

LEGISLATIVE COUNCIL

Tuesday 24 February 2004

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The Clerk of the Parliaments offered the Prayers.

The PRESIDENT: Order! I acknowledge that we are meeting on Eora land.

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: I report the receipt of the following message from His Excellency the Hon. James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales:

LIEUTENANT-GOVERNOR

OFFICE OF THE GOVERNOR
Sydney 2000

The Honourable James Jacob Spigelman, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, being absent from the State, he has this day assumed the administration of the Government of the State.

26 December 2003

J. J. SPIGELMAN

ADMINISTRATION OF THE GOVERNMENT

The PRESIDENT: Order! I report the receipt of the following message from Her Excellency the Governor:

GOVERNOR

OFFICE OF THE GOVERNOR
Sydney 2000

Governor Professor Marie Bashir, Governor of the State of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State on 13 January 2004.

13 January 2004

MARIE BASHIR

ASSENT TO BILLS

Assent to the following bills reported:

Clyde Waste Transfer Terminal (Special Provisions) Bill
Architects Bill
Child Protection Legislation Amendment Bill
Contaminated Land Management Amendment Bill
Firearms and Crimes Legislation Amendment (Public Safety) Bill
Registered Clubs Amendment Bill
Civil Liability Amendment Bill
Environmental Planning and Assessment Amendment (Quality of Construction) Bill
Transport Administration Amendment (Rail Agencies) Bill
Workers Compensation Legislation Amendment (Trainees) Bill
Legal Profession Legislation Amendment (Advertising) Bill
Transport Administration Amendment (Sydney Ferries) Bill
Wine Grapes Marketing Board (Reconstitution) Bill
Totalizator Legislation Amendment Bill
Natural Resources Commission Bill
Native Vegetation Bill
Catchment Management Authorities Bill

DEATH OF THE HONOURABLE THOMAS SIDNEY MCKAY, A FORMER DEPUTY-PRESIDENT OF THE LEGISLATIVE COUNCIL

The PRESIDENT: I announce the death on 5 January 2004 of the Hon. Thomas Sidney McKay, aged 95 years, a former Deputy-President of this House. On behalf of the House, I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers stood in their places.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (VICTIM IMPACT STATEMENTS) BILL**ELECTRICITY (CONSUMER SAFETY) BILL****SUPERANNUATION ADMINISTRATION AMENDMENT BILL****NATIONAL PARKS AND WILDLIFE AMENDMENT (KOSCIUSZKO NATIONAL PARK ROADS) BILL****Bills received.**

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

Motion by the Hon. Michael Egan agreed to:

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

Bills read a first time and printed.**NATURAL RESOURCES COMMISSION BILL****NATIVE VEGETATION BILL****CATCHMENT MANAGEMENT AUTHORITIES BILL**

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

NSW OMBUDSMAN**Report**

The President announced, pursuant to the Law Enforcement (Controlled Operations) Act 1997 and the Ombudsman Act 1974, the receipt of the special report of the Ombudsman entitled "Law Enforcement (Controlled Operations) Act Annual Report 2002-2003", dated December 2003.

The President announced further that she had authorised that the report be made public.

PARLIAMENTARY ETHICS ADVISER**Report**

The President tabled, pursuant to the terms of the agreement made with the Clerk of the Parliaments and the Clerk of the Legislative Assembly, the annual report of the Parliamentary Ethics Adviser for the year ended 30 November 2003.

FOREST AGREEMENTS AND INTEGRATED FORESTRY OPERATIONS APPROVALS**Amendments**

The President announced, in accordance with the Forestry and National Park Estate Act 1998, the receipt of amendments to the integrated forestry operations approvals for Eden, Lower North East and Upper North East regions, dated 6 December 2003.

The President announced further that she had authorised that the amendments be made public.

THE HONOURABLE PETER BREEN INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

The PRESIDENT: Order! I inform the House that, following the resolution of the House of 4 December 2003 regarding documents seized from the parliamentary office of the Hon. Peter Breen MLC on 3 October 2003, all documents and things seized by the Independent Commission Against Corruption [ICAC] were returned to me on 5 December 2003. The material was subsequently examined by Mr Breen, the Clerk and a representative of the ICAC. All material not considered as privileged material was returned to the ICAC on 17 December 2003.

Two lists of privileged material prepared by the Clerk were provided to Mr Breen and the ICAC on 19 January 2004. In a letter dated 20 January 2004 the ICAC disputed a claim of privilege for certain documents. In a letter dated 10 February 2004 Mr Breen provided written reasons in support of his claim of privilege. According to the resolution of the House I now table the letter from the ICAC dated 20 January 2004 disputing a claim for privilege on certain documents, and the letter from Mr Breen dated 10 February 2004 providing written reasons in support of his claim for privilege.

According to the resolution of the House I set down consideration of the disputed privilege material on the notice paper as business of the House for tomorrow.

AUDIT OFFICE

Reports

The Clerk announced, pursuant to the Public Finance and Audit Act 1983, the receipt of the following performance audit reports of the Auditor-General:

Follow-up of Performance Audit Report: NSW Police, Enforcement of Street Parking (1999) Staff Rostering, Tasking and Allocation, dated 10 December 2003

Code Red: Hospital Emergency Departments, Department of Health, NSW Ambulance Service, dated December 2003

WATERFALL RAIL ACCIDENT INQUIRY

Reports

The Clerk announced, pursuant to the Rail Safety Act 2002, the receipt of the report entitled "New South Wales Ministry of Transport Waterfall Railway Safety Investigation: Final Report" and various other reports, including annual reports and statements of corporate intent.

MILLENNIUM TRAINS

Disputed Claim of Privilege

The Clerk announced that on 3 September 2003 he announced receipt of a report from Sir Laurence Street, the Independent Legal Arbiter appointed to evaluate and report as to the validity of the claims of privilege on certain documents lodged with the Clerk on 27 May 2003 relating to the Millennium trains. The Clerk announced further that on 4 December 2003 the Hon. Greg Pearce sought clarification of the decision of the Independent Legal Arbiter in relation to the two documents. The questions were referred to the Independent Legal Arbiter for his consideration on 17 December 2003 and Sir Laurence provided the Clerk with a report on 18 December 2003.

The Clerk tabled the further report of the Independent Legal Arbiter.

CAMDEN AND CAMPBELLTOWN HOSPITALS EMERGENCY DEPARTMENTS

Return to Order

The Clerk tabled, pursuant to the resolution of the House of Thursday 4 December 2003, the following documents:

- (1) Documents relating to Camden and Campbelltown hospitals received on 12 December 2003 from the Director General of the Premier's Department and referred to in paragraph 1 of the resolution of the House, together with an indexed list of documents.
- (2) A return identifying documents received on Friday 12 December 2003 from the Director General of the Premier's Department and referred to in paragraph 2 of the resolution of the House, which are considered to be privileged and should not be made public or tabled. According to the resolution of the House, the Clerk advised that the documents are available for inspection by members of the Legislative Council only.

M5 EAST TUNNEL**Further Return to Order**

The Clerk tabled, pursuant to the resolution of the House of 17 September 2003, additional documents from the Department of Health received on 5 January from the director General of the Premier's Department and referred to in paragraph 1 of the resolution relating to the M5 East tunnel ventilation, together with an indexed list of the documents..

CALLAN PARK INTERIM STEERING COMMITTEE**Return to Order**

The Clerk announced that on 14 October 2003 he tabled documents relating to Callan Park received by him pursuant to resolution and that he had returned one of the documents received for certain information to be blacked out for commercial-in-confidence reasons and resubmitted. The Clerk announced further that the amended document was received by him on 30 January.

The Clerk tabled the amended document, which in its original form was available for members of the Legislative Council only.

JOINT STANDING COMMITTEE UPON ROAD SAFETY**Report**

The Clerk announced, pursuant to the resolution of the House of 8 May 2003, the receipt of report No. 1/53, entitled "Vehicle-based Measures to Better Monitor, Manage and Control Speed", dated December 2003.

The Clerk announced further that it had been authorised that the report be printed.

JOINT SELECT COMMITTEE ON THE TRANSPORTATION AND STORAGE OF NUCLEAR WASTE**Report**

The Clerk announced, pursuant to the resolution of the House of 8 May 2003, the receipt of report No. 53/01, entitled "Inquiry into the Transportation and Storage of Nuclear Waste", dated February 2004, together with transcripts of evidence.

The Clerk announced further that it had been authorised that the report be printed.

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

The Clerk announced, pursuant to the resolution of the House of 7 May 2003, the receipt of the following reports:

1. Report No 2, entitled "Report of the Inquiry into Procedures Followed During Investigations and Prosecutions Undertaken by the Health Care Complaints Commission", dated December 2003.
2. Report No 3/53, entitled "Study of International Jurisdictions—July 2003", dated December 2003.

The Clerk announced further that it had been authorised that the reports be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 5**Report**

The Clerk announced, pursuant to the resolution of the House of 3 July 2003, the receipt of report No. 19, entitled "Local Government Amalgamations", dated December 2003, together with minutes of proceedings, submissions, correspondence and transcripts of evidence.

The Clerk announced further that it had been authorised that the report be printed.

Mr IAN COHEN [2.46 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by Mr Ian Cohen.

STANDING COMMITTEE ON STATE DEVELOPMENT**Report**

The Clerk announced, pursuant to the resolution of the House of 21 May 2003, the receipt of report No. 28, entitled "Science and its Commercialisation in New South Wales: Final Report", dated December 2003, together with minutes of proceedings, submissions, correspondence and transcripts of evidence.

The Clerk announced further that it had been authorised that the report be printed.

The Hon. TONY BURKE [2.47 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Tony Burke.

LEGISLATION REVIEW COMMITTEE**Report**

The Clerk announced, pursuant to the Legislation Review Act 1987, the receipt of a report entitled "Legislation Review Digest No. 1 of 2004", dated 16 February 2004.

The Clerk announced further that it had been authorised that the report be printed.

GENERAL PURPOSE STANDING COMMITTEE NO. 2**Reference**

Reverend the Hon. Dr GORDON MOYES [2.47 p.m.]: I inform the House that on 15 December 2003 General Purpose Standing Committee No. 2 resolved to adopt the following terms of reference:

That General Purpose Standing Committee No. 2 inquire into and report upon the complaints handling procedures within NSW Health and, in particular,

- (a) the culture of learning and the willingness to share information about errors and the failure of systems, and
- (b) an assessment of whether the system encourages open and active discussion and improvement in clinical care.

PETITIONS**CountryLink Rail Services**

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

Freedom of Religion

Petitions praying that the House reject legislative proposals that would detract from the exercise of freedom of religion and the employment of persons whose beliefs and lifestyle are consistent with religious doctrine and values, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **the Hon. Amanda Fazio, Reverend the Hon. Dr Gordon Moyes and Reverend the Hon. Fred Nile.**

Newcastle Rail Services

Petition opposing the closure of the railway line and rail services to Hamilton, Wickham, Civic and Newcastle, received from **Ms Lee Rhiannon.**

BUSINESS OF THE HOUSE**Routine of Business**

[During notices of motions]

The Hon. Jennifer Gardiner: The Leader of the House can come over to this side of the House and be part of the Opposition if he likes!

The Hon. Michael Egan: It is interesting to hear from the Hon. Jennifer Gardiner, because she has been hiding from Frank Sartor's phone calls for about four days. One thing I have never done in all of the days I have been a member of Parliament is refuse to answer someone's phone call—not once!

The Hon. John Ryan: Point of order: I am not sure what the Treasurer was speaking about, but I am absolutely certain the comments he directed at the Hon. Jennifer Gardiner had nothing to do with the giving of a notice of motion.

The PRESIDENT: Order! I remind the Leader of the House that this time is for notices of motions only.

The Hon. Michael Egan: Madam President, I accept I was out of order. But it was a very valid point I was making. Fancy not having the guts to return a telephone call!

The Hon. Duncan Gay: Point of order: He has done it again! I assure the Leader of the House that there is not a woman in New South Wales who will take a phone call from Frank Sartor at the moment.

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

BUSINESS OF THE HOUSE**Withdrawal of Business**

Business of the House Notices of Motions Nos 1 and 2 withdrawn by the Hon. Don Harwin.

Private Members' Business items Nos 3, 64, 66 and 67 outside the Order of Precedence withdrawn by Mr Ian Cohen.

STANDING RULES AND ORDERS

Motion, by leave, by the Hon. Tony Kelly agreed to:

That the resolution of the House of 14 October 2003 relating to the proposed new standing rules and orders and sessional orders continue to apply until the adjournment of the House for the winter recess, unless sooner adopted.

BUSINESS OF THE HOUSE**Precedence of Business**

Motion, by leave, by the Hon. Tony Kelly agreed to:

That on Tuesday 24 February 2004 and Wednesday 25 February 2004 General Business take precedence of Government Business until 6.00 p.m.

BUSINESS OF THE HOUSE**Order of Business**

The Hon. MICHAEL COSTA (Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests)) [3.25 p.m.], by leave: I move:

That the notice of motion given this day by Mr Gallacher relating to the censure of the Minister for Transport Services be called on forthwith.

I welcome the opportunity to debate this matter, particularly after the pathetic and cowardly performance by the Leader of the Opposition at the budget estimates committee hearing last Friday, to which I was not invited.

The Hon. Jennifer Gardiner: You didn't turn up when we did invite you!

The Hon. MICHAEL COSTA: You did not invite me. You were too gutless to invite me to that particular committee meeting, where the Leader of the Opposition attacked public servant after public servant. I welcome this opportunity.

The Hon. Greg Pearce: Point of order: The estimates committee has not reported to the House. Therefore, the Minister is anticipating—

The PRESIDENT: Order! The Minister will speak to the subject matter of the motion.

Motion agreed to.

MINISTER FOR TRANSPORT SERVICES

Motion of Censure

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [3.28 p.m.]: I move:

1. That this House notes:
 - (a) the appointment of the Hon. Michael Costa, MLC, as Minister for Transport Services on 2 April 2003,
 - (b) that between 2000 and 2004 more than 12 recruitment campaigns for additional train drivers resulted in a net increase of only two drivers,
 - (c) the decision by the Minister for Transport Services to bribe CityRail drivers into doing additional overtime by offering them \$400 every 28 days in return for doing three overtime shifts, in addition to their normal overtime penalty payments,
 - (d) the State Rail Authority's failure to comply with the Rail Safety Act 2002 which states that a railway employee driving a passenger train must not work more than 12 shifts in any 14-day period,
 - (e) the decision by RailCorp to place observers qualified to operate the emergency brake in the event of driver incapacitation in all driver cabins of T and G set trains (Tangaras) operating in outer suburban areas,
 - (f) the failure of RailCorp to place observers in all T and G set trains throughout the CityRail network, not just in outer suburban areas,
 - (g) the passage of the Rail Safety Bill 2002 through this House on 20 November 2002 and its assent on 29 November 2002, which provides for random alcohol and drug testing of public transport workers,
 - (h) the failure of the Minister for Transport Services to introduce random alcohol testing of rail officers until October 2003,
 - (i) the failure of the Minister for Transport Services to introduce random drug testing of bus drivers until 1 September 2004,
 - (j) that 70 per cent of CountryLink drivers are classified as part of the priority group for the recently introduced higher medical standards,
 - (k) the commencement of the cancellation of CountryLink services resulting from the failure of some CountryLink drivers to pass medical checks,
 - (l) plans to axe CountryLink services, cut CityRail through services, and Bundanoon services on the Southern Highlands rail line,
 - (m) the February 2003 Auditor General's "Performance Audit Report into CityRail Passenger Security" finding that, overall, the risk of a passenger becoming a victim of crime on CityRail has increased,
 - (n) the Minister for Transport Services' decision to break the State Government's 1998 promise to have two security officers patrolling every train after 7.00 p.m.,
 - (o) the Minister for Transport Services, concession on Radio 2UE on 5 February 2004 that the current rail timetable is a fairytale, in the following comments: Mike Carlton—"So the timetable's a fairytale?" Michael Costa—"The timetable is."

- (p) the service cuts and disruptions on the Illawarra rail line,
 - (q) driver shift records showing that despite drivers' willingness to work a full shift and maximum kilometres, management fails to fully use its driver resource, including evidence of drivers limited to driving just 25 km in a single shift,
 - (r) driver concerns that poor shift management by rail management is an attempt to post-validate a pre-arranged policy to cut rail services,
 - (s) the Auditor General's "Report to Parliament 2003 Volume Five" noted that the Rail Infrastructure Corporation had a maintenance backlog at 30 June 2003 of at least \$479 million, including \$100 million on underbridges,
 - (t) the findings of the "Interim Report of the Special Commission of Inquiry into the Waterfall Rail Accident", which included a finding that a task linked vigilance device, if fitted, could have prevented the accident,
 - (u) that vigilance control systems will not be installed in all CityRail trains until the end of 2004,
 - (v) the failure of the State Government to install gas detection equipment across the underground network, forcing staff to rely on their sense of smell to detect potentially toxic gases,
 - (w) the closure of the city circle stations on 5 February 2004 and the subsequent flow-on delay to and cancellation of rail services throughout the CityRail and CountryLink networks because six litres of oil overheated in a Tangara train gearbox as the train was taken on a test run through the city circle after maintenance work, causing a smell of gas to be detected by rail workers and passengers,
 - (x) reports that at least 19 Tangara trains have been found to have "high-speed ball bearing failures" since August 2003,
 - (y) the impending corporatisation of Sydney Ferries on 1 July 2004,
 - (z) the collision of RiverCat *Betty Cuthbert* with Cockatoo Island wharf on 19 February 2004, marking its fourth grounding after apparent mechanical failure since 1997,
 - (aa) the collision of ferry *Lady Heron* with Circular Quay wharf on 20 February 2004, marking its second grounding after apparent mechanical failure since July 2003,
2. That this House:
- (a) is of the opinion that this House is fully entitled to scrutinise and demand accountability for all aspects of Executive Government behaviour,
 - (b) notes with great concern the Government's apparent belief that it is not accountable to the people of New South Wales through this House of the Parliament, and
 - (c) affirms the need to protect the high standing of this House of Parliament and to ensure that it may discharge its duties and responsibilities with the confidence of the community which elects its members.
3. That, for the above reasons, this House censures the Hon. Michael Costa, MLC, Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests), for his failure to remain accountable to the community for the efficient management and delivery of safe and effective transport solutions for the people of New South Wales.

I am proud to move this motion. Government members might as well sit back, relax and be prepared for some uncomfortable times ahead. If the Minister for Transport Services felt affronted by what he thought he saw and heard last week, I assure him that members on this side of the Chamber are representing the public in this debate. The Minister laughed at that; he may well laugh while on that side of the Chamber. It is ironic that under the cover of parliamentary privilege, with all his chums behind him, the Minister makes an appearance; however, when it comes to stepping in front of a camera, time and again he sends out the public servants so he can say, "It wasn't me who said it", and, "It wasn't me. We'll sack Vince Graham. We'll sack whomever." That is what he is going to do. It is great to see him up on his feet.

The Minister for Transport Services finally has had something to say, which is great. This Minister would sack Carl Scully if he could. Earlier I alluded to the fact that there is a lot of anger in our community and throughout the CityRail system. The Treasurer and Leader of the Government in this House, who has just left the Chamber, brought on this debate in an attempt to get Opposition and crossbench members offside. He will be sorely disappointed. The Minister for Transport Services is laughing.

The Hon. Michael Costa: You are not prepared.

The Hon. MICHAEL GALLACHER: The Minister for Transport Services says the Opposition is not prepared, but I suspect that the Minister will deliver in this Chamber a prepared speech that has no relevance to

this motion. I will refer in some detail to the issues that have been raised today. The Minister for Transport Services, who is obviously under a lot of pressure, is laughing uncontrollably. He thinks this is all a bit of a joke—a bit of a game. The public now knows that between 2002 and 2004 the Government was in a position to embark on 12 train driver recruitment campaigns. In the past few days we have established that, as a result of those 12 recruitment campaigns, there has been a net gain of two new drivers into the system.

The disappointment that is evident on the face of the Hon. Henry Tsang was replicated last week when the general purpose standing committee that inquired into this issue established that the Government achieved a net gain of only two additional drivers since 2000, despite spending who knows how much on the campaigns. Over the past few weeks we have heard a great deal of debate about the provision of additional drivers. The Government made promise after promise to bring additional drivers into the system, but the Minister for Transport Services, in his delusional state, failed to realise that the Government has not been able to do so.

The Government tried to bribe CityRail drivers. This Minister was the first of four people—Vince Graham, Michael Costa, Nick Lewocki and somebody else—to put down a \$5,000 bribe. He said, "We will give you this money. Go back to work." However, the Minister failed to tell the people of New South Wales that that money was put on the table last year. Prior to the Olympic Games, when this Minister was in charge of the Labor Council, he was the great advocate for the workers and he negotiated an Olympic deal that resulted in train drivers moving from a 20-day month back to a 19-day month. That was all part of an Olympic deal.

