

LEGISLATIVE COUNCIL

Thursday 15 September 2005

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

The Clerk of the Parliaments offered the Prayers.

DUTIES AMENDMENT (ABOLITION OF VENDOR DUTY) BILL

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

Motion by the Hon. John Della Bosca agreed to:

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

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

CIRCULAR QUAY PYLONS

Production of Documents: Tabling of Report of Independent Legal Arbitrator

Motion by the Hon. Greg Pearce agreed to:

1. That the report of Independent Legal Arbitrator the Honourable Terence Cole QC dated 17 August 2005, on the disputed claim of privilege on papers relating to the Circular Quay pylons, be laid on the table by the Clerk.
2. That, on tabling, the report is authorised to be published.

M4 AND M5 CASHBACK PROGRAM ABOLITION

Production of Documents: Order

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.03 a.m.]: I seek leave of the House to amend the motion of which I have given notice, in the following terms:

Omit "7 days". Insert instead "14 days"

Leave granted.

Motion by the Hon. Duncan Gay agreed to:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Roads and Traffic Authority (RTA), the Minister for Roads, or the Minister for Infrastructure created since 1 January 1997:

- (a) any document relating to the removal or alteration of the M4-M5 cash back scheme,
- (b) all correspondence, memos and general communication between the RTA, the Minister for Roads, or the Minister for Infrastructure relating to the M4-M5 cash back scheme,
- (c) all documents relating to the review of the M4-M5 cash back scheme, and
- (d) any document which records or refers to the production of documents as a result of this order of the House.

INTERSTATE PAROLEES

Production of Documents: Order

Motion by the Hon. Peter Breen agreed to:

That, under standing order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Justice or the Department of Corrective Services created since 1 July 2005:

- (a) all documents relating to a direction or memorandum to parole officers from the Commissioner for Corrective Services to cease processing and supervision of interstate sex or other offenders,
- (b) a return identifying the following:
 - (i) the number of interstate sex or other offenders who have been paroled in New South Wales without processing or supervision,
 - (ii) the number of interstate sex or other offenders currently on parole in New South Wales
 - (iii) the number of interstate sex or other offenders who have been paroled in New South Wales and whose paperwork has not been processed,
 - (iv) the number of New South Wales sex or other offenders currently on parole in other States and territories,
 - (v) the number of New South Wales sex or other offenders who have been paroled in other States and territories and whose paperwork has not been completed, and
- (c) any document which records or refers to the production of documents as a result of this order of the House,

TRANSFER OF PAROLEES

Production of Documents: Order

Motion by the Hon. Melinda Pavey agreed to:

1. That, under standing order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Premier's Office, the Department of Corrective Services, the Minister for Justice, the Minister for Police or the Premier:
 - (a) all documents, emails, letters, faxes and file notes that relate to changed procedures for the transfer of parolees to and from other States, that have been created since October 2004, and
 - (b) any document which records or refers to the production of documents as a result of this order of the House.
2. That each document provided be marked with a unique identifying number and that an indexed list of documents tabled be prepared showing the identifying number, the date of creation of the document, a description of the document and the author.

OTTO DARCY-SEARLE PAROLE TRANSFER

Production of Documents: Order

Motion by the Hon. Melinda Pavey agreed to:

1. That, under standing order 53, an Address be presented to the Governor requesting that Her Excellency may be pleased to cause to be laid upon the table of the House within 14 days of the date of the passing of this resolution all documents, emails, letters, faxes and file notes in the possession, custody or control of the Premier's Department, the Department of Corrective Services, the Minister for Justice, the Minister for Police, or the Premier of New South Wales, which relate in any way to paroled Western Australian offender Otto Darcy-Searle, including documents which have been sent to or received from:
 - (a) all Western Australian State Authorities,
 - (b) the Murwillumbah office of the Department of Corrective Services,
 - (c) any other office of the NSW Department of Corrective Services,
 - (d) the office of the Premier,
 - (e) the office of Minister Kelly, or
 - (f) the office of Minister Hatzistergos.
2. That such documents are to be made available only to Members of the Legislative Council and not published or copied without an order of the House.

The PRESIDENT: Order! I call the Minister for Finance to order.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**Report: Inquiry into the Administration of the 2003 Election and Related Matters**

The Hon. Amanda Fazio, on behalf of the Chair, tabled report No. 1, entitled "Inquiry into the Administration of the 2003 Election and Related Matters", dated September 2005, together with transcripts of proceedings.

Report ordered to be printed.

The Hon. AMANDA FAZIO [11.11 a.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Amanda Fazio.

CIRCULAR QUAY PYLONS**Production of Documents: Tabling of Report of Independent Legal Arbitrator**

The Clerk tabled, pursuant to the resolution this day, a report of Independent Legal Arbitrator, the Hon. Terence Cole, QC, dated 27 August 2005, relating to a disputed claim of privilege on Circular Quay pylons.

PETITIONS**Same-sex Marriage Legislation**

Petitions opposing same-sex marriage legislation, received from **Reverend the Hon. Dr Gordon Moyes** and **Reverend the Hon. Fred Nile**.

Breast Screening Funding

Petitions requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **the Hon. Patricia Forsythe**.

Anti-Discrimination (Religious Tolerance) Legislation

Petitions opposing the proposed anti-discrimination (religious tolerance) legislation which would prevent religious groups from speaking frankly and openly, received from **the Hon. Greg Donnelly** and **Reverend the Hon. Dr Gordon Moyes**.

Brigalow Belt South Bioregion and Nandewar Bioregion

Petition opposing the removal of cypress pine and hardwood forests from State Forests management and the degradation of communities within the Brigalow Belt South and Nandewar bioregions, received from **the Hon. Rick Colless**.

Riverina and Murray-Darling Depression Bioregions Forestry Industries

Petition requesting support for all forestry industries in the Riverina and Murray-Darling Depression Bioregions, received from **the Hon. Rick Colless**.

Public Housing

Petition requesting action to protect public housing tenants and to ensure that public housing remains viable for low-income households, received from **Ms Sylvia Hale**.

Marriage

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

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders**

The Hon. DON HARWIN [11.23 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 173 outside the Order of Precedence, relating to the attendance of the Hon. Carmel Tebbutt, the Minister for Education and Training, at the Bar of the House, be called on forthwith.

The Hon. ROBYN PARKER [11.24 a.m.]: Standing orders should be suspended today because this is the only course of action available. The Government and the Minister for Education and Training have left us no choice. Honourable members have sought answers to important education questions since Parliament resumed after the 11-week winter recess, and those questions require an immediate response from the Minister for Education and Training. There are many other important questions within the Education portfolio needing urgent and accurate answers. We had to raise this issue today because Minister Tebbutt's decision to resign from the Legislative Council but not as Minister for Education and Training means that she is abrogating her Ministerial responsibilities. I urge honourable members to support the moving of this motion forthwith.

As parents and teachers urge Higher School Certificate students in their last two weeks of school to focus and get their priorities right, the number one priority of the Minister for Education and Training, in spite of what else she is doing, should be to attend Parliament to answer questions relating to her portfolio. What message does this send to school students, parents and teachers? The motion is urgent because, as we observed over the past two days during question time, no Government member in this Chamber is capable of answering questions about education. Parliament has been in recess for 11 weeks and during that time there has been a spate of arson attacks in New South Wales schools, yet the Minister is not here to answer questions about what the Government is doing to address security issues within our schools.

The motion is urgent because no member of the Government in this House is able to answer questions about why no schools have been allocated security fencing in this financial year when \$6 million was promised to install 43 school security fences in the current financial cycle. The Opposition wants to know on what criteria it was determined that only \$6 million would be spent on security fencing, but the Minister is not here. It is important to suspend standing orders because students and teachers deserve to know which schools have been identified as "at risk" and in need of security fencing in order to prevent further arson attacks. We want to know what the total cost has been of repairs to schools attacked by arson and vandalism over the past few months; and how much was spent on school security fences in the past financial year, including the total cost of implementing security fencing at schools identified as "at risk".

I repeat: no Government member in this Chamber is able to answer these questions for the students and teachers of New South Wales. The term "London is burning" could not be more appropriate. Our schools are burning and students have not only lost classrooms; many, including students at Kelso High School for example, have also lost Higher School Certificate [HSC] major works. It is important that standing orders be suspended to allow this motion to be called on because, during the 11-week winter recess when New South Wales' students sat trial HSC examinations, students from Cheltenham Girls High School ended up sitting the wrong examinations. The "trials" are extremely significant. Students deserve answers from their Minister for Education and Training; they deserve assurances from the Minister that in these last two weeks of school in the lead-up to the HSC they will be completing the correct examination.

The Opposition seeks clarifying guidelines from the Minister but cannot ask a question to that effect because she is not here. It is important that standing orders be suspended because the Minister is not here to address questions relating to the inadequate numbers of English as a second language teachers in New South Wales schools. Time does not stop merely because the Minister decides to take time off to further her own political career. Minister Tebbutt's first priority as Minister for Education and Training should be to the students and teachers of New South Wales, no matter what else she is doing. The time allotted for questions is only an hour—one hour to answer a plethora of questions that have arisen during the parliamentary recess.

The Minister elected to resign from this Chamber in order to campaign for a seat in the lower House. That was her decision; it was not the decision of New South Wales school students to have their Minister vacate her post. The Government is happy to pump dollar after dollar into helping one of its own while the people and students of New South Wales are left without a Minister to look after education issues in this State—and, in the case of Kelso High School, left without a school! Schools are burning down, making this an urgent matter that

the Minister is neglecting by not fulfilling her role as Minister for Education and Training. The House has been patient as honourable members have sought answers to questions from the Minister for Education and Training. The Minister must attend and answer them. The Opposition has been left with no other action available to it but to support this urgent motion. I urge honourable members to support the motion to suspend standing orders so that we can get answers from the Minister and so she can address her number one priority, that is, education in this State.

Ms SYLVIA HALE [11.29 a.m.]: The Greens support the Hon. Robyn Parker's motion to suspend standing orders. We consider this matter to be urgent. It is urgent because the House should satisfy itself now, and not at some indeterminate time in the future, that the Minister for Education and Training has not been flagrantly exploiting her position to gain an advantage in Saturday's Marrickville by-election. The House can do so only by questioning the Minister today. It is urgent that the House examine now, in light of the Minister's response to questions, whether the convention of a Minister not being required to be an elected member of Parliament should be abandoned. It is urgent that the issue of ministerial responsibility and accountability be examined now, when the attention of the media is focused on the issue. It is urgent because a fundamental tenet of the Westminster principle of responsible government is that the Executive branch of government is accountable to the elected Parliament. The key elements underlying the principle of accountability are individual and collective responsibility to Parliament.

The motion is urgent because, individually, Ministers are responsible to Parliament for their actions. Ministers must retain the confidence of the House in which they sit. If a Minister loses that confidence, the convention of the Westminster system is that the Minister tenders his or her resignation. There is no way of ascertaining whether the Minister has retained the confidence of the House if she is not here to answer questions and be accountable for her actions. The motion is urgent because at question time the Parliament is able to keep itself informed about the actions of the Executive. How can this House question a Minister, in line with the Westminster system, if he or she is not here?

The motion is urgent because, given that the Minister is no longer an elected member of this House, there is no other mechanism for her to be questioned and held accountable for her actions other than the mechanism indicated in the Hon. Robyn Parker's motion. It is urgent because the House needs to satisfy itself that the Minister has not violated another convention: that between the announcement of an election and the holding of that election the Government or a Minister will not make major decisions or introduce policy initiatives. In the absence of the Minister, we cannot question her and ascertain whether this is another convention of the House that has been violated.

Reverend the Hon. FRED NILE [11.32 a.m.]: I cannot support the motion to suspend standing orders because it is not urgent and it is without precedent. In the 24 years I have been a member of this Parliament I have not encountered a motion that sought to bring a former member of this place before the Bar of the House. A similar situation occurred regarding a judge, but that was because of the convention and policy that this House is the only body that has the power to deal with the removal of a judge from his position. I know a similar situation occurred in the Federal Parliament. But bringing a person before the Bar of the House is usually so serious that it implies that the person has committed a criminal offence. That is why I do not believe this motion is urgent or that the Minister should be brought before the Bar of the House.

The Director-General of the Department of Education and Training can be asked questions through another Minister representing the Minister for Education and Training. Ms Sylvia Hale's speech confirms what is now a view held in the community: that this is a politically motivated motion designed to damage the Hon. Carmel Tebbutt's opportunity to be elected in the Marrickville by-election. That is another reason why I do not believe the motion is urgent, and therefore I believe it should not be supported by the House. Certainly I, and I am sure many other members of this House, would do nothing to assist the election of a member of the Greens to the Legislative Assembly.

The Hon. CATHERINE CUSACK [11.34 a.m.]: This motion is urgent because the Labor Party is treating the Parliament, the Education portfolio and the children of New South Wales with utter contempt. If this House does not stand up to the Government, no-one can stand up to the Government, and its contemptuous attitude will flow unabated and continue to undermine education policy in New South Wales. This motion is urgent because, for the first time in the State's history, we have a Minister for Education and Training who is not a member of Parliament while the House is sitting.

