

The Minister is keen to withhold information in this process. As I said earlier, the Greens accept the situation with regard to GM technology. I have received a huge amount of feedback from people expressing concern about the issue. This matter cannot be dealt with in isolation. There are farmers who choose not to take this path. In other countries there have been examples of farmers being crowded out of the production cycle because the levels of quarantining are not sufficient. There are also labelling issues. The GM debate extends from the farming sector to the dinner plate and it involves many, many people, if not all, in society. All people are affected and there is a great deal of concern.

I suggest that, given the assurance of checks and balances with respect to confidentiality and that there will be an opportunity to claim privilege with regard to commercial in confidence, the motion assures a level of transparency but would in no way hamper the proper development of this type of production if it has the bona fides that are claimed. I am concerned, as are others, that there is insufficient transparency in this process and that the legislation is not the end of the issue; it is just the beginning. There must be proper monitoring and oversight of the regulating of this process in the future.

I believe that the Minister is failing in this regard. If he suggests that the Greens are Luddites, I feel that he has been bedazzled by his head-rush with modern technology and a scientific fix. The situation is far more complex than that, given the social and environmental values and the long-term productivity of Australia being seen as a clean, green exporter to the rest of the world, rather than being tarred with the brush of a GM producer that will be a small brother to the big combines in other countries, particularly Canada and the United States. I commend my motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Clarke	Ms Hale	Mr Pearce
Mr Cohen	Dr Kaye	Ms Rhiannon
Ms Cusack	Mr Khan	
Ms Ficarra	Mr Lynn	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Noes, 22

Mr Brown	Mr Macdonald	Mr Tsang
Mr Catanzariti	Reverend Dr Moyes	Ms Voltz
Mr Costa	Reverend Nile	Mr West
Mr Della Bosca	Mr Obeid	Ms Westwood
Ms Fazio	Ms Robertson	
Ms Griffin	Mr Roozendaal	<i>Tellers,</i>
Mr Hatzistergos	Ms Sharpe	Mr Donnelly
Mr Kelly	Mr Smith	Mr Veitch

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business****Motion by the Hon. Henry Tsang agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 123 outside the Order of Precedence, relating to the earthquake in Sichuan Province, China on 12 May 2008, be called on forthwith.

Order of Business**Motion by the Hon. Henry Tsang agreed to:**

That Private Members' Business item No. 123 outside the Order of Precedence be called on forthwith.

CHINA EARTHQUAKE

The Hon. HENRY TSANG (Parliamentary Secretary) [3.35 p.m.]: I seek leave to amend Private Members' Business item No. 123 of which I have given notice by omitting paragraph 4 and inserting instead:

4. That this House commends the Government and people of New South Wales for providing \$500,000 in aid to China following the earthquake, the City of Sydney for providing \$100,000, the Chinese community in New South Wales for providing over \$4.6 million through the Chinese consulate, and the Australian Red Cross China earthquake appeal for providing over \$4.2 million.

Leave granted.

Accordingly, I move:

1. That this House extends its condolence to the Government and people of the People's Republic of China following the devastating earthquake in Sichuan Province on 12 May 2008.
2. That this House notes that the earthquake, which measured 8.0 on the Richter Scale:
 - (a) killed more than 69,000 people and injured over 368,000 people,
 - (b) left some five million people homeless, and
 - (c) destroyed immense amounts of property and infrastructure.

3. That this House:
 - (a) notes the following statement by the Premier Morris Iemma:

"The earthquake in Central China has seen a terrible loss of life and caused great devastation for millions of Chinese people.

I express our admiration at the swift and professional rescue effort being made to assist the survivors.

It shows the Chinese people at their best: strong, united and determined to rise above adversity."; and
 - (b) endorses the sympathy expressed by the Premier on behalf of the people of New South Wales during his mission to China to visit the Vice Premier of China, Mr Wang Qishan.
4. That this House commends the Government and people of New South Wales for providing \$500,000 in aid to China following the earthquake, the City of Sydney for providing \$100,000, the Chinese community in New South Wales for providing over \$4.6 million through the Chinese consulate, and the Australian Red Cross China earthquake appeal for providing over \$4.2 million.

I would like to thank both the honourable members in this House and the people of New South Wales for their support of my motion about the China earthquake. I want to update the House on the aftermath of the earthquake that occurred in Sichuan province on 12 May 2008 with information provided by Xinhua News Agency and confirmed by the Australian Red Cross emergency response report to its board dated 30 May 2008. The scale of the devastation is enormous. More than 69,000 people have been killed, 373,000 people have been injured, 18,000 people are still listed as missing and 21,000 people are recovering in hospital. Some five million people have been left homeless, with many unable to return to their homes, which have been destroyed by the earthquake. The earthquake, which measured 8.0 on the Richter scale, is the worst to hit China in 30 years. It has caused devastation for millions of Chinese people. Children have lost parents, parents have lost children, and many people have lost relatives and loved ones.

The situation in the earthquake zone remains dangerous. In the 24 hours ending at noon on Tuesday 13 May, 171 aftershocks were monitored in southwest China's earthquake zone. A total of 10,068 aftershocks have been detected in the earthquake areas since 12 May when the earthquake hit. To make matters worse, in the wake of the earthquake, landslides created 34 "quake lakes" in Sichuan alone, with 28 of those at risk of bursting and flooding downstream areas. The most serious, the Tangjiashan quake-formed lake holding 200 million cubic metres of water, is threatening to burst through the loose blockage and flood people downstream. Soldiers have worked non-stop to dig a diversion channel, removing 135,500 cubic metres of mud and rocks from the "quake lake." This is but one example of the tireless efforts made by soldiers, local and overseas rescue workers and volunteers in conducting an around-the-clock operation to save lives in the earthquake zone.

To date, more than one million earthquake survivors have been found and evacuated. The Australian Red Cross, in an emergency response report to its board dated 30 May 2008, identified the needs of the earthquake survivors as basic health care, nutrition, disease prevention, psychosocial support, and water and sanitation. Transitional shelter is in great need, while plans are being developed for the reconstruction of permanent housing and infrastructure, which is expected to take three years. During difficult times, Australians are well known around the world for being compassionate. Whenever there are natural disasters, whether at home or abroad, they care. Premier Morris Iemma demonstrated the feelings of the people of New South Wales about the Sichuan earthquake when he formally expressed his sympathy to the people of China at a meeting with the Vice Premier of the People's Republic of China, Mr Wang Qishan, in Beijing and to the Governor of Guangdong, Mr Huang Huahua, at the joint economic meeting in Guangzhou and the Mayor of Shanghai, Mr Han Zheng, in Shanghai. I was present at those meetings and I witnessed the genuine appreciation from the leaders of the national, provincial and local governments of China for the condolences from the people of New South Wales. The Premier said:

The earthquake in Central China has seen a terrible loss of life and caused great devastation for millions of Chinese people. I express our admiration at the swift and professional rescue effort being made to assist the survivors. It shows the Chinese people at their best: strong, united and determined to rise above adversity.

I congratulate the Premier on his initiative to hold a charity dinner for the victims of the earthquake on Thursday 26 June 2008 in the Strangers Dining Room at Parliament House. The guests of honour are the Ambassador of the People's Republic of China to Australia, His Excellency Mr Zhang Junsai, and his wife, Madam Yin Guomei. The Consul-General of the Consulate-General of the People's Republic of China in Sydney, Mr Qiu Shaofang, will also attend. I take great pleasure in assisting this fundraising campaign, together with the

Minister for State Development. Like the Premier, Minister Macdonald is committed to assisting the victims of the earthquake. All donations from the dinner will go to the Red Cross, which has a long history as a well-established and world-recognised aid agency. In China more than 35,000 local Red Cross volunteers and 100 relief and medical teams continue to support rescue and medical operations by providing first aid and relief supplies and shelter to thousands of people left homeless by the earthquake. To date, more than 800,000 survivors have received assistance from Red Cross.

Many Red Cross staff have been working long hours under difficult conditions in makeshift offices during the day and sleeping in cars and tents at night. Some of them have lost family members and witnessed the grief and loss of thousands of others in their communities. At times of natural disaster the Australian people care, showing sympathy and compassion for those affected by these tragedies. Australia led the world in pledged amounts on a per capita basis in response to the Indian Ocean tsunami of 2004. The China earthquake appeal is no different. I want to update the House on the generosity of the Australian people, with donations to the Australian Red Cross China Sichuan Earthquake Appeal to the tune of over \$3.3 million. Further, the Premier and the Lord Mayor of Sydney jointly announced aid of \$500,000 from the Government and \$100,000 from the City of Sydney.

The Chinese community in New South Wales has organised fundraising events, such as the Way in Network Sichuan Earthquake Relief fundraising luncheon on 24 May 2008. This luncheon raised \$235,000 for the Australian Red Cross China Sichuan Earthquake Appeal. Donors included Neptune Palace Restaurant, Happy Chef Restaurant, East Chinese Restaurant, Palace Chinese Restaurant and Joseph King Fai Siu, who all contributed \$10,000. Others who have contributed to the Australian Red Cross China Sichuan Earthquake Appeal are the Ngai family, with a donation of \$40,000, and \$12,000 from the Sydney Chinese Lions. All these pledged donations bring the Australian Red Cross China Sichuan Earthquake Appeal to \$4.2 million to date. I am informed that the Chinese and Australian community has contributed more than \$3.3 million directly to the earthquake-hit areas through the Consulate-General of the People's Republic of China in Sydney.