The Hon. Michael Costa: No, I did not do that.

The Hon. MICHAEL GALLACHER: The Minister will get a chance to respond when he replies to the debate.

The Hon. Michael Costa: Point of order: I do not mind listening to the rhetorical rubbish of the Leader of the Opposition but I would have expected him to at least make statements that were factually correct. If he cannot produce evidence about these matters he should withdraw those statements. The Leader of the Opposition has no evidence.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! There is no point of order. That was more of a debating point that the Minister can raise in his reply to the debate. This is such an important issue that it was brought on immediately, and it would be beneficial to all if interjections were kept to a minimum so the Chair and honourable members can hear what is being said.

The Hon. MICHAEL GALLACHER: Last year one of the offers that was made to drivers was to move away from the pre-Olympic agreement of a 19-day month and back to a 20-day month. Drivers were offered a cash incentive. Miraculously—surprise, surprise!—that cash incentive turned out to be the same amount of money that was offered to drivers last year. But what did we get in return? As a result of the agreement that was reached over the past few weeks, drivers did not agree to take the money and go back to the 20-day month. That agreement, by the Government's own calculations, would have assisted with the train timetable. This Minister, in a knee-jerk reaction, and in an attempt to get drivers back, put money on the table and said, "Please take the money. We want you only to go back to work and to continue working overtime."

The people of New South Wales have not won anything as a result of the Minister's great plan; rather, they have lost the money that was paid to the drivers. The drivers did not go back to a 20-day month and we have had no additional resources in the form of drivers coming into the system to ensure greater flexibility in the train timetable. The people did not win at all as a result of this agreement. The Minister put the bribe on the table and the drivers took it, but they did not give back anything in return. This Government has walked away from the provisions of the Rail Safety Act—legislation that it introduced in 2002.

The provisions of that legislation relating to drivers working 12 shifts are clear, but the Government twisted the arm of the regulator to ensure that drivers work more shifts than the Rail Safety Act allows. The Minister might say, "This happened in the past. It has nothing to do with me," but as a result of information was given to the general purpose standing committee the other day, Helen Willoughby, the Minister's good friend, an Australian Labor Party member and a good independent advocate for the people of New South Wales—

The Hon. Michael Costa: Point of order: This issue is not relevant, and it is also a fabrication about which the Leader of the Opposition has no evidence. I ask you to rule it out of order. Further, the Leader of the Opposition is making inferences about a public servant.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! There is no point of order. Again, that was an argument that the Minister can put in his response to the debate.

The Hon. MICHAEL GALLACHER: When the Minister replies to this debate he might wish to explain why Helen Willoughby made a statement in the media to the effect that this practice of allowing drivers to work more than 12 shifts in any 14-day period is still occurring, and occurring during the watch of this Minister. He is allowing a practice that is in clear breach of the Rail Safety Act.

The Hon. Michael Costa: That is the regulator. You know that.

The Hon. MICHAEL GALLACHER: The Minister is now putting the blame on the regulator. The Government is pushing the blame for this issue onto the regulator. It is allowing drivers to work more than 12 shifts in any 14-day period, which is a breach of the Rail Safety Act, and by allowing and forcing drivers to do so, the Government is putting the lives of the travelling public in jeopardy. The Government has never bothered to explain why it is allowing what are commonly known as outer suburban Tangaras to have observers to assist drivers, but why drivers do not have observers on inner city Tangaras. There are no vigilance controls on the trains. The Government had ample opportunity to install those controls, but what has it done?

The Hon. Michael Costa: So did you. The problem has been there since 1988.

The Hon. MICHAEL GALLACHER: No. I must correct the Minister for Transport. The issue was raised in 1994 in the dying days of the Fahey Government, but Labor has been in power since 1995. The Minister claims that the problem has existed since 1988 but he obviously does not know his stuff. Observers are being placed on outer-suburban Tangaras like the one that crashed at Waterfall but not on inner-city Tangaras, which do not have vigilance controls. The Government has not offered any rationale for that decision. It is certainly not offering any information to the public. It is a knee-jerk reaction. Everything the Government does is reactionary. The Minister is trying to appease the trade union movement but he cannot get it right. It is quite simple: the Minister has no plan whatsoever. Nowhere is that more evident than in his mishandling of the introduction of random alcohol and drug testing of public transport workers. Rail safety legislation was passed by this House in 2002.

The Hon. Michael Costa: When I wasn't here.

The Hon. MICHAEL GALLACHER: The Minister does not even remember when he came into Parliament. He should go and take a nap and we will ring the bells when it is time for him to leave his office. The Minister was more than happy to vote with the Government in support of the Rail Safety Act, which had the capacity to introduce random breath testing of workers. The Minister talks about the need for random alcohol and drug testing but he has not explained what he has been doing since the 2003 State election to ensure its introduction. Why has it not been introduced? Because the Minister has taken his eye off the ball again.

It was not until the issue became public that the Minister started to provide some answers. For example, when will random drug testing of bus drivers be introduced? It will finally begin in September this year. The Government has certainly been well and truly dragging the chain since 2002, when the relevant legislation was passed. The Minister has had carriage of those reforms since he became Minister for Transport Services in April 2003 but he did not do anything about them until the public criticism began to grow.

A pattern is starting to emerge. When there is public criticism of trains the Government finds some money in a bottom drawer to pay the drivers and get them back to work. That money was set aside originally to encourage drivers to renegotiate an agreement that had been put in place before the 2000 Olympic Games and return to working 20 days per month. That would have freed additional drivers in the system to staff many of the existing services. However, the Government did not do that. The union knocked back the proposal, the negotiations did not continue and the plan was dropped.

What happened with random breath testing of transport workers? The Government finally did something about that only after a public incident. When did the Government begin to install vigilance controls on outer-suburban Tangaras and announce their installation on inner-suburban Tangaras? That occurred after the Waterfall disaster. This Government is about reaction rather than anticipation and prevention. The Minister for Transport Services goes on about vigilance controls. Those controls will cut in if a driver suffers a heart attack or is incapacitated in some way, falls away from the controls, and the dead man's hand is not fixed—the Government knew about that problem too but it has not addressed it.

Honourable members will be aware that the Government has done an effective job in persuading the public that the Waterfall train crashed because Mr Zeides had a heart attack. But the Government failed to mention the many systemic problems that it has not yet resolved. The Minister's grand plan—another knee-jerk reaction—will go only part of the way towards solving those problems. For example, what would happen if the conditions that led to the Waterfall accident were replicated but with a different driver at the helm? If a driver without heart problems were to exceed the speed limit into that corner the vigilance controls would make no difference. The driver could keep his finger on the vigilance controls as the train proceeded through the bend or the intersection and there could be a problem.

It is despicable that the Government is labelling as totally unrealistic a potential solution that Opposition members would at least consider. We would at least talk to people who know exactly what it will cost. The trade union movement is suggesting that the Government should not introduce a reactionary measure—that is what the vigilance mechanism is—but be proactive and ensure that when drivers exceed the speed limit, run a red light, or fall away from the controls the train can be stopped. The Minister's solution is a knee-jerk reaction after the event, and unfortunately it flies in the face of the Government's rail safety legislation.

Last year we debated the future of CountryLink services, and members received significant correspondence from country communities that were concerned about the future of their train services. The Government then made a big announcement that there would be a stay of execution for 12 months. However, as soon as it came up with the advance health screening idea, guess who it targeted first? It started to target CountryLink drivers, who in the main are older drivers, and it has not said it will transfer drivers from CityRail to CountryLink services.

Drivers tell me they aspire to become CountryLink drivers as that is viewed as a prestigious career move—and I am sure it is. But the Government is now targeting those very drivers. We must ask: What is the Government's motive? It could not suspend CountryLink services under its old proposal, so now it is targeting CountryLink drivers specifically, who are in the high-risk category—we were told last week that 300 CountryLink drivers fall into that category. There is now talk that certain CountryLink services will be withdrawn.

The Hon. Rick Colless: The Werris Creek to Moree service.

The Hon. MICHAEL GALLACHER: Indeed. The Government and the Minister for Transport Services will claim that it is a temporary measure and that replacement buses will be introduced for only a short time. However, I believe services will be reduced—this will be confirmed by the new timetable—in line with the Government's long-term plan. The Government was prepared to pay hundreds of millions of dollars in overtime for train drivers but if it had invested that money in recruiting additional drivers from interstate or overseas—

Reverend the Hon. Fred Nile: It takes three years to train them, that's the problem.

The Hon. MICHAEL GALLACHER: The Government could have brought experienced train drivers into the system. It could have used the \$130 million to employ substantial numbers of train drivers. But the Government did not embark upon that plan because I believe its long-term objective has always been to redraft the timetable and reduce the number of services, thereby requiring fewer drivers. The Government is prepared to pay drivers overtime until it introduces its new timetable. But eventually there will be fewer services and less demand for train drivers in the rail system. That is what the Government is about: reducing services across the board. The Minister for Transport Services made a big mistake when he forgot to remember that he was in this place before 2002.

The Hon. Michael Costa: I said I wasn't the Minister.

The Hon. MICHAEL GALLACHER: No, the Minister said he was not here. Be that as it may, the Minister was Minister for Police before he came to the Transport portfolio, so he should be concerned about crime on the rail system. The Minister said that costs should be cut and that we should not have security guards on trains.

The Hon. Michael Costa: Transit officers cost more.

The Hon. MICHAEL GALLACHER: The Minister said again that transit officers cost more than security guards, but the problem is that there will not be the full complement of transit officers until the end of the year to fill the vacancies. The Government is keen to expose the travelling public of this State to a hiatus from 14 February 2004, when security guards were dispensed with on the system, until 2005, when significant numbers of transit officers come back into the system to fill the void. The Government is all about cutting money and costs where it can so that the Minister can show he is saving money across the board even though the Auditor-General said in 2003 that the overall risk of a passenger becoming a victim of crime on CityRail has increased.

There is no plan to phase out security guards over time until there is a complementary increase in the number of transit officers. The Minister has drawn a line in the sand and dispensed with security guards, and he suggests that somehow wonderful things will be done with the small number of transit officers. By virtue of their work, transit officers have the highest rate of sick leave anywhere in State Rail and the Minister does not have sufficient numbers to cover the positions. What the Minister says is absolutely disgraceful. I have given a factual representation of what has happened in the short time since this Minister took on this ministry. Shortly the Minister will talk yet again in defence of his Government's performance in the area of transport. On 5 February 2004 this Minister told Mike Carlton that any defence of this Government's conduct is a fairytale.

The Hon. Michael Costa: I never said that. I said the timetable.

The Hon. MICHAEL GALLACHER: If he said the timetable was a fairytale, how can he defend it? The Minister can relate a fairytale, deliver a tirade and an attack—

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! Members are reminded that interjections are disorderly at all times. I ask all members to cease interjecting.

The Hon. MICHAEL GALLACHER: If the laughing boy is serious will he commence his response with the words—

The Hon. Charlie Lynn: "I'm sorry."

The Hon. MICHAEL GALLACHER: No. "I believe Carl Scully did a great job as transport Minister and I will defend Carl Scully up hill and down dale." He does not have the guts to say that. The Government is not prepared to invest money in vigilance controls. The Minister provides only short-term answers. Volume 5 of the 2003 report of the Auditor-General refers to the maintenance backlog of the Rail Infrastructure Corporation at just under \$500 million with no plan from the Government. What is the most recent grand plan of the Government in relation to safety on the system? It will introduce vigilance controls so that should a driver have a heart attack it will be fine. That is its answer. It has done nothing proactive to ensure safety on trains.

What is happening in other jurisdictions such as Western Australia? Some of our competitors who provide public transport are doing a far better job with far fewer resources than this Government. Recently 19 Tangara trains were found to have high-speed ball bearing failures, which is another safety issue that the Government will investigate. What happened with Sydney Ferries? Since 1996, 29 incidents have involved Sydney ferries and their lack of maintenance. In the past couple of days two incidents have occurred. I incorrectly suggested to a witness before a committee that extensive damage was done to a ferry in one incident, which he denied. But he failed to tell the committee that extensive damage was done to the wharf at Circular Quay. If the press reports are right, a young child narrowly missed being seriously injured as a result of the Government's lack of maintenance of the ferry system.

This is a censure motion to put the Minister on notice: it is not a no-confidence motion. The motion states that his performance, his relationship with the State, and the service he is providing this State is substandard, to say the least. I have gone through a catalogue of events for which this Minister is responsible as of today. It is clear that this Minister is more interested in the financial bottom line than in his moral obligation to provide safe and reliable services. Recently the Minister said quite clearly to the travelling public that they can get to their destination on time or intact but they cannot have both, and he ensures that services are cut by guaranteeing neither.

The people of New South Wales will not put up any longer with the bovver boy, head-butting tactics that this Minister is intent on implementing and that is why I have moved the motion. The Minister is not interested in achieving long-term positive outcomes for rail safety, and the Government has no plans for positive

rail safety in this State. There is no encouragement for people to use our public transport system. If anything, this Minister will be responsible for a massive increase in the sale of motor vehicles as people look for an alternative means of transport.

If people do not travel by train, and they know what happens on buses, what is left? Only ferries, but they know there have been two accidents with ferries within 24 hours. The Opposition opposes corporatisation, but the Government is ripping away and corporatising our system. There was no consultation with workers or private industry in relation to the corporatisation of ferries. The grand plan of this Minister was to ram it through in the dying days of 2003 and hope for the best. The result is that routine maintenance is falling away before our eyes. If the Minister were serious he would announce that the Government will not corporatise ferries on 1 July until an iron-clad guarantee is given that we will not have a replication of what happened last week. He will not do that because he is about selling off the ferries and getting rid of them. I am disappointed that this Minister has not apologised for his and Brian Langton's incompetence and neglect. He will not talk about Carl Scully.

The Hon. Duncan Gay: There are problems in police too.

The Hon. MICHAEL GALLACHER: He has made a mess there as well. The Minister is not prepared to admit that he, Mr Scully and Brian Langton have made an absolute mess of transport over the years. This Minister is more interested in holding the people of this State to ransom and pushing through his reform agenda with no consultation and without accepting his mistakes of the past. No wonder this community can guarantee that, despite the pain and suffering we have gone through, we will be in no better position in 12 months than we are in today. This motion is clearly designed to bring the Minister to heel; it is to tell him that the public has had enough. We on this side of the Chamber and on the crossbenches, who are the ones advocating on behalf of the public, want to ensure that this message is heard by not only the Minister but also his backbench and his ministerial colleagues.

The Hon. PATRICIA FORSYTHE [3.58 p.m.]: A censure motion is one of the most serious tools available to the House, and one of the most serious of motions—

The Hon. Michael Costa: It is the same speech you used when I was Minister for Police.

The Hon. PATRICIA FORSYTHE: Yes, and you have not improved since.

The Hon. Michael Costa: It is the same speech you used when you tried to censure me as Minister for Police.

The Hon. PATRICIA FORSYTHE: It is about time you learned a little bit about the forms of the House. I particularly draw the attention of the House to point two of the motion.

[Interruption]

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! Members will cease interjecting. I cannot hear the member who has the call.

The Hon. PATRICIA FORSYTHE: Paragraph 2 of the motion relates to the Minister's unwillingness to be scrutinised and his inability to accept scrutiny and understand that it is through this House that he is accountable to the people of New South Wales. After question time I will share with members of the House some of the Minister's responses to questions that he has been asked question time after question time.

The Hon. Michael Costa: The same old material.

The Hon. PATRICIA FORSYTHE: Because you give us the same answers. That is, you treat this House with disrespect.

The Hon. Michael Costa: No, only you.

The Hon. PATRICIA FORSYTHE: To every question we get answers such as, "I have already answered that question" or, "I refer to my previous answers." The Minister does not accept the scrutiny that is appropriate for a Minister. He is not prepared to provide open, honest and accountable government.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

MR MARK DUFFY CONSULTANCY SERVICES

The Hon. MICHAEL GALLACHER: I direct my question without notice to the Minister for Transport Services. Is Mark Duffy, the consultant the Minister brought in to negotiate with the private bus operators over implementation of the Unsworth inquiry recommendations, the same Mark Duffy with whom the Minister co-wrote the book *Labor, Prosperity and the Nineties*, resulting in Mr Duffy's expulsion from the Australian Labor Party whilst the Minister survived? How much is Mr Duffy being paid for this consultancy?

The Hon. Michael Egan: Point of order: Mr Duffy has never been expelled from the Australian Labor Party. Mr Duffy is a very eminent economist and has been a very fine public servant. The question is based on a lie.

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

The Hon. MICHAEL COSTA: To the best of my knowledge, Mark Duffy has not been expelled from the Labor Party.

The Hon. MICHAEL GALLACHER: I ask a supplementary question. The Minister must have missed part of the question because of an inane interjection by him. How much is Mr Duffy being paid?

The Hon. MICHAEL COSTA: My advice is that Mark Duffy was selected in the normal procedure and is paid the appropriate salary for the job.

MINIMUM WAGE CASE

The Hon. TONY BURKE: My question without notice is addressed to the Minister for Industrial Relations. Can the Minister inform the House of the New South Wales Government's response to the 2004 minimum wage case?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his question and for his ongoing interest in industrial affairs. I am pleased to inform the House that the New South Wales Government is supporting a \$20 a week increase in the 2004 minimum wage case. The Government's submission, which is supported by every other State and Territory government, is a response to the claim of the Australian Council of Trade Unions [ACTU] for a \$26.60 a week increase. The New South Wales Government believes that a \$20 a week increase in all award rates would be not only economically sustainable but would also provide much-needed economic relief to low-paid workers and their families. Workers reliant on this increase—many of whom are women, young people, casual workers and residents in rural and regional New South Wales—are often powerless to bargain for better outcomes.

It is estimated that around 21 per cent of Australia's work force are dependent on the minimum wage case as their only means of achieving a wage increase. In New South Wales this represents more than 500,000 workers. If the Australian Industrial Relations Commission were to accept the Government's submission, the current minimum wage would increase to \$468.40 a week, or \$12.33 an hour. This would mean the pay rate for a shop assistant would rise to \$507.60 a week, or \$13.35 an hour; a cleaner would receive \$485.10 a week, or \$12.77 an hour; and a sewing machinist would be paid \$506.60 a week, or \$13.33 an hour. I am sure that all honourable members would agree that these are modest increases.

However, when we turn to the Federal Government's submission to the 2004 minimum wage case we see that the mean-spiritedness of the Howard Government is alive and well. In keeping with past practice, the Commonwealth's submission has opposed the ACTU's claim. But this year's miserly approach by the Federal Government represents its lowest effort ever! John Howard and Kevin Andrews are prepared to offer workers only a meagre \$10 a week, and only up to the level of a tradeperson's rate of pay. This represents an increase of just 26¢ an hour for workers who earn no more than \$542.20 a week, or just a little over \$28,000 a year. Even more disturbing is that in real terms, when this \$10 figure is adjusted for taxation and inflation, the Federal Government is actually proposing a \$2.10 a week pay cut.

Also of interest, but not surprisingly, is that the position taken by the Federal Government is contrary to its own survey of small to medium-size business—handpicked by the Australian Chamber of Commerce and Industry—who reported little direct effect of minimum wage increases on their employment. Yet again we are seeing a demonstration of hostility by the Commonwealth to the genuine needs of working people. Just as John Howard refuses to act on his own Cabinet's advice to provide a better work and family balance for workers, he is now choosing to ignore the needs of low-income workers and their families.

AGRICULTURAL EDUCATION AND RESEARCH FACILITIES CLOSURE

The Hon. DUNCAN GAY: My question is directed to the Minister for Agriculture and Fisheries. Why is NSW Agriculture continuing to close education and research facilities throughout New South Wales? What specific changes in agricultural research requirements have justified the closure of Shannon Vale Field Station at Glen Innes, part of Pearces Creek Research Station near Wollongbar, and the Murwillumbah Tick Office? Are there any further closures in the pipeline? And why has the Minister's position changed from when, as a backbencher, he was critical of the 1996 closures of three NSW Agriculture research stations to now implementing them himself?

The Hon. Michael Egan: Point of order: Obviously the Deputy Leader of the Opposition does not recognise the constitutional convention regarding Ministers in the Westminster system. The honourable member asked the Minister to account for things he said as a private member of the Parliament. The Hon. Ian Macdonald is not now answering as a private member of Parliament; he is now one of Her Majesty's Ministers. The maxim according to the Westminster system is: The King speaks with one voice.

The Hon. Duncan Gay: So what is your point of order?

The Hon. Michael Egan: Ministers cannot be questioned about what they might have said or believed when they were private members. They are now Her Majesty's Ministers and have responsibilities as such. Put more specifically, a Minister is to answer questions in relation to his or her conduct of public affairs as a Minister, not as a private member.

The PRESIDENT: Order! There is no point of order. The Minister has the call.