It is extraordinary that the Minister did not resign from this place weeks ago, when she was preselected as the candidate for Marrickville. She did not follow the honourable course taken by her former colleague in this

place, the Hon. Tony Burke; she resigned for the specific purpose of avoiding attendance in this Parliament. The motion is urgent, but the Government, which has so little business before the House, is desperate to avoid it because it does not wish to discuss the grubby truth about how this extraordinary and unprecedented situation came about. The situation we are in is a result of the Labor Party announcing last month that the by-elections would be held on Saturday 17 September 2005. Let us be clear about this. The by-elections could have been held on Saturday 10 September. The Labor Party had allowed for a huge 11-week break for the specific purpose of turning over the Premier and holding all the by-elections before Parliament resumed this week.

I confess that at the time I was baffled by the Government's decision to come back to Parliament for a week and then hold the by-elections. What could the new Premier possibly be thinking? The events of the past two weeks have made clear exactly what the Labor Party was thinking and what it was planning to do this week. The Labor Party wanted to come back a week before the by-elections so it could drop a big bucket on John Brogden. Anyone who is not totally blinded by love for the Labor Party can see exactly what the party was up to. But if anyone could not see it, a gloating Stephen Loosley spelt it out for us in his column in the Sunday newspapers two weeks ago. On 4 September he said:

In Sussex Street the ALP knew all the details of the Hilton Incident for some time. Disgust had given way to critical political assessment ... The machine believed it had Brogden's measure.

This motion for urgency is not a stunt. I say to Reverend the Hon. Fred Nile: The real stunt was Labor's big plan to drop a bucket on us this week. But Labor's plan A has failed because the grenade went off early and now Labor is stuck, like Winnie the Pooh in Rabbit's burrow. Labor has a week of Parliament, no plan A, and so we quickly shift to plan B, which is to save the Minister for Education and Training from being scrutinised in the days leading up to the by-election. That is what this is all about. The Labor Party was not thinking about education policy or the needs of children around the State. All of that took second place to this tacky, grubby agenda to drop a big bucket on John Brogden.

This is a shameful, disgraceful exercise by the Government, which has now been caught short by its own deviousness. This motion is urgent because it is our one and only chance to say to the Government: We will not let you get away with such shabby tactics. We are not fools, and the people of New South Wales are not fools either. Carmel Tebbutt is the Minister for Education and Training, and she will be accountable to this Parliament irrespective of the political convenience of the Labor Party.

I urge all members to realise that there has to be a line in the sand over which even the Labor Party cannot tread. There must be some standard, some point at which this House tells the Government enough is enough. The Government's arrogance and contempt has got to stop. I urge all members not to squib on this important moment. Do not give in to these grubby political tactics. The shabby rat-cunning of the Labor Party is the very reason why we are all here today and the Minister for Education and Training, Carmel Tebbutt, is not. Do not be fooled. Do not hold hands with the Labor Party on this issue. Vote for accountability and standards in the Parliament. Vote for the motion moved by the Hon. Robyn Parker today.

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Minister for Ageing, Minister for Disability Services, Assistant Treasurer, and Vice-President of the Executive Council) [11.39 a.m.]: I thank the House for its consideration of this matter. Despite the contribution of Ms Sylvia Hale, I believe this motion really gets to the bottom level of shameful political stunts. The disgraceful and foolish contribution of the Hon. Catherine Cusack—

The Hon. Duncan Gay: Crocodile tears!

The Hon. JOHN DELLA BOSCA: It is not crocodile tears. Members opposite should focus on just how low they have sunk, given the remarks of the Hon. Catherine Cusack. We need to ask: What are the issues? This situation is provided for very clearly in the New South Wales Constitution. It is not a convention of the House. To suggest so is simply wrong. Section 13B of the Constitution is clear on officer profit. The Hon. Carmel Tebbutt cannot be a member of the Legislative Council because, as would apply to all of us as members of the Parliament, she would be occupying an office of profit and could not be a candidate for a seat in any circumstance.

The honourable members who have some understanding of electoral process—it seems to wind up the Opposition for some strange reason—know that this happens because a legal framework and a constitutional framework provides for it. The Hon. Jenny Gardiner is smiling because she knows the facts: she knows that the Hon. Carmel Tebbutt could not be here as a member of this Chamber during the Marrickville by-election. This

is the kind of scurrilous allegation the Opposition likes to make. Opposition members have never got the measure of the Hon. Carmel Tebbutt during any question time, regardless of the portfolio she has held. The Hon. Carmel Tebbutt has comprehensively answered every question she has been asked. To show the shameful hypocrisy of this Greens-Liberal-National alliance and just how low it is, if there was so much urgent education business, the cant and nonsense that—

The Hon. Melinda Pavey: What do you mean by "camp"?

The Hon. JOHN DELLA BOSCA: I said "cant". It means nonsense, irrational, blurred. That is what we got from the last two members of the Coalition. We have heard nonsense. The Opposition has said, "This is terribly urgent. We have to talk about education." If it is so urgent, why did the Opposition not ask one question about education on Tuesday?

The Hon. Melinda Pavey: There was no-one to ask!

The Hon. JOHN DELLA BOSCA: The Opposition knew from the parliamentary arrangements that questions relating to education were to be directed to me. However, the Opposition did not ask me one question. Opposition members said, "There are all these urgent things we have to deal with in relation to education." The House resumed on Tuesday, and what happened? A whole question time went past and neither Opposition members nor crossbenchers asked one question about education. All the questions they asked were of life and death urgency and very important matters, but they were matters of procedure, the funding program and the roll out of security fencing, an initiative of the Hon. Carmel Tebbutt. That outstanding initiative of our Government has delivered safe and more secure public schools. The Opposition has an inherent detestation of that; the Opposition is always trying to run it down and put it in jeopardy.

In simple terms, this is an unchivalrous and scandalous attack on an excellent Minister. The Opposition should be wishing her well in her campaign to become member for Marrickville—I think some members probably are. She will make an outstanding contribution in that electorate. It was shameful to suggest that the presence or non-presence of the Hon. Carmel Tebbutt on a particular day would have anything to do with the terrible trauma the students and parents of Kelso High School have gone through. What the Hon. Catherine Cusack said was in terribly poor taste, apart from anything else. The Premier and the Hon. Carmel Tebbutt have visited Kelso High School to talk to the parents and students. Where has the Opposition been?

The Hon. Duncan Gay: Here! Where's she?

The Hon. JOHN DELLA BOSCA: The Deputy Leader of the Opposition has not been down there though, and he has had weeks in which to do so. Opposition members had better mind their Ps and Qs. I will not address the nonsense in regard to the Stephen Loosley article. That is nonsense. I refuse to engage in that discussion.

The Hon. Catherine Cusack: It is not nonsense.

The Hon. JOHN DELLA BOSCA: You are sitting next to the person who you ought to be directing those questions to. This has nothing to do with Stephen Loosley. He has not worked for the Labor Party, nor been a member of Parliament, for a decade. It is nonsense.

The Hon. Dr PETER WONG [11.44 a.m.]: I speak against the motion to suspend standing and sessional orders. I endorse the views of Reverend the Hon. Fred Nile and the Special Minister of State that it is inappropriate. So far I have not heard one valid reason why this motion is urgent. It is a con job. The Opposition has been conned by the Greens. This is not about the portfolio responsibilities of the Minister for Education and Training, the Hon. Carmel Tebbutt. I bring to the attention of the House last night's adjournment debate. I spoke during the adjournment debate. Ms Rhiannon was supposed to speak before me, but she asked me to speak first because she was not ready. I spoke and then the Deputy Leader of the Opposition used the opportunity to attack me. This is all about the Marrickville election; it has nothing to do with ministerial responsibility.

The Hon. Duncan Gay: If you want to make this statement you have to move a motion.

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

The Hon. Dr PETER WONG: I have great respect for the Deputy Leader of the Opposition. I was not going to get involved in the by-election campaign, and I have not said anything so far. However, the attacks on Unity and Ms Pauline Chan were totally unsubstantiated.

The Hon. Duncan Gay: What has that got to do with this matter?

The Hon. Dr PETER WONG: Everything. I know Opposition members are not fools, but this time they have been fooled by the Greens.

The Hon. DAVID OLDFIELD [11.46 a.m.]: I was not going to say anything until the Hon. Peter Wong made a contribution to the debate—I acknowledge that I missed a lot of what he said. However, I certainly heard the part about how the Opposition has been conned by the Greens. I inform the Hon. Peter Wong that I have not been conned by the Greens—far from it. Indeed, I have questions that I would like to ask the Hon. Carmel Tebbutt. In response to what the Hon. John Della Bosca said, I am on the record as having asked a number of questions of the Hon. Carmel Tebbutt. There has been a theme to my questions, which I intend to continue today. Unfortunately, she is not here to answer my questions.

Why the Government did not call this by-election at a more appropriate time, thus allowing the Minister for Education and Training to attend to her duties, including being in the House, is beyond me. The Government has the power to do whatever it likes, and it has done whatever it liked: it has called the by-election so the Hon. Carmel Tebbutt is not here this week. For the information of the Hon. Peter Wong, I have not been conned by anybody. I want the Hon. Carmel Tebbutt here to answer my question today. I am going to ask it anyway.

The Hon. PETER BREEN [11.47 a.m.]: The only explanation the Opposition has given for the urgency of this motion is that it wants its questions to the Minister for Education and Training answered. My understanding is that Ministers have 35 days in which to answer questions. In respect to outstanding questions, that time has not expired. That is not a reasonable basis for suspending standing and sessional orders. Ms Sylvia Hale asked whether the Minister should be made accountable to this Parliament. Ms Hale said that the Hon. Carmel Tebbutt should be accountable to this House as she is a member of this House. However, clearly, the Hon. Carmel Tebbutt is not a member of the House. If she is accountable, she is accountable as a Minister and as a member of the Executive Council, but not as a member of this House.

The Constitution clearly provides that a member of the Executive Council need not be a member of either this House or the other place. So far as I can see, the Minister is not in breach of any questions that might be outstanding or in breach of any provisions of the Constitution. There is a convention that Ministers ought to be members of either House, but it is only a convention. There are precedents for this, particularly where a Minister resigns to contest an election. To my mind, this situation is simply another one of the exceptions to the convention. I urge the House not to support the motion.

Ms LEE RHIANNON [11.48 a.m.]: I support the motion to suspend standing orders. The debate has been interesting. I was surprised at some of the arguments from the Hon. John Della Bosca. His analysis of the Constitution was correct. I do not think anybody has been incorrect in that regard. However, let us remember that the Constitution does not provide a role for the public. This situation is a left over from colonial days. Ministers can be appointed from the Executive Council, but there is no system for their accountability.

The Hon. Peter Breen referred to conventions. I agree that there are a number of conventions. However, there is a strong Westminster convention that Ministers are accountable through Parliament. The Greens strongly object to the fact that Ms Carmel Tebbutt stayed on as Minister for Education and Training and removed herself from accountability through Parliament. There is no other system of accountability when a Minister does that. The Greens argue passionately that the current system is most unhealthy. The Greens wish to raise many urgent issues with respect to New South Wales public schools and TAFEs. The Minister should be present in Parliament to explain what she is doing to address them.

As Education spokesperson for the Greens, I am frequently contacted by members of the public concerned about various aspects of the public school system. I shall give a few brief examples. First, yesterday my office was contacted by the mother of an Aboriginal child suffering from autism. She has been forced to home school him due to inadequate support from the Department of Education and Training. This child has complex needs. He is developmentally delayed, legally blind and suffers from lung disease. At the beginning of the year his family transferred him to Petersham Public School. Many difficulties were encountered there, including the high turnover of teacher's aides. The mother ended up in mediation with the department. Surely this is deserving of the Minister's time and attention. Surely I have a right, as an elected representative and holding the Education portfolio for the Greens, to question the Minister for Education and Training about this issue in the Parliament.

Second, I have been contacted by parents from Maroubra Junction Public School who are upset with the Minister about the appointment of the deputy principal. They feel that the Minister has ignored them in that to date she has twice refused to meet with them. On the most recent occasion the Minister claimed that she could not meet with them because she was on leave—on leave, as we know, to campaign in the by-election. Because of the Minister's absence from Parliament I am unable to raise this important and urgent issue with her. Clearly, this is not good enough. It is another reason we support the motion to suspend standing and sessional orders.

Third, I have been in frequent contact with northern beaches residents in regard to the closure of Beacon Hill High School. They have asked me to raise numerous issues with the Government because they do not feel the Minister is responding to their concerns. These people are genuine and deeply committed to their local community and I have endeavoured to work with them. If the Minister were here, I would have many issues to put to her. Indeed, the matter is even more important because, in her last letter to the parents the Minister stated in the final paragraph that she would no longer enter into correspondence with them. She has cut them off. Clearly I have a responsibility to follow through with their concerns.