I will highlight some organisations that have undertaken fundraising efforts and donated towards that figure: the Australian Council of Chinese Organisations has donated more than \$300,000, \$34,000 from University of Sydney students and staff, \$32,000 from the Australian-Chinese Cambodian Association and \$30,000 from the Chung Shan Society of Australia. The *Sing Tao Daily* has received donations of \$473,000 from its readers and the Australian Council for the Promotion of Peaceful Reunification of China has raised \$750,000, with a further pledge of a similar amount. The readers of the *Australian Chinese Daily* have donated \$200,000 to the Consulate-General with a further pledge of \$100,000. In total, the amount donated through the Consulate-General and others comes to more than \$4.6 million. Adversity in life brings people closer together, as a community and as a country. This was demonstrated with the Canberra bushfires of 2003 and the Indian Ocean tsunami of 2004, which brought Australia and its neighbour Indonesia closer. Australians—whether they are individuals, organisations, companies or governments—have truly demonstrated through this earthquake appeal that we are part of the Asia-Pacific region and we care about our friends in this region.

Reverend the Hon. FRED NILE [3.49 p.m.]: I wish to put on the record my support for the motion. I congratulate the Hon. Henry Tsang on moving the motion and I thank him for the information he has provided to the House. We are all aware of the devastating earthquake that occurred on 12 May. As the Hon. Henry Tsang has indicated, the danger now is with the aftershocks because in various towns and villages many buildings that survived, but have cracks in them, are now collapsing. It is an ongoing serious situation facing the Chinese Government and the people. Also, dams and retaining walls are threatening to burst and flood many areas of China. I support the motion and congratulate all those who have so generously contributed financial aid to the Chinese people.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.50 p.m.], in reply: I thank Reverend the Hon. Fred Nile for his contribution. This condolence motion will truly reflect that Australians are compassionate and always respond to natural disasters both here and overseas, as demonstrated by the Canberra bushfires of 2003 and the Indian Ocean tsunami of 2004. This motion shows that we Australians do care.

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

Motion agreed to.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business**

Dr JOHN KAYE [3.51 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 125 outside the Order of Precedence, relating to teaching qualifications for TAFE teachers, be called on forthwith.

This motion is urgent. On 21 December 2007, on the eve of the Christmas vacation, the director general of the Department of Education and Training sent a letter to the New South Wales Teachers Federation foreshadowing significant changes to the teacher qualifications required for TAFE educators. In short, the letter proposed the deletion of the requirement for an appropriate university-level teaching qualification in addition to trade or subject-specific qualifications. The letter indicated that the department was going to replace the requirement for an appropriate university-level qualification with a certificate IV in training and assessment.

This is an urgent matter because this will have devastating consequences not only for teacher professionalism but also for students and society in general. The motion is urgent because it seeks to have the Minister for Education and Training reverse this decision before it does any damage and to restore both the requirement for appropriate university-level qualification and release time for newly appointed TAFE teachers to undertake that qualification. It is urgent because if we do not act now New South Wales will slide into reverse against international trends towards university-level educational qualifications for all vocational education and training teachers. We will damage TAFE teacher professionalism and we will turn TAFE teachers into second-class citizens in the education world with lower qualifications than schoolteachers.

Yet no-one would argue that TAFE teachers face fewer challenges in classrooms than schoolteachers—certainly, both require a high degree of intellectual preparation to deal with diverse learners. This matter is urgent because the New South Wales Teachers Federation has been forced into a dispute before the New South Wales Industrial Relations Commission that is headed towards arbitration. It would be a much better outcome for the people of New South Wales if the Government and the New South Wales Teachers Federation were to negotiate. The New South Wales Teachers Federation has already offered to negotiate, but the ball is in the Government's court. Arbitration is not an appropriate place to resolve matters which go well beyond the industrial sphere and which benefit all society.

To date, since 21 December 2007, the New South Wales Government has made only one concession, and that was reimbursement of full Higher Education Contribution Scheme [HECS] payments for appropriate university-level teaching qualifications. But that concession is not meaningful without restoring release time and teacher professionalism. This matter is urgent because if the Minister does not act now TAFE teacher professionalism will be undermined, and with it the benefits of TAFE teaching. I commend the motion to the House.

The Hon. ROBYN PARKER [3.54 p.m.]: The Liberal-Nationals Coalition supports the urgency and the sentiment of this motion. This matter is urgent because we are quickly moving forward from discussions and negotiations over some time to a point where TAFE teachers will be employed without the need for university-level teaching qualifications. This will mean that TAFE teachers may have different qualifications from their peers and, indeed, different qualifications from high school teachers.

This matter is urgent because it is important that this process of change cease so that there can be proper negotiation and discussion. This change to teachers' qualifications has been brought forward without adequate consultation, without thought and without an understanding of what this means. It means that certificate IV will be a sufficient qualification for TAFE teachers and, therefore, those teaching Higher School Certificate subjects need to have only that qualification. The matter is urgent because it is important that we do not create different standards within the teaching profession. If we allow this change to proceed we will find that we have a tier system emerging in the qualification levels of the teachers being employed, and ultimately their students will suffer.

Also, the Government plans to abolish the eight to ten hours a week teaching release, which enables TAFE teachers to undertake further study obtain their teaching qualifications. In my view it is dumbing down the qualifications of TAFE at a time when we want to encourage people to come in from industry and to recognise their experience and qualifications. Most of the 292 teachers employed this year chose to undertake university-level qualifications. If teachers do not want to undertake those qualifications they should be able to remain on the part-time, casual or temporary teacher roster.

The Government is trying to push this through without enough consultation and negotiation. It is important that we discuss this and have a resolution today so that we do not create a situation where teachers will be teaching without the proper international best practice standard in terms of vocational education and training: the requirement to have qualifications right from the start and an understanding of what pedagogy is and the educational processes involved. It is important that we stop this now so that negotiation proceeds, because teachers will be employed under different circumstances from others and it will be too late to amend that once the stable door has been shut.

The matter is currently before the New South Wales Industrial Relations Commission and it is likely to go to arbitration in the near future. A preferable outcome is that the Government accept the offer of the New South Wales Teachers Federation to negotiate. We should respect the professionalism of TAFE teachers and the well-known practice and need for those who are teaching courses in TAFE—particularly Higher School Certificate subjects—to have appropriate qualifications greater than a certificate IV, which is really an industry-standard qualification. It is important that we halt the Government's progress on this and bring the matter back to proper negotiations and discussion. That is why this matter is urgent and that is why the Liberal-Nationals Coalition supports the urgency of the matter today.

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

Motion agreed to.

Order of Business

Motion by Dr John Kaye agreed to:

That Private Members' Business item No. 125 outside the Order of Precedence be called on forthwith.

TAFE TEACHER QUALIFICATIONS

Dr JOHN KAYE [4.00 p.m.]: I move:

1. That this House notes that the former requirement that permanent TAFE teachers hold or undertake university-level qualifications recognised the professional demands of vocational education and training and, in particular, that:
 - (a) vocational education and training is a professional undertaking which requires an understanding of pedagogy and the educational process,
 - (b) the interests of society and TAFE students are best served by a vocational education and training teacher workforce that holds appropriate tertiary qualifications in education, and
 - (c) international best practice is to require all teachers involved in vocational education and training to hold such qualifications.
2. That this House notes with alarm the move by the Iemma Government to replace the requirement for permanent TAFE teachers to hold, or be in the process of obtaining, a university-level teaching qualification with a Certificate IV in Training and Assessment and, in particular, that the Certificate IV qualification:
 - (a) is designed for workplace assessment, not TAFE teaching, and
 - (b) does not prepare teachers for educational leadership roles that are required of TAFE teachers, including designing and implementing programs for a wide range of learners.
3. That this House calls on the Minister for Education and Training to restore the requirement for university-level teaching qualifications for TAFE teachers and to reinstate release time and other support for recently appointed permanent teachers to access an appropriate university-level qualification.

I outlined some of the key issues associated with this matter in my contribution to the motion to suspend standing orders to allow it to come on. TAFE teaching sits at the heart of economic prosperity. If we undermine the ability of the TAFE system to deliver quality trades skills, we will undermine the future prosperity of this country. TAFE courses provide working-class Australians with the opportunity to achieve trades skills and economic and social advancement. Even more importantly, TAFE sits at the heart of second-chance education. It gives adults who have fallen out of the formal education system a chance to re-engage with education and with the benefits that education brings.

These are not benefits that can be delivered by private providers because a TAFE education involves more than simply training: it is about education and training. Because we want to continue to deliver the benefits

of education, we need a permanent professional teacher workforce. We do not want a workforce that delivers training according to a manual; we want a professional workforce that delivers real education. That can be done only by professional teachers. Professionals require professional-level qualifications and specialist training. That is precisely why this motion is so important. This State must not remove the requirement that permanent TAFE teachers hold appropriate university-level qualifications in teaching.

On 21 December the director general of the Department of Education and Training wrote to the Teachers Federation and unilaterally undermined the professionalism of TAFE teachers and the benefits that the TAFE system can deliver. The director general created two classes of teachers in New South Wales: schoolteachers, who appropriately require university-level teaching qualifications; and TAFE teachers, who under this arrangement will no longer require university-level teaching qualifications. The department is undermining the professionalism of not only TAFE teachers but also the entire teaching profession. It is saying that the delivery of education no longer requires a professional-level qualification.

This move will also create inconsistency in the delivery of Higher School Certificate level subjects. Many TAFE teachers deliver Higher School Certificate level materials and teach Higher School Certificate equivalent qualifications. To remove the requirement that the teachers developing and delivering those materials hold a university-level qualification is to undermine the value of the Higher School Certificate and of teaching at that level. This change may well lead to some short-term cost savings for the Iemma Government—releasing teachers undertaking university-level studies for eight to ten hours a week does incur costs—but we must look at the long-term consequences and impact on the economy of reducing the professionalism of TAFE teachers.