The Hon. IAN MACDONALD: Thank you, Madam President, for giving me the opportunity to answer this question. It is typical of The Nationals to walk into this House and initiate a scare campaign to try to whip up a little bit of publicity around the countryside about things that are grossly exaggerated in this House and even more grossly exaggerated when the Deputy Leader of the Opposition gets out of this House. We are dealing with three properties that are hardly front line to NSW Agriculture. Like most organisations, NSW Agriculture acquires and disposes of properties to meet its changing research and operational needs. It has three properties that are surplus to its operational requirements: Shannon Vale Field Station at Glen Innes, Pearces Creek at Wollongbar and the old Murwillumbah Tick Office. There has been little research activity at Shannon Vale for the past 10 years. It is now surplus to the department's foreseeable needs. Research activities undertaken at the site can be conducted more effectively and efficiently at the department's other research stations, particularly at Glen Innes or Grafton or through arrangements with co-operating farmers.

The old Murwillumbah Tick Office now accommodates one clerical officer, and regulatory staff use it intermittently. The relocation of the clerical officer to the NSW Agriculture District Advisory Office in Murwillumbah means that this site is also surplus to requirements. In other words, the officer is moving one kilometre down the road. In addition to office accommodation and storage facilities, which will be retained, the Pearces Creek Research Station has been used for grazing and to make silage for the dairy herd at Wollongbar. Transfer of grazing activities to Duck Creek, which is not far away, and alternate sources of silage mean that farming areas at Pearces Creek are no longer needed. In view of the need to manage New South Wales Government assets and resources efficiently and effectively, I have initiated actions to dispose of these three properties. Two staff are affected. NSW Agriculture has met and consulted with staff at each location to identify and manage any issues associated with the disposal of these sites.

The Hon. Duncan Gay: That is not what you said about the vet labs when they were closed.

The Hon. IAN MACDONALD: To compare it with the veterinary colleges is ludicrous.

The Hon. Duncan Gay: It's exactly the same!

The Hon. IAN MACDONALD: It is not exactly the same.

The Hon. Duncan Gay: It's a fire sale.

The Hon. IAN MACDONALD: It is a lot of nonsense to compare large laboratories with a surplus-to-needs farm and a small tick office. The honourable member beggars credulity. Disposing of surplus assets makes good sense because it frees up underutilised resources and reduces operating costs for facilities needed to run a highly technical department in the twenty-first century. This process will not impact on any jobs. Proceeds will be used to fund priority front-line research and extension activities throughout the State. In other words, the Government is transferring the money across to other areas to help the farming community in New South Wales.

The Hon. Duncan Gay: You have no money. Egan won't give you any money.

The Hon. IAN MACDONALD: I know it upsets the honourable member, but that is precisely what we will do.

SYDNEY CITY COUNCIL AND SOUTH SYDNEY CITY COUNCIL AMALGAMATION

Ms SYLVIA HALE: I direct my question to the Minister for Local Government. Of the 627 submissions to the Boundaries Commission on the examination and report into the proposal to amalgamate the City of Sydney local government area with the South Sydney City local government area, how many submissions were in favour of the proposal and how many were opposed to it? Is the Minister aware that members of the public have been told that they are not allowed to know the breakdown of submissions to the Boundaries Commission? Will all submissions to the Boundaries Commission and the results from all community consultation processes be made available publicly? If so, when will this occur? If not, why not? What steps will the Minister take to ensure that submissions are freely available to the public? Will the Minister explain why this secrecy surrounds the submissions to the Boundaries Commission?

The Hon. Duncan Gay: Are the businessmen in South Sydney going to get to vote, like the businessmen of the City of Sydney?

The Hon. TONY KELLY: The Deputy Leader of the Opposition can ask a question later if he likes, but it is Ms Sylvia Hale's turn. This merger was part of the Government's local government reform program. Some of the specific questions asked by Ms Sylvia Hale should be directed to the Boundaries Commission, not me. This is part of a local government reform program, which aims to provide a better deal for ratepayers in New South Wales. The new council will be stronger financially, and better able to service ratepayers and to represent Sydney, the Premier city in Australia, to the world. This decision will result in a one-off \$2 million saving for the new council, and annual savings of \$7 million each and every year. That \$7 million will go to the ratepayers and residents of the new council area for the delivery of services. It has received wide support from industry and the community. Apart from compliments from the Treasurer, I have received a number of emails and letters of support, not necessarily from his neighbours, as far as I know.

Residents like Craig Heath said, "I wholeheartedly agree with your stance on the merger of the City of Sydney and South Sydney councils." Another resident, Andrew Lees—no relation—agrees. He said, "Congratulations on the commonsense approach that you and the Government have taken on the council merger issue." I received this from the urban task force: "Today's decision ends the uncertainty which has clouded the future of both councils and breaks the political and legal stalemate that has characterised the councils for months." Make no mistake, the Government will continue with its local government reform program in the best interests of ratepayers and residents of New South Wales.

Ms SYLVIA HALE: I ask a supplementary question. I draw the attention of the Minister to my question, which was whether he would make available the breakdown of the submissions for and against the amalgamation proposal. Will the Minister elucidate how the reform program is supposedly assisted by the secrecy that has surrounded the submissions? Will the Minister please explain why members of the public have not been allowed to know the breakdown of those submissions?

The Hon. Michael Costa: Point of order: Clearly, that is not a supplementary question.

The PRESIDENT: Order! The first part of the question seeks elucidation, but the later part does not. The Minister may answer.

The Hon. TONY KELLY: I actually did address that issue during the first part of my answer when I said that it was a matter for the Boundaries Commission.

MURRUMBIDGEE COLLEGE OF AGRICULTURE RESTRUCTURE

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Agriculture and Fisheries. Will he inform the House of the latest development in relation to the Murrumbidgee College of Agriculture?

The Hon. IAN MACDONALD: I acknowledge that the Hon. Tony Catanzariti has played a very positive role in the Griffith-Leeton area in working out what will be a really good and exciting solution. Earlier today it was my pleasure to announce a bold new partnership involving Charles Sturt University and NSW Agriculture. The partnership follows the recent restructure of the college to focus more closely on continuing education. From this week Charles Sturt University and NSW Agriculture have agreed to a close collaboration to help set the future direction for the college. At the centre of this effort will be a working group that will include officials from both bodies, as well as from the local community. In broad terms this working group will search for new opportunities for the college in both research and development, and continuing education.

The Hon. Duncan Gay: Is this a backflip?

The Hon. IAN MACDONALD: Not at all. Some people prefer good planning and for it to be done well ahead. More specifically, we want to explore new fields of research in rice and irrigation farming, and other areas of importance to the local area. We also want to collaborate more closely with TAFE New South Wales Riverina Institute on a continuing education program. The working group members will include the Wagga Wagga campus head of the Charles Sturt University, Professor David Green.

The Hon. Duncan Gay: So bang goes the million dollars!

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition is not listening. He does not listen, and that is the problem. This process will work out a new international direction for the Murrumbidgee Agricultural College at Yanco. I know that the Hon. Rick Colless wants to hear more about it before he chimes in with a silly comment. As I was saying, the working group members will include the Wagga Wagga campus head, Professor David Green, who will be the chair of the working group; Leeton mayor Mr Joe Burns; and the principal of the Murrumbidgee College of Agriculture, Cameron Archer.

The Hon. Duncan Gay: He has said some good things about you, has he not?

The Hon. IAN MACDONALD: He is a good bloke. The Hon. Tony Catanzariti had a very friendly meeting with him in Griffith not long ago. The remaining two members will be nominated by Charles Sturt University and the nominations will be determined shortly. This is a very positive step forward for the college. It will build on the college's 40-year history of providing lifelong learning for the farming community. These new measures will only improve on that history as we redirect the focus of the college from full-time courses to continuing education. NSW Agriculture is proud of its role as the leading provider of continuing education for farmers and agribusiness professionals in rural and regional New South Wales.

The department already delivers courses statewide through its network of extension staff and other public and private providers. This new partnership will enhance that critical role and will help to achieve the aim of the Carr Labor Government to make agriculture more efficient, sustainable and competitive. The key to the Carr Labor Government's vision for agriculture in New South Wales is research and development. Through this new Yanco partnership, the college will play an even greater role in achieving that vision. Honourable members can rest assured that in the near future I will be making more announcements about this direction.

NATIONAL PARKS AND WILDLIFE SERVICE COMMUNITY INVOLVEMENT

The Hon. JON JENKINS: My question without notice is directed to the Minister for Justice, representing the Minister for the Environment. In the annual report of the National Parks and Wildlife Service 2002-03 there are many mentions of the promise of involvement of the community in the management principles of our precious national parks—on the very opening page, on page 6, on page 15, and on other pages that are too numerous to mention. Most importantly, on page 8, the mission statement for the National Parks and Wildlife Service includes "working with people and communities". In respect of community involvement with

the National Parks and Wildlife Service, can the Minister report to this House the names, type of involvement and dates of any "community involvement" with any recognised recreational group in New South Wales? Can the Minister report to this House any recognised recreational groups that have been consulted under the Community Programs Network? Can the Minister report similarly to this House any "community involvement" with recognised environmental groups, such as the Total Environment Centre?

The Hon. JOHN HATZISTERGOS: It is a very broad-ranging question. I will take it on notice, convey it to the Minister, obtain a reply and advise the House in due course.

DEPARTMENT OF COMMUNITY SERVICES AND MISS MICHELLE POGMORE

The Hon. JOHN RYAN: I direct my question without notice to the Minister for Community Services. How many times was the allegedly murdered 13-year-old Michelle Pogmore the subject of a notification to the Department of Community Services Helpline, or to the Department of Community Services [DOCS]? What responses did each of those notifications receive from DOCS? Were there occasions when a notification concerning the child was not allocated to a caseworker for investigation?

The Hon. CARMEL TEBBUTT: I thank the Hon. John Ryan for his question. He has raised the tragic death of a young 13-year-old girl. I know that every member of this House joins me in expressing our sympathy to the family and friends of this young girl and in assuring them that our thoughts are with them at this time. They must be going through a terrible time while trying to deal with their grief. The matter is subject to a full police investigation and the department will co-operate fully. I confirm that the young girl was a client of the Department of Community Services [DOCS] and that the department has worked with her and her family for a number of years—since the girl was 10 years old. I am advised that during that time DOCS made a number of attempts to help this young girl, including numerous referrals to specialist services. It was also recommended that the young girl attend Redbank House at Westmead Hospital, which provides programs for the full range of adolescent emotional, behavioural and psychiatric disturbances.

This young girl was also placed in a refuge and foster care when she was not able to live at home. The most recent planning meeting was held on 13 January 2004. This was a most complex case. I am advised that a risk-of-harm assessment had been completed recently to support the making of a care application but, tragically, criminality intervened. I have asked for a full report from DOCS on its involvement in this case. The House also should note that there will be an independent review undertaken by the Ombudsman, as is required under legislation introduced by this Government. Should that review make recommendations for reform, they will be addressed.

As I have stated on many occasions in the past, the provision of services and support for troubled teenagers who are involved in high-risk activities over which their families have no control is an issue for governments worldwide. These high-risk young people at times manifest an acute crisis level of disturbance through self-harm and violent or antisocial behaviour. They often have a background of neglect and abuse. These are not easily resolved issues. The Government has led the way in promoting cross-agency co-operation to support people who are at risk. The Government has also supported the funding of a range of services, such as services through the Community Services Grants Program [CSGP] to provide community-based youth and adolescent support services, including 46 adolescent and family counselling services, and services through the Supported Accommodation Program to provide accommodation and support services to homeless young people.

The Government recognised in its five-year strategic plan for DOCS that more needs to be done, particularly to provide a range of suitable accommodation options for teenagers who, for whatever reason, cannot live with their families. Earlier this month an expression-of-interest process commenced aimed at establishing new and extended out-of-home care services for young people who have challenging or high-risk behaviours. Expressions of interest from potential providers close on 23 March. I look forward to early assessment of the options submitted. I anticipate that this will greatly improve the range of accommodation that is available.

However, I add a word of caution to people who look for glib and simple solutions: there are none in this area. The suggestion that locking up highly disturbed young people will address the issues is clearly not the case. Secure care may well be one option in a range of support services for highly disturbed young people, but we also need to find better ways to engage these young people and better ways of providing therapeutic services. Unfortunately in many cases we need to try to find ways of repairing a lifetime of abuse and neglect that these young people have experienced. Any government service will find that difficult. I have outlined some of the

initiatives that the New South Wales Government has put in place to ensure that a better range of support will be provided to this group of young people. With regard to the specific case to which the honourable member has referred, that is the subject of a full investigation by the Ombudsman, as I have indicated.

The Hon. JOHN RYAN: I ask a supplementary question. The Minister said that during the department's interaction the young girl was placed in a youth refuge. Will the Minister inform the House what age she was when placed in the youth refuge, for how long, and what additional support was given to her to ensure that she had appropriate adult supervision?

The Hon. CARMEL TEBBUTT: As I indicated, I have asked for a full report from the Department of Community Services about its involvement in this young girl's life. I do not have the details requested by the honourable member. I have some information that I have already provided to the House about the department's involvement with this young girl. I would be happy to provide further information to the House, but obviously it needs to be understood that this matter is the subject of a criminal investigation. I would not do anything to jeopardise that process. The department will also provide full information to the Ombudsman to assist the Ombudsman in his review of this matter.

CORRECTIVE SERVICES INDUSTRIES

The Hon. IAN WEST: My question without notice is directed to the Minister for Justice. Will the Minister outline to the House how Parklea Correctional Centre inmates are participating in rehabilitation programs in association with Corrective Services Industries?

The Hon. JOHN HATZISTERGOS: Honourable members will recall that I previously commended Corrective Services Industries to the House for successfully providing inmates with work-readiness skills and for negotiating and implementing new business opportunities in correctional centres across the State.

The efforts of Corrective Services Industries in providing inmates at Parklea with work skills that can assist them after release are no exception. I am pleased to announce that maximum security prisoners at Parklea Correctional Centre, near Blacktown, have made cell doors to help complete the construction of a prison complex in the Solomon Islands as part of work and rehabilitation programs. The manager of that project, Kevin Moran, engaged Corrective Services Industries to manufacture 52 security grille doors, 24 maximum security heavy duty cell doors with mesh, and 76 screens to give inmates some privacy in shared cells in the Solomon Islands. Construction was carried out at the Parklea Correctional Centre by 40 inmates under the guidance and supervision of the manager of the Engineering Business Unit, Mr Shaun McClafferty, and three other officers.

I am advised that Kevin Moran was so impressed with the professionalism of Corrective Services Industries and the high quality of work produced by the inmates that the company contracted to build the Solomon Islands facilities, Kumagai Gumi, has requested the manufacture of 700 metres of fencing for the prison by the Corrective Services Industries unit at Parklea. That manufacturing is currently under way. The Department of Corrective Services sent an officer, Senior Overseer Ken Trueman, of Parklea, to the Rove Correctional Centre near Honiara, the capital of the Solomon Islands, to help with the fitting and installation of the doors. Corrective Services Industries manufactured window grilles for the prison in 1996, however the construction work was halted due to the insurrection that plagued the Solomons.

Currently Corrective Services Industries provides employment for 60 per cent of the inmates in New South Wales prisons in an endeavour to provide them with work skills that can assist them after release. Such skills impart a work ethic and practical knowledge that can be employed in industry. In the financial year 2002-03 Corrective Services Industries sales totalled \$36 million, with a trading profit of \$12.8 million. A portion of the profits is used to assist the victims of crime and the remainder is used to offset the costs of incarceration. Aside from the immense economic benefits of Corrective Services Industries' work at Parklea, and across New South Wales in general, it helps significantly in the rehabilitation of inmates by providing them with stepping stones toward their reintegration into society.

HARDEN SHIRE COUNCIL AND YOUNG SHIRE COUNCIL FINANCIAL POSITION

Reverend the Hon. Dr GORDON MOYES: I address my question without notice to the Minister for Local Government. Is the Minister aware that Harden Shire Council and Young Shire Council are listed on the Department of Local Government's financial watch list? Is the Minister aware that those shire councils have never been informed that they are on the financial watch list? By what criteria are councils placed on the

financial watch list? Will the Minister please explain why Harden and Young shire councils are on the financial watch list when their annual reports, of which I have copies, show that those councils are financially sound, both having shown a positive surplus in 2003?

The Hon. TONY KELLY: During 2002-03 the Department of Local Government prepared a list of 30 councils whose financial position at 30 June 2002 indicated that they were experiencing a form of financial difficulty. The department is now reviewing the 2002-03 financial reports for all councils and will shortly update that list. I have instructed the department to closely monitor the performance of councils in financial difficulties and to keep me informed of their progress. If progress is not forthcoming, I will not hesitate to take appropriate action. Some councils are on the list not only because they are financially destitute but because they are not complying with the Local Government Act or accounting procedures. Councils could be on that list for a whole host of reasons, and I do not know those reasons are so far as Harden and Young councils are concerned.

Reverend the Hon. Dr GORDON MOYES: I ask a supplementary question. Will the Minister explain how shire councils can be taken off the watch list?

The Hon. TONY KELLY: The watch lists are constantly reviewed. As I said, I have asked the department to review the financial reports for all councils. In fact, a few councillors have visited me, and have made appointments with departmental officers for this purpose, to go through their problems. A number of councils are working towards getting off the list. The department's annual report for last year refers to the reports of the councils for the previous year, a matter that sometimes complicates the issue.

MURRAY COD DEATHS

The Hon. RICK COLLESS: My question without notice is directed to the Minister for Agriculture and Fisheries. Is the Minister aware that thousands of Murray cod, weighing up to 35 kilograms and estimated to be 50 years old, have perished in the Darling River between Pooncarie and Menindee? Was contaminated water released from the Menindee Lakes the cause of those deaths? Was NSW Fisheries advised of the water quality problems prior to release of the water by the Department of Infrastructure, Planning and Natural Resources? What action will the Minister take to ensure that such an environmental disaster does not occur again?

The Hon. IAN MACDONALD: I am aware of as much as is known of the circumstances surrounding the fish kill. Tests carried out by the Department of Infrastructure, Planning and Natural Resources indicated a combination of very high temperatures and deep composition of vegetation, resulting in low dissolved oxygen levels, as the most likely cause of that fish kill. Currently the department is undertaking further investigations, the results of which I will alert the House in due course.

NEW SOUTH WALES FIRE BRIGADES COUNTER-TERRORISM CAPABILITIES

The Hon. KAYEE GRIFFIN: My question without notice is addressed to the Minister for Emergency Services. What is the latest information on the counter-terrorism capabilities of New South Wales Fire Brigades?

The Hon. TONY KELLY: Continued terrorist activity close to Australia means that governments around the country must appropriately resource emergency services for their role in counter-terrorism. Following the September 11 terrorist attacks in the United States of America, and the Bali bombing a year later, the New South Wales Government acted swiftly to review and improve the State's counter-terrorism arrangements. As seen in any form of terrorist attack, firefighters will be amongst the first to turn out to help save lives. The New South Wales Fire Brigades plays two crucial roles in minimising the consequences of terrorist attacks. As the State's urban search and rescue agency, the Fire Brigades would lead the operation to rescue those trapped in any major structural collapse.

As the State's lead hazardous materials combat agency, the Fire Brigades would also deal with the consequences of chemical, biological or radiological attacks. In October 2002 the Fire Brigades was allocated \$2.44 million to extend its urban search and rescue, and its chemical, biological and radiological response capabilities to Newcastle and Wollongong, while also doubling its Sydney capability. Lessons learnt from multiagency counter-terrorism exercises during 2003 and the extensive preparations for the Sydney Olympic Games have placed the New South Wales Fire Brigades at the forefront of counter-terrorism preparedness among Australian fire services.

The latest addition to the State's preparedness was the commissioning in December of Pol Air-Fire Air 1, a joint fire and police helicopter costing \$4.65 million. That helicopter will significantly assist Fire Brigades and NSW Police transporting counter-terrorism specialists and will enable response operations to begin more rapidly. In a major incident, such as a building collapse, experience tells us that the earlier a victim is recovered the more chance he or she has of surviving. While the latest detection and extrication equipment is already on hand to deal with those emergencies, the helicopter will help deploy people to the affected site more quickly and directly. The Fire Brigades' enhanced resources are being progressively rolled out. New equipment continues to arrive and essential additional training is being conducted.

Last week I visited the No. 1 Fire Station, in Castlereagh Street, to view the firefighters being put through their paces on new search cameras. The Government has invested \$132,000 in 12 of those specialised cameras to be rolled across Sydney, Newcastle and Wollongong. The cameras virtually place rescuers underneath rubble to spot victims and, assuming they are still alive, to help rescuers get to them faster. Expert teams of engineers will, therefore, be better able to find out if a trapped person is alive and assess his or her condition through a coloured television camera on the device.

Those cameras will also help to minimise the risk to rescue workers, give us better information about the stability of a collapsed building and help us find safer ways to rescue any trapped persons. Families in New South Wales can be assured that we have the most comprehensive counter-terrorism capability in Australia. I hope that we never have to test our preparedness but, given the grim realities of the world today, our emergency services stand ready if we do.