Finally, this week I was contacted by a teacher who teaches a special education class at a public school in the Macquarie Fields electorate. She is deeply concerned by announced cutbacks to special education. From her email it is clear that she is a committed teacher who makes a real difference to her intellectually disabled students. She has asked me to raise her concerns. I would love to do so, but the Minister is not here. These are just four examples of numerous urgent issues in the Minister's portfolio and our function as elected representatives is being frustrated by her absence. While she is absent there can be no accountability. This goes to the essence of the matter, which the Special Minister of State did not acknowledge in his contribution. The Minister's actions might be allowed under the Constitution, but a Minister in any government should behave ethically, particularly a Minister in a Labor Government.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 16

Mr Clarke	Mr Gay	Mr Pearce
Mr Cohen	Ms Hale	Ms Rhiannon
Ms Cusack	Mr Lynn	
Mrs Forsythe	Mr Oldfield	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Colless
Miss Gardiner	Mrs Pavey	Mr Harwin

Noes, 21

Mr Breen	Mr Hatzistergos	Mr Tingle
Ms Burnswoods	Mr Jenkins	Mr Tsang
Mr Catanzariti	Mr Kelly	Dr Wong
Mr Costa	Mr Macdonald	
Mr Della Bosca	Reverend Dr Moyes	
Mr Donnelly	Reverend Nile	<i>Tellers,</i>
Ms Fazio	Mr Obeid	Mr Primrose
Ms Griffin	Mr Roozendaal	Mr West

Pair

Mr Ryan

Ms Robertson

Question resolved in the negative.

Motion negatived.

QUESTIONS WITHOUT NOTICE

SWANSEA BRIDGES SAFETY

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Minister for Finance, Minister for Infrastructure, and Minister for the Hunter, and former Minister for Roads. Why was a decision made to close both of the Swansea bridges each evening from 8.00 p.m. until midnight and from 1.00 a.m. until 4.00 a.m. to try to fix safety problems with the bridges that have existed for some time without appropriate contingency plans being established and appropriately communicated to the local community? Given the ongoing safety concerns with the Swansea bridges, including reports that the western bridge is sinking again, will the Minister inform the House and the community what long-term plans have been put in place for a more durable and practical channel crossing that meets the needs of the community, road users, the channel and the Lake Macquarie environment, as well as the passage of water craft? What consultation has the Minister undertaken with local residents and Lake Macquarie City Council over the bridge condition, the timing for the repairs and long-term strategies?

The Hon. MICHAEL COSTA: As the honourable member knows, under the standing orders being the former Minister for Roads is not a qualification for me to answer the question. I will refer the matter to the current roads Minister.

FIREFIGHTING RESOURCES

The Hon. AMANDA FAZIO: My question is directed to the Minister for Emergency Services. What information can the Minister provide about the State Government's commitment to Sydney's firefighting resources?

The Hon. TONY KELLY: Today marks a milestone in the Government's record commitment to emergency services in New South Wales. Soon—indeed, about now—another 19 firefighters will join the ranks of the New South Wales Fire Brigades after four months of intensive training. This morning 19 recruits will graduate at a ceremony at the New South Wales Fire Brigades State training centre at Alexandria. The recruits will take their place at front-line stations at Regentville, Silverwater, Concord, Smithfield, Leichhardt, city of Sydney, the Rocks, Campsie, Dunheved, Newtown, Pyrmont, Drummoyne, Schofields, Mount Druitt and St Marys. The training and deployment of these new recruits is part of our commitment to emergency services.

This year the Government will spend a record \$700 million—although the former Treasurer has left the Parliament, I want him to understand that the new Treasurer is continuing a great tradition in terms of the budget—to ensure that our emergency services are equipped and trained to protect our communities. This commitment includes funding for an extra 52 firefighters, 52 new fire engines, Hazmat vans and other vehicles, improved firefighting training, and counter-terrorism and safety equipment. Since 1995 the Government has injected more than \$4 billion into the New South Wales Fire Brigades. This year's budget provides another \$4.4 million for new and upgraded stations around the State, bringing the total allocated over the past 11 years to more than \$100 million. This year's budget also includes an investment of \$8.25 million in counter-terrorism initiatives to protect our community and the State's critical infrastructure.

The Government is proud of our firefighters. Firefighters are among the most trusted people in our community. When we are in danger or our property is under threat we put our trust in them to be there as quickly as possible. Today's firefighters are trained to respond to a wide range of emergency situations. They fight fires, rescue car crash victims, attend industrial accidents and deal with hazardous material spills. They also play a vital role in educating the public on fire prevention. That is why we are backing their efforts with better resources and state-of-the-art equipment.

The New South Wales Fire Brigades is an organisation with a long and distinguished heritage of more than 120 years. Our early firefighters did not have the modern equipment that is available today. They fought fires without breathing apparatus, wore heavy uniforms and arrived at fires in slow and rudimentary vehicles. Prior to that, insurance companies employed their own firefighters. If people did not display the plaque of a particular insurance company on the front of their house and firefighters from another company arrived they would not fight the fire. They would try to secure an insurance premium; but if the person did not join that insurance company their fire did not get put out.

Today's firefighters are equipped with a lighter plastic helmet and the latest protective clothing. Emergency vehicles now carry thousands of litres of water, high-tech hoses and ladders, thermal imaging equipment and gas detectors to help quickly extinguish fires. Our modern firefighters face new challenges ranging from emergency response to terrorist incidents and natural disasters, and they are meeting these challenges with quality equipment and training. The New South Wales Fire Brigades is among the best in the world in terms of its ability to detect and deal with chemical, biological emergencies and to rescue people from collapsed buildings. These new recruits need to be prepared physically, mentally and emotionally for all types of emergencies. [*Time expired.*]

DUBBO BASE HOSPITAL MENTAL HEALTH UNIT

The Hon. DUNCAN GAY: My question without notice is addressed to the Minister for Health. Why are only four of the 18 beds open at the new \$5 million mental health unit at Dubbo Base Hospital? Is it true that the four beds open were not operating until 1 September? Given that access to mental health services is difficult in country areas, when will the Minister open the remaining beds? Furthermore, was the opening held back from June to August simply to enable the new Premier, Morris Iemma, to attend with a media opening?

The Hon. JOHN HATZISTERGOS: I visited Dubbo last week to look at this first-class facility. The 18-bed mental inpatient unit at Dubbo was officially opened on 18 August 2005, and it admitted its first patients within days. Some \$2.5 million was provided for the development of the unit, with a further \$3.2 million to come in 2006-07. It must be said that it is difficult to recruit staff specifically trained in mental health, particularly in the country. This unit, which is the only facility of its kind in rural New South Wales, apart from Orange, will provide a service that will be ideally located to meet the needs of this region.

The Hon. Duncan Gay: When will you open the rest of the beds?

The Hon. JOHN HATZISTERGOS: Additional beds will come on track before the end of the year as staff are trained and recruited.

The Hon. Duncan Gay: When?

The Hon. JOHN HATZISTERGOS: I think the next group might be as early as October-November, and a further two will be opened in December. Ultimately, the unit will be fully operational next year. That is a total of 18.

The Hon. Duncan Gay: That's 12 months after you did the media opening.

The Hon. JOHN HATZISTERGOS: That is right. The staff have to be trained and be willing to go specifically to these country areas. If the honourable member can get some mental health nurses who want to go to Dubbo and work—

The Hon. Duncan Gay: How long did it take to build? You have had time to recruit.

The Hon. JOHN HATZISTERGOS: First one has to be able to train them. There is a lot of interest from nurses who want to work in that unit because it is a fine unit, and a number of them are being trained. We are using staff from other mental health units to upskill them in this area. It is not an easy area to work in. It requires high levels of skill. In country New South Wales it is particularly difficult to recruit these people. We have already opened the unit. Four beds are open at the moment. Additional beds will come on before the end of the year, and ultimately the unit will be fully functional by about this time next year. Of course, it would be much easier for us to recruit appropriate staff in mental health if the Federal Government had followed the Preston report of 2002 and provided sufficient training places in universities for nurses.

The Hon. Duncan Gay: It would not have been such a problem if you had not adopted the Richmond report. Tell us about the Richmond report.

The Hon. JOHN HATZISTERGOS: That is not correct. The honourable member does not know what he is talking about. This is about treating people and not incarcerating them. If the honourable member considered what the Dubbo facility was, he would not have made such an extraordinary interjection. This is a fine facility. It will serve the needs of that region very well, and it is part of the more extensive rural mental health program that we will adopt across New South Wales.

RESPIRATORY ILLNESS AND ASTHMA DATA

Ms SYLVIA HALE: I direct my question to the Minister for Health. What data does the Department of Health have on the incidence of respiratory illness and asthma in the local government areas of Camden, Campbelltown, Fairfield and Liverpool? How does the prevalence of asthma and other respiratory illnesses in these local government areas compare with that of other local government areas in the Sydney statistical division? What are the health effects of ozone levels that exceed Environment Protection Authority guidelines?

The Hon. JOHN HATZISTERGOS: The honourable member has been struggling hard this week to direct a question to me that related to my responsibilities. To a large extent this one relates to them. I do not have the figures in my head. I will take the question on notice.

NORTH COAST TOURISM INFRASTRUCTURE

The Hon. GREG DONNELLY: My question is addressed to the Minister for Lands. Will the Minister advise the House about his recent trip to the North Coast? How is the Government supporting the economic development of North Coast tourism?

The Hon. TONY KELLY: I am pleased to announce that the State Government will provide more than \$2 million in funding to a variety of projects under way on the North Coast. Recently I visited Coffs Harbour and Tweed Heads, both of which have a number of key infrastructure projects in train. The Iemma Government has committed \$130,000 towards the redevelopment master plan for the Harbourside precinct at Coffs Harbour. While there I signed off on a memorandum of understanding with council to progress the planning, adoption and implementation of the master plan. Lands and council have agreed to share the cost of planning and will continue to work closely together on this project.

[Interruption]

Members opposite are not much interested in what happens at Coffs Harbour even though they have a local member there. The Department of Lands has established an office in Coffs Harbour with staff and expertise to work closely with council in progressing the master plan. The staff will also be involved with projects of State and regional significance including the Coffs Harbour boat harbour and the Jack Evans boat harbour at the Tweed, to name just a couple.

We all know the importance of tourist infrastructure along coastal New South Wales. A key component of this infrastructure is our Crown land caravan parks. Caravan parks play a vital role in the State tourism sector, offering affordable and convenient accommodations for the many people who visit New South Wales coastal and regional centres. While visiting the North Coast I announced \$2.3 million in loans and grants will go towards the redevelopment of a number of caravan parks situated on Crown land on the North Coast. That demonstrates this Government's support for the New South Wales tourism industry. The majority of these funds will be used for a range of projects including the upgrade and installation of new units, television and Internet connections, new bathroom facilities, as well as communal facilities such as barbecue areas and children's playgrounds.

One of the highlights of my trip was the announcement of the plan of management for Lot 490. Lot 490 and adjoining reserves are parcels of Crown land situated on the Tweed coastline bordering Cudgen Creek at Kingscliff. They are of significant value for tourism, public recreation and environmental protection. The plan of management provides the framework for a quality ecotourism development while ensuring the protection and enhancement of the site's environmental values. This now opens the way for advertisements for expressions of interest for tenders for the development of the site.

The State Government is also dedicated to the development of the boating infrastructure in the Tweed. To this end, the Government has committed \$65,000 for the development of the southern boat harbour at Tweed Heads. The southern boat harbour at Tweed Heads is a busy fishing port and accommodates the commercial fishing fleet, charter boats and leisure craft. The funds will help pay for the refurbishment of the slipway as well as a master plan for the harbour precinct. If my memory serves me correctly, boat owners are contributing some \$36,000 and the council is contributing \$10,000.

The Iemma Government has a strong commitment to the coastal communities along the New South Wales North Coast. We are backing this commitment with the funds to ensure that these communities have the

infrastructure to continue to attract tourism and to generate jobs. Also while I was there, in the presence of the honourable member for Lismore, I announced that the State and Federal governments were prepared to contribute almost half a million dollars towards a new State Emergency Service centre at Lismore.

RECREATIONAL FISHING SURVEYS

The Hon. JON JENKINS: My question without notice is directed to the Minister for Primary Industries. A recent survey on the importance of recreational fishing expenditure on the economies of two coastal towns in northern and southern New South Wales—Port Macquarie and Bermagui—was released in August 2005. This survey has revealed that fishing is not only one of the most popular pastimes in New South Wales but is also one of the most lucrative. The Minister is reported as saying that the survey results will be used to further develop tourism strategies to exploit fishing's popularity. Has the Minister done any research on his own or has he confirmed the existing commercial research that each kilogram of recreational fishing brings between \$80 and \$135 per kilogram into local communities? Will the Minister do any economic or social impact study or any research at all before imposing these fishing bans up and down the New South Wales Coast?

The Hon. IAN MACDONALD: I thank the honourable member for his interest in the surveys I released in August dealing with Port Macquarie and Bermagui. The surveys were undertaken between December 2003 and April 2004. The surveys showed a considerable economic value to the communities from recreational fishing. It was in the order of \$22 million and \$25 million in each of those communities due to the activities of recreational fishing. It is my view that when we are considering issues relevant to the future of our fishing stocks in New South Wales that those socioeconomic factors are taken into account. We do a triple bottom line analysis of all these issues. We did such in relation to the Byron Bay Marine Park, for instance, where it is proposed to have a number of areas that will be sanctuary zones. But, overall, there is still over 70 per cent or so of park available for fishing activities, and the honourable member will find that a similar analysis will be taken in the future.

If the honourable member is potentially referring to proposals about fishing bag limits and size limits, this is based on scientific evidence. It is not just people grabbing things out of the air. There is a concern about fish stocks in certain areas and I would have thought that the honourable member, who has a science background, would consider such proposals on their merits and not whip up unnecessary fear in the community. After all, we want to make sure that fishing stocks remain viable for the future so that people can continue to fish right along the coast. I ask the honourable member to consider that in relation to some of the sanctuary zones some research indicates that in areas where no-take zones have been implemented that they enhance the growth of fish and fish stocks in that area.