The direction that the Iemma Government has taken runs completely counter to international trends. The European Union is rapidly moving towards a requirement that all vocational education and training teachers have what we would consider to be the equivalent of a university-level qualification. Around the world those jurisdictions that take seriously the business of vocational education and training and the word "education" in the term "vocational education and training" are increasing and tightening standards, not weakening them. We seem to be moving backwards in Australia in this regard. We are putting ourselves at a competitive disadvantage compared to the Europeans. European trades skills will be delivered by teachers with an understanding of pedagogy, the way in which young people learn and how to develop materials for diverse learners. In Australia we are lowering that requirement to a certificate IV qualification.

Let us be clear about the certificate IV qualification. Some private providers will issue a certificate IV after students complete a weekend cruise. That is not a university-level qualification—it is not really a qualification at all. The TAFE system itself requires only 96 hours of training for a certificate IV qualification. That means we will have people teaching in the TAFE system whose understanding of the education process and pedagogy is limited to 96 hours of training—or, worse still, just a weekend of training.

Teaching in the TAFE system, like teaching anywhere, is a complex activity that requires creativity, understanding of how people learn and what works and what does not in the classroom. Those skills cannot be imparted over a weekend or in 96 hours; they cannot be imparted in the same way that one learns to drive. These processes require our teachers to have significant intellectual skills, understanding and thought processes. To remove those requirements, to say that this sort of teaching can be delivered by people with a certificate IV qualification, displays a massive lack of understanding of the entire vocational education and training process and the importance of the role that TAFE plays in that process.

The present Minister for Education and Training—perhaps uniquely among his State and Territory counterparts—takes the role of TAFE seriously, and we congratulate him for that. However, this move belittles the work he has done in the Ministerial Council on Education, Employment, Training and Youth Affairs in support of publicly funded and maintained vocational education through TAFE. This undermines the advances that New South Wales could be making in becoming a leader in supporting TAFE.

As I said, this matter is before the New South Wales Industrial Relations Commission and is heading towards arbitration. That is an unfortunate outcome. I am not trying in any way to downplay the skills of the Industrial Relations Commission, but this is a matter of public policy and it extends beyond the pure industrial to our collective vision of how we will run a successful economy over the next 25 years and how we train people to participate in that economy. This goes well beyond pay and conditions; it speaks to the role we see for TAFE in the future. Do we see TAFE and vocational education and training as an activity that can be delivered after just 96 hours of training, or is it something that requires university-level qualifications?

The Hon. Marie Ficarra: Hear! Hear!

Dr JOHN KAYE: I thank the Hon. Marie Ficarra for that interjection. We should see this as an important, high-level activity that requires university training. The motion urges the Minister to negotiate with the Teachers Federation and to drop some of the weaker arguments he has been using. The weakest of all is that this measure will create consistency between part-time casual teachers and permanent teachers. It is true that part-time casual teachers in New South Wales require only certificate IV qualifications, whereas traditionally permanent teachers have required a university-level qualification in education. That is a particularly weak argument given that the justification for allowing the high rate of casualisation of the TAFE teacher workforce has always been that casual teachers are not replacing permanent teachers; that is, they are ancillary to permanent teachers. If the Minister and the department are now saying that permanent teachers need have only the same qualifications as part-time casual teachers, and if we are consistent, it then follows that they are admitting that they are reducing the role of TAFE teachers in New South Wales.

The Minister might argue there is a skills shortage and that that skills shortage can be addressed only by increasing the number of hours taught in TAFE and by increasing the number of teachers at TAFE, and that we simply cannot afford the time out of the TAFE classroom to allow for teachers to gain appropriate university-level qualifications. This is short-term thinking, and it will get us into deep trouble. If we are going to use that argument, we could use it to delete almost every standard that we apply to TAFE and to vocational education and training. Yes, we do face a skills crisis and we need to get more people into TAFE—we have already increased the number of casuals teaching in TAFE to create more student contact hours—but in the long run the future for TAFE has to be as an institution where education and training is delivered by skilled professionals with professional level qualifications.

It is not too late to undo the changes proposed by the department and the Minister. Although the Minister did not answer the question I asked about this yesterday, it appears that of the more than 300 TAFE teachers who have joined the system as permanent teachers since the announcement on 21 December, only one or two have opted to take certificate IV qualifications. The rest have taken the option of permanent teaching.

[Interruption]

I will remind Reverend Nile of that interjection the next time he gets up to speak. The key issue here is that only two or three of the teachers took the option of certificate IV. So, we have not done the damage yet. But at the end of this semester, at the end of this half year, there will be no option for teachers to get paid relief time to undertake study to gain full qualifications and we will lose the full university-level qualification. This is our last chance as a Parliament to send a message to the Government that we do not want a dumbing down of TAFE, we do not want a deprofessionalisation of TAFE. I commend the motion to the House.

The Hon. ROBYN PARKER [4.12 p.m.]: I wish to make some brief comments in addition to those I made on behalf of the Liberal-Nationals Coalition in debate on the earlier motion to suspend standing orders. It is clear to me that the rationale for this move by the Government can only be cost-cutting. By taking away the eight to ten hours a week teaching relief that new teachers are allowed to undertake training to attain university-level qualifications the Government is saving money. Admittedly, teachers are given some Higher Education Contribution Scheme [HECS] relief if they undertake university study within the first two years of their employment. But this will not be a condition of their employment; it is optional. However, it will mean that they will have a full teaching load. So, they will have to undertake their study in their spare time.

This is not about attracting more teachers to TAFE; it is about reducing standards. This Government likes to boast about having a world-class education system. We want a world-class TAFE system, but we do not want to reduce the qualifications of those teaching at TAFE, and certainly not those who are teaching the Higher School Certificate subjects, by making their qualifications to teach quite different from those who are teaching at the Higher School Certificate level in schools. It is important for teachers to understand pedagogy. It is important for them to understand the benefit of experience and the philosophy and practice behind teaching. Most teachers have that understanding because when they take up their positions they opt to obtain university qualifications. I am informed that of the 292 TAFE teachers employed, most take up the option and increase their qualifications to university standard.

We need to raise the level of qualifications across the country, and certainly across the certificate IV level for teaching at TAFE. There is an option for those who come from industry with a certificate IV qualification to teach as a casual, as a non-permanent teacher. A two-tier system, in which some teachers have

university qualifications and others do not, causes a dumbing down in the TAFE sector, and this will have a disappointing outcome. We do not understand the rationale. It is important that teachers come to TAFE from industry—that is the benefit of TAFE teachers; they have recent industry experience. But that industry experience must be combined with teaching knowledge and understanding—and I mean from the beginning, not two years after they have started teaching.

It is important that we support this motion. The Government needs to go back to the negotiating table and talk to the TAFE Teachers Association and to work out a compromise. If it does not, our TAFE students will suffer; they will be taught by people with qualifications earned in just a few hours rather than by people who have had extensive industry experience coupled with university teaching qualifications. We do not want to create barriers for people coming from industry; we want to raise their qualifications and their abilities. We want to encourage them to teach and to give them relief time at the beginning of their teaching to equip them with the right qualifications to teach at the right level, particularly those teaching at the Higher School Certificate level. We do not need a standard of teaching in schools different from that in TAFE.

The removal of access to teaching relief from a teacher who is just beginning can only be a cost-cutting measure. It can only be because the Government is looking at ways to snip at the budget. But it is the wrong way. It is important that the Government go back to the negotiating table. It must ensure that our students do not suffer and that new TAFE teachers are given adequate professional training so that they can offer the standard of teaching that our teachers currently offer. The Liberal-Nationals Coalition supports the motion by Dr John Kaye and urges the Government to resume consultation on this issue and restore relief time so that permanent TAFE teachers are supported and encouraged to hold university-level teaching qualifications.

The Hon. JOHN DELLA BOSCA (Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance) [4.18 p.m.]: I oppose the motion moved by Dr John Kaye. TAFE New South Wales has introduced new arrangements for teacher training and professional development. TAFE has introduced, in the simplest sense, a new pre-employment standard that applies to all teachers, permanent and part-time. That is the certificate IV equivalent credential. The Hon. Robyn Parker used the word "encourage". We are doing a lot more than encouraging. We will still pay Higher Education Contribution Scheme [HECS] fees for any permanent appointee who wants to pursue teaching qualifications post-employment.

The Hon. Robyn Parker: In their own time, though.

The Hon. JOHN DELLA BOSCA: That is just a nonsense proposition from a member whose party advocates the complete destruction of TAFE and, indeed, has been running a Jihad for the past 10 years to destroy TAFE training. Let me point out just how silly that statement really is.

The Hon. Robyn Parker: That is not true.

The Hon. JOHN DELLA BOSCA: That is absolutely true. I attended meetings at which Federal Coalition industrial relations Ministers and education Ministers, one after another, set out to destroy the New South Wales TAFE system. Opposition members should not tell me what I do and do not know because they and their Federal affiliates were committed to that. Dr John Kaye should listen to this. The Opposition and the Hon. Marie Ficarra are about undermining the Teachers Federation. This has always been their industrial agenda. If they get their way, TAFE's cost profile will ensure that it is privatised. That is what their agenda has always been. Dr John Kaye needs to understand that he is being manipulated in this policy argument.

New South Wales TAFE has taken a rational position to introduce a standard credential for permanent and part-time teachers. It has done so because for quite a long time there have been two different sets of qualification standards for permanent and part-time teachers. Why would that be so? They teach the same courses and they have the same responsibilities to their students. They have the same undertaking to the curriculum and the same requirement and conditions, yet one group must have a teacher qualification while the other does not. This has been the case for a long time. In terms of encouraging people to pursue their teacher qualification—

The Hon. Robyn Parker: We will raise the standards instead of dumbing them down.