LUNA PARK DEVELOPMENT

Reverend the Hon. FRED NILE: I ask the Minister for Transport Services, representing the Minister for Infrastructure and Planning, a question without notice. Is the Minister aware that Metro Edgley Pty Ltd is proposing a 14-storey office building for the cliff top at Luna Park? Is the Minister aware that this proposed development is prohibited under current planning controls, including the North Sydney local environment plan, the Luna Park plan of management and the Luna Park master plan? Is the Minister now intending to change established controls so that the building can be approved without the normal public consultation process? When will the development application, which was lodged with the Sydney Harbour Foreshore Authority on 28 January 2004, be made publicly available, which is required by law under the Environmental Planning and Assessment Act?

The Hon. MICHAEL COSTA: I am not aware of the requirements referred to by Reverend the Hon. Fred Nile, but I will obtain a response from the relevant Minister, Craig Knowles, and report back to the House.

PUBLIC TRANSPORT OPERATORS HEALTH CHECKS

The Hon. ROBYN PARKER: My question without notice is directed to the Minister for Transport Services. When will the Government be extending the more stringent health checks that are currently being applied to train drivers to other public transport drivers, including bus drivers and ferry masters?

The Hon. Michael Gallacher: A reasonable question.

The Hon. MICHAEL COSTA: I am sure that the Leader of the Opposition, who just said that the question was reasonable, wrote the question. If the Hon. Robyn Parker had been paying attention, she would have realised that, when we passed the new transport regulator bill last year, it provided for the extension of transport regulations relating to safety measures for both ferries and buses. That institution has been denigrated by the Leader of the Opposition, both at estimates committee hearings and in his earlier contribution. This is a matter for operators in conjunction with the regulator.

INDUSTRY CAPABILITY NETWORK

The Hon. PETER PRIMROSE: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Treasurer inform the House of the Government's efforts to support New South Wales manufacturers ahead of foreign competition?

The Hon. MICHAEL EGAN: That is a good question from the Hon. Peter Primrose. It is a poor reflection on members of the Opposition—and it is quite unbelievable—that more than 40 minutes of question

time has passed on the first day back after a long parliamentary recess and not one question from the Opposition or crossbench has been directed to the Leader of the Government in this House—the Treasurer, and Minister for State Development. That they have to rely on a dorothea dixer for an opportunity to perform at question time is a poor reflection on Opposition members. The Industry Capability Network [ICN] is an Australia-wide network that assists businesses to maximise the opportunities that arise from purchasing requirements from both the government and private sectors. It is all about replacing imports to help ensure that New South Wales and Australian manufacturing jobs are supported and retained.

In New South Wales the Department of State and Regional Development funds the Industry Capability Network. The network has its head office at Birkenhead Point in Sydney, but I am pleased to be able to advise the House that it is supported by regional offices in Albury, Grafton, Newcastle, Orange, Tamworth, Wagga Wagga and Wollongong, with consultants also operating from Goulburn and Dubbo. The Industry Capability Network assists New South Wales companies by matching Australian suppliers with buyers both in Australia and overseas, according to identified needs. In regional areas consultants are undertaking the identification of competitive regional companies with a view to improving their access to major projects.

Industry Capability Network consultants are also assigned to specific companies to work on projects where there are significant import replacement opportunities and a commitment to local industry participation. In a recent example of the role of the Industry Capability Network, it established a working relationship with the Architectural Library Service, hosting a web-based index to architectural products and New South Wales and Australian suppliers. Last financial year the Industry Capability Network secured \$100 million worth of import replacements which, I am I told, supported almost 2,000 jobs. The program was of particular benefit to New South Wales with local firms engaged in import replacement work worth some \$73 million, supporting over 1,300 direct and indirect jobs.

This great work will continue as the State Government has now entered into a new three-year contract with the Industry Capability Network that is valued at \$4.5 million over that period. Current projects the network is involved in include: the Lane Cove road tunnel, the Epping to Chatswood rail tunnel, the cross-city road tunnel and the Western Sydney orbital ring road. Other large projects include Woolworth's Norwest headquarters, Gosford and Wyong hospitals and underground coalmines in the Hunter and Illawarra regions.

I congratulate the work of the Industry Capability Network in helping New South Wales companies to secure more business ahead of foreign competition. Very often it is simply a matter of firms working on major projects, and sometimes firms working on smaller projects, not being aware that the goods or services that they require can be sourced competitively in New South Wales rather than overseas. I remember telling members of the House on a previous occasion about a lighting manufacturer in Australia who used to import a component from the United States of America until the Industry Capability Network was able to point out that that component from America came from around the corner, from a lighting manufacturer in Australia. [*Time expired.*]

PUBLIC SCHOOLS FUNDING CAMPAIGN

The Hon. DAVID OLDFIELD: My question is directed to the Minister representing the Minister for Education and Training. Is the Minister concerned about the extent to which public schools will be used to run a campaign against the Federal Government on the issue of school funding? Is the Minister concerned that the Australian Education Union intends every school and college to be used in this campaign and that the New South Wales Teachers Federation intends teachers in every electorate to be involved? Is it correct that, under the Australian Constitution, State schools are the responsibility of State and Territory governments? Will the Minister inform the House of the level of funding to New South Wales public schools from the New South Wales Government?

Is it true that State schools receive from the New South Wales Government more than 10 times the funding that private schools receive from the New South Wales Government? Is it true that, despite Federal Government funding, average government expenditure for every New South Wales public school student is almost twice that for every New South Wales private school student? If taxpayer funds go overwhelmingly per capita to public school students, is it not true that private education is reducing the burden of education costs on taxpayers?

The Hon. CARMEL TEBBUTT: As the honourable member's question is a long one and it contains a number of parts and assertions, I will refer it to the Minister in the other place and undertake to obtain a response as soon as possible.

**LOCAL GOVERNMENT BOUNDARIES COMMISSION
CLARENCE VALLEY COUNCILS REPORT**

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Local Government. Has the Minister received a report from the Boundaries Commission on the proposed new Clarence Valley super council? If so, would he please advise the House whether he will dismiss the councils that are covered by the report, or whether the elections will go ahead, as currently planned, on 27 March 2004?

The Hon. TONY KELLY: I will take that question on notice and get back to the honourable member as soon as possible.

GENETICALLY MODIFIED FOOD CROPS

The Hon. AMANDA FAZIO: My question without notice is directed to the Minister for Agriculture and Fisheries. Will the Minister update the House on any decision regarding the trial of genetically modified food crops?

The Hon. IAN MACDONALD: I thank the Hon. Amanda Fazio for her question, which needs to be answered in light of the alliance between the Greens and The Nationals, which today produced several press statements with regard to an article in this morning's *Sydney Morning Herald*. Contrary to recent reports, no decision on a proposed trial has been made. In fact, the proponents have not even submitted a final proposal at this stage. The New South Wales Government is absolutely committed to getting the best possible advice when it comes to potential research trials for genetically modified [GM] food crops. When I declared a three-year moratorium on the cultivation of GM crops last year I made it absolutely clear that this would not prohibit further trials aimed at resolving questions that remained unanswered on this issue. The Carr Government remains committed to this position.

Mr Ian Cohen: Five thousand hectares of experiments.

The Hon. IAN MACDONALD: Mr Ian Cohen is a joke. I would have thought he would have learnt through his direct line to the New South Wales agricultural advisory council that such a proposal is no longer before the council.

Mr Ian Cohen: Fine, its only 3,500 hectares.

The Hon. IAN MACDONALD: Mr Ian Cohen should at least get it right. He has admitted his error in those two sentences. Three and a half thousand hectares may sound a lot but it equates to only about 0.1 per cent of the 1.2 million hectares of canola crops grown in this country. But that is the sort of fact that Mr Ian Cohen totally ignores. The Gene Technology (GM Crop Moratorium) Act 2003 placed a three-year moratorium on the commercial cultivation of certain GM food crops while market access and trade issues are clarified.

The Hon. Duncan Gay: Now you want to sell it.

The Hon. IAN MACDONALD: I do not want to sell anything. That is absolute nonsense. This position has been strongly supported by the majority of stakeholders, including the New South Wales Farmers Association. Given our commitment to informed choice, it would be totally irresponsible for the Carr Government to make any decision on GM crops without the utmost scientific evidence possible. That is exactly why Parliament established the New South Wales Agricultural Advisory Council on Gene Technology—

Mr Ian Cohen: The committee was stacked.

The Hon. IAN MACDONALD: The committee was not stacked: its membership was determined by this House. In fact, in every case the nominee of the organisation named in the legislation was approved. That is another piece of nonsense from Mr Ian Cohen.

The Hon. Duncan Gay: Where were the grain harvesters? You are misleading the House.

The Hon. IAN MACDONALD: I am not. The majority of members in this House did not want the grain harvesters to be represented on the committee. The Deputy Leader of the Opposition should not make such ridiculous comments. As I said, the council includes representatives from a wide range of stakeholder groups

because we want a wide range of perspectives. The advisory council provides advice on proposed research and field trials that may be exempt from the moratorium. It also considers recommendations on conditions to be imposed on possible field trials. The council is therefore the most appropriate body to debate this contentious area thoroughly and to provide independent and objective advice. We want council members to debate the issues, and I am confident that they will do so objectively. Any suggestion that a decision on this issue has been rushed is quite incorrect. The advisory council has been carefully considering a proposal from the proponents for further trials in relation to canola. [*Time expired.*]

MINISTER FOR ABORIGINAL AFFAIRS AND REDFERN LAW AND ORDER

Ms LEE RHIANNON: My question is directed to the Minister for Community Services, representing the Deputy Premier, and Minister for Aboriginal Affairs. Has the Government gagged the Aboriginal affairs Minister from speaking about last week's incident in Redfern or did he decide not to say anything? Is the Minister's silence detrimental to restoring good relations with the Aboriginal communities of New South Wales? Does his silence reflect a Government decision not to make any statement supporting the perspectives and feelings of the Aboriginal communities of Redfern, Walgett and elsewhere?

The Hon. CARMEL TEBBUTT: I will not refer that question to the Minister for Aboriginal Affairs in the other place but I can provide some information to the House about the Government's response regarding Redfern. I reject entirely the implications in Ms Lee Rhiannon's question. I do not think anyone in this Government would have a stronger record of support for Aboriginal people than the Minister for Aboriginal Affairs, and Deputy Premier. The Minister worked at the Redfern Aboriginal Medical Service and in far-flung parts of the State, providing services to Aboriginal people. I reject the assertion that the Deputy Premier has not demonstrated on many occasions his commitment to Aboriginal people across the State and to improving the range of services and support for Aboriginal people.

The Hon. Duncan Gay: I've been in Redfern more often than he has.

The Hon. CARMEL TEBBUTT: Did the Deputy Leader of the Opposition ever work in Redfern? Nonetheless, there is no doubt that the death of Thomas Hickey has focused attention on the significant issues and challenges facing Aboriginal people who both visit and live in and around the area known as the Block. The death of Thomas Hickey is a tragedy, and I extend my condolences to his family and friends.

There have been many different ideas as to what should happen in Redfern-Waterloo. Some of the comments have been accurate and well considered but other comments have been ill informed. It is clear that no one individual, organisation or government agency can effect change on its own. Ms Lee Rhiannon's question is unfortunate because it puts a cursory interpretation on events that deserve much more consideration. A co-ordinated approach is required. The Department of Community Services [DOCS] is one of the lead agencies in this regard. It is working with other agencies, including NSW Police, to improve the co-ordination of services and programs on the Block through the Redfern-Waterloo Project. This is not a new project; it was put in place by the Government some time ago in response to issues that we knew were problematic for Aboriginal people living in that area. It is not as if significant action has not been taken in this area. But the issues confronting Aboriginal people and others who live in that area are significant, complex and deep-seated and they will not be resolved easily.

I will inform the House of some of the initiatives in which DOCS is involved. The Redfern-Waterloo Street Team was established in 2002 and operates 15 hours a day, seven days a week. The team comprises a health educator, a care and protection worker and a specialist youth worker, who spend time on the streets talking to young people and trying to reconnect them with their families, divert them from antisocial and risk-taking behaviour and link them to appropriate services.

The Hon. Duncan Gay: It's not working that well, is it?

The Hon. CARMEL TEBBUTT: No. The Deputy Leader of the Opposition identifies the issue precisely. There is no point hiding the fact that it is not working well. These are deep-seated, complex problems and glib statements such as that will not progress us any further along the path to resolving some of those issues.

The Hon. Duncan Gay: You are trying to pretend that it's all rosy.

The Hon. CARMEL TEBBUTT: No-one is trying to do that. The fact that we established a service that involves DOCS workers walking around the streets 15 hours a day and talking to young people indicates that we do not think the situation is rosy. It is an innovative and culturally appropriate solution. We are trying to get out on the streets and address some of the problems.

The Hon. Catherine Cusack: It's not working.

The Hon. Melinda Pavey: Spend some time in those towns.

The Hon. CARMEL TEBBUTT: The street team averages 375 contacts with young people per month. I hear the comments from Opposition members. What are their solutions? Do they want to bulldoze the Block? Do they think that will sort out the problems? Do they seriously believe that comment will go any way towards resolving the issues in Redfern? I can tell the House that it will not.

Ms LEE RHIANNON: I ask a supplementary question. Can the Minister for Community Services elucidate why the Minister for Aboriginal Affairs has not commented on recent events in Redfern?

The Hon. CARMEL TEBBUTT: The Premier has made any number of comments about the situation in Redfern both in response to the recent disturbances and on many past occasions in order to demonstrate the Government's commitment to putting in place proposals and initiatives that will improve services and the quality of life of people who live in that area.

AUSTEEL PTY LTD

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Treasurer. Why has the Treasurer put the taxpayers of New South Wales at risk of a \$0.5 billion liability in a legal dispute with Austeel Pty Ltd by failing to adequately analyse and investigate the financial details of the \$2.8 billion project, when I questioned him on 28 February 2002 and 19 March 2002? Why did the Government mislead thousands of prospective job seekers in the Hunter when the Premier said on 28 February 2002 that he was "finalising negotiations with Tomago Aluminium"?

The Hon. MICHAEL EGAN: The Leader of the Opposition might have his companies confused because Tomago Aluminium is not Austeel. In fact, the Government has acquired the site for a steel mill at Tomago.

The Hon. Michael Gallacher: No, I am talking about Austeel and issues of the land.

The Hon. MICHAEL EGAN: The Government acquired the site for a steel mill at Tomago in February 2003. It is clear that the Leader of the Opposition is confused. The fact that Austeel has made a claim against the Government does not necessarily mean that the claim will be successful. A claim does not a verdict or judgment make. I could make a claim, as could anyone else, but it does not necessarily mean that it will be successful. Recently I was in the United Kingdom and visited No. 10 Downing Street. I looked around and thought to myself, "If my great, great, great grandparents had not been transported to Australia I might be the Prime Minister of Great Britain, or preferably the Chancellor of the Exchequer." It did pass my mind, momentarily, that I should make a claim! On some reflection, I realised that I probably would not be successful in that claim. People can make claims.

The matter to which the Leader of the Opposition referred is in arbitration. Therefore, I am severely restricted in my response to the question. I am confident that the Government believes it has dealt with the Austeel project in absolute good faith. It is amazing that the Leader of the Opposition asked that question when question time had almost expired. That is how important the Opposition believes this matter to be. The Opposition left that question to the very end. That is absolutely appalling.

If honourable members have further questions, I suggest they put them on notice.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

BAGO STATE FOREST LOGGING

On 3 December 2003 Mr Ian Cohen asked the Minister for Transport Services, and Minister Assisting the Minister for Natural Resources (Forests) a question without notice regarding Bago State forest logging. The Minister has provided the following response:

I am advised that no logging operations are currently occurring on the area of Bago State Forest on which Mr Kelton has a lease for grazing. Mr Kelton is objecting to the harvesting of timber from areas of dedicated State forest adjacent to his lease.

Bago State Forest has been assessed under the Comprehensive Regional Assessment process for the Southern Regional Forest Agreement and determined as remaining available for timber harvesting under the conditions of the Integrated Forestry Operations Approval, with appropriate exclusion zones.

The timber harvesting operation is proceeding under the IFOA, and is supervised by the regulatory agencies. The Department of Environment and Conservation will investigate any allegations of breaches of the rules protecting the environmental and heritage values of the forest, including threatened species and heritage sites.

PHOTOGRAPHY ON TRAINS

On 12 November 2003 the Hon. John Tingle asked the Minister for Transport Services a question without notice regarding photography on trains. The Minister has provided the following response:

I am advised:

It is not an offence to take a photograph on a train or at a station.

Transit officers are required to detect graffiti and other offences as they occur, as well as protecting State Rail property from vandalism. I am advised taking photographs of graffiti may indicate a connection between the person and the graffiti they are photographing, as graffiti offenders often photograph their work.

Based on the information provided, State Rail advise there are no records of any such incident on a train in that particular area and time. I would be happy to seek further advice if the honourable member provides me with more detailed information.

PORTS FREIGHT STRATEGY

On 19 November 2003 the Leader of the Opposition asked the Minister for Transport Services a question without notice concerning ports freight strategy. The Minister has provided the following response:

I am advised:

The Government is not prohibiting the movement of ships solely carrying heavy vehicles in and out of Sydney Harbour. Shipping lines carrying heavy vehicles are free to negotiate with the AAT consortium for stevedoring access at the Glebe Island facility.

POWERHOUSE MUSEUM EVELEIGH SITE

On 3 December 2003 the Hon. Patricia Forsythe asked the Minister for Transport Services a question without notice regarding the powerhouse museum Eveleigh site. The Minister has provided the following response:

I am advised:

In 1988 the Powerhouse Museum was granted approval under an informal agreement, at no rental, to occupy space in the Large Erecting Shop at Eveleigh to store steam locomotives. The approval was conditional upon space being available.

As part of its ongoing property management function, State Rail obtained a Building Conditions Report on the Large Erecting Shop. This report identified essential works that needed to be undertaken.

State Rail's Moveable Heritage Manager has been liaising with Powerhouse Museum representatives to assist them to identify an alternate site, while building works are in progress.

RAIL INFRASTRUCTURE CORPORATION RAIL TESTING ADAPTER

On 3 December 2003 the Leader of the Opposition asked the Minister for Transport Services a question without notice regarding rail infrastructure corporation rail testing adapter. The Minister has provided the following response:

I am advised:

The Rail Infrastructure Corporation (RIC) has entered into an agreement with the employee in question to pay rental for the device for the period since 1 July 2002.

To date \$14,000 less tax has been paid covering the period 1 July 2002 to 3 November 2003.

RIC has also been in negotiations with the employee for payment for a licence to use the device more widely in the NSW metropolitan area.

RIC anticipates once agreement has been reached with the employee over the licence agreement, this payment will replace the ongoing rental agreement.

TAXI AND HIRE CAR LICENCES

On 2 December 2003 the Leader of the Opposition asked the Minister for Transport Services a question without notice regarding taxi and hire car licences. The Minister has provided the following response:

I am advised:

337 offers have been made to hire car licensees, of which 177 have been formally accepted.

No formal rejections of the offer have currently been received.

THIRROUL TUNNEL

On 3 December 2003 the Hon. Charlie Lynn asked the Minister for Transport Services, representing the Minister for Infrastructure and Planning, a question without notice regarding Thirroul tunnel. The Minister for Infrastructure and Planning has provided the following response:

The feasibility study is available through the Department of Infrastructure, Planning and Natural Resources.

TUGUN BYPASS

On 13 November 2003 the Hon. Jon Jenkins asked the Minister for Transport Services, representing the Minister for Roads, a question without notice regarding Tugun bypass. The Minister for Roads has provided the following response:

I refer the honourable member to my public statements of 5 November 2003.

WINE GRAPE HARVESTER BRAKE LIGHTS REGULATION

On 4 December 2003 the Hon. Jennifer Gardiner asked the Minister for Agriculture and Fisheries a question without notice concerning the wine grape harvester brake lights regulation. The Minister for Transport Services provided the following response:

I am advised that the RTA is currently assessing a report, circulated by the National Transport Commission (NTC), on a review of national lighting, reflecting and braking requirements for special purpose vehicles such as grape harvesters.

The process for reviewing the standards is being managed by the NTC and involves eliciting responses from all the States and Territories. NSW has been co-operating with the NTC during the entire process and supports the need for a national position. NSW will put its views to the NTC but is not in a position to dictate how long it will take for a national agreement to be reached.

The operation of braking warning lights is an important road safety matter and the RTA is investigating ways of activating brake lights on vehicles that have hydrostatic braking but do not have brake lights. If a national agreement has not been reached on brake light requirements for special purpose vehicles by October 2004, the moratorium will be reviewed in light of national developments and the outcome of the RTA's investigations.