I am informed from material I have read that in New Zealand the zones have enhanced fishing and have encouraged the growth of fish stock. Clearly, the Government takes socioeconomic factors into account when considering the various proposals for the marine parks along the State. I acknowledge and have supported the recreational fishing industry. I meet regularly with recreational fishing groups. I speak regularly on radio programs to discuss issues with them.

The Hon. Duncan Gay: They tell me they can't get you on.

The Hon. IAN MACDONALD: That is not correct. On many occasions I have travelled to Parramatta to speak on the 2KY Bruce Schumacher program. I have to get up at 3.30 a.m. and I get there by 5.00 a.m. From 5.00 to 7.00 I answer questions from recreational fishers all over the State. That is on a Sunday morning, and the Deputy Leader of the Opposition has a go at me. I speak on the program a couple of times a year. I have been on 2SM Stinker Clark's program a few times. I have to get there by 6.00 a.m. On that occasion I only get up at 4.30 a.m.—it is not as onerous! The listeners are not anxious to hear the views of the Deputy Leader of the Opposition on recreational fishing. I have been there several times, and I will go again in the not too distant future. When I do, I will give the Deputy Leader of the Opposition due reference.

The Hon. JON JENKINS: I ask a supplementary question. Does the Minister realise that when fishing is banned in a tiny percentage of a marine park the whole fishing industry in that particular area may be wiped out because fish do not swim all over the park, they concentrate in small areas? Will the Government undertake an appropriate economic study of the bans in marine parks?

The Hon. IAN MACDONALD: The Government engages in triple bottom line analysis of all its decisions on natural resources management. That course of action will occur in relation to any future proposals.

We do so every time, and will continue to do so. The Hon. Jon Jenkins has missed the point. Whenever we deal with natural resources management, the issues are considered exhaustively.

HOME CARE SERVICES

The Hon. JOHN RYAN: My question is addressed to the Minister for Disability Services. Is it a fact that the State Government plans to allow the Home Care Service and other service providers to increase charges for home care? Is the Minister for Disability Services about to become the first Minister in the State's history to introduce charges for people with high support needs who use attendant care? If so, how much does he plan to charge for these services and when will these new and increased charges apply?

The Hon. JOHN DELLA BOSCA: In good time I will be able to answer in detail the Hon. John Ryan's question.

The Hon. Michael Gallacher: It would be a good time right now.

The Hon. JOHN DELLA BOSCA: I would be in breach of standing orders if I did. The Opposition has insisted on compliance with standing orders.

The Hon. Michael Gallacher: That is unlike you.

The Hon. JOHN DELLA BOSCA: I have never breached standing orders—not me. The Hon. John Ryan has asked a somewhat loaded question. I will make announcements in due time after significant consultation with the disability sector about such matters. I will guarantee that in my time as the Minister for Disability Services the Government will improve, as we have, disability services. We have made a record commitment to and increased funding in disability services. We have addressed issues in accordance with the Hon. Carmel Tebbutt's previous commitment to the reform of the Post School Options [PSO] and Adult Training, Learning and Support [ATLAS] programs. We have addressed the concerns raised by the community and the families of people with disability who are leaving school. We are working towards an overall reform of disability services. We will massively expand the range and type of services available to people with a disability and support their families and carers. In the course of doing so, there may be additional fees and charges purely on an ability to pay basis. The Hon. John Ryan is well and truly ahead of himself. I will be very happy to debate with him the details when I am in a position to make a significant announcement.

The Hon. Duncan Gay: You just gave him the answer he was looking for. The answer is "yes".

The Hon. JOHN DELLA BOSCA: I am a very honest man. I would not pretend—

The Hon. John Ryan: You will be charging for attendant care.

The Hon. JOHN DELLA BOSCA: No, the Hon. John Ryan is jumping to conclusions in his interjection.

AVIAN INFLUENZA

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Health. What is the Government's response to reports of avian influenza in Asia and the possibility of a pandemic?

The Hon. JOHN HATZISTERGOS: Honourable members would be aware that in mid-December 2003 an epidemic of avian influenza was detected in birds in the Republic of Korea. The epidemic has since spread to poultry flocks of eight other east and south-east Asian countries and, more recently, to countries of the former Soviet Union, in particular, Russia and Kazakhstan. These countries responded to the epidemic by culling domestic poultry flocks, instituting quarantine measures and, in some cases, vaccinating the flocks. However, the geographical range of the epidemic continues to expand. From December 2003 to 9 August 2005, 112 human cases of influenza caused by this virus have been reported by the World Health Organization [WHO]—including 90 in Vietnam, 17 in Thailand, 4 in Cambodia and 1 in Indonesia. Fifty-seven of these people have died.

Direct contact with infected birds or bird droppings is the source of the infection in most cases, and an additional small number have become infected after ingesting uncooked poultry products. There have been isolated reports where person-to-person transmission has been suspected, but none of these have been unequivocally proven. A similar outbreak of H5N1 bird influenza occurred in Hong Kong in 1997, during which

18 people became infected and 6 died. In that outbreak the entire Hong Kong poultry population was culled. Compared with the Hong Kong outbreak, the current epidemic is far more widespread. The World Health Organization experts are concerned that the co-circulation of the existing avian and human influenza strains could be a precursor to an influenza pandemic caused by the emergence of a novel human influenza to which the world's population has little or no immunity.

In response to recent suggestions that the H5N1 virus could be changing into a form that is more easily transmissible to humans, a World Health Organization investigation concluded that there was insufficient evidence that this was occurring and that the current level of pandemic alert should remain unchanged. In June 2005 the Australian Government released a national pandemic plan, called "The Australian management plan for pandemic influenza". NSW Health is in the process of revising its influenza pandemic plan in light of the national plan and recent evidence from the Asian avian influenza epidemic. In Australia the National Influenza Pandemic Action Committee regularly meets and reviews the threat to Australia from avian influenza. There have been no Australians identified with avian influenza and no reports of infection in Australian birds with the strain that is currently circulating in Asia.

The Australian Quarantine and Inspection Service has been on high alert for illicit importation of bird products since the first cases were reported. In New South Wales an expert panel, the Infectious Diseases Emergency Advisory Group, advises on the public health implications of infectious diseases threats to the State, including avian influenza. Plans for the control of an outbreak in New South Wales have been developed. New South Wales Health has been working closely with area health services to plan the emergency management response to an outbreak of pandemic influenza. NSW Health will also be rehearsing its emergency plans with other agencies in Exercise Eleusis, an exercise co-ordinated by the New South Wales Department of Primary Industries, later this year.

New South Wales has set aside a stockpile of personal protective equipment, including gowns, goggles, gloves and masks that would be used in the event of an influenza pandemic. A quantity of the anti-influenza drug has also recently been added to the stockpile. There is limited worldwide supply of antiviral influenza drugs. The Australian Government maintains a sizeable stockpile of anti-influenza medicines for use in the event of a pandemic. New South Wales Health would use its supplies of the drug for treatment of influenza cases or for prophylaxis in the event of an influenza pandemic until such time as Australian Government stocks are made available. The Australian Department of Foreign Affairs and Trade has not advised deferral of travel to affected countries, but does advise Australians, especially children, visiting countries affected by avian influenza to avoid situations where they may have contact with farms and live bird markets in areas that report outbreaks of avian influenza.

PUBLIC HOUSING WATER METERING

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Natural Resources, representing the Minister for Housing, a question without notice. Is the Minister aware that the Department of Housing plans to bill its tenants for water charges? In particular, is the Minister aware that about half the number of public housing tenants do not have their water charges separately metered and will be charged based on the water consumption of the entire property? Will the Minister explain if the Government intends to introduce separate metering systems for all public housing tenants to allow for fairer charges and to encourage water saving among tenants?

The Hon. IAN MACDONALD: I thank the honourable member for his question, which I will refer to the Minister for an expeditious reply.

JUVENILE JUSTICE ADMINISTRATION

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister for Justice, and Minister for Juvenile Justice. Will the Minister outline the administrative arrangements for the Juvenile Justice agency within his Justice portfolio? Is the organisation to retain independent departmental status? What changes are proposed to senior management, and will there be any changes to their reporting lines to the Minister? What departmental functions are being considered for merging or realignment with the Department of Corrective Services or any other agency in his portfolio?

The Hon. TONY KELLY: Most of the honourable member's question presupposed that there is to be some form of amalgamation of the two departments. It is a false premise, obviously based on the fact that one Minister administers both portfolios. There has been no suggestion of that. We are currently going through the process of replacing the chief executive officer.

WORKPLACE SAFETY SUMMIT

The Hon. PETER PRIMROSE: My question is directed to the Minister for Commerce. Will the Minister please advise the House on the successful outcomes of the 2005 New South Wales Workplace Safety Summit and highlight some of its achievements?

The Hon. JOHN DELLA BOSCA: I commend the honourable member for his ongoing interest in workplace safety, which is a very important issue indeed. Honourable members would be aware of the great strides that have been made in improving workplace safety in New South Wales, with injuries and fatalities at their lowest rates in 17 years. In 2002 the Government hosted the inaugural Workplace Safety Summit in Bathurst, which delivered 132 recommendations for improving workplace safety. Some of the great successes of that summit include WorkCover's Business Assistance Unit and Small Business Assistance Strategy, and the continuation of WorkCover Assist and rural safety initiatives such as the rollover protective structures [ROPS] and ShearSafety rebate schemes.

Last month the Premier opened the 2005 Workplace Safety Summit in Orange, which reinforced this Government's commitment to making the workplace a safer and more productive environment. In front of 250 delegates, including peak business groups, trade unions and health professionals, the Premier reaffirmed the Government's commitment to the national strategy on injury and fatality reduction targets. The targets are to reduce workplace fatalities by at least 20 per cent by 2012, with a reduction of 10 per cent by 2007; and to reduce the incidence of workplace injury by at least 40 per cent by 2012, with a reduction of 20 per cent by 2007. We are well on track to meet these targets.

In the two years since 2003-04 the number of workplace fatalities has reduced by more than 40 per cent. The incidence of workplace injuries has declined by 7 per cent. In real terms, it equates to 2,870 fewer major workplace injuries and a reduction in the annual cost of workplace injuries of more than \$207 million. Over the course of the two-day summit, nine industry working groups developed strategies and an action plan to address the major causes of injury. The Premier also used the summit as a forum to launch WorkCover's new \$2.6 million Rural Safety Improvement Program. The ROPS and ShearSafety rebate schemes have helped reduce injury rates on New South Wales farms. However, they remain unacceptably high.

At the Workplace Safety Summit the Premier announced a new Power Take-Off Guard Rebate Scheme to provide direct financial incentives to farmers to install guards on power take-offs. This will save the lives, and literally save the limbs, of farmers and farm workers. The Premier also announced a \$650,000 boost to WorkCover's Industry Advisory Service, with full-time regional advisory officers stationed in Maitland, Orange, Tamworth, Tweed, Wagga Wagga and Wollongong. What has been so heartening to Government is the spirit of partnership between workers and employers that is being strengthened through participation in events such as the safety summit.

Peak business groups, unions and the Government have been working hard to reduce injuries and fatalities, and to make safety simple for business, but unfortunately the shadow spokesperson for commerce did not take up his invitation to attend the summit. The co-operation between workers and employers, so clearly embodied in the summit, is helping to drive the cultural change that is delivering real improvements in workplace safety.

COMPRESSED AIR CLEANERS

Reverend the Hon. FRED NILE: I ask the Minister for Health a question without notice. Is the Minister aware of the dangers surrounding compressed air cleaners commonly used to clean the dust from computers and other electrical devices? Is it the fact that in the United States of America [US] children as young as 10 have taken to using the cleaners as inhalants? Is it also a fact that the activity, commonly called "dusting" in the US—so-named after a leading brand called "Dust-Off" in that country—is thought by teenagers to be safe because the compressed air cleaners contain no butane, propane, ozone, et cetera? Is it a fact, however, that most of these compressed air cleaners do contain a compound used in refrigeration that has caused several sudden deaths in the US in children as young as 14 years old? Is it a further fact that here in New South Wales several products are readily available to teenagers and children for purchase for as little as \$8 a unit? Will the Minister ensure that members of the community, especially teenagers, are adequately educated about the dangers of compressed air cleaners and inhalants in general? Will the Minister further ensure that all compressed air cleaners have highly visible warnings explicitly stating the dangers of inhalation and the fact that the product is to be sold only to persons over the age of 18 years?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for his important question. I do not have the details at hand but will seek an answer and provide it to him in due course.

INFRASTRUCTURE PROJECTS

The Hon. GREG PEARCE: My question is directed to the Minister for Finance, Minister for Infrastructure, and Minister for the Hunter. How does his role as Minister for Infrastructure interface with the Olympic-style infrastructure group established by the Premier in his office that is headed by David Richmond? Is the Minister aware that, in announcing the appointment of his infrastructure supremo, the Premier said, "From now on we will approach every major infrastructure project with the same Olympic 'can do' attitude—not just 'can do' but 'will do'"? If the Premier's infrastructure man is "Mr will do" what does the Minister do? Is the Minister's role to be limited to co-ordination of repairs and maintenance and heritage matters?