The Hon. JOHN DELLA BOSCA: We are not dumbing them down; we are encouraging people to pursue their qualifications.

The Hon. Robyn Parker: In their spare time!

The Hon. JOHN DELLA BOSCA: Name one other employer that pays HECS fees for people seeking permanent employment.

The Hon. Robyn Parker: We gave them relief time. You are taking that off them.

The Hon. JOHN DELLA BOSCA: No other employer in the whole country will do that.

Dr John Kaye: TAFE is not their employer.

The Hon. JOHN DELLA BOSCA: What does the member mean when he says that TAFE is not their employer?

Dr John Kaye: It is not just any employer, the Minister knows that.

The Hon. JOHN DELLA BOSCA: Dr John Kaye is in fantasyland. We will still pay the HECS for teaching qualifications post-employment for any TAFE teacher. The new permanent teachers are being supported to undertake a teacher training degree or post-graduate program at a university if they wish. Name one private employer or public employer who does anything different. Name one! I will concede this debate if the Hon. Robyn Parker can name one employer in the whole country that does this. It is just nonsense. The Hon. Robyn Parker is a complete hypocrite. She has taken up the valuable time of the Hon. David Clarke, who obviously wants to debate something else. And he has complained about that. The Greens were clever. The Opposition voted for this motion to be debated. The Opposition is in alliance with the Greens again.

The real objective of the Opposition is to undermine public sector training and education; a completely opportunistic position. The Opposition cannot seriously support the position it is advocating—the Liberal-Nationals, parties of the market and rational employment, supporting the most absurd set of arrangements that one could possibly imagine. As I said, new permanent teachers are being supported to undertake a teacher training degree or post-graduate program at a university if they wish—and I defy the Deputy Leader of the Opposition to nominate any other employer who will pay this—and TAFE will refund 100 per cent of the HECS charges each semester on successful completion of their qualification.

The Hon. Duncan Gay: Point of order: The Leader of the Government has just slandered an old agrarian socialist and I ask him to withdraw.

The Hon. JOHN DELLA BOSCA: I withdraw. I had forgotten that the Deputy Leader of the Opposition was the last of the agrarian socialists. In addition to the teacher training qualification standard, TAFE teachers must also meet qualification requirements for their respective industry professions, as well as have several years industrial experience. In fact, many TAFE teachers have professional degrees already. New permanent full-time teachers will be provided with study time each week for their first two years. Again, I challenge the Hon. Robyn Parker to name another employer that does that. Teachers will be able to use their study time to undertake professional development based on an individual professional learning plan. The plan will include important new elements, such as mentoring, which will ensure that TAFE students continue to learn from qualified teachers with both educational and industry expertise.

New permanent teachers will be required to meet the national minimum standards of vocational education and training, the certificate IV in training and assessment, on entry. The minimum entry requirement standardises the requirement for all TAFE teachers and brings the minimum qualification for permanent teachers into line with the requirements that apply to TAFE's excellent part-time casual and temporary teachers. This removes an old-fashioned, industrial barrier—something that was abolished in most industries a generation ago. The requirement ensures that all TAFE teachers will continue to meet relevant national standards set out in the Australian quality training framework. TAFE will continue to employ and develop the best available teachers across all of our campuses, including those in regional and remote areas.

The Hon. Robyn Parker said we need further consultations with the teaching profession. That is fine. In fact, we have gone beyond that. We are now in the Industrial Commission in a conciliation process. We have gone beyond consultations and are now having the matter conciliated. If it is arbitrated, I do not see any great offence to the teaching profession, the public interest or the Government in that because we support an independent umpire and the fact that there is a difference of opinion over this. We are quite happy to have the

matter arbitrated and if that is the outcome, we will live with it. The Government is committed to the industrial relations process and has confidence that the place to resolve this dispute, if it cannot be resolved at the TAFE and federation level or the Government and union movement level, is to have it determined by the independent umpire.

I must deal with a couple of furphies. TAFE is an important second-chance institution. Many people for a variety of reasons, social and personal, do not have the opportunity in secondary school to undertake the School Certificate or the Higher School Certificate. They do these certificates or other tertiary preparation courses through TAFE, and many people have made a great success of their lives based on technical and further education. Other people may not appear to have made a success of their lives on one definition, nevertheless have received great satisfaction from their TAFE courses. TAFE is an important institution from a social point of view, and its important training and industry operational strengths underline many of the reasons why New South Wales is training the nation.

It is important to understand that TAFE teachers who teach Higher School Certificate and School Certificate related courses are teacher qualified. The only people who teach Higher School Certificate and School Certificate type courses who are not teacher qualified are university lecturers, who sometimes lecture at TAFE in Higher School Certificate related subjects. They are not teacher qualified because universities do not require university-tenured appointments to be teacher qualified.

Dr John Kaye: They should.

The Hon. JOHN DELLA BOSCA: Why should they? The Opposition is using Dr John Kaye to set TAFE up to fail. They are putting in place a bar that universities do not even place on universities. It is true that no university in New South Wales or the rest of Australia currently requires a tenured appointment to have a teaching qualification. They require them to have an industry standard, the equivalent of the certificate IV. The Opposition cannot be trusted on TAFE and is setting TAFE up to fail on the basis that there is an industrial dispute. I agree that this is about costs and about hours, but it is also about a logical set of arrangements that makes sense for TAFE, the TAFE workforce and the public.

The important thing to understand is that universities do not even require such a qualification of tenured appointees. It is important to understand that the qualification is entirely an appropriate one for teachers. It is like a form of apartheid, whereby the skill sets and qualifications of part-time teachers are completely different from those of permanent teachers. To suggest that as a permanent and sustainable basis for going forward, is ludicrous. On a number of occasions the Government has had discussions with TAFE. It is now time for conciliation and arbitration, and I am happy that that is now taking place. I expect the matter will be resolved sensibly rather than have a situation brought about by the naked and foolish political opportunism of members opposite—who, for 20 years, have been dedicated to the destruction of public sector training—and the otherwise well-intentioned but confused interference of Dr John Kaye.

The Hon. CHRISTINE ROBERTSON [4.29 p.m.]: I oppose the motion moved by the Greens. In the past, in order to be appointed as a permanent TAFE teacher a person needed industry qualifications and relevant experience. They did not need a certificate IV, nor did they need a teaching qualification. TAFE New South Wales paid new permanent teachers to gain these qualifications and paid other teachers to teach their classes while they studied. The new arrangements require permanent TAFE teachers to hold a certificate IV before entering the service, just like their casual and temporary colleagues. Some of the arguments that have been raised by members opposite in this debate are therefore irrelevant. The new arrangements are an improvement rather than a retrograde step, as has been implied. New permanent TAFE teachers will still be encouraged to gain teaching qualifications at university level, and other qualifications.

The Hon. Robyn Parker: In their spare time.

The Hon. CHRISTINE ROBERTSON: The Hon. Robyn Parker said, "In their spare time." I have a Bachelor of Health Science. I attained that degree in my spare time with two kids, while working as a nurse and carrying out day and night duty. Attaining a teaching degree in one's spare time is no different. TAFE New South Wales will refund the Higher Education Contribution Scheme [HECS] charges of new permanent TAFE teachers each semester upon successful completion of their studies. I can assure members that no-one refunded my HECS fees; they came out of the family budget. This is a major improvement. It ensures that new permanent teachers have a teaching qualification before they commence as permanent staff. It also ensures that people with relevant industry experience—plumbers, electricians, and other skilled tradespeople—can be more readily employed by TAFE as permanent teachers.

An interesting process has developed within the TAFE system. Skilled tradespeople are finding it increasingly difficult to become registered with organisations. There are enough problems, particularly in country areas, with young people finding it difficult to gain trades and extra skills, without the valuable expertise of tradespeople being rejected. The new process, which allows permanency for people with skills, is very important for the future of skill sharing, particularly in country areas.

Many of these skilled people do not want to undertake a university degree, yet they possess the highest levels of skills. It is important that these people are able to transfer their skills and that trainees are able to gain the skills this State needs to ensure growth and a secure industrial base. It is important that their skills are utilised, rather than rejected because of an industrial issue. The new policy allows TAFE to hire these people as permanent staff. It will enhance the skills in TAFE and ensure they have teaching qualifications.

The new arrangements being implemented by TAFE New South Wales will not undermine the quality of TAFE teachers. As I said, the new arrangements have the potential to improve the quality of TAFE teachers because they ensure a sharing of the different kinds of skills required for teaching. TAFE's excellent part-time casual and temporary teachers are already required to hold the certificate IV in Training and Assessment 002E. TAFE teachers will continue to have the industry qualifications and experience relevant to their professions, and relevant to the needs of the students and, in particular, to industry in New South Wales.

One of the committees of this House recently carried out research into issues to do with ensuring there are adequate skills throughout New South Wales. Employers and the TAFE sector raised a large number of issues. The committee did not hear about university qualifications being required; rather, it heard about the need for information and knowledge, which this proposal is about. TAFE teachers will continue to meet the requirements of the national vocational education and training system under the standards established through the Australian Quality Training Framework, to which New South Wales has made a major contribution given its excellent record in the TAFE system. It is important to acknowledge that the models New South Wales delivers for TAFE education are being used right across Australia.