CAMDEN AND CAMPBELLTOWN HOSPITALS EMERGENCY DEPARTMENTS HEALTH CARE COMPLAINTS COMMISSION REPORT

On 11 November 2003 the Hon. Dr Arthur Chesterfield-Evans asked the Special Minister of State, representing the Minister for Health, a question without notice relating to Camden and Campbelltown hospitals emergency departments Health Care Complaints Commission report. The Minister for Health has provided the following response:

The Health Care Complaints Commission Report on Campbelltown and Camden Hospitals was released on December 11th 2003.

CANNABIS MEDICAL USE

On 3 December 2003 Ms Lee Rhiannon asked the Special Minister of State, representing the Premier, a question without notice regarding cannabis medical use. The Premier has provided the following response:

The Government is currently considering a range of options and will be making further announcements concerning the medicinal use of cannabis in due course.

DRUG REHABILITATION SERVICES

On 2 December 2003 Reverend the Hon. Dr Gordon Moyes asked the Special Minister of State a question without notice regarding drug rehabilitation services. The Minister has provided the following response:

I am advised that the Narconon Drug Rehabilitation Organisation has reported studies of its own programs in Sweden with claims of a drug free success rate of approximately 80%.

However, I am also advised that these studies and figures have not been formally published in peer review journals and appear to have been conducted by the Narconon Program itself. This makes it difficult to evaluate the validity of their claims.

In fact I am advised that independent studies of Swedish drug treatment programs have reported that Sweden does not have a higher than 80 per cent success rate in the rehabilitation of illicit drug users as reported by the Honourable Member.

On the contrary, I am advised that the 1997 report on *The Swedish Drug Control System: An in-depth review and analysis* by the Centre for Drug Research at the University of Amsterdam reported that:

- the 1991 Swedish Drug Abuse Treatment Evaluation (SWEDATE) Project found that 51 per cent of 436 clients in drug treatment were 'drug free' after the first six months with this dropping to 36 per cent after 12 months and 37 per cent after 18 months;
- a 1992 study of 102 people in compulsory drug treatment found that, after 6 months, 9 per cent were drug free, 18 per cent had reduced drug abuse, 28 per cent had moved to voluntary treatment and 13 per cent remained in compulsory treatment.

I am also advised that the 2002 National Report on drug use in Sweden by the Swedish National Institute of Public Health commissioned by the European Monitoring Centre for Drugs and Drug Addiction reported that:

- there has been a steady increase in the number of severe drug abusers in Sweden during the last decade (p15);
- the uphill trend in the lifetime prevalence of drugs among young people has continued since the early 1990s with about 12 per cent of the general population aged 15-64 now reporting lifetime drug use (pp15, 18);
- there has been a steady increase in the supply of illicit drugs such as heroin, amphetamines, ecstasy and other party drugs from a decade ago (p 15);
- the number of individuals undergoing hospital care for drug related diagnoses more than doubled from 1,800 in 1987 to 4,500 in 2000 (p 16);
- the number of drug related deaths increased from 138 in 1998 to 190 in 2000 (p 23).

With regard to the situation in NSW, the 2003 report by the National Drug and Alcohol Research Centre on *Three month outcomes for the treatment of heroin dependence: Findings from the Australian Treatment Outcome Study* found that of 483 individuals entering treatment in NSW:

- 86 per cent reported a reduction in heroin use (p 16);
- 53 per cent reported not using drugs for the month preceding the three month follow-up interview (p 16);
- heroin abstinence rates climbed from 3 to 54 per cent among individuals in methadone treatment, from 0 to 42 per cent in detoxification and from 2 to 69 per cent in residential rehabilitation with the use of other drugs also notably reducing (pp 16, 17);
- self-reported criminal activity in the month before the interview fell from 47 to 24 per cent among people in methadone treatment, 57 to 3 per cent among those who had entered detoxification and 56 to 17 per cent among those entering residential rehabilitation (p 23);
- the physical and mental health of individuals improved, including a 50 percent reduction in depression (p 21).

With regard to drug rehabilitation standards in this State, I am advised that the NSW Government's Drug Treatment Program sets key goals in treatment outcomes which enable us to measure the impact of treatment not only on drug users but also on their families and the broader community. These goals include:

- reduction in the transmission of infectious diseases;
- improvement in the physical and mental health of drug users and their families, including reduction in drug overdose deaths;
- reduction in crime, including drug related crime;
- increased uptake of treatment and other avenues to cease illicit drug use;
- improvement in the social functioning of drug users.

The Honourable Member will recall that I responded to his enquiry about the Medically Supervised Injecting Centre during Question Time on 2 December 2003.

GOSFORD HOSPITAL MENTAL HEALTH FACILITIES

On 2 December 2003 the Hon. Dr Arthur Chesterfield-Evans asked the Special Minister of State, representing the Acting Minister for Health, a question without notice regarding Gosford Hospital mental health facilities. The Acting Minister for Health has supplied the following response:

I am advised that the duress system was originally upgraded in January 2001, at a cost of \$57,000. The duress system worked effectively at the time of the incident referred to by The Honourable Dr Chesterfield-Evans. Following some intermittent and irregular problems, the system was replaced in May 2003 and has remained operative.

A number of reports on mental health services in NSW have been released in recent years. The Central Coast Area Health Service advises that it is unaware of a report such as that referred to by the Honourable Member.

The NSW Government is committed to Mental Health Services on the Central Coast. In recent years the Mandala inpatient unit at Gosford was refurbished at a cost of \$500,000. The project allowed for significant improvements to layout of the facility, as well as improved safety and security for patients and staff.

A \$10.5 million, 50-bed mental health unit at Wyong Hospital is due to be completed in 2004.

Over the past three years a further \$4.5 million recurrent funding has been provided to enhance mental health services on the Central Coast.

In relation to the Upper House Inquiry into mental health in NSW, the Government is committed to improving accountability and transparency in the provision of mental health services as part of its response.

The NSW Government has also given in-principle support to a range of recommendations that will require additional resources over and above the enhancements that have already been funded.

MICROSOFT WINDOWS SOFTWARE

On 3 December 2003 the Hon. Dr Arthur Chesterfield-Evans asked the Special Minister of State a question without notice regarding Microsoft windows software. The Minister has provided the following response:

The State Contracts Control Board contract for the Microsoft software does not contravene National Competition Policy. Clearly the agreement with Microsoft relates to the provision of that company's products. The agreement provides for substantial cost reductions, and guaranteed Microsoft license compliance. Buyers also know that probity issues have been dealt with.

The Microsoft contract is only one of a number of State Contract Control Board standing offer contracts. A number of contracts are in place with competitors of Microsoft, which can be accessed by NSW Government agencies. These include Sun "Star Office" and Lotus "Smart Suite".

NSW Government agencies are not compelled to utilise any particular provider under the various standing offer contracts and are free to identify the on-contract goods and services which best suit their needs. However, there are clearly compatibility and other issues, which agencies would need to take into account in selecting the appropriate goods and services.

TOBACCO REGULATION

On 19 November 2003 Reverend the Hon. Fred Nile asked the Special Minister of State a question without notice regarding tobacco regulation. The Minister has provided the following response:

The regulation of ingredients in tobacco products is the responsibility of the Australian Government. The Australian Department of Health and Ageing negotiated a Voluntary Agreement with Philip Morris Limited, British American Tobacco Australia Limited and Imperial Tobacco Australia Limited in 2000 to disclose ingredients in cigarettes.

Details on the current list of ingredients can be found on the Australian Department of Health and Ageing web site <http://www.health.gov.au>. The Agreement is scheduled to conclude on 19 February 2005.

I am advised that the Australian Government recently contracted the Victorian Centre for Tobacco Control to undertake a national review of issues related to nicotine regulation. It is anticipated that this project will take 12-months to complete with a final report due to the Ministerial Council on Drug Strategy (MCDS) in late 2004.

With regard to smoking bans in hotels, clubs and bars, on the 15 October 2003 the then Acting Minister for Health announced in Parliament that a Joint Working Party of government departments and industry representatives would be convened to work towards "a clear plan" for the eventual phasing out of smoking in indoor licensed premises in NSW. This working group is to report back to Minister Sartor with a timetable by May 2004.

WOODS REEF MAGNESIUM PROJECT EXTRACTION PLANT

On 3 December 2003 the Hon. Rick Colless asked the Minister for Commerce a question without notice regarding Woods Reef Magnesium project extraction plant. The Minister has provided the following response:

The Woods reef magnesium extraction project, located at Barraba, is a mine and as such falls under the jurisdiction of my colleague, the Hon. Kerry Hickey MP, Minister for Mineral Resources. With this in mind, the Department of Mineral Resources is responsible for occupational health and safety at the site, while the Department of Environment and Conservation is responsible for waste disposal.

WHISTLEBLOWER PROTECTION

On 4 December 2003 the Hon. David Oldfield asked the Special Minister of State, representing the Treasurer, a question without notice regarding whistleblower protection. The Premier has provided the following response:

The special commission of inquiry into allegations of unsafe or inadequate patient care at Campbelltown and Camden Hospital, which was appointed by the Government, has been given broad terms of reference which include making recommendations on improving systems for disclosing conduct.

The Protected Disclosures Act 1994 also provides protection for public officials disclosing corrupt conduct, maladministration and waste in the public sector. Whistleblowers who do not wish to make an internal protected disclosure can complain about corruption to the ICAC, to the Auditor-General about serious and substantial waste of public money, to the Director-General of the Department of Local Government in relation to serious and substantial waste of public money in councils, to the Police Integrity Commission in relation to serious misconduct by police officers, and to the Ombudsman about maladministration of a serious nature.

CAROLINE BYRNE MURDER INQUEST

On 12 November 2003 Reverend the Hon. Fred Nile asked the Minister for Justice a question without notice concerning the death of Caroline Byrne. The Attorney General has provided the following response:

The inquest into the death of Caroline Byrne was reopened on 22 October 1998. The Senior Deputy State Coroner referred the case to the Homicide Squad for further investigation. That investigation is ongoing and the State Coroner advises that he expects that a brief of evidence resulting from the investigation will be provided to him shortly.

COMPUTER DISPOSAL

On 19 November 2003 Reverend the Hon. Dr Gordon Moyes asked the Minister for Justice, representing the Minister for the Environment, a question without notice regarding computer disposal. The Minister for the Environment has provided the following response:

The Government is committed to finding ways for industry and manufacturers to take more responsibility to reduce the environmental impact of their electronic waste products.

The Department of Environment and Conservation released a consultation paper "Extended Producer Responsibility Priority Statement", in February 2003 that proposed electrical products as wastes of concern and gave priority to televisions and computers. All industries nominated for priority focus are now actively engaged in developing measures to collect and recover their waste materials.

Prior to this, the Department organised the "Recycle IT! Computer Collection Pilot" together with Australian Information Industry Association in the Western Sydney area from November 2002 to March 2003. The aim of the pilot was to trial the different ways of collecting computer equipment waste from the community as the basis for a voluntary collection and recycling scheme by industry based on a product stewardship approach. The computer industry is currently considering its future options.

At the national level, the Department is leading a team of officers from other Australian jurisdictions that is working with the electrical product industry to develop a national electrical equipment product stewardship scheme, starting with televisions and computers. Discussions have also focussed on the need to phase-out some toxic materials in products, in line with overseas initiatives.

The Australian Electrical and Electronic Manufacturers' Association and the Consumer Electronics Suppliers Association have now agreed to develop a detailed plan for collecting and recycling televisions. A similar commitment is being sought from the computer industry.

The Government is also taking action with its own computer equipment. The NSW Government's Office of Information Technology has coordinated the 'ReConnect.NSW Computer Program' for refurbishing and distributing redundant computers from government agencies to disadvantaged individuals, educational institutions and community groups.

The Department licenses disposal facilities and requires appropriate management practices including the collection, treatment and monitoring of landfill leachate for toxic materials such as lead.

FOX STUDIOS WORKSHOP CHEMICAL USE

On 18 November 2003 the Hon. Dr Arthur Chesterfield-Evans asked the Minister for Justice, representing the Minister for the Environment, a question without notice regarding Fox studios workshop chemical use. The Minister for the Environment provided the following response:

Fox Studios is not exempt from the licensing provisions of the Protection of the Environment Operations Act 1997.

I am advised that the Department of Environment and Conservation is currently completing an inspection and assessment process to determine whether the Fox Studios premises require an environment protection licence.

I am further advised that, if the premises do not require licensing, the Protection of the Environment Operations Act 1997 provides for it to be regulated by the local council.

GUN CONTROL

On 11 November 2003 the Hon. David Oldfield asked the Minister for Justice, representing the Minister for Police, a question without notice regarding gun control. The Minister has provided the following response:

NSW has the toughest firearm laws in Australia, with maximum penalties for serious gun offences in the *Firearms Act* and the *Crimes Act* which attract up to 20 years' imprisonment. The Carr Government has provided NSW Police with more resources than ever before to fight gun crime and as a result NSW leads the way nationally on gun crime legislation and anti-trafficking enforcement.

The Carr Government has a consistent track record of improving firearms laws to provide the Police Force with the tools it needs to investigate and prosecute gun criminals. Although gun crime is still too prevalent in NSW, according to the NSW Bureau of Crime Statistics and Research, over the two year period to December 31 last year:

- assault 'shoot with intent' incidents involving a handgun fell by 26 percent;
- assaults with a handgun fell by 36 percent; and
- the downward trend between 2001 and 2002 has continued in the first half of 2003.

On 23 September 2003 the most recent package of initiatives was announced to improve the comprehensive, coordinated approach taken by NSW Police to illegal gun availability, detection, apprehension and prosecution. The *Firearms and Crimes Legislation Amendment (Public Safety) Bill 2003* implements one part of this announcement.

It is vital that all jurisdictions continue to work together to address firearms supply on a national basis. For precisely this reason NSW has welcomed the Australian Crime Commission reference on illegal firearms.

OFFSET ALPINE PRINTING FIRE

On 13 November 2003 Reverend the Hon. Fred Nile asked the Minister for Justice, representing the Attorney General and the Minister for Police, a question without notice regarding offset Alpine printing fire. The Minister for the Environment has provided the following response:

The Australian Securities and Investments Commission has the power to refer matters arising out of its investigations to the Commonwealth Director of Public Prosecutions. Any inquiry specifically into the causes of the fire is a matter for the Coroner and the police to consider.

OFFSET ALPINE PRINTING FIRE

On 13 November 2003 Reverend the Hon. Fred Nile asked the Minister for Justice, representing the Attorney General and the Minister for Police, a question without notice regarding the offset Alpine printing fire. The Minister for Police has provided the following response:

Should the Australian Securities and Investments Commission request NSW Police assistance, I am sure that such a request would be considered.

POLICE FIREARMS STORAGE SECURITY INSPECTION PROCEDURE

On 20 November 2003 the Hon. John Tingle asked the Minister for Justice, representing the Minister for Police, a question without notice regarding police firearms storage security inspection procedure. The Minister provided the following response:

NSW Police has advised me that it is not general police practice to report by police radio that specific premises are being attended for the purpose of a Firearms Storage Security Inspection.

HOTELS AND CLUBS SMOKING RESTRICTIONS

On 18 November 2003 the Hon. Dr Peter Wong asked the Minister for Rural Affairs, representing the Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer), a question without notice regarding Hotels and clubs smoking restrictions. The Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer) provided the following response:

I am aware of the US Surgeon General's report on Reducing Tobacco Use (2000) which highlights that smoke-free environments decrease daily tobacco consumption and increase quit attempts amongst smokers.

Overseas studies confirm that there is little evidence to support the argument that smoking restrictions are associated with business losses. These studies have shown that the introduction of smoking bans is not only good for business but also have a positive effect on international tourist trade (Glantz & Charlesworth 1999). A more recent study involving a review of almost 100 international studies on the impact smoke free bans had on businesses, found that bans did not negatively affect business sales or employment (Scollo et al 2003).

The NSW Government is currently undertaking an incremental approach to the introduction of smoking bans in licensed premises to ensure that all members of the community including proprietors and staff are fully informed and prepared for this change. In December of last year the Government announced its first phase of measures to further restrict smoking in licensed premises. The terms of this voluntary agreement with industry stated that from 1 July 2003 smoking is no longer allowed at the bar or counter areas and that a non-smoking area has to be designated within at least one bar area of a licensed venue. From 1 July 2004 in venues with multiple bars or facility rooms (such as pool rooms), at least one bar or facility room will be required to be totally non-smoking.

A Joint Working Party of industry and government agencies has been reconvened to establish a process and timeframe for the eventual phasing out of smoking in all indoor licensed premises. The Joint Working Party is to report its recommendations to the Minister Assisting the Minister for Health (Cancer) by May 2004.

MOBILE PHONE TOWERS

On 12 November 2003 Ms Sylvia Hale asked the Minister for Local Government a question without notice regarding mobile phone towers. The Minister has provided the following response:

I will restrict my comments to Crown land as I am not responsible for the administration of all public land within New South Wales.

Of the 500 towers to which you refer, seventeen are located on Crown land. They are at:

Baulkham Hills, on the corner of Railway Street and Windsor Road;
 Baulkham Hills North, within Excelsior reserve;
 Glenhaven, within Fred Caterson reserve;
 St Ives, adjacent to St Ives showground;
 St Ives Chase, within Hassell Park;
 Balgowlah Heights, within Tania Park;
 Marsfield, within Marsfield Park;
 Cromer, within Cromer Park;
 Forestville, off Mellwood Avenue;
 Frenchs Forest, within Frenchs Forest Cemetery;
 Frenchs Forest (north), adjacent to the Wakehurst Parkway;
 Killarney Heights, within Killarney Oval;
 Narraweena, in Willandra Road;
 Allambie Heights, in Allambie Road;
 Oxford Falls, in Perentie Road;
 Illawong, on the corner of Old Illawarra and Alfords Point Roads; and
 Vaucluse, off New South Head Road.

Since the arrangements between the State Government and Hutchison 3G Australia Pty Ltd are considered *commercial in confidence*, I will not divulge any rental details.

Finally, as far as the Department of Lands is aware, the location of these towers satisfies the requirements of the Australian Communications Authority and standards of the Australian Communications Industry Forum. Furthermore, I understand that the Code of Practice developed by the Australian Communications Industry Forum is consistent with the guidelines of the World Health Organisation.

SOUTH COAST AMATEUR FISHING CLUBS CROWN LAND RENTALS

On 20 November 2003 the Deputy Leader of the Opposition asked the Minister for Agriculture and Fisheries a question without notice regarding the South Coast amateur fishing clubs crown land rentals. The Minister Assisting the Minister for Natural Resources (Lands) has provided the following response:

As this question relates to Crown land management, I provide the following response as Minister Assisting the Minister for Natural Resources (Lands). I am aware of the rental increases to which you refer. These increases are a direct result of the dramatic rise in coastal land values, particularly over the past eighteen months. I am advised that the current statutory process for redetermining market rent adequately caters for these extraordinary situations. In particular, all of the eight fishing clubs that utilise Crown land on the south coast will benefit from a 50% rebate of rent in recognition of the community benefit that they provide. Also, the process includes provision to waive or postpone payments in cases of hardship.

If hardship is now the issue, I encourage the particular clubs to inform me of their situation as quickly as possible.

SMITHS LAKE COMMERCIAL PRAWN TRAWLING INDUSTRY

On 18 November 2003 the Hon. Rick Colless asked the Minister for Agriculture and Fisheries a question without notice regarding Smiths Lake commercial prawn trawling industry. The Minister has provided the following response:

1. Commercial prawn trawling is not permitted in Smiths Lake. The estuary general fishery is the only fishery permitted to operate in Smiths Lake.

Fishers operating in the estuary general fishery in this region are permitted to fish in the Manning River, Wallis Lake, Smiths Lake, Port Stephens, Hunter River and Tuggerah Lakes.

After the buy-out process for the creation of recreational fishing havens it was expected that the remaining fishers would spread out among the remaining estuaries open to commercial fishing. These movements were catered for in the buy-out process. Fishers were bought out from across the whole region and not just the estuaries that were closed. Within this region a total of 68 fishers received a buy-out. The community may recognise new fishers within an estuary as a result of this spreading out, but fail to notice those who have left the industry. This would give rise to the incorrect assumption that more fishers are now working in the estuary.

2. Commercial prawn trawling is not permitted in Smiths Lake. The Fishery Management Strategy and Environmental Impact Statement approved for the estuary general fishery will help to ensure sustainability of the estuary general commercial fishing industry. It addresses such issues as by-catch and protecting fish habitat.

RECREATIONAL FISHING LICENCE RENEWALS

On 3 December 2003 the Deputy Leader of the Opposition asked the Minister for Agriculture and Fisheries a question without notice regarding recreational fishing licence renewals. The Minister provided the following response:

1. Recreational fishers only need to pay the recreational fishing fee when they intend to go fishing. Many people, especially those that buy a short term licence, only fish at specific times of the year, and so when their licence expires, it may be some months before they actually go fishing and need a licence again.
2. Anglers can pay the fee for three days, one month, one year and three years. A proposal for a reminder system has been developed for consideration by the recreational fishing expenditure committees. To date a reminder system has not been supported by angler committees because of the cost.
3. There is no requirement for renewal of the fishing fee, and as such, no specific offence.