The Hon. MICHAEL COSTA: Clearly, the honourable member's question is not a serious one. I suggest he look once again at the Premier's very detailed statement about the roles.

OVINE JOHNE'S DISEASE TRANSACTION-BASED CONTRIBUTION SYSTEM

The Hon. TONY CATANZARITI: My question is directed to the Minister for Primary Industries. Will the Minister update the House on the status of plans to help ensure that sheep producers are reimbursed through the Ovine Johne's disease transaction scheme?

The Hon. IAN MACDONALD: The State Government has worked very hard over the last two-and-a-half years to help our sheep producers overcome the division and strife that existed under the old Ovine Johne's disease [OJD] management program. We mapped a new risk-based management regime, following an extensive review by the Hon. Richard Bull and the former OJD Interim Steering Committee. The risk-based approach is a vast improvement on the old program and more firmly puts the management of OJD in the hands of industry. One of the outstanding issues under the previous program is the mechanism by which nearly 450 sheep producers can be reimbursed for work carried out on their properties to help stop the spread of OJD. It is important to remember that these works were specifically designed to benefit industry. Therefore, it was always understood that industry funds would be used to help ensure sheep producers were repaid for their efforts.

As members would be aware, the Ovine Johne's Disease Advisory Committee, chaired by former Minister and member for Orange Mr Garry West, recommended to me in March this year that the Government endorse the transaction-based contribution system to collect and distribute the funds to sheep producers. I would not have the Hon. Patricia Forsythe enter into this discussion; I think one of her sources moved on in recent times. I endorsed the approach as recommended to me, and I have since worked with the New South Wales Farmers Association and other industry groups to put such a scheme into place. In fact, last year the State Government introduced the Agricultural Livestock (Disease Control Funding) Amendment Bill to enable the implementation of such a scheme, and The Nationals supported it. The legislation passed through State Parliament with bipartisan support. It also had the backing of the New South Wales Farmers Association.

The Hon. Duncan Gay: When are you going to pay them—is it \$4.2 million?

The Hon. IAN MACDONALD: It is \$2.4 million.

The Hon. Duncan Gay: When are you going to pay them?

The Hon. IAN MACDONALD: If the honourable member is patient, I will deal with it. The scheme will now come into effect on 1 October. Under the transaction-based contribution system, abattoirs and the State's stock and station agents will collect a fee of 20¢ per sheep and 10¢ per lamb for all transactions. Those contributions will be placed into a special fund, with moneys distributed by the Rural Assistance Authority. This is the fairest and most effective means currently available to help ensure some 450 sheep producers are repaid moneys owed to them for work carried out in good faith—work designed to benefit the entire industry. It is important to note that many of these producers have been out of pocket for nearly three years. This extended drought has only placed more strain on their cash flow. Today I can announce that the New South Wales Government has decided to provide a \$725,000 advance to the industry, so producers can receive an initial payment straight away.

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

The Hon. IAN MACDONALD: This repayable advance will help relieve some of the financial pressure. It means that each of the affected producers will receive an instalment of 30 per cent of the total moneys owed to them before the end of the calendar year. Once the transaction fund builds up based on the 20¢ and 10¢ contribution system, producers will receive the remainder of moneys owed to them, in the order in which the original claim was received by the Rural Assistance Authority. These latest developments follow extensive consultation in recent weeks with the New South Wales Farmers Association, and the Australian Livestock and Property Agents Association, which represent the stock and station agents in New South Wales.

Clearly there have been many viewpoints on the transaction scheme, and I thank all those involved for their input throughout the consultation phase. I urge members to read today's edition of *The Land*, because the New South Wales Farmers Association, which represents farmers—not this silly National Party lot, which should be declared an endangered species in the bush—has endorsed the scheme. The Deputy Leader of the Opposition should have a look at *The Land*. I will send him a copy.

POLITICAL ACTIVISM IN SCHOOLS

The Hon. DAVID OLDFIELD: My question is addressed to the Minister representing the Minister for Education and Training during her campaign for the seat of Marrickville. Does the Minister recall naming a teacher, Mr Ian Hale, in response to my question of 25 May 2005 regarding inappropriate use of public schools by political activists? Is the Minister aware that Mr Hale has since written to her seeking a retraction of matters she incorrectly attributed to him, but that despite more than two months having elapsed since that letter was sent Mr Hale has still not received the Minister's response? Will the Minister explain why Mr Hale has since been threatened with a transfer? Are these matters not being attended to because of the time being taken due to the Minister's personal desire to move to the lower House? Is it appropriate that Mr Hale, a teacher praised by both the previous Premier and Minister for Education and Training, should be asked to urgently sign a transfer form? Would not students be better served by the Minister's support for teachers like Mr Hale, rather than her apparent support for teachers who clearly breach departmental protocols by pushing political prejudices on vulnerable students?

The Hon. JOHN DELLA BOSCA: The Hon. David Oldfield asked the Minister for Education and Training a question without notice regarding this matter on 25 May. An answer was provided and printed in the questions and answers paper. The honourable member also asked the Minister related questions without notice on 21 and 22 June 2005. The Minister answered those questions, and her answers are publicly available in *Hansard*.

The Hon. DAVID OLDFIELD: I ask a supplementary question. I draw to the Minister's attention, whenever she might return, or to the attention of the Special Minister of State if he wishes to respond, the fact that the Minister's answer today is not appropriate. The questions I have raised have not been answered; anything that has been provided in writing has not been complete. Today I have raised new matters, specifically in relation to letters that have been sent to the Minister but remain unanswered.

The Hon. JOHN DELLA BOSCA: I am happy to confirm that the Minister for Education and Training has received correspondence from the Hon. David Oldfield in relation to this matter. As the honourable member has already been advised, he will receive the Minister's response in due course. I might say that the honourable member, if not chivalrous, is at least consistent; he has asked a question about education. We are now 75 per cent of the way through question time, but members opposite have not asked one question about education.

The PRESIDENT: Order! I call the Hon. Robyn Parker to order for the first time. I call the Hon. Henry Tsang to order for the first time.

ARMIDALE HOSPITAL BIRTHING FACILITIES

The Hon. RICK COLLESS: My question is directed to the Minister for Health. How many doctors are qualified and certified to deliver babies at Armidale hospital? Is the Minister aware that on the weekend of 3 September 2005 three pregnant women were forced to travel from Armidale hospital to Tamworth hospital, a distance of 110 kilometres, to give birth because there were insufficient medical staff available at Armidale hospital to provide proper birthing facilities? Is the Minister further aware that Armidale hospital provides birthing facilities on a regular basis for mothers from many other towns in the Northern Tablelands, including Inverell, Glen Innes and Guyra, and the surrounding areas? What action will the Minister take to ensure the safety of mothers and babies by providing proper birthing facilities at Armidale hospital 24 hours a day, seven days a week?

The Hon. JOHN HATZISTERGOS: I am aware of the issue to which the Hon. Rick Colless refers. I think the local area health service made a statement about the matter, and I refer the honourable member to that statement. The reality is that two-thirds of the State's birthing facilities are in rural areas, and in some parts of New South Wales the facilities are difficult to maintain due to a lack of obstetricians. My priority is always safety. I understand that on the weekend in question there was a lack of obstetricians and that resulted in the temporary issue arising, which has since been addressed. However, that is the crisis with which we are faced regarding maternity services.

Through an Australian Competition and Consumer Commission sponsored process, the colleges control the number of obstetrician training positions in existence. We continually argue with the Commonwealth about our being provided with sufficient training positions for doctors and nurses, as well as other work force training positions. In this case, the colleges control the number of training positions for obstetricians. There is a shortage of obstetricians in New South Wales; there is no issue about that. If we are not able to provide a safe service, we will not have mothers going to places where the service cannot be provided; it is as simple as that.

Recently in Quirindi, I think it was, the only doctor there decided that he would go because of the declining birth rates in that community, and unfortunately the service was lost to that community. The issue at Armidale to which the honourable member refers was a temporary issue and it has since been addressed. If the Hon. Rick Colless is referring to the general situation regarding birthing facilities across New South Wales, it is as I have described. What I will not do while I am Minister for Health is provide unsafe services.

The PRESIDENT: Order! I call the Hon. Robyn Parker to order for the second time.

EDEN PORT INFRASTRUCTURE WORKS

The Hon. IAN WEST: My question is addressed to the Minister for Ports and Waterways. Will the Minister provide the House with information on infrastructure works in Eden, on the New South Wales South Coast?

The Hon. ERIC ROOZENDAAL: I thank the Hon. Ian West for his question and commend him for his interest in this important part of New South Wales. The importance of planning and developing New South Wales port infrastructure is not limited to our major ports in Sydney, Newcastle and Port Kembla. The Port of Eden is an example of a regional port making a significant contribution to the local and State economy, and the New South Wales Government is committed to boosting that role.

[*Interruption*]

Opposition members might not be interested in these issues, but many people in Eden are. On 1 September construction commenced on a commercial cargo storage area at the naval wharf on the southern shore of Twofold Bay. The New South Wales Government has committed \$4 million to the project. When completed, the facility will comprise two four-hectare storage areas. Initially the facility will be used for the storage of softwood plantation pine prior to export. I am advised that this facility, including the connecting multipurpose wharf, will result in up to 50 full-time, ongoing, direct jobs, and more jobs and investment will follow as the new wharf provides greater flexibility for our exporters.

I had the opportunity to inspect the site of the new cargo storage facility on 1 September with the local member for Monaro, Steve Whan—a fine, young member who does an excellent job. I congratulate him on being a strong advocate of the port and its importance for the region. I also met the harbourmaster, Josephine Clark, who is New South Wales' first female harbourmaster, as well as members of the local Aboriginal community who helped bring the project to its construction stage. The New South Wales Government strongly supports the commercial potential of Twofold Bay wharf, the port's main wharf, which was completed in November 2003. The wharf is used by the Navy for about 70 days a year and is available for use by commercial vessels for the remainder of the year. To maximise the value of the wharf for commercial shipping, the State Government has contributed around \$2 million converting the structure to a multipurpose wharf able to accommodate vessels up to 32,000 tonnes.

It is not just local exporters who stand to benefit from this upgraded facility. Over the coming year eight large international passenger cruise vessels are expected, including P&O's *Artemis*, which can carry 1,200 passengers, and the six-star luxury cruise vessel *Silver Shadow*. The port's status as a cruise ship destination is set to raise the profile of Eden as a domestic tourist destination.

The PRESIDENT: Order! I call the Hon. Greg Pearce to order for the first time.

The Hon. ERIC ROOZENDAAL: Members of the House may be interested to learn that when the wharf is not in use for shipping it is open to the public for fishing. There is excellent fishing in the area. I inform the House also that the New South Wales Government has upgraded the port's navigation aids at a cost of \$32,000 over the past 12 months, and the port of Eden has had a security plan in place since mid-2004. Building world-class port infrastructure in regional New South Wales is a priority of this Government.

PORT BOTANY REPORT

Ms LEE RHIANNON: I direct my question to the Minister for Ports and Waterways. Considering the report of the Commission of Inquiry into Port Botany was finished three months ago, when will the report be publicly released?

[*Interruption*]

Madam President, I do not think the Minister can hear my question. Does the Minister agree that this report should be released as soon as possible to assist industry and members of the public to be better informed in the debate about the future of Port Botany? Does the Minister plan to use any of the \$3 billion available from AusLink for rail freight infrastructure to ensure that ports growth in this State is consistent with the New South Wales ports growth plan, which states that when Port Botany reaches capacity Newcastle will become the State's next container facility. Does the Minister plan to put a cap on the number of containers that can be moved through Port Botany, considering the increase in traffic congestion around the port, or does the Minister support Chris Corrigan's push to increase container movements from one million to eight million containers annually?

The Hon. ERIC ROOZENDAAL: I thank the member for her question but I inform her that the report to which she refers went to the Minister for Planning and he will deal with it. I will refer the question to the Minister.

[*Interruption*]

The PRESIDENT: Order! I suggest that it is somewhat hypocritical for a member to complain about interjections by other members when that member is one of the worst offenders in that regard. I ask all members to keep the noise down.

LOWER HUNTER REGIONAL STRATEGY

The Hon. ROBYN PARKER: My question without notice is directed to the Minister for Infrastructure, the Minister for Finance, and Minister for the Hunter. Would the Minister advise why there have been delays in the release of the Lower Hunter Regional Strategy? What action has the Minister taken, along with the Department of Planning, Infrastructure and Natural Resources, to release the strategy? Is the Minister aware that the strategy was earmarked for release in November 2004 and again in June 2005, and that local councillors and developers have put numerous projects on indefinite hold while they await the release of the Lower Hunter Regional Strategy?

The Hon. MICHAEL COSTA: I read the same editorial in today's *Newcastle Herald*. It is pleasing that the Hon. Robyn Parker is doing her in-depth research as usual. It is a matter for the Minister for Planning and I will refer the question to him.

PORT MACQUARIE EMERGENCY SERVICES CENTRE

The Hon. JOHN TINGLE: My question is addressed to the Minister for Emergency Services. Is the Minister aware of a plan by the Port Macquarie-Hastings Council to establish a co-ordinated emergency services centre on council-owned land in Port Macquarie to house the ambulance, Rural Fire Service, Fire Brigade and State Emergency Service? Does the Minister agree that this should lead to a more efficient use of available resources, and does he, generally, support this type of co-ordination of emergency services? Is it a fact that the council has been negotiating with the Department of Infrastructure, Planning and Natural Resources [DIPNR] since February 2003 trying to get approval for a variation of the Koala Plan of Management so the centre can go ahead? Can the Minister use his good offices to try to expedite this very necessary project?