TAFE teachers will continue to have the opportunity to study for a teacher training degree at a university if they wish. As I said, unlike any other profession I can think of, TAFE teachers will be refunded 100 per cent of their HECS charges each semester if they are successful in their studies. That is good and fair, and must be measured when delivering a policy as important as this. The Iemma Labor Government believes in the industrial relations process. We believe in the independence of the New South Wales Industrial Relations Commission. We do not wish to give rise to a perception that this Parliament lacks confidence in the ability of the Industrial Relations Commission. By bringing this matter before the Parliament, Dr John Kaye is attempting to not allow the commission processes to take their proper course.

The Minister has previously announced the new approach to teacher training requirements that has been adopted by TAFE New South Wales. This approach will ensure that TAFE students continue to learn from qualified teachers with industry experience. As the Minister said, the New South Wales Teachers Federation has chosen to raise these changes with the New South Wales Industrial Relations Commission. The department and the federation have held discussions under the auspices of the commission; however, there has been no agreement. The matter will now proceed to arbitration. For these reasons, the motion cannot be supported.

The Hon. GREG DONNELLY [4.37 p.m.]: I oppose the Greens' motion. The Government's intention is to introduce qualifications that are more contemporary for TAFE teachers, and to provide a systematic approach to supporting these teachers in gaining higher qualifications. The changes will enhance TAFE's ability to recruit from the private sector, to recruit people with contemporary industry experience. The Hon. Robyn Parker said she opposed having TAFE teachers alongside colleagues with different qualifications. That is the case now. That is the point of the new arrangements. Casual and part-time teachers will have the same teaching qualifications, but if they want university qualifications TAFE will support them in gaining them.

Full-time TAFE teachers are required to satisfy the following requirements: technical or professional qualifications, vocational and/or industrial experience, teacher training requirements and common core criteria. The precise technical or professional qualifications and vocational and/or industrial experience are dependent upon the teaching discipline in which they will be engaged. New teachers may hold the requisite teacher training requirements on appointment. Alternatively, they are appointed and confirmation of their probation is dependent upon their completing the teacher training requirements.

Prior to the start of the first semester in 2008 new permanent TAFE teachers were required to hold a Bachelor of Education, for those without an undergraduate degree, or a Graduate Diploma in Education, for

those holding a discipline degree on appointment. Part-time casual and temporary TAFE teachers were required to hold a Certificate IV in Training and Assessment. From the first semester in 2008 for all permanent, part-time, casual and temporary TAFE teachers there will be a certificate IV in training and assessment. From the first semester in 2008, there will be a diploma of training and assessment or the equivalent for all head teachers. This is the industry standard. It is the vocational education standard across the nation. TAFE New South Wales is an adult education provider. The average TAFE student is around 30 years of age. It is not appropriate to draw a parallel with schools; rather we should look at universities that have only just begun to ask their staff to train as teachers, despite their long history of teaching. TAFE, on the other hand, has always trained its teachers.

The Government is now introducing the minimum standards required by the Australian Quality Training Framework before any person can teach TAFE students. This matter is presently before the Industrial Relations Commission. In my opinion Dr John Kaye has displayed extraordinary ignorance by suggesting that an institution such as the New South Wales Industrial Relations Commission is inadequate to deal with such matters. He obviously has no idea about the way in which the commission has dealt with work-value cases and similar applications, whether sitting as a single member or as the full bench, over many decades when it has forensically considered the applications before it. The nature and type of work undertaken by different professions is examined and an assessment is made by the commission on the value of that work compared with that of similar professions in New South Wales, interstate and perhaps overseas. The fact that Dr Kaye has made that comment reflects his complete ignorance and sells short the ability of the New South Wales Industrial Relations to make a considered assessment and adjudication in the matter.

The New South Wales Industrial Relations Commission will arbitrate the matter later this month. The Greens should not use this House to undermine the integrity of the commission in its proper process of considering the matter. I urge the House to oppose the Greens motion.

Reverend the Hon. FRED NILE [4.41 p.m.]: I oppose the motion. When Dr John Kaye raised the matter with me a week or so ago I indicated to him that I assumed that the policy was designed to help meet the skills shortage in New South Wales by ensuring that we have the maximum number of qualified persons available to operate as TAFE teachers. We now have a number of certified tradesmen working as TAFE teachers. The men I am thinking of are very practical men—carpenters, builders and so on—that are able to use their skills in the TAFE system. These teachers do not need extra qualifications but the TAFE students need them.

The Greens are critical of the use of arbitration. However, in following the operations of the New South Wales Teachers Federation, it reaches the point where the Government has no other option but to refer the matter to a mutual place for the best decision on behalf of the community. At the moment we are seeing a series of rolling strikes by the Teachers Federation. This indicates the belligerent attitude of the Teachers Federation in not cooperating with the various reforms that are being implemented by the Government and it has now come to a power battle between the two. I have raised the question before: Who runs the public education system—the elected government or a set of Teachers Federation union officials? I know that the Government makes mistakes but I would rather have the Government running the education system than the New South Wales Teachers Federation. I believe the people of New South Wales want the Government to develop an excellent public school system and an excellent TAFE system for the students of this State.

The Hon. MARIE FICARRA [4.45 p.m.]: I was not going to speak on this matter but it is obvious to me that the Government is filibustering. I can see the winks and nods going on around the Chamber. I can see Government members looking at the clock and waiting for 5.00 p.m. so they can move on to Government business. The members opposite must think those on this side of the House are a pack of fools.

The New South Wales Teachers Federation has never been a great supporter of the Coalition but we have to stand on principle here. The principle is the standard of education. Let us not hide behind the fact that because there is a skills shortage the standards must be lowered, that we must accept certificate IV, and that we do not really need university-trained teachers any more because people can be qualified in just 76 hours. Who are they kidding? Do they think that people are going to buy that? The Government is doing this to cut costs. It is not giving them time off but they are going to have their higher education scheme contributions [HECS] reimbursed. What marvellous people they are! The New South Wales Teachers Federation and TAFE colleges are the Government's support base, yet the Government treats them with a lack of respect and no communication.

I have no false illusion that the Coalition is suddenly going to get great support because we are supporting the Greens. We are not doing this, and we do not ever do it, for that reason. We are doing this in the interests of the standard of education. The Hon. Christine Robertson said that when she was a nurse she learnt on the job and nobody paid her to go to university. That was light years ago and times have changed. That is why nurses are now trained at university. We need the highest level of training for teachers, police, nurses, and, God forbid, even for politicians. How lovely would it be if we had to have a university qualification to get into this place?

The Coalition supports the motion of the Greens. Certificate IV is designed for workplace training and assessment. It does not prepare teachers for the complex task of developing and delivering education to a diverse range of learners. Some private providers grant certificate IV qualifications after only one weekend of contact. TAFE offers it in 76 hours. Is 76 hours adequate? No!

The Government is trying to justify the matter by saying that the way the system worked in the past was no good and it needs to be changed or dumbed down. The Government is dumbing it down regardless of what the national standards are—I can tell you that the international standards are much higher. The State is going backwards. The Government needs to save money and it is using as an excuse the dumbing down of qualifications to attract more people to TAFE. Thank you. They are dumbing it down for everybody—the students and the communities that are served by TAFE graduates—and it is not appreciated. I hope that one day these organisations think about the undivided loyalty they have given the Government as a party, and it does not deserve it. The faster these organisations learn to be swinging—

The Hon. John Della Bosca: Swinging?

The Hon. MARIE FICARRA: Swinging voters, swinging supporters. I hope the Greens are listening to this too, because they have given the Government undivided support for too long and it is not deserved. University level qualifications in teaching provide graduates with a much deeper understanding of the learning process and equip them for the complex and intellectually demanding processes of defining, preparing and delivering education and training. The best interests of the students, society and TAFE teachers are not served by lowering the bar on teaching qualifications. The changes run counter to international trends, where highly qualified vocational education teachers are becoming the standard. In New South Wales the professionalism of TAFE teachers will be diluted and career opportunities, including transferring to schools, reduced. I have heard some lame excuses. The Minister for Education and Training talked about delivering Higher School Certificate equivalent courses, yet the changes he advocates will create an inconsistency in the teacher training requirements in schools. The Minister and his department unilaterally imposed these changes without adequate consultation.

Every organisation and profession deserves to be adequately consulted. The Labor Party should be ashamed that it did not consult its own support base. The only concession from the Government has been a refund of 100 per cent of the Higher Education Contribution Scheme [HECS] fees, rather than the original proposal of a 50 per cent refund, for university study undertaken within the first two years of employment. While downgrading the qualifications might create small financial savings in teacher relief time in the short term, it will impose a much greater cost in the long term. The matter is before the New South Wales Industrial Relations Commission and is likely to go to arbitration. A preferable outcome would have been for the Government to talk to the Teachers Federation as intelligent individuals and negotiate a settlement that respects the professionalism of TAFE teachers. Everything they touch they ruin. I will not even mention Seaforth TAFE. The Teachers Federation is keeping a watch: it will not allow the Government to sell it off to developers for megabucks. Government members should hang their heads in disgrace.

Dr JOHN KAYE [4.51 p.m.], in reply: I will be brief because I want a vote on the motion. I was offended by the Minister's suggestion that I was being manipulated by the Coalition in order to destroy the New South Wales Teachers Federation. That is a remarkable proposition. The collapse of the Government's filibuster says more about the lack of enthusiasm of the Labor Government troops than it does about their skills. I commend the motion to the House.

Question—That the motion be agreed to—put.

Division called for.

The PRESIDENT: Order! There having been only one voice for the Ayes, in accordance with Standing Order 115 (3) I declare the question to be resolved in the negative.

Motion negatived.

**OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (LIABILITY OF VOLUNTEERS) BILL
2008****Second Reading****Debate resumed from 15 May 2008.**

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.55 p.m.]: The Government does not have a problem in principle with the Occupational Health and Safety Amendment (Liability of Volunteers) Bill 2008. However, the Government considers it is premature. Currently, national negotiations are taking place on issues addressed in the bill. Therefore, it would be premature to pass this legislation. For that reason the Government does not support the bill.

The Hon. HELEN WESTWOOD [4.56 p.m.]: The New South Wales Government has a strong commitment to volunteers, as outlined in the priorities of the State Plan. The Government's target is to achieve a 10 per cent increase in the overall level of volunteering in New South Wales by 2016 and to diversify the volunteering workforce. The contribution by volunteers to our community is immense. Recent statistics indicate that in New South Wales more than 1.7 million volunteers work 235 million volunteers hours and contribute an equivalent of \$5 billion to the New South Wales economy. In addition to the significant economic benefits, international and national research clearly shows other benefits of volunteering. Volunteering teaches skills and increases job opportunity. Many community organisations provide free accredited training programs for their volunteers, which can be a pathway to TAFE and other educational institutions. Young people who volunteer are less likely to engage in risk-taking behaviour. Older adult volunteers report higher levels of wellbeing and lower rates of loneliness and depression. Volunteering and community participation enhance social inclusion within communities.

On 22 June last year the Government co-hosted with the New South Wales Centre for Volunteering a successful roundtable to engage with community sector organisations and government agencies to progress the Government's volunteering priorities. The 40-plus participants included the Australian Red Cross, Conservation Volunteers Australia, the Local Government and Shires Associations, Greening Australia, the Benevolent Society, the New South Wales Sports Federation, the State Emergency Service, Meals on Wheels, the Reconciliation Council of New South Wales and the Ethnic Communities Council of New South Wales. The report from the roundtable has provided valuable input into the development of a strategy for volunteering. From these consultations the Government has developed five key strategy areas for volunteering: making it easier to volunteer; attracting, training and retraining volunteers; diversifying the volunteer workforce; promoting the value of volunteering; and supporting regional volunteering.

The Government has commenced the implementation of a number of election commitments to support the volunteering portfolio. These include a \$7.8 million voluntary community service program in high schools for years 9 and 10 students, designed to encourage and recognise volunteering by school students; a guide to government grants to provide information to community groups wishing to apply for government assistance; support for the expansion of cadet programs offered to volunteers and organisations to foster youth skills development; and a Premier's award for volunteering to recognise the efforts of public servants.

The Office of Volunteering, led by a senior manager of volunteering, has been established in the Department of Premier and Cabinet and is supported by secondments and funding from other government departments. As well as the election commitments and ongoing substantial support for a range of emergency services, the Government already provides significant funding to support volunteering and community participation, including through sporting, community care, health care, aged care, cultural, artistic and environmental activities.

The Minister for Volunteering, Linda Burney, has accepted the role of patron of the New South Wales Volunteer of the Year Awards run by the New South Wales Centre for Volunteering. The first annual awards were presented at Parliament House on 5 December last year, International Volunteers Day. The event was a great success and attracted volunteer and volunteer-based organisations from around the State. The volunteering unit of the Department of Premier and Cabinet has contracted the New South Wales Centre for Volunteering to develop a guide to volunteering. The guide will target volunteers and community-based organisations and provide critical practical information on key operational issues such as risk management, public liability insurance and the recruitment, training and retention of volunteers.

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

The House continued to sit.

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

SPECIAL ADJOURNMENT

Motion by the Hon. Tony Kelly agreed to:

That this House at its rising today do adjourn until Tuesday 17 June 2008 at 2.30 p.m.

YASMAR ESTATE

Production of Documents: Further Return to Order

The Clerk tabled, pursuant to resolution of 15 May 2008, documents relating to a further order for papers regarding Yasmar, Haberfield, received on 5 June 2008 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.03 p.m.]: I move:

That this House do now adjourn.

"JOURNEY TO A NEW LIFE—ITALIAN MIGRATION IN NEW SOUTH WALES" PHOTOGRAPHIC EXHIBITION

CO.AS.IT FORTIETH ANNIVERSARY

The Hon. AMANDA FAZIO [5.03 p.m.]: Last night I attended the launch of the photographic exhibition in the Fountain Court entitled "Journey to a New Life—Italian Migration in New South Wales". Between 1876 and 1976 over 26 million Italians emigrated thought out the world. After World War II, 360,000 Italians arrived in Australia. They joined the pioneers such as my great grandfather, who arrived in Australia on 20 October 1886, and the New Italy settlers in the north of New South Wales. The exhibition is a snapshot of Italian life in New South Wales from the late nineteenth century to the present day. The photos will be familiar to anyone with Italian ancestry as many families have photos like these in their family records. The range of activities shown demonstrate the struggle of Italian migrants to establish themselves in New South Wales, to socialise together and to celebrate the cultural ties that bind them.

Most migrants left Italy, and especially Sicily, to escape poverty and gain greater opportunities in life, not just for themselves but also for their children. In Italy after the war there were food shortages and most people were living in impoverished conditions. There were few educational opportunities in rural areas and parents were striving for a better life and better chances for their children. It is vital that the life journeys of these Italian migrants are documented now because the population is ageing. The migrants who were in their twenties or thirties in the 1950s are now in their seventies and eighties. Currently more than 800,000 Australians claim some Italian heritage.

"Journey to a New Life" has been designed as a tribute to all Italian migrants who left their homes in Italy and Sicily in search of a better life. I commend Co.As.It, the exhibition curator Linda Nellor and the sponsors of the exhibition for their wonderful work in helping to preserve our migrant heritage. I urge all members to take the time to view the exhibition. The exhibition was sponsored by Angela D'Amore, the member for Drummoyne, and organised by Co.As.It, the Italian Association of Assistance. This year marks the fortieth anniversary of the formation of Co.As.It. Co.As.It was first established in New South Wales in 1968, under the auspices of the Italian Government. The initial aim of this well-respected voluntary organisation was to assist the large numbers of Italian migrants who came to Australia in the post World War II era. Co.As.It was formed with two distinct aims: to assist migrants through a co-ordinated settlement welfare program, and to preserve and promote an awareness of the Italian language and culture in Australia. The Co.As.It structures were established by the Italian Government acting on its obligations to provide assistance and support for the millions of post World War II migrants who had settled in many different countries around the globe.

While the formal structure was an initiative of the Italian Government, it was not the first structure providing services and caring for the Italian community. The reality is that in the early years of Italian immigration Australia was a dynamic community, which took it upon itself to meet the needs of the increasing waves of new immigrants from Italy. Today Co.As.It New South Wales is one of the major and most active ethnic voluntary agencies, offering a wide range of services and programs focused on community services, educational and cultural activities. The quality of assistance offered by Co.As.It is without discrimination in relation to age, sex, religion or political affiliation.

Many people know about Co.As.It because of the high-quality language teaching that it provides. During the 1960s a number of Saturday Italian classes existed in Sydney. They had been started independently to preserve the Italian language among the children of Italian migrants. By 1968, when Co.As.It started its activities, Italian was taught to about 1,000 Italian children in different suburbs in Sydney. The many co-ordinators of the Saturday Italian classes thought it proper to entrust their work, the teaching of Italian, to Co.As.It. By 1971, the Italian Government committed itself to contributing funds towards the preservation of the Italian language and culture among the children of migrants. Therefore, as soon as it started Co.As.It already had quite definitive activities to carry out.

But Co.As.It does so much more than language teaching. From their headquarters at Casa d'Italia in Norton Street, Leichhardt—the old Leichhardt Police Boys Club—it provides a range of community and cultural services. The Co.As.It community services team is made up of a team of highly committed bilingual professionals. The multi-disciplinary team is comprised of social workers, psychologists, welfare workers, service coordinators, field workers and volunteers who provide a range of services to the Italian community. For example, an aged care team provides one-on-one support and assistance by way of advocacy and casework and by working at a policy and community development level. The Community Visitors Scheme has the objective of enhancing the life of residents in aged care facilities by matching them with a community visitor—a volunteer—who visits the resident on a regular basis. The Mental Health Team and Drug and Alcohol Program provide direct counselling and support for those suffering from a mental illness or drug and alcohol abuse, and for their families. The Youth and Family Program provides counselling to younger Italo-Australians and their families.

The team also provides direct services by way of a frail aged and dementia specific day-care respite program that brings together frail and often isolated members of the community for a social gathering. As well as this, Co.As.It provides direct assistance in people's homes via its Community Aged Care Packages Program, which assists frail older people with personal care, transport, meal preparation, cleaning and so on. The Italian-Australian Family History Group operates under the auspices of Co.As.It. at Casa d'Italia in Leichhardt. The members of this group, headed by Dominic Arrivolo, are keen to retain their Italian heritage. Emphasis is placed on those who want to record their story since their arrival in Australia. There is also the Italian Bilingual School, which we hear so much about in this place and whose activities I commend. [*Time expired.*]

LONG BAY CORRECTIONAL COMPLEX HOSPITAL REGIME

Ms SYLVIA HALE [5.08 p.m.]: The Greens call upon the Minister for Justice to reverse the new arrangements at Long Bay prison hospital under which patients are locked in their cells from 3.30 p.m. until 8.30 the following morning. In effect, they are being held in solitary confinement in bare cells that lack even a television set for 17 hours every day. Until 2 April this year, the evening lock-up time was 9.00 p.m. The 53 prisoners subjected to this new regime suffer from severe mental illness. Their suffering will now be worse. Psychiatrists Professor Paul Mullen, Clinical Director of Forensicare, Victoria's peak government forensic mental health authority, in an email to Justice Action, which has been campaigning strongly on the issue, outlined the impact on mentally ill people of placing them in seclusion for long periods. Professor Mullen said:

The placing of mentally disordered individuals in effective isolation for a large part of the day is likely to be even more potentially distressing and disturbing than it would be to the general prison population.