BLACKTOWN CHILDREN'S COURT FACILITIES

On 2 December 2003 the Hon. John Ryan asked the Minister for Community Services a question without notice regarding Blacktown children's court facilities. The Minister provided the following response:

I am advised that Blacktown staff have been asked to use the Children's Court at Lidcombe or St James, not the Downing Centre.

The Courts made this allocation in consultation with DoCS based on caseload and proximity.

I am further advised that there is currently a pilot project that allows for caseworkers to lodge care applications with the Children's Court electronically. This pilot is designed to reduce travel time for caseworkers. Once the pilot has been evaluated, consideration will be given to extending it statewide, including to Blacktown Community Services Centre.

I am also advised that the Government has committed funding for the development of a Metropolitan Children's Court at Parramatta on the Attorney General's Department site adjacent to Parramatta Hospital. This facility is the first stage in the creation of a legal precinct in the area.

The court complex will provide a purpose built facility to handle both care and criminal matters for children in the greater metropolitan region of Sydney.

Accommodation will consist of six multi-use children's courtrooms and facilities will include a children's clinic and children's registrar's hearing rooms. This is consistent with Government's desire for children's courts to be located in purpose built complexes which meet the specific needs of young people.

GUNNEDAH SOUTH PUBLIC SCHOOL HALL

On 2 December 2003 the Hon. Jennifer Gardiner asked the Treasurer a question without notice regarding the Gunnedah south public school hall. The Minister for Education and Training provided the following response:

The Government has announced a new \$1.7 million school hall for Gunnedah South Public School which will be built during this term of office.

MEETING EVER CHANGING NEEDS ORGANISATION

On 4 December 2003 the Hon. Charlie Lynn asked the Minister for Community Services a question without notice regarding the Meeting Ever Changing Needs organisation. The Minister provided the following response:

The Department of Community Services (DoCS) recently became aware that Meeting Ever Changing Needs (MECN) staff confiscate cigarettes, obtained from outside the service, from residents and hand them back one at a time in an attempt to monitor a practice that is extremely difficult to regulate. The Department has advised MECN of the legal status of these actions. I am advised that the Department and MECN strongly discourage under-age smoking.

I am advised that MECN is not funded by DoCS Services. Rather, DoCS has entered into a Header Agreement with the service. That means that payments are only made to the service when there are children in their care. DoCS are currently negotiating a new Header Agreement with the service with regard to costs, standards and the type of service it will provide. Monitoring of the service will continue to occur whilst children or young people are placed there.

TEACHERS NOTIFICATION RECORDS

On 3 December 2003 the Hon. David Oldfield asked the Minister for Community Services, representing the Minister for Education and Training, a question without notice regarding teachers notification records. The Minister provided the following response:

The Minister for Education and Training, the Hon. Andrew Refshauge MP, has advised me that teachers are informed of all notifications made against them.

Advice from the Department of Education and Training is that very few allegations are clearly found to be malicious.

The Department has established robust procedures to ensure procedural fairness for teachers who are subject to investigation. If an allegation has been shown to be completely false, this outcome will be clearly recorded on the investigation record. Recording such a finding would be in the teacher's interests.

False allegations are not retained on a teacher's permanent record.

Questions without notice concluded.

THE HONOURABLE JENNIFER GARDINER AND THE MINISTER FOR ENERGY AND UTILITIES, MINISTER FOR SCIENCE AND MEDICAL RESEARCH, MINISTER ASSISTING THE MINISTER FOR HEALTH (CANCER), AND MINISTER ASSISTING THE PREMIER ON THE ARTS

Personal Explanation

The Hon. JENNIFER GARDINER, by leave: Earlier today the Leader of the Government claimed that I had not returned a telephone call from the Hon. Frank Sartor. That is untrue. On Friday evening last I retrieved a telephone message from the message bank of my mobile phone. I had received a message from the Hon. Frank Sartor. I admit that I held the mobile phone at quite a distance from my ear, just in case. In the message Mr Sartor politely asked me to call him at his electorate office and he gave the number for that office. As the tape recording on the answering machine at Mr Sartor's electorate office would prove, I rang him back on Friday evening and said—I am sure his electorate office staff can confirm this—that I was sorry and that I had been in a meeting when he rang. I said that he could ring me back on the same mobile phone number that he had used in the first place. There were no further messages from Mr Sartor, nor were there any messages to my Parliament House office from him or his staff. I would appreciate it if the Treasurer could withdraw the falsehood and not rely on Mr Sartor's word in relation to phone calls of any type in the future.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by the Hon. Michael Costa agreed to:

That standing and sessional orders be suspended to allow the General Business Order of the Day relating to the censure of the Minister for Transport Services to be called on forthwith.

Order of Business

Motion by the Hon. Michael Costa be agreed to:

That the General Business Order of the Day relating to the censure of the Minister for Transport Services be called on forthwith.

MINISTER FOR TRANSPORT SERVICES

Motion of Censure

Debate resumed from an earlier hour.

The Hon. PATRICIA FORSYTHE [5.05 p.m.]: Prior to question time I indicated that I would share with the House some of the answers of the Minister the Transport Services in response to legitimate questions asked by honourable members during question time. I want to demonstrate the contempt with which he holds the House and his lack of willingness to accept scrutiny in relation to relevant issues in his portfolio.

The Hon. Michael Costa: I plead guilty.

The Hon. PATRICIA FORSYTHE: I note the interjection. Every Opposition member and, I suspect, every crossbench member would have a story to tell about being insulted by the Minister for Transport Services after asking fair and legitimate questions about his portfolio. The Minister is not prepared to answer questions that are legitimately put to him. He is not prepared to take responsibility for actions within his portfolio. He presides over his portfolio as if nothing that occurs in it is in any way as a result of his decisions—it is always about the actions of other people, never his own actions. Quite frankly, that is not good enough. The Minister is the one who gets the white car and the salary.

The Hon. Michael Costa: It is silver.

The Hon. PATRICIA FORSYTHE: He gets a silver car. It is time he took responsibility for his portfolio. Today we have heard an extensive list of problems in his portfolio. In particular, I refer to paragraph (w) of the motion: the closure of the city circle stations on 5 February 2004 and the subsequent flow-on, delay to and cancellation of rail services throughout CityRail and CountryLink networks. Today the Minister for Emergency Services said that emergency services stand ready to deal with terrorism. They may well stand ready, but quite frankly the broader transport system does not. If there is a concern about a gas leak of course the trains on the underground system are stopped and it is investigated. That is not the basis of our criticism; the basis of our criticism is that the system lacked any apparent and appropriate capacity to deal with such a crisis. If there was a risk management strategy, it was completely lost on the New South Wales public. The day after that gas leak I received an email from a senior, well-respected citizen of Newcastle, with whom I had had lunch the previous day. He attempted to return to Newcastle on the train system. He did the right thing and travelled to Sydney by train. He did not catch the 2.17 p.m. train, as was his intention. He stated:

When I got to Town Hall Station, I found it closed and blocked off, so walked to Central, getting there at about 3 p.m. in order to catch the 3.12. The indicator at Central said the Newcastle train departed from Platform 5; when I got there, I found what looked like 1,000 people on the Platform. An announcement was made that no-one could understand.

About 3.30, an announcement was made ... that the Newcastle train would depart from Platform 7. Mad dash by about 1,000 people to Platform 7, where there was a 4-carriage train. Needless to say, it filled to overflowing like the Tokyo subway. People everywhere, standing and sitting in the aisles, etc. About 3.40, the guard announced that there would be another 4 carriages joining the train, so that those standing could move. Nothing happened. About 3.50, the guard announced that the Newcastle train would now leave from Platform 8. Another mad dash.

The train on Platform 8 was at least of 8 carriages. Most people found seats, though some were left standing. At 4.00 p.m., the train left Central with the guard announcing that it would stop at Redfern, Strathfield, then ALL STATIONS TO NEWCASTLE. At stations where the platform was not long enough for an 8-carriage train (i.e., most of them) the train would stop twice—once for the people in the first 6 carriages and then again for the people in the last two carriages.

I arrived at Newcastle slightly after 8 p.m. The train journey from hell!

This is a litany of mistakes and uncertainty, and of the travelling public being left bewildered, in many cases without connections at the other end and in a real sense of chaos. A train that is to start from platform 7 is rescheduled to leave from another platform, with a litany of messages being given by people unable to tell the travelling public what is going on. It may well be that emergency services stand ready. The rail system does not. The issue is not whether those trains ran on time but whether there was in place an appropriate system to deal with the crisis when it occurred. The evidence from train travellers, whether on the CityRail network or attempting to get country rail services, is that the system failed dismally on that day.

At the end of the day, the Minister has to take responsibility for those sorts of failures. In addition to those incidents is the uncertainty about the services and erosion of the confidence of the people of New South Wales in the transport system presided over by the Minister. That is why we are debating a censure motion. Over the coming weeks I will be sharing with the House a number of petitions from people in the community of Bungendore. When all of those petitions are presented they will have the signatures of virtually every adult in Bungendore. That is a measure of the feeling of the people of that area about the potential of the Minister and his Government cutting their rail services. They will have sent a clear message to the Government.

The Hon. Michael Costa: You know we are not going to cut their services, so you run a scare campaign.

The Hon. PATRICIA FORSYTHE: Is that what the Minister calls it? Was it as part of a scare campaign that the honourable member for Monaro issued a press release dated 3 December 2003—prepared for him by a member of this place, perhaps by the Hon. Amanda Fazio—headed "Country Labor presents a plan to save CountryLink trains". Clearly, the honourable member for Monaro thought those services would be cut. To save them from what? Rather, to save them from whom? To save them from their own Government.

The Hon. Michael Costa: Amend the motion to one of no confidence.

The Hon. PATRICIA FORSYTHE: I look forward to the Minister amending the motion if he feels so strongly that it is appropriate for the House to debate a no confidence motion in relation to him on this occasion. Earlier the Minister referred to scare campaigns. Some of his colleagues are so scared that they talk about the need for a plan to save CountryLink trains. Those services are in danger only because the Minister placed them in danger. The honourable member for Monaro even presided over a public meeting. In a press release of 28 October he spoke about motions carried at the Queanbeyan train service public meeting. We know that hundreds of people from Queanbeyan and surrounding areas gathered on that occasion because the Minister had

not given them any assurances about the future of their services. The threat to services is not only at Bungendore and Queanbeyan; it is also to services in the Southern Highlands.

At the end of January a group of more than 90 packed the Wingecarribee council theatrette. There was standing room only at that public meeting convened by rail users Colin Williams and Del Dempster. Why did they need to hold that meeting, Minister? Is it because he has not been able to give them any assurances about the future of train services in that region? They highlighted the Government's plan to axe services to Bundanoon, forcing Bundanoon residents from 30 May to use Goulburn trains or drive to Moss Vale to catch a train. They spoke about a lack of ticketing facilities at smaller stations, and the lack of access to CountryLink due to incompatible ticketing systems. At the same public meeting angry and frustrated people highlighted the loss of one of three of their CountryLink services. I could go into all of the resolutions carried on that day.

The Hon. Michael Costa: Are those the services that the Coalition cut when it was in government?

The Hon. PATRICIA FORSYTHE: You are the Minister, and your Government has been in office for about nine years. This is the record of the Minister and of the Carr Government's nine years in office.

The Hon. Michael Costa: We have not cut one train. You're joking!

The Hon. PATRICIA FORSYTHE: Timetables have been amended during your period in office.

The Hon. Michael Costa: We are talking about timetables now?

The Hon. PATRICIA FORSYTHE: "Amended" means that services do not run. You terminate trains at Campbelltown. The 6.13 from Bowral terminates at Campbelltown.

The Hon. Michael Costa: You were a member in this place during the Greiner Government.

The Hon. PATRICIA FORSYTHE: The Minister has not been able to give the community assurances that their services will be protected. It was CityRail last week and it will be CountryLink in the future. Clearly, it will be next to go off the rails. The Minister shakes his head, but he has not given the people of New South Wales the assurances they need about the future of their services.

The Hon. Michael Costa: Who signed the contract with Maintrain? It was the Greiner Government. That was the contractor that did the maintenance on the trains. But I will point all this out.

The Hon. PATRICIA FORSYTHE: Insufficient drivers have been trained. The motion refers to the net effect of the so-called recruitment campaign conducted between 2000 and 2004. It was two additional drivers. Today we have heard a litany of problems caused under the watch of the present Minister for Transport Services. Ferry services are impacted by strikes. There were collisions between the ferry *Lady Herron* and the RiverCat *Betty Cuthbert*. There has been a litany of ferry service problems. In January Taronga Zoo launched a significant media campaign.

The Hon. Jan Burnswoods: Was Mr Costa the Minister?

The Hon. PATRICIA FORSYTHE: The honourable member has not heard the end of the story. In January a significant and costly media campaign encouraged tourists and those on holidays to visit the zoo. People responded to the advertisements and the next day they turned up at Circular Quay to use the ferries to visit the zoo, but the ticketing system—

The Hon. Jan Burnswoods: It was Australia Day.

The Hon. PATRICIA FORSYTHE: No, it was not Australia Day. Channel 9 ran the series of advertisements during one of the televised games of cricket—the highest rating period—to get the community to visit the zoo. When hundreds and hundreds of people responded to the advertisements we had chaos at Circular Quay because there is no whole-of-government approach to these sorts of issues. Clearly, the ferry system was operating on a holiday timetable and, therefore, it was not able to respond to the Government's actions. The Government does not understand that the flow-on effect of such a media campaign might be that people want to use ferries to visit the zoo.

Whether it is tourists on that occasion or commuters last week in Sydney, people vote with their feet and will not use those services again. Last week we saw chaos on the roads because people were not prepared to wait, as they had to wait, for trains that were not running. A headline in one of the newspapers on 13 January read "Packed in like sardines: Chaos on harbour ferries". People were packed in because the system could not cope with the Government adopting a positive and proactive approach to encourage tourism in Sydney. Somebody forgot to tell Sydney Ferries. It was a complete breakdown in the whole-of-government approach. At the end of the day the Minister has to take some responsibility for this.

The Hon. Michael Costa: I take total responsibility.

The Hon. PATRICIA FORSYTHE: He has to take responsibility for the chaos last week.

The Hon. Michael Costa: But I don't engage in stunts, nor do I waste people's time.

The Hon. PATRICIA FORSYTHE: So he does take responsibility for last week.

The Hon. Michael Costa: Absolutely!

The Hon. PATRICIA FORSYTHE: That is worth getting on the record.

The Hon. Michael Costa: It is already on the record. If you had bothered to research the record you would have seen that. You are just wasting everybody's time. You got caught out by Egan. You pulled a stunt and you got caught out. You are wasting everybody's time.

The Hon. PATRICIA FORSYTHE: I have been looking for the opportunity to share with the House information I have from one commuter in Newcastle that reflects what people across New South Wales have been saying to the Opposition day after day, whether it is because of incidents such as the gas leak or wider issues, such as the chaos of last week because the Government could not solve the problem of driver shortages or because no plan was in place when a significant advertising campaign was introduced in January. The system is in chaos. The community is voting with its feet. Many people will never again use the train system, the bus system or the ferry service because they are not reliable. Public transport must be reliable, safe and efficient. None of those things can be said about those services during the time of this Minister.

The Hon. AMANDA FAZIO [5.23 p.m.]: I will speak briefly in this debate. I will leave it to the Minister for Transport Services to respond to the substantive arguments in the motion moved by the Leader of the Opposition. The Hon. Patricia Forsythe was incorrect when she stated that I had written a press release for the honourable member for Monaro, who is more than capable of preparing his own press releases. I have never prepared a press release for Steve Whan. I know that the Hon. Greg Pearce will have all of his desires answered when the Hon. Michael Costa responds in detail to this matter.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.24 p.m.]: This censure motion is about accountability. I will detail when the Minister for Transport Services has not been accountable to the House.

The Hon. Michael Costa: Good. I want to hear it. No-one else has.

The Hon. DUNCAN GAY: I will detail 40 questions that have been asked of the Minister when he said he would give an answer, but did not give an answer nor did he give an answer to the people who asked it. I will detail 94 times when the Minister has been asked questions on accountability, and used inferences, imputations, and derogatory and offensive expressions in response to those questions without notice. I will detail with his own work why the Minister should be censured: he does not believe he is accountable to this House for his role. The Minister is responsible for transport in this State, but he is not properly carrying out his duties. On 3 December the Hon. Charlie Lynn asked a question on the Thirroul—

The Hon. Amanda Fazio: Point of order: My point of order relates to relevance. The very detailed 2½-page censure motion against the Minister for Transport Services moved by the Hon. Michael Gallacher gives chapter and verse the alleged failures of the Minister during the discharge of his responsibilities in his portfolio. Nowhere in the motion was the Minister's response to questions without notice or upon notice in this House. Therefore, I ask that you rule on the point of relevance that the issues raised by the Hon. Duncan Gay, an allegation that many questions have not been answered satisfactorily, are not within the scope of the censure motion placed before the Chamber by the Hon. Michael Gallacher.

The Hon. Don Harwin: To the point of order: Paragraph 2 of the motion refers to the accountability of this Government and the Minister. It is clearly covered and, therefore, the honourable member's comments are relevant.

The DEPUTY-PRESIDENT (The Hon. Tony Burke): Order! The honourable member is in order.

The Hon. DUNCAN GAY: Had the honourable member and the Minister read this and a lot of other things, we would not be here today. On 3 December the Hon. Charlie Lynn asked a question about the Thirroul tunnel. The Minister's response was, "If the Hon. Charlie Lynn provides me with details of his question, I will obtain a response from the Minister and inform him accordingly." Action: none. On 3 December Mr Ian Cohen asked a question about Bago State Forest logging. The Minister said, "I am happy to obtain advice on the matter and return to the House with the details." No details. On 3 December the Hon. Patricia Forsythe asked a question about the Powerhouse Museum Eveleigh site. The Minister's response was, "I do not have detailed information on this. However, I will take advice and ensure that a process is put in place to resolve these matters and report back to the House on the matter." Action: none. On 2 December the Leader of the Opposition asked a question about taxi and hire car licences. The Minister said, "I am happy to provide those details", but of course he has not.

On 19 November the Leader of the Opposition asked a question about ports freight strategy, to which the Minister's response was, "I do not have a response to the honourable member's question. However, I am happy to take that question on notice." Response: zilch. On 13 November 2003 the Hon. Charlie Lynn asked a question about the Independent Pricing and Regulatory Tribunal private bus operators recommendations, and the Minister replied:

I am not aware of the information. If the Hon. Charlie Lynn provides my office with the information I will look into the matter.

The Minister has not done so. On 12 November 2003 the Hon. John Tingle asked a question related to photography on trains, to which the Minister replied:

I do not know the details of the incident referred to by the honourable member, but I will obtain advice.

The Minister has not done that, and there are 14 other examples of the Minister's failure to follow up. The Minister hates what I am saying. He wants to take points of order. The Minister challenged the Opposition to bring on this debate, and when we have, he shows himself to be a wimp.

The Hon. Michael Costa: Point of order: These statements are inaccurate. I provided information on every one of these questions.

The DEPUTY-PRESIDENT (The Hon. Tony Burke): Order! There is no point of order.

The Hon. DUNCAN GAY: On 28 October 2003, the Hon. David Oldfield asked a question about Wagga Wagga taxidriver safety, and the Minister replied, "I will advise the House of the council's action in due course." Of course, "due course" has not happened yet. Also on 28 October a question was asked relating to CountryLink and the Minister replied, "If the honourable member can produce the memo, I am certainly happy to get advice on it." He has not done so.

The Hon. Michael Costa: Point of order: The honourable member did not provide the memo.

The DEPUTY-PRESIDENT (The Hon. Tony Burke): Order! There is no point of order.

The Hon. DUNCAN GAY: It is interesting that the Minister now wants to give us answers, but he has not wanted to give us any answers previously. The Minister has challenged the Opposition to produce the goods, and when we do, he is a world-class wimp. He has not been doing his job and the Opposition has caught him out. The Minister's contempt has been exposed. On 1 July 2003 a question was asked relating to the Stanwell Park viaduct, and on 4 December 2002 the Hon. Don Harwin asked a question to which the Minister replied, "... I will certainly seek advice...", and we are still waiting for that advice.

On 4 December 2002 Reverend the Hon. Dr Gordon Moyes asked a question relating to pedestrian fatalities, and the Minister said, "That is a detailed question. I will get advice and come back to the House." The Minister has not done so. On 20 November 2002 the Hon. James Samios asked a question relating to DNA testing policy, to which the Minister replied:

I am not aware of the examples raised by the Hon. James Samios, and I will get some information about them.