The Hon. TONY KELLY: Yes, I am aware of the proposals in Port Macquarie and I generally do support the co-location of emergency services. For quite some time now the Government has been co-locating a number of emergency services, such as the State Emergency Service and the Rural Fire Service, particularly across country areas. I will refer the honourable member's question to the appropriate Minister.

SEAFOOD LABELLING LAWS

The Hon. PETER PRIMROSE: My question is addressed to the Minister for Primary Industries. Would the Minister please update the House on the State Government's efforts to enforce seafood labelling laws in New South Wales?

The Hon. IAN MACDONALD: There is no doubt that Australian consumers love their seafood. Demand is growing yearly for fresh, safe and healthy fish, prawns, lobsters and other seafood products. There has been an increasing trend towards large volumes of imports entering Australian markets to meet this demand. Many of these are from countries where the cost of production is far lower than in our domestic industry. As a result, commercial fishers in New South Wales sometimes find themselves competing on a quite uneven playing field. That is why the State Government is doing what it can to make sure that local fishers are given a fair go at the point of sale.

Under the National Food Standards Code all imported seafood products are required to be clearly labelled and identified by retailers. This gives consumers the information they need to choose between local or imported catch. Unfortunately, some retailers have not always obeyed these rules, meaning that consumers can be duped into buying imported products under the assumption that they are purchasing Australian seafood. This is a problem that the State Government, through the New South Wales Food Authority, has been working hard to overcome. As I informed the House at the time, last year the authority conducted its first seafood labelling compliance survey.

Inspectors carried out random surveys of 221 premises and found that 100 of those retailers were breaking the law by failing to identify imports or partaking in fish substitution. Although this was a disappointing result, an education campaign conducted by the Food Authority resulted in a vast improvement in those figures. A follow-up survey found that 100 per cent of retailers were following the rules and this week I announced the results of the latest, random inspections carried out by the Food Authority last month.

Inspections of 91 supermarkets, butchers and fishmongers in the Sydney, Newcastle and North Coast areas found that 84 were correctly labelling imports. Seven retailers received on-the-spot fines ranging from \$330 for incorrect labelling of imported products to \$1,320 for the practice of fish substitution. Although it was unfortunate to find some retailers continuing to ignore labelling laws, I was pleased that the majority of retailers are doing the right thing and I congratulate them.

However, for the sake of New South Wales' fishers and consumers I am determined to continue this campaign until we once again achieve 100 per cent compliance across the State. This is a problem that the State Government takes very seriously. Last year the maximum penalties for labelling offences that breach the Food Standards Codes were increased tenfold. Individuals can now be fined up to \$55,000 and corporations up to \$275,000 for breaches. This week I asked the Food Authority to review this fine structure to determine if even stricter penalties are necessary.

Country-of-origin labelling is one of the most important issues facing both the State's commercial fishers and our farmers, and is one that the Government has been pursuing vigorously. Last month we announced a proposal to extend country-of-origin labelling to unpackaged home grown and imported meat products. This proposal seeks the same rules for our meat industry as for our seafood industry. The Government's proposal has been submitted to the review currently being conducted by Food Standards Australia New Zealand. Consumers may not be aware that there are substantial imports of meat into Australia, particularly pork, which is processed here and sold as bacon or ham.

I believe that consumers have the right to make informed choices about the food they buy and they are best informed by clear information being displayed at the point of sale. The Australia New Zealand Food Regulation Ministerial Council meets at the end of October and country-of-origin labelling is already on the agenda. I will ensure that the opportunity is taken to provide a meaningful labelling system for the benefit of consumers and primary producers in New South Wales. Recently when I attended the tractor rally at Circular Quay I spoke on the same platform as Alan Jones and Doug Cameron from the Australian Manufacturing

Workers Union. There were about 500 people present, including many farmers from across New South Wales to represent the horticultural sections of the New South Wales Farmers Association. I was very disappointed to see that not one member of The Nationals was there.

The Hon. Duncan Gay: Point of order: It is unfair for the Minister to challenge me like that when I am on two calls to order.

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

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

RESPIRATORY ILLNESS AND ASTHMA DATA

The Hon. JOHN HATZISTERGOS: Earlier in question time Ms Sylvia Hale asked me a question about asthma rates. I would like to draw her attention to the annual reports of the New South Wales Chief Health Officer 2004 and, in particular, the section on respiratory diseases, which incidentally shows that the Sydney South West Area Health Service has an asthma rate lower than the metropolitan average. This report contains a lot of very useful information. The House will be pleased to note, in particular, that between 1983 and 2002 the asthma death rate in New South Wales declined by 58 per cent in all ages and by 69 per cent in the 5-year to 34-year age group. I would encourage Ms Hale to take a copy of this document and improve her questionable knowledge.

Questions without notice concluded.

KELSO HIGH SCHOOL FIRE

Personal Explanation

The Hon. JOHN DELLA BOSCA, by leave: When I was speaking in the debate immediately before question time I made a statement that the Premier had visited Kelso High School. I was, in fact, referring to the Deputy Premier, the Hon. John Watkins. I also note that as recently as 16 August Ms Lee Rhiannon met with the Minister for Education and Training to discuss the issues Ms Rhiannon raised during her remarks.

SPORTING VENUES (OFFENDERS BANNING ORDERS) BILL

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

Motion by the Hon. Eric Roozendaal agreed to:

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

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

[The President left the chair at 1.05 p.m. The House resumed at 2.45 p.m.]

FAMILY IMPACT COMMISSION BILL

Second Reading

Debate called on, and adjourned on motion by the Hon. Dr Peter Wong.

CRIMES AMENDMENT (PROTECTION OF INNOCENT ACCUSED) BILL

Second Reading

The Hon. DAVID OLDFIELD [2.46 p.m.]: I move:

That this bill be now read a second time.

The object of the Crimes Amendment (Protection of Innocent Accused) Bill is to protect the identity of innocent persons who are accused wrongfully, unfairly or, indeed, with malicious intent. It is not the intention of the bill to provide protection of any kind for persons for whom the weight of evidence is such that criminal charges are

laid against them. While, of course, innocent people are charged and ultimately found innocent by the court process, the bill relates only to the protection from public exposure of the accused, not those already charged. While we as a society recognise that a person is innocent until found guilty, the bill does not seek to protect the identity of persons charged.

However, it is not fair—indeed, it is entirely unreasonable—that a person who is merely accused of a crime should have his or her life destroyed by the notion of guilt established simply by the media. There is an unfortunate widespread public acceptance that where there is smoke there is fire. I imagine that most honourable members in this House have at some time been the subject of totally unfounded gossip, accusations and, in some cases, matters so serious that the media has speculated on corrupt conduct or the possibility of criminal charges.

Anyone who has ever had a dirty little story invented by an enemy knows full well that there can be lots of smoke without even so much as the tiniest spark. If we believe in the presumption of innocence, why should the innocent suffer the horrendous penalty of public humiliation and vilification as a consequence of widespread media coverage? We all know that accusations will make the front page but, equally, we also know that should nothing come of accusations, apologies are rare. If a person rates media coverage on the basis of accusations and nothing comes of those accusations, chances are you will hear no more and, hence, will never be informed of the spuriousness of the allegations. Does anyone here believe it is right or fair for a person to be publicly dragged through the mud by what may be nothing more than a malicious lie?

This bill in no way attacks freedom of speech. However, it will protect accused from having their identity disclosed. Crime can be reported, the victim can be interviewed, and the only thing the bill prohibits is the identification of the accused until that person's status changes from accused to charged. Until that time, widespread knowledge of the identity of the accused has no more public value than gossip. The public gains nothing from knowing such a person's identity, but the accused may lose almost everything by being publicly identified. While it may be argued that it is appropriate to publicly expose those charged with crime, what of those who are not charged yet suffer allegations through maliciousness or for financial or, possibly, political gain?

The bill does not hinder the safety of the community or justice in relation to the apprehension of suspects for criminal proceedings, because the bill does not apply to a publication authorised by the Commissioner of Police for the purposes of apprehending a person accused of having committed an offence. Nefarious people make false allegations for all manner of reasons. They may be motivated by misplaced notions of vengeance, personal gain—financial or otherwise—different beliefs, or opposing views. Sometimes they are motivated by political persuasion. If the unfortunate target of allegations happens to have a public or, perhaps, an industry profile, the media attention of them proportionately skyrockets. There are many examples of decent, law-abiding citizens having their lives devastated by allegations given widespread media attention.

To some—the media in particular—members of Parliament are unfairly considered targets of opportunity. I expect that the House remembers the terrible treatment received by Joe Tripodi. The difficulties he must have suffered after the disgraceful public assault made on him will hopefully always be a matter the rest of us can only imagine. Mr Tripodi was never charged but if we stepped out onto Macquarie Street and asked a few passers-by or visited his electorate at the time and spoke to a few constituents, what impression do you think they were left with? Perhaps suspicion that he got away with it because he was a member of Parliament.

The Hon. Eddie Obeid was also publicly dragged to and past the point of humiliation but no charges were ever laid; nor were there any adverse findings. Yet, if we asked talkback radio callers about the Hon. Eddie Obeid, would they say he was innocent or guilty? Of course, the Opposition could be smiling at this stage, thinking that that was Labor and we did our best to score political points off the misfortune of those accusations, be they true or not. But the shoe has been on the other foot, and will be again.

If the average person on the street—or, more particularly, in the electorate of Pittwater—was asked about John Brogden's financial conflicts of interest alleged to the ICAC in the lead-up to the last election, what would they say? That they are suspicious about that matter? That he is innocent or he is guilty? Members of this House should not delude themselves into thinking that such public disclosures aid one side or the other at any given time. All politicians are brought into disrepute by such allegations, so no side should think it will be advantaged by being able to slur the other at any given moment through the media's willingness to jump on the so-called good story. The experiences of the Hon. Peter Breen provided a good example of how allegations made to ICAC can so unfortunately slur a person's reputation, although, as with those mentioned previously, no charges were ever laid.

The Hon. Peter Breen: Point of order: I am reluctant to intrude into the honourable member's second reading speech but I am the fourth member he has mentioned as having been the subject of allegations, all by the Independent Commission Against Corruption. His bill amends the Crimes Act to protect so-called innocent accused. None of the members he has mentioned, including me, was ever accused of any crime. I ask the honourable member not to refer to members who are not the subject of inquiries and investigations in the context of criminal accusations.

The Hon. DAVID OLDFIELD: To the point of order: I am surprised the Hon. Peter Breen has raised this point of order. Essentially I am defending him against what took place with him and saying it was wrong. The bill relates to people who are accused of a crime. Someone who is taken to ICAC is potentially going to be charged with a crime. I am merely making the point that simply using ICAC to slur someone in the media should not be done. So, ICAC is appropriate in the sense that one is being exposed publicly as a consequence of that which will perhaps lead to charges or lead to serious accusations.

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! There is no point of order. The honourable member may proceed.

The Hon. DAVID OLDFIELD: Of course, there is the practice of simply referring false allegations to ICAC and then alerting the media, hence creating the story that the accused is under investigation for corruption. This very tactic has been used maliciously against me. I have not raised these specific incidents to relive events. Those members have my sympathy. Indeed, I am on the public record as defending Joe Tripodi, the Minister for Roads. I have defended him not because I know him—I do not know him really—but because what was done to him was unfair. I simply refer to those matters to highlight that members are far from immune from the matters this bill seeks to rectify. Many people would say that politicians are fair game. But should that be extended to us being unfair game? Do we deserve to suffer the effects of false or unproved allegations? Where there is smoke, is there always fire? Will it be your life and the lives of your loved ones that are one day destroyed by false allegations?

It may be considered that existing defamation laws provide adequate redress, but the damage is already done. Often, such legal action is not realistic. A case takes years and the expense excludes most people from even trying, especially against the billions of dollars at the fingertips of the media. Successful defamation under such circumstances is to be applauded, but the compensation only helps to ease the pain that this bill seeks to avoid. A recent case in the United Kingdom brought against television personality John Leslie sparked British Ministers to consider a bill similar to this one. A BBC report stated:

Labour's convenor of the parliament's justice committee Pauline McNeill, MSP for Glasgow Kelvin, said the case against John Leslie raises serious questions about the current system. You have to consider the consequences on all sides when anonymity is not granted. I think you would have to consider what the specific reasons would be that you would not be granting anonymity.

Although the Commons Home Affairs Committee recommended that suspects should not be named up to the point of charge, the members of Parliament could not agree on whether such protection should extend to the trial itself. In correspondence I received in the last 24 hours from the member just referred to, I am informed that that matter is still pending. Following the court case, it was said that the Leslie scandal was "the latest example of the evil consequences of publicity, police and prosecutors combining to trial by media". After the charges were dropped against Leslie, the prosecutor, Richard Howell, said in court of Leslie:

The prosecution gladly acknowledges that he will leave this court without a stain on his character from this investigation.