In people with serious mental illness an important element in coping with their active psychotic symptoms is the interaction both with mental health staff and with other custodial staff and fellow prisoners. Left to themselves, the delusions and the hallucinatory experiences become the sole way in which they understand and experience the world. They lose both the reality checks provided by everyday social interactions and the opportunity to obtain some kind of therapeutic assistance through interactions with trained professionals. The effect of this over any lengthy period is to potentially drive them further and further into their psychotic state. His disquiet is shared by another forensic psychiatrist, Dr Bruce Westmore. A letter from a patient in Long Bay Prison Hospital to the Minister described the new regime as "maddening, un-therapeutic, destructive, oppressive, savage, barbaric, depressing and frustrating".

But prisoners and psychiatrists are not the only ones to speak out. Alison Peters, the Director of the New South Wales Council of Social Services, wrote to the Attorney General and Justice Minister Hatzistergos on 16 May 2008:

NCOSS believes these changes are in breach of New South Wales and International standards for the treatment of people with a mental illness, including the Charter for Mental Health Care in New South Wales

The New South Wales Council of Social Services' fears are shared by the New South Wales Nurses' Association. The General Secretary, Brett Holmes, in a letter to Minister Hatzistergos, reiterated the association's "opposition to the practice of locking down, of 'secluding', mentally ill inmates/patients", which they described as "a cost cutting exercise that imposes such deleterious consequences on the physical and mental health of people in your custody". The policy was "completely unacceptable" and deprived patients "of a basic standard of humane care". The Association's letter noted that "locking and isolating mentally ill patients in a room for such extended periods is in direct conflict with the Department of Health policy on seclusion".

The Aboriginal Justice Advisory Council supported the association's position. It cited Recommendation 150 of the Royal Commission into Aboriginal Deaths in Custody, and Principles 1.1, 8.1, 9.1 and 20 of the United Nations Principles for the Protection of Persons with Mental Illness, as well as Article 5 of the Universal Declaration of Human Rights, which provides that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". The Aboriginal Justice Advisory Council contended:

...increased lockdown periods may be tantamount to cruel, inhuman or degrading treatment or punishment. Confining vulnerable or ill individuals in their cells from 3.30 p.m. especially during the warmer months, as well as depriving them of health care, is harsh and additional punishment to the sentence imposed.

Has the change come about because the Premier, the Minister and the Department of Corrective Services are callously indifferent to the welfare of prisoners under their control? Undoubtedly when thumping the law and order drum and trumpeting ever-harsher sentencing regimes, the Government is shameless when it comes to ignoring the rights and needs of vulnerable prisoners.

But there is more to this than sheer callous indifference. What we are witnessing is a simple cost-cutting measure. Under a policy ironically named "Way Forward", 28 prison officers have been removed from the Long Bay prison hospital area. Clearly, if one wants deliberately to under staff a facility, the easiest way to go about it is to lock up prisoners in solitary confinement for hours on end, regardless of the effect on their already deeply damaged mental health.

The policy of locking mentally ill prisoners in their cells at 4.00 p.m. rather than 9.00 p.m., as was customary, came into effect on 2 April 2008. It is clearly the intention of Corrective Services that it continue for six months, until October, when a new forensic facility is completed at Long Bay. That is bad enough, but there is a deep unease shared by many that the real intention is for the change to be permanent. It is intolerable that anyone should countenance the existence, let alone the continuation, of this draconian and inhumane regime. The Greens call upon the Minister to end it immediately.

DEATH OF BIAGGIO SIGNORELLI

The Hon. JOHN AJAKA [5.13 p.m.]: Today pay tribute to the late Biaggio Signorelli, who died on the morning of 30 May 2008. I attended his funeral yesterday morning at St Mary's Cathedral Sydney. Well over 3,000 people attended that morning to pay their respects to Biaggio and his grieving family. I would not do justice in this short period of five minutes of permitted time to tell members of all the virtues and achievements of this extraordinary man. Instead, with the indulgence of this House, I will read some of the extracts from the eulogy given by his son-in-law, Steven Cesarano:

Biaggio Signorelli was an extraordinary man. Today I pay respect to a man who accomplished so much and touched so many. In reality it is near impossible to pay homage to him in one speech. He was a true champion; he was a father and friend to all that knew him.

Biaggio began his life in Sicily, Italy. Born in 1937 he was the youngest of five sons. He was only 11 years old when his father died.

In the mid 50s a teenaged Biaggio migrated to Australia with the promise of a better future. The boy from a little town in Sicily was now a young man in a foreign land. Embracing his new Australian culture Biaggio became known to many as Bruce.

He joined his brothers and became a green grocer in Willoughby. He later joined Ferguson's Transformers and made transformers for televisions. After demonstrating his natural leadership qualities, he was promoted to Supervisor within months of commencement.

His determination and passionate fighting spirit overflowed into the sporting arena when he took up boxing and developed a love of big cars.

He settled into Lakemba, naming his first business Antonella's Fruit Market, paying homage to his beloved mother who was still in Italy at the time. Initially leasing the property, his philosophy was that one must always own their property, and not long after opening he bought the shop and upper residence.

Now with a well established business, he sought fulfilment in his personal life. He was courting a beautiful and intelligent young lady named Fina Navarra. They married on this very day, (4 June 1967) 41 years ago. The newlyweds welcomed into the world their first child Nina in, 1968, and only a year later, their second child, Paul.

In 1973, the birth of Biaggio's third child, Anna Maria, coincided with the opening of a Function Centre with his brother in law Filippo Navarra.

Biaggio and Fina worked hard to raise their family and operate their businesses, instilling their values and business ethics into their three children.

As a business owner Biaggio employed many people over the years. These people became more than just team members, they were his extended family. He showed respect, love and support to all his employees and was an inspiring and motivating leader.

Biaggio always put his family first, nothing was more important to him.

In 1995, Biaggio bought Doltone House in Sylvania Waters. This was a pivotal move for the Signorelli family, as all three children would participate with their father in the family business.

Biaggio will always be remembered for his genuine ability to respect and care for his fellow man. He showed no bias, welcoming everyone as an individual and respecting people's beliefs and traditions. He commanded respect but not in a forceful way. Others mirrored his respect. He was a true gentleman. Not one single person would have anything negative to say about him, although there were some humorous attributes to his character.

For instance it is amazing how his English dramatically improved whenever he was upset. And he always seemed to walk into the room whenever he was being spoken about.

If he was telling a funny story he would repeat the punch line several times to ensure you understood the humour, always laughing at his own jokes. He did not find humour at the expense of others. If he was standing here before us today he would proclaim that over and above any business success or social accolade his greatest accomplishment is his family. Conscious of the sacrifices Biaggio endured as a new Australian, his children carry forth the business ethics and family values instilled in them as they continue to grow Doltone House and pay homage to their father.

Biaggio faced many challenges in his life and always found a way to succeed. It is ironic that the only single challenge he was unable to overcome would ultimately take his life. In September of 2007 he was diagnosed with Asbestos Cancer. Unfortunately there is no agreed treatment let alone cure. As a testament to his character Biaggio remained strong and positive to the end, always believing this was just another hurdle that he would undoubtedly conquer.

In his last days Biaggio whispered a message to his children: "they couldn't help me but maybe you can do something to help save others". This was his final request. The family has since asked that rather than send flowers all family and friends pledge a donation to the Sydney Cancer Centre Foundation. This is only the beginning of the family's determination to fulfil Biaggio's dying wish with the commencement of The Biaggio Signorelli Foundation devoted to finding early detection, treatment and ultimately a cure for this Cancer.

As I said earlier, this is but a short extract from the eulogy. There is so much more that can and should be said about the life and times of an extraordinary man—an Australian of proud Italian background. A man who believed in God, family, mateship, good business ethics and giving back to the community. I am honoured to be called a friend of Biaggio and his wonderful family. I extend my sincere condolences to his beloved family. I thank his family for the honour of permitting me to say a few words about this great Australian. He is a reminder to us all of the great contribution made by those who came from other countries, who settled in Australia, who call Australia their home and who have made a huge contribution. We should never forget that when we look at new Australians arriving in this country.

SEPARATION OF CHURCH AND STATE

Dr JOHN KAYE [5.17 p.m.]: A robust separation of church and State provides essential protections of the liberty of all members of society. Not only does it ensure that no one religion dominates and imposes itself on persons of other or no faith, it also ensures that the State can operate in a rational and accountable fashion. It is thus alarming to see attempts to undermine this separation and to compromise the essentially secular nature of Australia's public life. From public funding of faith-based schools and events such as World Youth Day, to attempts by religious minorities to restrict the basic human rights of others who do not conform to their narrowly defined constraints, Australia, like the rest of the world, is now in the midst of a debate to determine appropriate limits on the interference of organised religion in the decisions of the State.

This is not a debate—as it so often mischievously portrayed—about restricting the rights of people to live their lives according to their faith. There is no attempt to restrict the rights of people to adhere to a religion and to derive great personal comfort and spiritual enrichment from their beliefs and from the rituals and community of their faith. Nor is it a debate about muzzling or devaluing the exceptionally valuable contributions to public life of people motivated by religious belief.

A number of religious organisations provide vital support for the most marginalised people in our community. Many church spokespeople provide valuable evidence and arguments that contribute to the public policy debate on a wide range of issues, often based on their expertise in delivering community services to the vulnerable. I take this opportunity to specifically acknowledge the work of Reverend Dr Ann Wansbrough, who worked tirelessly for justice on behalf of the Uniting Church for over 20 years, often in partnership with non-religious organisations. The Greens will miss her important voice for peace, justice and the environment, and wish her well in her future work.