On 12 December 2002 the Hon. Helen Sham-Ho asked a question relating to Fairfield police local area command. The Minister said, "I will take that question on notice because it involves some detail." Again, the Minister did not provide an answer. On 5 September 2002 the Hon. Don Harwin asked a question relating to car rebirthing. The Minister replied:

I am happy to take the question on notice and provide a detailed answer if the honourable member has something more specific to add.

No details were provided. Does the Minister's tactic ring a bell? Not since the Hon. Eddie Obeid was a Minister have honourable members seen such a disregard for the House. The Minister says that he will follow up questions, but I have a list of 40 questions that were not answered.

The Hon. Michael Gallacher: Bring Eddie back!

The Hon. DUNCAN GAY: Members of the Opposition say, "Bring Eddie back." The Hon. Eddie Obeid was probably more accountable to the House than the Hon. Michael Costa has been. The Hon. Eddie Obeid gave the House next to nothing, but the Hon. Michael Costa is giving even less than that. Every now and then the Hon. Michael Costa gives a reply, but 40 questions dating back to 28 November 2001 remain unanswered. On 28 November 2001 the Hon. John Ryan asked a question relating to police rosters, and the Minister has not provided the information. The House has been waiting a long time. The Minister has not confined his contempt solely to his current portfolio responsibilities, he is a serial offender. He entered this Chamber with an attitude of arrogance and he has not lost it. He shows blatant disregard for the Parliament and for the people of New South Wales.

The Hon. Michael Costa: I have not lost it. It is growing.

The Hon. DUNCAN GAY: As the Minister indicates, that disregard is growing, and so is his arrogance. That is an indication of the contempt with which the Minister treats this House. I have provided the House with a detailed list of unanswered questions and I could add even more, but I fear I will run out of time, because I want to mention the 94 members of this House whom the Minister denigrated instead of answering their questions. On 4 December 2003 the Hon. Don Harwin asked a question relating to rail drug evaluation unit officers, and the Minister replied:

It is absurd for the Opposition to ask these detailed questions. All Ministers are confronted by this complete waste of time. I am sure that if the Opposition were ever to get into government—a highly unlikely prospect given the way that honourable members opposite perform—it would be confronted...

This is another example of a non-answer in the form of denigration of the honourable member who asked the question. On 3 December 2003 the Hon. Lee Rhiannon asked a question related to the ports growth plan, to which the Minister replied, "We certainly do not have a five-year plan a la the Stalinist Gosplan approach to five-year plans." That was another example of denigration of the honourable member instead of answering the question. On the same day Mr Ian Cohen asked a question relating to Bago State Forest logging, and the Minister replied in part:

... I would be surprised if the facts presented by the member are correct... I apologise if the honourable member took some umbrage at what I said. It was not directed at him; it was directed at his two lunatic friends, because I know that he is a genuine tree lover.

The honourable member asked a fair question, but he received denigration in response; yet the Minister expects this House not to censure him. On 2 December 2003 the Leader of the Opposition asked a question relating to taxi and hire car licences and the Minister replied, "This is a completely ridiculous question...". On 2 December 2003 the Hon. Catherine Cusack asked a question relating to rail infrastructure maintenance and the Minister said:

It is a terrible question, but I will answer it... It is interesting to note that every time there is a problem with the rail system the Leader of the Opposition, the shadow Minister, gets up like a jack-in-the-box to make an ill-informed comment on matters about which he has no understanding.

The Minister replied with denigration, not with an answer.

The Hon. Michael Costa: That was a fairly accurate answer.

The Hon. DUNCAN GAY: That comment shows the Minister's arrogance. The Minister is facing the censure of this House. He does not realise that a Minister in this State must be accountable for his actions. It is bad enough that the Minister's performance is very ordinary, but it is worse that he cannot accept accountability or accept that he has a responsibility to answer questions asked by the Opposition. The Minister's failure to acknowledge his responsibility will work against him when the House votes on this motion. On 18 November 2003 the Leader of the Opposition asked a perfectly proper question about Seniors public transport concessions, and the Minister replied:

The Leader of the Opposition has made a fool of himself by constantly putting out press releases stating, "Costa refuses to rule out" this and that. On that basis, he might as well say that I rule out the proposition that he is very foolish in the way he asks questions.

The Minister did not answer the question, he just reverted to more slagging of members who ask questions. On 18 November 2003 the Hon. Catherine Cusack asked a question relating to the North Coast rail sleeper project, and the Minister replied:

I thought this was going to be a serious question. Again, the research done by the Opposition leader leaves a lot to be desired... In relation to the sleeper program, the chief executive of the State Rail Authority issued a press release, which I suggest researchers of the Opposition obtain. I will not refer to matters that are on the public record; I will not do their research for them.

On 11 November 2003 the Leader of the Opposition asked a question relating to the Waterfall rail accident inquiry. The Minister replied, "This is a completely absurd question." The Minister's response on that occasion is typical of his responses to questions. On 12 November 2003 the Hon. Lee Rhiannon asked a question relating to ports freight strategy, and the Minister replied:

She should have gone back to 1966 when I believed in the tooth fairy. I was 10 years old at the time. Today I do not believe in the tooth fairy, but she still does, I gather from the political position she holds. She may want to go back to 1956, the year I was born. I was saying things like "ga ga", which is an appropriate response to questions from the Greens.

The Hon. Michael Costa: Ha, ha. I think that is a great answer.

The Hon. DUNCAN GAY: The Minister laughs; he thinks this is funny. On 28 October 2003 the Hon. Greg Pearce asked a question relating to the Millennium trains. The Minister replied:

To the Hon. John Ryan—no, you could not do it, but I notice that you are not wearing white shirts any more. I told you about the white shirts.

That was the Minister's response to a question about Millennium trains, so how can anyone take this Minister seriously? The Hon. Patricia Forsythe asked a question about the Canberra and Queanbeyan rail services, in response to which the Minister said:

I acknowledge the interjection from Dennis Denuto about cutting services.

Later, in response to a point of order, the Minister said:

To the point of order: I clearly remember that on a previous occasion the honourable member expressed some pride because I had used the same description when referring to him. On that occasion he informed the House that Dennis Denuto had in fact won his case; he said that he has the same legal skills as Dennis Denuto.

And on he goes. The Minister did not answer a further 94 questions. I am sure that every crossbench and Opposition member of the House has been denigrated by the Minister after having asked proper questions. I am not sure whether this term is parliamentary—and I will stand corrected if it is not—but he really is the ultimate smart-arse. And that is the attitude he has adopted, rather than responding seriously to things that happen in this State. I will quote from the 94 unanswered questions at random. On 22 May 2003 the Hon. Melinda Pavey asked the Minister a question about timber railway sleepers. The Minister answered:

The honourable member should relax. She is always jumping up, all excited because she has been able to ask a question ... As a member on our back bench once said to me, "If we run out of logs, we can always use National Party members".

Minister, what a good response to a serious question! That is an example of why he is in trouble, but he does not realise it. As we debate the censure motion he is still acting like a buffoon. On 8 May 2003 the Hon. Tony Burke asked the Minister a question about Stoney Creek Bridge. The Minister answered:

That letter was written by an engineer, not a couple of clowns running around the bridge, operating in a reckless manner and endangering public safety.

The Hon. Greg Pearce asked a question about the Newcastle to Woodville Junction Rail Line, to which the Minister replied:

It is a new Parliament and Dennis Denuto asks the same sorts of questions. I do not mind answering the question, which was full of invective and spleen, but it is absolute nonsense.

On 6 May 2003 the Leader of the Opposition asked a question about State Rail Authority infringement notices quotas.

The Hon. Michael Costa: Waste of time.

The Hon. DUNCAN GAY: The Minister might not like this, but he asked the Opposition to provide details. He has tried to take points of order against us. We are debating this motion because he will not answer important questions. He wastes the time of the House during question time, and that is why the motion of censure was moved. The Opposition will do you over slowly, clobber; you are going to hate every one of these quotations. If I do not finish listing the 94 questions, some of my colleagues will detail them. They are not good reading, nor are they good listening. The Minister has been a fool, and has been caught out. His staff have been worried about him and tried to pull him into line, but he keeps escaping from them. No wonder his staff have changed. The Hon. Melinda Pavey asked the Minister a question about the King Bros bus group. The Minister replied:

What an absurd question. It is an allegation of a statement with no attribution, yet I am required to somehow express knowledge of it and discuss whether it was appropriate. I do not know who made that statement. Unless the Hon. Melinda Pavey can provide some additional information, she should not waste our time. I know it might have taken her hours to write the question, but it is a real fizzer.

That is hardly the answer people would want. On 30 April 2003 the Hon. John Ryan asked a question about the Menangle Bridge closure and an investigation by the ICAC, to which the Minister replied:

In the spirit of ensuring that the public is fully satisfied and that the Opposition does not continue to make ill-informed statements that undermine confidence in the rail system, I will take that question on notice and provide a detailed answer.

Of course, no detailed answer has been given.

Reverend the Hon. Fred Nile: Point of order: The Deputy Leader of the Opposition used a term that he said may not be parliamentary, and which he would not normally use in the House. I believe that term is unparliamentary and should be withdrawn.

The DEPUTY-PRESIDENT (The Hon. Tony Burke): That would certainly assist the Chair.

The Hon. DUNCAN GAY: I withdraw the term.

Reverend the Hon. Fred Nile: I do not want you to set a precedent.

The Hon. DUNCAN GAY: I accept that. However, honourable members should be aware of what caused me to use that term, and who caused it! It is appalling that this House has been held in contempt by the Minister. On 4 December 2002 the Hon. Rick Colless asked a question about single-officer police stations. The Minister does not like what is happening, he has left the House. He challenged us to substantiate the motion, and when we serve up his own words he walks out.

The Minister has walked out of the House during a censure motion. That is an indication that he has walked away from everything he has tried in this State. He was moved out of Police before his problems caught up with him. Watkins has those problems at the moment. The Minister has refused to answer questions in his current portfolio as he did when he had the Police portfolio. Since he entered this House he has treated it with contempt. He took a certain course to get a white ministerial car, and he was in a position to help the people of New South Wales. Instead he treated question time and Parliament with contempt, and for that he should be censured. [*Time expired.*]

The Hon. GREG PEARCE [5.44 p.m.]: It is in quite extraordinary circumstances that I address this motion of censure of the Minister for Transport Services. The Minister has shown such contempt for the House

and for the people of New South Wales that he has left the Chamber and is not even listening to the debate on the motion. That in itself, in my view, is sufficient reason to censure the Minister. He has no idea of ministerial responsibility or accountability, and he should be censured. The Minister deserves censure because in less than a year he has achieved what his predecessors, slippery Carl Scully and the corrupt Brian Langton, failed to achieve in eight years. The Minister has brought the State's rail system to a grinding halt. He has done that with the connivance and support of Premier Carr and Treasurer Egan.

Scully and Carr have been incompetent. I do not need to repeat the cost overruns and delays in the major public transport projects that they tried to deliver to the State—the Millennium train and the bus transitways, to name a couple. Scully and Carr have been negligent, allowing the rundown of infrastructure in the State in a way that will take decades to recover—when they are removed from office and if someone has an opportunity to attend to that neglect. Scully and Carr have been dishonest, they have covered up the true state of rail infrastructure, and they have conned the public. It is worth reminding the House of the Christie report. On 25 February 2002 an article by Darren Goodsir and Joseph Kerr on the front page of the *Sydney Morning Herald* stated:

Sydney's rail system is perilously close to "strangulation" because of soaring passenger numbers and recurring track and train faults, confidential reports warn.

The findings, kept secret for more than a year, say "operational paralysis" can be avoided only by adding new lines and up to 80 stations, buying 770 carriages worth \$2.2 billion and spending at least \$20 billion in the next decade on urgent maintenance.

The State Government has suppressed the documents, written last year by its former rail supremo Ron Christie, because of their explosive revelations about the deteriorating network, CBD congestion and safety concerns.

This is despite Mr Christie recommending that the reports be released to stimulate public debate on public transport priorities and funding options.

"The system is rapidly approaching gridlock," he found. "This is already manifest in the extreme day-to-day sensitivity of the rail services to even the most minor of disruptive incidents.

"The system is not capable of consistently attaining public expectations because key infrastructure has not been adequately maintained.

So the Government was warned at least a year before February 2002. And the public was told of these problems in February 2002. The Government has continued to hide those findings and it has failed to make the necessary commitment to infrastructure. The predictions in that report about this Minister have come to pass. In less than 12 months this Minister has created the chaos in the State Rail network that we have seen in the past few weeks. He brought the system to a halt. For good measure, or perhaps for further punishment, the ferries have even ground to a halt. This Minister's bullying, incompetence and inexperience have led him, panicking, to make knee-jerk decisions.

Let us not forget that less than a year ago this Minister's predecessor, slippery Carl Scully, announced, or secretly issued, this Government's transport policy after the election. That policy included the additional expenditure of \$192 million on transport, including 80 new carriages for Sydney's rail system, the duplication of the Cronulla rail line, and other items. A quick look at this Minister's record reveals that he has already broken all his predecessor's promises. But his record is even worse than that. Honourable members should remember that he was the fellow who, as the former Minister for Police, dispatched Peter Ryan with his \$450,000 payoff. The police service is so underresourced and unprepared that it led to the Redfern riot last week.

The new Minister for Police, Minister Watkins, admitted to operational failures, police underresourcing, and the need for a parliamentary inquiry into policing generally, particularly in the Redfern area and into the performance of this Government. Those problems were exacerbated under the watch of the former Minister for Police. What is the record of the Minister in his current portfolio? The first thing that was apparent was that he had no idea about the way in which this Government's finances work. In his first few days in his portfolio he tried to attack the Opposition in relation to its \$120 million election campaign commitment for urgent rail maintenance. He said that the Coalition's election campaign commitment was unfunded. We know now that the Opposition's commitment was essential. More than \$120 million must be spent urgently on rail maintenance.

In one of his first utterances, the Minister demonstrated his complete ignorance about the way in which government in this State is funded. When we pointed out to him that the funding was to come from uncommitted capital expenditure in the public enterprise trading sector, he scurried away because no doubt he had been told by someone on his staff that that was how the funding promise was to be met. His next big

problem was the Millennium train. To give him some credit in relation to this issue, he was not entirely responsible for the Millennium train problems. However, once he got his fingers into the pie he made sure that what was already a disaster became catastrophic. All honourable members would recall that the Millennium trains were three years late and \$100 million-plus over budget, with more to be spent in due course.

The Millennium trains were rushed into service for the March election. Breakdowns then occurred and safety issues were revealed. Honourable members will recall the problem relating to the lack of power in the system that needed \$30 million or \$50 million to fix it up. Under the watch of this Minister there were more delays in train deliveries and problems with commissioning the trains. The 40-year-old rattlers were not replaced and the Millennium trains did not deliver a new capacity. The creaking, overcrowded system prevailed. As soon as the Minister realised there was a problem—it took him a couple of months to do so—he pulled the trains out of service. He then got into the blame game and started to blame CityRail management. I again refer briefly to some of his comments. On 2 April he said:

What we've got is a management problem and those problems need to be addressed...

He then said:

I come from a railway background and have heard these complaints for a long time.

The Minister had heard these complaints for a long time, but what did he do about it? He panicked, took the Millennium trains out of service, and did not know what else to do other than blame management. He continued along those lines for several months. In August he expanded the blame game and included managers of the State Rail Authority and the Rail Infrastructure Corporation [RIC]. He started sacking people. He sacked, amongst others, John Cowling, the boss of RIC and arranged to give Mr Cowling \$350,000 to go away. The Minister was quoted in the *Newcastle Herald* on 1 August as stating:

I lay fully the blame for these problems at the feet of management and the board...

When the Minister was asked why Mr Carl Scully should not be blamed he said:

I've said all along this is not an issue for casting blame.

That is just incredible! As we all know, the Minister told everyone in the gallery that Carl Scully was really to blame until he was reigned in by the Premier and told that he really had to stop that. He then sacked as many people as he could and, as he no longer could blame management, he started to blame EDI, the Millennium train contractor. In an article in the *Newcastle Herald* in July he said:

The problems lay solely at the feet of the EDI and its subcontractors...

He continued with that line throughout August. As he did not know what else to do he started to lay down deadlines to get the Millennium trains fixed. Early in August he told EDI that it had a 10-day deadline to mend the troubled MiLemon trains. Later, in August, he changed that to a 15-day deadline. In all that time the public of New South Wales were suffering from overcrowded trains. Money had been lost on the Millennium trains and, just to cap off the Minister's incompetence, during the period the Millennium trains were parked in Eveleigh railway yards, the Minister was paying EDI about \$1 million a month to maintain them.

I do not know whether that stopped, because this Minister does not account to the Parliament for what he has been doing, but on CityRail's own admission it paid maintenance of about \$2.6 million to June 2003 on the MiLemon trains that were parked in that maintenance area. People know what this Minister has been up to. They have recognised his habit of sacking public servants. As soon as Vince Graham was involved he became the front man for all these problems. It is interesting to read some of the commentaries of some of the players around the place. A newspaper article on 15 August 2003 states:

Rod Cameron, head of ANOP Research Services and a former ALP pollster, said the government's strategy—

he was referring to the MiLemon trains—

was one of "trying to maximise the extent to which the blame is shifted away from the government" by publicly voicing its issues with the manufacturer.

It has been the practice of this Government to blame people whenever anything goes wrong. It does not deal with the issues or accept any responsibility for them. The Millennium train issue has not been referred to since

the end of October 2003, when the Chief Executive Officer of Downer EDI, the manufacturer of the Millennium train, went public and told shareholders at an annual general meeting that the MiLemon train had been rushed into service before the election to assist the Government in putting forward its spin and continuing its con of the public in this State.

The Minister's knee-jerk reaction also involved cancelling part of the Parramatta to Epping rail link. There were jobs for the boys, with Barrie Unsworth doing a review of bus services. I will not repeat some of the comments by the Deputy Leader of the Opposition about the performances of the Minister for Transport Services in this place. In addition to his buffoonery and arrogance, the Minister is incredibly evasive. I refer honourable members to question time on 30 October 2003, when the Hon. Patricia Forsythe requested the Minister to give an undertaking that rolling stock would remain available to continue rail services to Canberra, and rural and regional communities such as Goulburn, Tarago, Bungendore and Queanbeyan. The Minister responded by saying:

This question is out of order having regard to the standing orders. The question clearly seeks to canvass an opinion from me.

The Minister took a point of order in an attempt to avoid answering the question.

Pursuant to resolution business interrupted.

ADJOURNMENT

The Hon. HENRY TSANG [Parliamentary Secretary] [6.02 p.m.]: I move:

That this House do now adjourn.

WALCHA STATE EMERGENCY SERVICE

The Hon. CHRISTINE ROBERTSON [6.02 p.m.]: In early February I had the honour of celebrating the launch of the new rescue vehicle acquired by the Walcha State Emergency Service. Walcha is a very strong community of about 3,500 people, with an industrial base that includes forestry and sawmilling, fine wool growing and cattle. Walcha is located in pretty rugged country, with gorges, mineshafts and waterfalls. It has a fairly extensive tourism industry, and prospectors and dinosaur egg collectors add to the problems of Walcha State Emergency Service. The service also deals with emergencies in local mainstream industries, particularly the sawmilling industry. The volunteers are well equipped and well trained, and I can attest that the Walcha State Emergency Service team really knows its job.

The Walcha State Emergency Service is also important because major roads traverse the Walcha shire. The Oxley Highway moves freight and people from the west and from the Armidale-Tamworth region to Port Macquarie, which is a major coastal contact for these areas. Thunderbolts Way to the Forster, Gloucester and Taree area, which is a major commercial partner for the New England-North West region, also cuts through the Walcha shire. Both roads have incredibly high regional traffic movements. In order to meet existing need and because of its high level of expertise and training, the unit is accredited for general land and vertical rescue and road crash rescue. The team performs quite a few mountain rescues in rugged terrain.

In the past 12 months the Walcha State Emergency Service has put in 348 volunteer hours dealing with actual incidents. That is absolutely amazing. The local controller, Mr Peter McNeill, is a fine man. He is a full-time farmer who also manages to spend many hours planning and organising the unit and ensuring that it is ready to react when accidents occur. The local population raised \$30,000 towards the acquisition of the vehicle—that is a lot of money considering the community comprises only 3,500 people—the Walcha Council provided \$30,000, and the State Government also provided \$30,000 for the vehicle.

The body of the vehicle was designed by team members, who drew on their many years of emergency services experience. The unit also carries some of the specialist rescue equipment of other emergency services, such as the local fire brigade and the Ambulance Service—I think honourable members understand that different emergency services are designated as the rescue services for different areas. The Walcha State Emergency Service enjoys the full support of the Walcha shire and the Walcha community. The vehicle was built by Capital Body Works in Tamworth, and it is exciting to know that the necessary skills were available locally. The State Government has supplied \$18,352 in support equipment over the past two years, but that is a small amount compared with the unit's contribution. It raised the necessary money and designed and organised the building of one of the best State Emergency Service headquarters and training sheds that I have ever seen. The shed houses

the team's four-wheel drive and tandem trailer and the new rescue vehicle. The training area has an amazing pulley system on which team members train for mountain rescues. The facility also has special meeting areas. The Walcha State Emergency Service deserves our accolades, and I was honoured to attend the function with its members.