That statement is in complete denial of the damage that had already been done to Leslie's character and his career. After months of media speculation and gossip, Leslie was arrested on 5 December 2002 and charged in June 2003 with two counts of indecent assault. During that time he was sacked from his \$600,000 a year job. Yet charges were dropped only one month after they were laid. In an interview with the *Daily Express* newspaper in the United Kingdom Leslie told how his weight seesawed as he stopped eating and then binged on poor quality food. He no longer felt like playing the piano or playing tennis and football. Leslie said:

From successful TV celebrity, I had suddenly become portrayed as a vile monster and I could not defend myself. I thought the best thing to do would be to do away with myself.

Show business manager Jonathon Shalit said:

He (Leslie) has been tried by the media and a whispering campaign, and by people who could not substantiate their claims.

Publicist Max Clifford agreed:

He's got to win the hearts and minds of the British public again, and that's going to be an uphill struggle.

After all charges were dropped Leslie's solicitor, Paul Fox, said:

His life has been really a nightmare. His job is being in the media in the public eye, and yet he's almost had to become a sort of monk. He's had to retire from public life whilst these police investigations went on. He's lived his life under a cloud.

One of the most glaring examples of double standards in public identification of accused is the law in regard to the treatment of juveniles as opposed to the treatment of adults. Juveniles are not named. I understand that is to protect them. Why does the law fail to protect adults? Is it because society has determined that young people are entitled to make mistakes which should not be held against them for the rest of their lives? Do we say they are young and can be excused? By doing so, does not society recognise the lifelong damage that is done from being associated with crime?

In the case of juveniles we do not just protect the innocent accused, we protect the guilty as well. It does not matter how often they are proven guilty, we just keep saying, "It's okay, we understand you are young. We understand you have been convicted 50 times for stealing cars. We understand you have been convicted a dozen times for robbery or a few times for assault or a couple of times for rape, or maybe you have murdered only one other human being. It's because you are young and young people make mistakes. So we will make sure the media never tell anyone you are a dangerous violent offender." We keep secret the identity of convicted teenage murderers, but we broadcast the names of adults who later turn out to be the innocent accused.

Do members see the hypocrisy and the double standard that is applied in law: protect the guilty convicted children and expose the not yet charged, potentially innocent adults? I note the Hon. Peter Breen says "No", he does not see the hypocrisy. It is inconceivable that he cannot see the hypocrisy in protecting guilty convicted children time and time and time again, yet exposing not yet charged potentially innocent adults. I simply point out that innocent adults should at least be afforded the same protection that is enjoyed continuously by criminal juveniles.

Many people have described to me how they have been tried, convicted and executed by the media, only to find later the accusations go nowhere. They come from all walks of life: the famous and the unknown; professionals such as doctors, and workers such as security personnel; others innocently accused through vindictiveness or from being in the wrong place at the wrong time. Until a person is charged, there is no justifiable public interest in his identity. There is no issue of freedom of speech. If we truly uphold the presumption of innocence, then we must accept allegations as little more than gossip, at least until the person is charged.

It may be argued that by not naming the accused the public will be denied due process, including knowledge of the accused. Such arguments are wrong. Without charges, accusations should be considered gossip. Gossip is not a matter of public interest. Gossip is an unsustainable matter of public snooping and nosiness, an invasion of privacy. It may be argued that by not naming the accused, the media will not be able to report the story. That notion is also plainly wrong. A *Sydney Morning Herald* headline read, "Judges upbraid 'little thug' over sentence appeal". Because some of the little thugs mentioned in the case were juveniles they were not identified. Yet they were criminals who had already been found guilty by the court. Although these criminal kids were not named, the media was still able to inform the public about the trial. Why not afford adults, who have not even been charged, at least the same protection?

The Crimes Amendment (Protection of Innocent Accused) Bill will not prevent public awareness of crimes or the perpetrators who committed them. The bill will not prevent the airing of television shows such as *Australia's Most Wanted*. The bill does not protect the guilty or those seeking to avoid prosecution through non-identification. The innocent accused are just that—innocent accused—and they deserve to have the fundamental right of being presumed innocent until it is shown to be reasonably otherwise. Comments that victims, like John Leslie, who were innocent accused are now okay because they have a job and are back on their way in their chosen careers are offensive at best.

How many members would suffer in this manner and then write it off as bad luck on life's journey? I implore members to seriously consider the free reign of the press to pick and choose whom they destroy. I am not stuck hard and fast on this bill in its present form; I am open to amendments. I expect members to suggest improvements to the bill. I welcome any amendment that improves the bill whilst still preserving the principle

of protection for the innocent accused. When those members who choose not to support this bill find themselves the innocent accused, I hope that as they loudly profess their innocence they will remember they were warned.

Debate adjourned on motion by the Hon. Don Harwin.

TELSTRA LOCAL CALL COSTS

The Hon. HENRY TSANG (Parliamentary Secretary) [3.08 p.m.]: I move:

That this House:

- (a) expresses concern at Telstra's submission to the ACCC's review into price controls calling for an end to the 22 cent cap on local call costs,
- (b) notes that this would allow Telstra to increase local call costs at their discretion, leading to higher local call costs for consumers and paving the way for timed local calls,
- (c) expresses concern at the effect this would have on consumers, particularly those consumers who are vulnerable and isolated and rely on the telephone as a means of communication,
- (d) notes that Telstra's actions in calling for a price hike reflect a response to shareholder pressure for profits over a commitment to providing an equitable service to the community, and further notes that such pressures will only be exacerbated if Telstra is fully privatised, and
- (e) calls on the next Federal Government to commit to tightening the price control regime, maintaining capped local call costs, and retaining majority public ownership in Telstra.

This motion was placed on the *Notice Paper* on 31 August 2004. Following the passage of the Telstra privatisation bill in the Senate yesterday, my learned colleague the Hon. Christine Robertson will move an appropriate amendment during the course of her contribution to the debate and I will accept it. In the meantime, I will speak briefly to this motion. It is an important motion for all Australians, particularly those living in non-metropolitan areas where essential communications services are not up to city standards.

This is an important issue, given that the Howard Government is proceeding with its proposed final sale of Telstra. The Howard Government said it would fully privatise Telstra and, having obtained control of the Senate on 1 July, that is what the Prime Minister is trying to do. There was little doubt that he would do so, with Barnaby Joyce caving in on his threat to withhold support for the sale. As honourable members will be aware, last night the Senate passed the legislation for the sale of Telstra, which is very sad. The cost of a one-off electoral bribe to some rural sectors will be to their long-term loss. Barnaby Joyce may well apologise now for his cave-in, but when services, no longer guaranteed, have not improved under the fully privatised Telstra, he will need to do some explaining as well.

We do not know what price-control mechanisms will survive with a privatised Telstra nor what minimum community service requirements will be ensured. With the Government's control of the Senate, the junior coalition partner, The Nationals, should be proving its commitment to rural and regional areas to ensure that services do not suffer as a result. But The Nationals failed in their task. The situation has developed since I gave notice of this motion in August 2004. The Australian Competition and Consumer Commission [ACCC] delivered its review of Telstra's price control arrangements to the Federal Government on 30 March 2005. As a result, my colleagues and I will be making some amendments to the motion, but the essential points raised in the motion remain pertinent. The Federal Government must not shirk its responsibilities.

The Federal Labor Opposition has urged the Government to adopt the ACCC review. The ACCC's main recommendation was to oblige Telstra to lower the price of its basket of services. The first basket of services comprises local calls, trunk calls, fixed-to-mobile calls and international calls. The ACCC recommended that the price should decrease by 4 per cent per year in real terms, after taking into account Consumer Price Index adjustments. In addition, it recommended that Telstra be prevented from increasing the cost of line rentals, the so-called second basket of services. The Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, said in a statement at the time that "the Government [would] need to consider the report very carefully and consult closely with industry and consumer stakeholders". Since then, we have heard nothing from Senator Coonan or the Federal Government.

The Chairman of the ACCC, Graeme Samuel, argued that the recommendations would promote the long-term interests of consumers by maintaining the schemes designed to help low-income consumers, and by encouraging Telstra to pass on the benefits of productivity improvements to consumers. As I said before, the

issues at stake are important to consumers, particularly those on low incomes and in remote areas. We only need to take a quick look at the cost of having and servicing a telephone to illustrate this. Under the Howard Government, the cost of line rentals has increased at an alarming rate—from \$11.65 per month in 2000 to its current high price of \$30 per month. In many remote areas the service just is not up to scratch. The wait for a service call, for example, is something we in the city just would not put up with.

The recommendations of the ACCC final report included the retention of the current 22¢ cap on the price of a local call and the retention of the 40¢ cap for a local call from a payphone. The ACCC also recommended that dial-up Internet calls to Internet service providers [ISPs] should be subject to the local call cap of 22¢, the current provisions relating to the extended zones be retained and ministerial consideration for directory assistance charges. Given the impending full privatisation of Telstra, the ACCC recommended that the next round of price control mechanism should last three years—that is, if Telstra were to be privatised before then, the price control arrangements should still last. But, in spite of Labor's support for those recommendations, the Government has not followed its lead. Whatever deals the Government wishes to strike with Telstra, it is important that these price controls be maintained to ensure that a privatised Telstra does not renege on these undertakings to consumers.

The Federal Government's priority should be the protection of consumers, not the maximising of its privatisation revenue. The financial mess in which Telstra finds itself has resulted from a lack of leadership and care on the part of the Howard Government. As a consequence, shareholders and consumers alike are suffering—a falling share price; Telstra management pilfering its reserves to pay for its dividends, with customers still no better off; and now the loss altogether of the company into private hands. When the Howard Government sells the remaining stake in Telstra, it should not sell out its consumers—the Australian people.

The Hon. CHRISTINE ROBERTSON [3.17 p.m.]: I will move an amendment at the end of my contribution. First, I refer to the illusion of competition policy for country New South Wales. I recognise that all governments have accepted that competition policy is important for the future of Australia. I also recognise that it has increased our abilities in manufacturing, and certainly our buying power. However, it must also be recognised that many country communities cannot compete; they do not have the numbers of people for competition policy to be of value to them in all areas. Over the past 10 years there has been little or no consideration given by the Australian Competition and Consumer Commission [ACCC] to the social and economic impacts of competition policy. I am very impressed that with regard to Telstra's request of June 2004 the commission considered these issues, but it has certainly not been known to do so in the past.

Competition policy also involves issues relating to access and equity. Country areas of New South Wales do not always have their telecommunications services kept up to date, but Telstra has certainly given us very good service over the years. It has done its very best to deliver equitable service to country areas. We acknowledge that in some areas there are still black spots, but Telstra has put in a lot of effort to ensure the delivery of equitable telecommunications services to country areas. The people in country areas assumed that this was because the Government had a large stake in Telstra and there was a commitment to ensure that country people received an equitable service. That is one of the reasons why we have fought so hard to keep Telstra in government hands, or at least with a government majority of shareholders.

Interestingly, Country Labor managed to hang onto electricity. We caused a lot of trouble and got into a lot of nasty predicaments, but we hung onto it. When the vote went to the State conference, the entire conference voted to hang onto electricity. It is very sad that The Nationals have not been able to deliver on Telstra on our behalf. I feel very sad that Telstra has gone. Over the years people in country areas have received numerous phone calls from competing telecommunications providers offering us their services. They tell us, "You switch over to us and we will give you this and we will give you that." In my house the standard response is, "And will you put new wire two kilometres down Woodlands Road, and will you put new wire from a fence to our house to ensure we have the same access to telecommunications as city people?" Of course, their answer is, "No. We will use Telstra's wires." The new impositions to be placed on Telstra with regard to providing these services, on which we do not yet have the details, will somewhat hamstring the company in relation to the competitive market. I have no hesitation in saying that certain National party members put themselves out on a large limb to ensure some concessions.

The Estens report, which was about ascertaining what services were missing in country areas and about getting the services up to date before the sale, was a smokescreen. Those of us who live in country areas know that our future with regard to telecommunications is not about the services we have now but about the services we will have in 10, 20 or 30 years. It is important that telecommunications services in country New South Wales

are kept up to date, so our businesses can continue to compete and we have equitable access to educational and communication facilities. When I saw that Henry had this private members' business item on the *Notice Paper*, I managed to find amongst my documents the Telstra countrywide advisory board report for 2004, which was a satisfying report about where Telstra was heading. The report, which was structured for the future potential for sale because the debate was online at that time, provided timelines as to the changes that took place between June 2001 and June 2004. It coincided with Telstra's proposal to the ACCC to remove the cap on the price of local calls, which is what brought the issue to Henry's attention—I beg your pardon, the Hon. Henry Tsang's attention—in the first place.

The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe): Order! I ask the Hon. Christine Robertson to use the Hon. Henry Tsang's title.

The Hon. CHRISTINE ROBERTSON: Excuse me. I corrected myself as soon as I said it. Thank you, Madam Deputy-President, for reminding me of my shortcomings. It was coincidental that at the same time as this glossy report—which I read at that time and thought "Good. This is what Telstra countrywide is doing; they are still serving us and still ensuring as much as possible that country people have equitable access to telecommunications services"—the ACCC was considering Telstra's request.