The interface between organised religion and the State becomes problematic when a particular faith or religion seeks what Reverend Tim Costello calls "privileged access to power", when representatives of religious institutions enter into a debate by asserting that their faith holds a superior position to the faith or reasoned opinion of others. Rather than arguing from the commonly held concepts and publicly shared language of social justice and human rights, such interventions rely on the absoluteness of their special received wisdom. Examples of this include the expectation of exemptions from anti-discrimination and vilification laws, the assumption of moral superiority in debates about sexual and biological ethics, and the defence of scripture classes in public schools to the extent that churches have ensured that the vast majority of students of no religious affiliation cannot use their time productively.

For example, in 2005, Reverend Danny Nalliah of Catch the Fire Ministries most offensively asserted the inherently violent nature of Islam and suggested that Muslim places of worship were "Satan's strongholds" which should be "pulled down". Evangelical Christians demanded that he be exempted from existing Victorian law preventing vilification of people of other religious beliefs. When he was found guilty, their first response was to demand the law be repealed rather than to question whether Mr Nalliah might have some soul-searching to do.

Yesterday many members received materials from the Fatherhood Foundation which suggested that gay and lesbian people are mentally disordered, promiscuous, and much more likely to be paedophiles, despite overwhelming objective evidence to the contrary. These statements would probably be illegal if the documents were not published by a religious organisation. This Chamber has been subjected to claims that Australia is a Christian nation, with the consequence that all laws passed here should be compatible with Christian ethics. We still face the anachronism of opening each sitting day with an explicitly Christian prayer.

The growth of faith-based schools is a special cause for concern. The idea that some people's religious views about the role of a divine being in creating the universe should be allowed to undermine the teaching of the basis of the scientific method in our schools is one that takes society down a dangerous path. When scientific truths are hidden from students in this way, the capacity of tomorrow's leaders to solve critical social and scientific problems is undermined. The Government must end its complicity in allowing the teaching of so-called intelligent design and creationism in science classes in some Christian, Muslim and Jewish schools.

MORTGAGE STRESS

The Hon. IAN WEST [5.22 p.m.]: On 31 March the ABC's *Four Corners* program looked at the disturbing levels of debt in the Australian community. The program told the story of a family from Kellyville, in my duty electorate of Castle Hill, who could not keep up with repayments on their mortgage and eventually were forced out of their home. The family is just one of the victims of the predatory lending practices which have developed over the last 10 years or so. As Brian Johnson, an analyst with investment bank JP Morgan explained, strong economic growth encouraged financial institutions to make loans. Summing up the industry's approach, he said

When things are good you can't make a bad loan.

Mr Johnson said, however, the system was unwinding because of issues with liquidity in the wake of the United States sub-prime crisis. Some have said the effect of the United States sub-prime crisis on our economy has been minimal, but this is little consolation for those who have lost their homes or who are on the brink. The

sub-prime crisis was the result of an extremely dodgy set-up, whereby banks were providing loans to people who did not qualify under the usual prudential checks, and then on-selling those loans on the mortgage bond market. In the first instance, mostly working class and immigrants were sold these loans on the basis of rates they could afford. However, many salesmen neglected to mention that their rates would be re-assessed in two years. When they were reassessed, people found their rates had doubled. Consequently, many of these mortgagors defaulted, leaving investors with bad debt.

With the inevitability of this disaster seemingly obvious in hindsight, many are asking: How did it happen? Many say it was a lack of regulation and oversight, but this only tells half the story. Before the sub-prime era, the mortgage bond market was dominated by Government-sponsored agencies. These Government-sponsored agencies, with quaint names such as Freddie Mac and Fannie Mae, did not get involved in risky sub-prime loans for obvious reasons. Banks would be mad to give sub-prime loans if they were assuming the risk. However, in the past five or so years, under the ideology of the Bush Administration, there was an influx of private sector players into the mortgage bond market. The private players, with an impulse for the quick buck, ate up the sub-prime mortgages. This encouraged more and more sub-prime mortgages and the rest is history.

Now private investors and banks are being burnt and the Government is being called in to bail everyone out. Some are demanding more prudential regulation and oversight of business practices; some are demanding New Deal-type stimulus packages to revive the broader economy. Ironically, it was the New Deal that created the major government-sponsored mortgage agencies, Fannie Mae and others, the sidelining of which arguably led to the crisis. It is no wonder some are calling for a new New Deal. The New Deal itself was the incredibly successful solution to the failures of the private sector, which resulted in the 1929 crash. Though it may be the most prominent example, it is but one of the many where Government has come to the rescue.

One example in New South Wales was the Government Insurance Office, which I have spoken about before in this place. The GIO grew out of the Treasury Managed Fund under the New South Wales Labor Government of the time, in response to collusion by private insurance companies. The GIO proved to be an incredibly effective means of providing affordable insurance to business and the community. Such was its success that it continues to trade under the same brand name despite it being sold off by the Greiner Government in the 1990s and despite being owned by Suncorp, which spends loads of money promoting its GIO brand in New South Wales. Time will tell how the United States Government eventually deals with the sub-prime mortgage crisis. It would do well to acknowledge that regulation alone does not always work and there is a vital place in the marketplace for a government player.

BEECHWOOD HOMES

The Hon. CATHERINE CUSACK [5.27 p.m.]: News today that the number of Beechwood Homes victims has climbed to 930 raises yet more questions about the State Government's management of the fall out of the collapse of this building company. The Minister for Fair trading, Linda Burney, grossly underestimated the scale and severity of the crisis, telling Parliament on 14 May that there were 300 victims, prior to flying to the south of France to attend the Cannes Film Festival. The latest count, as of today, shows that 930 people are affected—350 with houses under construction and 580 who have paid to lodge plans and development applications with councils. Significantly, however, the Minister is still not telling us how many of the 580 people whose homes have not yet commenced had home warranty insurance and are protected. I suspect a substantial number of those have no protection and no claim at all. They will be queuing up with the other unsecured creditors.

The Minister's record of giving information on this issue has been to tell Parliament that 300 people were affected—yet we now know 930 were affected—and to tell Parliament that home warranty insurance "protects consumers in New South Wales for incomplete work to a maximum of \$300,000", when in fact it only covers people with incomplete homes to a maximum of 20 per cent of the contract value. That is less than \$40,000 for virtually all Beechwood clients. The Minister has advised Parliament that home warranty "also covers loss of deposit". The Minister also advised Parliament: "That is important because a number of people will have put down their deposit but not had construction start. They will be protected as well."

This was all reassuring, but we now know that only 5 per cent of the contract value is covered. That will leave virtually everybody out of pocket. The Minister has yet to tell us how many will have no protection at all and will queue up with the unsecured creditors. On 14 May the Minister also told the media that no complaints had been made against Beechwood. We now know 119 complaints had been made, including complaints of delayed starts, which would have given early forewarning of the collapse of this company.

On 21 May 2008 Minister Burney phoned Australia from Paris to tell Beechwood victims via talkback radio that they would get a comprehensive briefing on Friday 23 May 2008 and that all their questions would be answered. That meeting, which I also attended, was a complete fiasco. It is unfortunate that the Minister continued her trip in New Zealand and was unavailable to attend the meeting. Had she done so, she would have been much better informed about the details of this matter and more aware of the anger and anxiety of consumers at the meeting. When they realised that the Minister had not attended the meeting and that no representative was present from her office, there was booing. This was a reflection of the strength of their feeling; they feel left in the lurch.

On 22 May 2008 the Minister phoned Australia again, this time from Auckland, to reassure the Beechwood victims that "they had not been forgotten". We now know that at the time she was unaware that 630 of these victims even existed. We must weigh those reassurances that she had not forgotten them against the fact that she knew that less than a third of them existed. Minister Burney has repeatedly assured people that a new builder would be found by 30 May 2008 to complete their homes. She gave specific dates that expressions of interest would close on 23 May 2008 and that a new builder would be found by 30 May 2008. Of course, this did not happen. The latest statement from the Minister is that she now has no idea how long the due diligence process will take. This is the normal part of the process. It is incredible that the Minister could have ever thought that this could have been achieved by 30 May 2008.

On 13 May 2008 Minister Burney was very optimistic and said that her staff were working with the administrator and insurer "to bring about a resolution of the situation for all consumers". She remained upbeat even at the time of leaving Australia for the Cannes Film Festival. It is very disappointing, therefore, that three weeks have passed and work is only now starting on 10 out of 350 incomplete homes. This leaves 98 per cent of Beechwood homeowners in the lurch, with many homes without roofs and being rained on. The admission today that only 320 of 930 affected consumers have approached Fair Trading is no surprise. It is little wonder that two-thirds of these consumers have no confidence whatsoever in the appalling mismanagement of the issue.

LOCAL COURT STAFFING

Ms LEE RHIANNON [5.32 p.m.]: On 18 February this year Craig Smith, Director of Court Services, put out a draft memorandum to staff. In the memorandum he talks about the need to reduce staff numbers in Local Courts. He stated:

We do not have sufficient funds to fill all established positions. We need to carry approximately 55 positions vacant at all times. This does not include temporary vacancies for staff on paid leave.

When the final memorandum came out on 20 February 2008 that paragraph had been deleted. The omission of that paragraph seems to confirm that the failure to fill positions is a deliberate strategy of running the organisation below establishment, which is the staffing complement needed to provide the services that Treasury is funding. This is a matter of concern and the Attorney General must explain it.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 5.33 p.m. until Tuesday 17 June 2008 at 2.30 p.m.