HILLSONG CHURCH TEEN CHALLENGE

The Hon. DAVID CLARKE [6.06 p.m.]: A great scourge of our time is the harm and destruction created by the use of illegal drugs of addiction. It causes harm and destruction to individuals, it unleashes misery on families and family life, it degrades and debases the nation as a whole, and, most sadly, it degrades and destroys the lives of those who are the future of Australia by killing many of our nation's youth. It symbolises evil in all its corrosiveness and darkness. Approaches on how to deal with the problem vary as to method and desired outcome. Some advocate what is known as the harm minimisation approach. This approach forms the operating basis of the Kings Cross injecting room—or the "shooting gallery", as it is more correctly known—which operates as a magnet to addicts and is an open invitation for them to continue with business as usual. The Kings Cross injecting room is a failure and the approach upon which it is based is a failure. It exacerbates the problem and has become part of the problem. It is a waste of public money and I wish this Parliament would close it down.

However, there is another approach—a very different approach—that is based on harm prevention. This approach is based on no compromise with the culture of drugs. This approach says that we need to get addicts 100 per cent free of harmful drugs of addiction and that we do not achieve that aim by providing drugs to drug addicts. The harm prevention approach is being pursued with great success by a number of programs and organisations in our community—and the Kings Cross injecting room is certainly not one of them.

I pay tribute to a program that is having great success reclaiming young people from drug addiction. I pay tribute to Teen Challenge, the program initiated and conducted by the Hillsong Church and its many thousands of members centred in The Hills district of Sydney. Teen Challenge is a community-based organisation that generates drug education and prevention and offers a restoration program to those whose lives have been ravaged by drugs. It caters for young people aged 16 to 35 years and their families and focuses on those struggling with substance abuse or with other destructive addictions. It has a very high success rate by approaching a person from a spiritual as well as a material aspect. It gets to the core factors that contribute to people turning to drugs. Teen Challenge's statement of aims declares that it focuses on "rebuilding key foundations in critical areas such as one's family living, work ethics, self image, peer pressure and community relationships". The program maintains a competent, dedicated and Christian-inspired staff. Its endeavours include operating a training centre at Chester Hill, where at any one time 60 full-time students receive the support and infrastructure needed to lift young people from the cycle of addiction. Its policy is: No compromise with drugs. This policy is a pathway to the permanent rehabilitation of addicts.

I commend Teen Challenge and its dedicated staff for its great success. I acknowledge and express gratitude to Hillsong Church for its humanitarian Christian endeavours in this field. I express my admiration of Hillsong Church for its programs not only in fighting drug abuse but also in promoting support of the family, the institution upon which our nation is structured. The Hillsong Church community, with its programs based on Christian faith, Christian ethics and Christian practices, is an important voice and an instrument for good in our community. It is Christianity in action. I pay tribute to Pastor Brian Houston, who leads Hillsong Church, for his inspiration, his Christian-based initiatives, his perseverance over adversity and for his leadership. Pastor Brian Hughson is a man of vision and faith. Australia and the State of New South Wales are the continuing beneficiaries of the many good outreach works of Hillsong Church, and I wish it even greater success in the future.

RETROSPECTIVE CRIMINAL LAWS

The Hon. PETER BREEN [6.10 p.m.]: I was amazed earlier this week to see Prime Minister John Howard on the Nine Network television news condemning retrospective criminal laws. "It's fundamentally wrong to make a criminal law retrospective," he told a television reporter, "We don't support that and won't support that," said the Prime Minister. Mr Howard was responding to a suggestion by the Federal Leader of the Opposition, Mark Latham, that antiterror legislation that commenced in July 2002 be backdated to include the allegations against Mamdouh Habib and David Hicks, who are held at the pleasure of the Government of the United States of America in Guantanamo Bay.

The stand of the Prime Minister is to be commended. Article 11 of the Universal Declaration of Human Rights provides that a person should be sentenced under the law in force at the time of the crimes he or she

committed. To sentence a person under a later regime is to shift the goalposts in a way that contravenes every principle of due process in the criminal justice system. An analogy that comes to mind is former transport Minister Carl Scully's proposal to increase penalties for certain driving offences. If Mr Scully were to back date the new laws so that everyone who committed the offences in the previous two years were required to pay the additional fine, the result would be road rage on a massive scale.

As with the issue of parliamentary superannuation, Mark Latham is forcing a wedge into the Government frontbench with his call for retrospective laws to bring home Mamdouh Habib and David Hicks. Already the Federal Attorney-General, Philip Ruddock, seems to be falling in line behind the Prime Minister saying he has "a longstanding objection to retrospective criminal laws". Mr Ruddock knows as a lawyer, however, that it is possible, despite the difficulties, to pass retrospective criminal laws in the case of the Guantanamo Bay prisoners.

I have some sympathy with Mr Ruddock's position. Just three weeks ago, the High Court confirmed in the course of argument in the case of *Baker v The Queen* that Parliament does in fact have the power to pass retrospective criminal laws without trespassing on the judicial power referred to in chapter III of the Commonwealth Constitution. Mr Ruddock must weigh the competing principles involved in the indefinite and unlawful detention of Hicks and Habib on the one hand and the very real prospect on the other of retrospective legislation that will allow the two prisoners to be repatriated to Australia. After all, the British have arranged for five of their nine citizens held at Guantanamo Bay to be sent home, and Australia should be going down the same track if we are to retain any self-respect out of the international embarrassment that is sometimes described as "the coalition of the silly".

Members will recall that *Baker v The Queen* is the High Court appeal involving the murderers of Virginia Morse, Anita Cobby and Janine Balding. Ten prisoners are convicted of these horrific crimes and each of the offenders was the subject of a "never to be released" recommendation by the original sentencing judges. I had some involvement in the Baker case at the request of family and friends of two of the prisoners convicted of the murder of Janine Balding, Stephen 'Shorty' Jamieson and Bronson Blessington. On previous occasions I have related their circumstances to the House. I will not do so again this evening, however, I want to respond to comments by the Premier, Bob Carr, and the Leader of the Opposition, John Brogden, about my involvement in the case.

In an article in the *Daily Telegraph* on 6 February 2004 Mr Carr is quoted as saying: "I'm disappointed that an elected member of the New South Wales Parliament would actively work to have these criminals released." In the same article, Mr Brogden described me as an "apologist for murderers". That statement is almost certainly actionable, but just as I do not agree with politicians supplementing their incomes with retainers from large accountancy and law firms, I am opposed to members exploiting defamation laws for personal gain. Free speech is a much more important principle in my opinion than protecting the largesse of the rich and powerful who seek the inside running on matters before the Parliament.

As to Mr Carr's statement that he does not expect political representatives to work for the release of prisoners, I can only say that Mr Carr has a short memory. The first policy implemented by the Whitlam Labor Government following its election in 1972 was to order the release of all political prisoners from prison. Few people would argue that the "never to be released" prisoners cemented into their cells by Mr Carr are not political prisoners, and I will continue to work for the family and friends of the two prisoners I have mentioned. Honourable members may be aware that the Independent Commission Against Corruption [ICAC] now has enough material on my private and public life to sink the Manly ferry, and yet even the ICAC can find no fault with my work for prisoners.

One need only examine the political career of the late George Petersen from the Illawarra to find a member who spent much of his time working for prisoners. It was George Petersen who exposed the Bathurst gaol bashings, and his relentless campaign for prison reform led directly to the Nagle royal commission into prisons. This week a symposium will be held in Parliament House to mark the twenty-fifth anniversary of the Nagle report, and one of the highlights of the symposium will be an analysis of the Carr Government's record on prison reform. It is a record to rival the trains, the hospitals and public education, and I will not be deterred in my efforts to do everything I can to improve the lot of prisoners in New South Wales.

WESTERN SYDNEY ARTS DIRECTORY

The Hon. AMANDA FAZIO [6.15 p.m.]: On 22 February last year I had the pleasure of launching the third edition of Artfiles—the arts directory for Western Sydney—and on 11 December last year I was again

honoured to launch the fourth edition of Artfiles, a resource that has already shown its potential to change the futures of the many fine artists of Western Sydney. The Artfiles book and website profiles the talents of Western Sydney artists, from graphic designers and photographers to hip-hop and aerosol artists. Artfiles links up arts practitioners and organisations and provides a consistent and central access point for information about the arts in the region. Many artists have gained employment, education and training opportunities through Artfiles.

The Ministry for the Arts, through the Western Sydney Arts Strategy, has provided funding totalling \$190,000 over the past four years to the Information and Cultural Exchange [ICE] for the Artfiles directory. This funding has enabled the ICE to expand the directory to include the 14 local government areas of Greater Western Sydney and to develop a website to complement the print publication. By publishing Artfiles, the ICE has helped to increase employment and participation for artists. In 2002 Artfiles undertook a study that revealed that up to 60 per cent of artists listed in the directory received some benefit, either paid work or participation in artistic projects. Also the directory has proved useful for artists to make contacts, develop their skills and work collaboratively. Of particular importance is the increased visibility of and opportunities for migrant, refugee, non-English speaking and indigenous artists. The directory provides increased employment opportunities in Western Sydney by putting employers in touch with artists.

I recently had the opportunity to attend the opening night of *Elastic—stretching the boundaries between suburbs and centres*, a partnership between the ICE and Parramatta Riverside Theatres. *Elastic* is a series of six 10-minute dramas by new writers, each one describing a different quality of life in Western Sydney. They displayed a culture that is unique, diverse and proud and highlighted the multicultural nature of Western Sydney and what happens when different cultures intersect.

The plays included *Conversations Through the Wall* by Paschal Daantos Berry, *How things Change* by Jonathan Nanlohy, *Sleepwalking in Lakemba* by Lena Nahlous, *Mi Tango* by Alejandra Martinez, *Living Room* by Thao Nguyen and *Flypaper and/or Inertia* by Andrew Ma. The issues raised in the plays included the experience of migrant textile workers and the impact on the families of outworkers of the demands of meeting very trying schedules, an aged migrant seeking companionship after the death of his spouse, the alienation of a Filipina trying to settle into an Australian marriage and the conflict between young people and the police in the suburbs of south-western Sydney.

These plays highlighted issues and problems that are common in the western suburbs of Sydney and did so in an engaging, often amusing and thought provoking way. As I was brought up in the western suburbs of Sydney, many of the issues raised in the plays resonated strongly with my recollections of growing up in Cabramatta. These plays are socially relevant and present a view on life which would not be showcased without the funding provided by the Ministry of the Arts and the vision and drive of the Information and Cultural Exchange.

Apart from the high quality of the plays, and the performances of the actors, another highlight of the night was the fact that the evening was sold out. Performances of this high standard are receiving the support that they deserve. The people of Western Sydney are rightly proud of these productions that celebrate the cultural diversity and artistic vibrancy of their Sydney.

I want to pay tribute to the remarkable vision and seemingly endless energy and commitment of the staff at ICE. ICE is a small but growing community organisation which is rapidly gaining national recognition for its innovative cultural programs for the people of western Sydney. They continue to do a fantastic job in producing a resource which is having a major impact on arts development in Western Sydney.

I would also like to recognise the many community partners who have supported Artfiles and ICE so generously. Those include Auburn Community Development Network, Bankstown Youth Development Service, Casula Powerhouse Arts Centre, Liverpool Regional Museum, Campbelltown Art Gallery, Community Cultural Development New South Wales, Fairfield Community Resource Centre, Liverpool Migrant Resource Centre and Parramatta Riverside Theatres. The Australian Manufacturing Workers Union is also to be congratulated for supporting Artfiles through the provision of subsidised premises and other resources to ICE. This support continues the long history of this union, and the union movement in general, in supporting cultural development in Australia. I am proud to be a member of a political party that ensures the arts are not confined to inner city Sydney, that people in the suburbs and in regional centres have access to the arts, and that arts practitioners throughout the State receive generous support from the Government.

SCHOOL AIRCONDITIONING

The Hon. ROBYN PARKER [6.20 p.m.]: Last week many of us were able to escape the sweltering heat by being in airconditioned buildings from time to time or recovering in shady spots. Have a thought,

though, for the children and teachers across the State who suffered the incredible discomfort and pressures of temperatures of more than 40 degrees inside classrooms. This Government let them down. In 2001 the Government made promises and commitments to aircondition permanent buildings in schools where the temperature exceeds 30 degrees and in demountables where the temperature reaches 27.5 degrees. Not only has that policy failed, but temperature readings held by the Department of Education and Training are clearly wrong. Hot as it was last week, so too was my phone, with parents calling me expressing concern about the conditions that their children had to suffer.

The temperatures in classrooms in schools in and around the Hunter were well in excess of 40 degrees. These are inland classrooms, so it is bizarre that temperatures are recorded at places like Lostock dam, where temperatures can be 10 degrees less than in those classrooms. That is no way to record temperatures, and certainly provides no relief for the children. The Department of Education and Training said it will not aircondition schools such as Dungog Primary School and Dungog High School because their mean maximum temperature is only 29 degrees. It is hardly an indicator of the fact when temperatures are taken outside classrooms. I call on the Minister for Education and Training, the Hon. Andrew Refshauge, to review and audit the provision of airconditioning in schools across the State, and to provide infrastructure that supports airconditioning—so that units do not break down, so that the wiring is right when people do provide airconditioning units, and so that correct temperatures are taken, inside classrooms.

So far, the reaction of the Minister has been to circulate a memo that suggests children and teachers have their classrooms under trees. That is clearly laughable. There was also a suggestion of water sprays. We are talking about classrooms, not water theme parks. Children and teachers deserve a proper environment that is right for learning, so that parents will not be faced with the situation they were put in last week, that is, picking up their children and taking them out of school. Not every parent was able to do that. Not all parents can do that. Nor should they have to.

Last week schools were busily thinking of ways to fundraise to get airconditioning units. Schools that have raised the funds—they should not have to—have experienced extraordinary problems trying to use airconditioners because of a lack of infrastructure, inadequate wiring and a lack of will on the part of the Government to provide appropriate schoolroom conditions. As the weather becomes cooler we may forget how hot it has been in the past few weeks. I will not forget. We should not cool off on this subject. We must hold the Government accountable to its commitment made in 2001.

I will be raising this issue frequently. The children and teachers of the Dungog schools, and Woodberry school in the Hunter, may not have the capacity to fundraise. Children there are in hot, brick classrooms, with 20 or 30 students to a room. Some of the airconditioners they do have were turned off because of a risk of fire due to inadequate infrastructure, and computers in a library had to be shut down because they were overheating. Those are not the sorts of conditions we want in our schools. We want a Minister who will come up with better solutions than to suggest the use of fans and water sprays and, believe it or not, varying teaching hours to try to cope with the heat. We want the Government's 2001 commitment honoured and delivered upon so that our children can learn in an environment that is appropriate and comfortable. I call on the Minister to leave his airconditioned office, look at these schools and talk to the parents, so that he will know what it is like to be in hot classrooms, the temperatures of which are far in excess of those taken at locations nowhere near the classrooms.

BULK-BILLING

The Hon. Dr PETER WONG [6.25 p.m.]: Tonight I want to talk about Medicare bulk-billing. In 1975 the Whitlam Labor Government adopted Medibank—a government insurance scheme to provide a free, universal medical service to all Australians. It was a brave and visionary decision, against the wish of many Australians, in particular doctors and those in the business community. Today, despite the name change to Medicare, this is still basically a government-run insurance scheme, partly funded by income tax levies, that covers the cost of treatment in public hospitals, as well as 85 per cent of the arbitrated schedule fee for visits to general practitioners and 75 per cent for inpatient services in private hospitals.

There was then a strong push to adopt a British style system of salaried medical services. Fortunately for Australia, we did not follow such a system, which neither provides good service to patients nor encourages doctors to practise good medicine. Of course, the Utopian way that no-one should pay to see a doctor or attend a hospital eventually would be beyond the financial capacity of any country or government. With rapid advances in medical treatments and investigations, with an ageing population and more and more doctors practising

defensive medicine, Federal governments at different times looked at alternatives. In 1996 the Fraser Liberal Government unsuccessfully tried to dismantle Medibank. Under Labor, in 1991 the Minister for Health, Brian Howe, was forced to reverse the requirement of co-payment from patients after about two weeks.

Since the most in-demand medical service is general practice consultations, over the years the bulk-billing rate of general practitioners has become an indicator of the success of Medibank or Medicare. Indeed, last year the Federal Labor Opposition advocated a "rescue package" of \$1.9 billion to reverse the "collapse" of bulk-billing, and increase it from 69 per cent back to 80 per cent. The perception that bulk-billing has always been maintained at 80 per cent is not true. In fact, it was around 60 per cent under the Hawke Labor Government in 1990, and increased to 70 per cent at the end of the Paul Keating Government. The bulk-billing rate peaked at 80 per cent at the beginning of the Howard Government, and since then has dropped back to around 68 to 69 per cent.

In response to the continuing decline of the bulk-billing rate, the Howard Government introduced the MedicarePlus package in November 2003. The strategy was to encourage general practitioners to continue to bulk-bill by offering extra payments for treating pensioners and Health Card holders. It also provided for a safety net for families. It is perhaps true to say that, at best, the package can only prevent the decline of bulk-billing and that it does not provide a long-term solution in this matter. However, I do not see that any Federal government can afford to continue to fund a health system at a bulk-billing rate of 80 per cent—let alone at a rate of 100 per cent—without greater cost to taxpayers. The existing system of bulk-billing provides a fertile ground for patients to abuse the system because it is "free", leading to some patients frequently visiting doctors for minor ailments. It also encourages certain doctors to provide excessive and unnecessary investigations, treatments and follow-ups. In fact, I remember that for the two weeks of co-payments in 1991 there was a dramatic drop of 10 per cent in general practitioner consultations.

I have lived in different countries and visited many countries. Regardless of who governs Australia, we still have one of the best health care services in the world. I am not talking about our hospital system, which is in a mess. I agree that we should protect our elderly and the underprivileged, but as for the general community bulk-billing for all is not an affordable policy, and it is not a solution for the long-term benefit of Australia.

GENETICALLY MODIFIED CANOLA TRIALS

Mr IAN COHEN [6.29 p.m.]: I am concerned, particularly with debate today in question time, about the proposed trials of genetically modified canola. I consider that chemical companies Bayer and Monsanto are prepared to risk farmers' genetically-modified-free contracts overseas to ensure that our stockpile of genetically modified canola seed is ready for sale after the next growing season. The reality of both the biotech companies receiving approval for a 3,500-hectare trial of genetically modified canola spread across hundreds of different locations in New South Wales is hitting everybody today. It is clear that, despite export contracts of non-genetically modified crops in China, Japan and the European Union worth millions of dollars to farmers, the State's advisory council on gene technology serves as nothing more than a rubber stamp for the selfish interests of large chemical companies. Approval of the joint application by Monsanto and Bayer was the beginning of the slippery slope that ends with the death of market opportunities for New South Wales farmers who produce non-genetically modified crops.

To put this in perspective, consider that farmers sell canola seed, not canola oil, and genetic modification is detectable to extremely low levels in the seed we export. Half of Australia's wheat export volume will not be accepted if it has any genetically modified canola contamination. Domestic sales of grain to the dairy industry have a zero tolerance to tolerate genetically modified content. Zero tolerance of genetically modified contamination is the market reality, yet it is impossible to achieve. The proposed trial includes a seed production demonstration trial on 600 hectares, spread over six locations. Some 600 hectares of seed production would generate 1,000 tonnes of genetically modified seed, which is enough to plant out 200,000 hectares of genetically modified canola. This is what we are calling trials.

It is clear that Bayer and Monsanto are thumbing their noses at concerns expressed by farmers and consumers, and simply exploiting a trial to stockpile genetically modified seed for use once a moratorium ends. The Premier has promised a three-year moratorium in New South Wales, and that is a welcome step. But he has not ruled out particularly large-scale trials of genetically modified crops, which the NSW Farmers Association said recently that it would support. Today I was very pleased to read an article in the *Sydney Morning Herald* quoting members of the advisory council who are very concerned about how successful New South Wales farmers of non-genetically modified crops will be in exporting their products to the many markets overseas due

to contamination. It is important to acknowledge the work of people like Juliet McFarlane, a canola grower who says that we are looking at people on fixed salaries with no responsibility taking greater chances for the canola growers of this State, and Joe Immig, who is working with the peak environment groups and who has been on the committee and is concerned that we are forging ahead with the support of our Minister for Agriculture and Fisheries to a genetically modified future, which, in the long term, will be detrimental to the farming opportunities of New South Wales farmers.

[Time for debate expired.]

Motion agreed to.

The House adjourned at 6.32 p.m. until Wednesday 25 February at 11.00 a.m.