I have just been handed an addition to my amendment, which I will move at the conclusion of my contribution. We always knew that Telstra staff were told to be prepared for the company to become privatised, and that there would not be government intervention or regulation. It will be important for us to read the fine print about what regulations have been imposed on Telstra with regard to the delivery of country services. However, it is incredibly important that country services are maintained. Promises of \$3 billion will not necessarily ensure that that will happen. Despite the fact that people have bagged us and said that the city is cross-subsidising the country, it is absolutely essential that country areas receive an equitable service. Individuals in country New South Wales most certainly pay their share of the bills. We pay for line rentals and telephone calls. Because of some strange practices in relation to the definition of "local call", many of us pay phenomenal telephone bills just to deal with our local regional centres.

Many of us have been working on this issue, but it will remain to be seen whether a process is put in place to ensure we receive equitable services. People who live 30 kilometres from the nearest regional centre are forced to make a long-distance telephone call every time they ring their regional centre, so they end up with massive telephone bills.

We do not know whether any of the regulations will restrain Telstra from increasing its local call costs. Judging by what happened in June 2004, it appears that there are people who want that to happen. One other major issue for country New South Wales is the so-called removal of 14,000-odd jobs that is being proposed in order to make the company competitive. The people of country New South Wales know that already the people on the ground are very few in number. They work from their vehicles, they already have all their communications structures inside their vehicles, they spend all day on the road, many of them work on their own with little or no assistance or guidance, and it is certainly not a healthy situation. If Telstra restructures or removes large numbers of jobs, particularly from country New South Wales, we will expect to have very few services at all.

Already people in country areas are required to pay for the replacement of lines from their front fence to their houses. Fortunately for many of us, in recent times this has been done while Telstra has still been under government regulation. However, country people wonder what charges will be imposed on them once the company is totally privatised.

I will list some of the initiatives of recent times, which are referred to in the 2004 report. Almost all of our public switch telephone networks, which are incredibly important, have been changed over and new wiring installed. That is very exciting but, of course, as technology changes so too will the system need changing. We need to know, however, that when technology changes these sorts of investments can be made. Despite the ever-present whingeing, there are very few black spots now in the mobile service system, particularly having regard to CDMA, which is code division multiple access. There are a few black spots in the middle of the mountains between Nowendoc and Gloucester, where I work, and in some areas further north; otherwise, throughout the region in which I travel the reception is excellent.

Payphones are an incredibly important part of the community service obligation of Telstra, and Country Labor has played a part in ensuring that payphones are maintained in the areas they are required—that is, in

many country areas throughout New South Wales where there are few privately owned phones. Vandalism of phone booths is a problem and it is very important that payphones are maintained in country areas. For a while even Telstra wanted to rip out payphones when there was too much trouble, but it realised it had a community service obligation and understood how essential payphones were. As a result Telstra has put a lot of work into ensuring that as many payphones as possible remain operating. We need to know that this will continue to be the case. I am not sure if that was on the agenda during the negotiations, but it certainly needs to be on the agenda now.

Internet access has been very important and some small communities are now being offered broadband Internet access. There are still major problems and huge gaps in service, and sometimes people in country areas have difficulties with Internet access in the wireless system, which is not always as efficient as they would like. But it is certainly improving as a result of the significant work that has been done in that regard. We need to know that the plan still is that we all have access to broadband services. That is a regulation issue and, of course, the regulations will change now that Telstra has been privatised. The regulations should apply not just to Telstra, but that is the case and that will make it more difficult for Telstra to be competitive in this market. It will be interesting to see whether one of the other telecommunication carriers adopts a caring and sharing attitude or whether Telstra will be forced to deliver a bit on the side. That could arise given that the other carriers do not necessarily have to make any sort of commitment.

It is very important that the detail of the deal is made known to us all. I am saddened that the privatisation of Telstra has become a reality. For many years I have stood in many different forums and screeched—at least stated firmly—that to maintain equity this government body, among others, must remain in government hands. But that has slipped away, despite the fighting efforts of many people—and I am not talking about members of any one political party. People living in country areas are not cot cases; they just need to know that there is a proper commitment to equitable services for country people. Telstra's privatised status guarantees us nothing under the Howard Government's implementation of competition policy because in competition policy social and economic ramifications, other than profit margins, are rarely considered. The Australian Competition and Consumer Commission's [ACCC] decision on the Telstra proposal, which was referred to by the Hon. Henry Tsang, was certainly heartening, but it was only a recommendation, and Telstra did not act on it.

Constraints on a privatised Telstra will not help anyone but if that is the only way to ensure that country people have an equitable service, then that is what has to happen. I repeat: The Nationals could not hold on to Telstra, and Country Labor held on to electricity. I move:

That the question be amended by:

- (1) Inserting after "House:"
 - "(a) expresses concern at the passing by the Senate of the legislation to privatise Telstra", and
- (2) in paragraph (e) omit "next".

The Hon. DON HARWIN [3.35 p.m.]: I lead for the Coalition in debate on this motion, which I indicate at the outset we will not support. I do not believe the Hon. Christine Robertson would ever screech. Most members of this House would recognise that she holds strong views and expresses them clearly and sincerely. I offer as evidence of that the contribution she just made to this debate. I am sure her strong views on public ownership of utilities would always be expressed passionately but never vindictively.

However, I have a problem with the honourable member's contribution, and that is that most of it was not at all relevant to the motion. It was a survey of what she understands to be the situation with telecommunications in rural and regional Australia. Some parts of her contribution were charitable, but as to the premise upon which this motion proceeds, most of what she said was completely irrelevant or, in fact, just wrong. I will refer to her amendments later in my contribution. At this point I wish to address the comments of the Hon. Henry Tsang, who moved the motion. This week in question time "false premise" has been the phrase of the week, as it were, and false premise is indeed what this motion is all about because it is based on the assertion that Telstra, in its submission to the Australian Competition and Consumer Commission's [ACCC] review into price controls in the telecommunications sector, called for an end to the 22¢ cap on local calls.

This assertion then forms the basis for the remaining parts of the motion, which comprise suggestions that, first, Telstra will be able to increase local call costs and pave the way for timed local calls; second, vulnerable and isolated consumers will suffer as a result; third, the company is responding to shareholder

pressure; and, fourth, the Federal Government should tighten control and maintain capped local call costs and retain majority public ownership. But the Hon. Henry Tsang is absolutely wrong. While Telstra maintains the view that competition renders price control measures irrelevant, the company recognises that some sort of price control should remain an element of the regulatory framework. In this respect, Telstra accepts that a broad cap is the least efficient form for this control to take. As a result, paragraph 8 of the Telstra submission to the ACCC's review states the following in absolutely clear and unequivocal terms:

Telstra remains supportive of the retention of the 22 cent cap on untimed local voice calls.

There it is, in black and white—it is absolutely clear. So what is this rubbish that the honourable member is moving? If anything that we have heard in this House this week is based on a false premise, it is this motion.

The Hon. Rick Colless: Henry has been sold a pup!

The Hon. DON HARWIN: My colleague the Hon. Rick Colless picks up on it exactly: someone has given the Hon. Henry Tsang, who most of the time is a good fellow, something that is just dead wrong. As my colleague said, he has been sold a pup. The motion is based on an initial assertion that is directly contradicted by Telstra's submission. Similarly, the other aspects of the motion are clearly at odds with the text of Telstra submission, as well as with statements by both the company and the Federal Government. I wonder whether the Hon. Henry Tsang has read the submission. I assume by his silence that he has not read it.

The Hon. Peter Primrose: Stick to the speech you were given, Don.

The Hon. DON HARWIN: I can assure you that I wrote it myself. I was not given it.

The Hon. Peter Primrose: I would not say that publicly, if I were you.

The Hon. DON HARWIN: My staff and I wrote it. The motion suggests that Telstra is seeking to pave the way for increases in local call costs and the introduction of timed local calls. The motion also expresses concern at the effect that this would have on consumers, particularly the vulnerable and the isolated. In its submission Telstra explicitly states its support for retaining untimed local voice calls, as well as targeted measures to ensure that low-income customers continue to have access to an affordable telephone service. In his opening remarks to a Senate hearing on the subject, Telstra's Bill Scales specifically addressed the misconception that Telstra was seeking to introduce timed local calls. He said:

This is not Telstra's policy ... and we have not suggested it, either in our submission to the Commission, or anywhere else.

That is what Bill Scales said on oath at a Senate hearing. He also directly rebuts suggestions that Telstra's preparedness to deliver certain benefits that disadvantage customers was linked in any way to the level of the price cap. He explained that the provision of such benefits is a requirement of the company's carrier licence conditions.

Paragraph 10 of the company's submission makes clear Telstra's continued support of the current set of low-income measures. The company considers such measures to be appropriate and has delivered over \$160 million worth of benefits to low-income consumers over the last financial year. Further, the Federal Government has clearly stated that it will retain price controls, including a cap on local calls, untimed local calls and a mechanism to protect low-income consumers. On 29 June this year, while announcing that Telstra's price control arrangements had been extended, the Federal Minister for Communications, Information Technology and the Arts, Senator Coonan, explained the Government's position. She said:

The Australian Government has committed to retaining price controls on Telstra, to retaining untimed local calls and to retaining a cap on local call costs... The Government has also committed to maintaining a scheme to protect low-income consumers.

Honourable members may need to be reminded that it was the current Federal Government that in June 2002 changed Telstra's carrier licence conditions to require it to have a package of products available for low-income consumers. It was the Howard Government that made it a requirement that Telstra establish the Low-Income Measures Assessment Committee, comprising representatives of welfare agencies, to oversee Telstra's activities in this area and report annually to the Government.

Paragraph (a) of the motion, which relates to the price cap, is factually incorrect, and the concerns raised in paragraphs (b) and (c) concerning timed local calls and consumer protection measures are entirely without any foundation. Similarly, the assertions made in paragraph (d) are unjustified. The suggestion that

Telstra responds to shareholder pressure ahead of its commitment to providing an equitable service to the community reveals a lack of understanding about the benefits of competition, the requirements included in Telstra's licence, and the telecommunications consumer safeguards built by the current Federal Government. The universal service obligation, for example, requires the telecommunications industry to ensure that all Australians, regardless of where they live, have access to a standard telephone service and payphones. At the last election the Howard Government reaffirmed its commitment to maintaining the universal service obligation safeguards, along with the customer service guarantee, the Telecommunications Industry Ombudsman and the network reliability framework.

With these safeguards and regulations in place, backed by a broad legislative framework, there can be no suggestion that Telstra will disregard its commitment to providing equitable service to the community because of perceived shareholder pressure. Further, the Howard Government established these safeguards so that they will continue to apply, regardless of the forthcoming sale of its majority shareholding in Telstra. More recently, Federal Government members have negotiated a \$3 billion regional telephone communications package as part of the sale. The agreement would see over \$1 billion spent on a national broadband roll out to improve regional broadband and Internet services, with an additional \$2 billion established in a future fund that would ensure that people in the bush will not miss out on the introduction of new technologies in the future.

Finally, Telstra, Optus and the Federal Government agree that lower prices and better services are best delivered by driving competition. Telstra's submission to the Australian Competition and Consumer Commission, far from being a response to shareholder pressure, seeks to strengthen competition and thereby deliver reduced costs and improved services to consumers. With competition in the industry, call prices have been reduced by more than 20 per cent over the last seven years. Competition, not a price regulation regime, is now the major force in bringing down prices in the Australian telecommunications industry. Rather than calling for an unnecessary tightening of regulation, this House should be supporting measures to strengthen competition in telecommunications, as that is the best way to build on the reductions in price levels that have already been achieved.

I turn briefly to the amendment of the Hon. Christine Robertson. Essentially, it does not change the thrust of the motion, and that is disappointing. When the Hon. Henry Tsang commenced speaking, I thought that perhaps he or members of his staff might have picked up the serious accuracy problems in the text of the motion. However, both he and the Hon. Christine Robertson concede that the mover of the motion prepared the amendment. The first part of the amendment seeks to express concern at the passing by the Senate of the legislation to privatise Telstra. I have already stated why there is no reason to express concern. In fact, the competition will be good and will achieve the policy objectives of most people around Australia with respect to better access to communications at a reasonable price. The second part of the amendment is laughable and is nothing more than an historical footnote. Notice of the motion was given on 31 August 2004, which was before the last Federal election. The original notice of motion called on the "next Federal government", in the forlorn hope that Mark Latham would form a government after October.

The Hon. Rick Colless: Mark who? What happened to Mark Latham?

The Hon. DON HARWIN: Mark who, my colleague says. Perhaps he has not read the newspapers today. We are reading a great deal about him right now.

The Hon. Rick Colless: He's the bloke who wrote the book on the Labor Party, isn't he?

The Hon. DON HARWIN: He wrote about "that thing called the Labor Party"! He is the fellow who wanted to be the Prime Minister but, as we know, the Australian people were awake to him. The Hon. Henry Tsang, without any fanfare at all, has tried to slip in a little amendment to reduce his embarrassment during debate on the motion because there is no "next Federal government"; there is just the Howard Government. Indeed, with the leadership that the Howard Government is showing on communications, there is not likely to be a "next Federal government" for many years into the future.

That deals with the Government's amendment. With this in mind, and given our inability to support the motion as it currently stands because of its fundamental inaccuracies, the Opposition will move an amendment also. This alternative form of words better reflects Telstra's submission and the realities of price regulation and consumer protection in the industry today. Therefore, I move:

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

"this House:

- (a) notes that Telstra's submission to the ACCC's review into price controls supports the retention of the 22 cent cap on local call costs,
- (b) supports Telstra's commitment to the current cap on local call costs and to untimed local calls,
- (c) supports Telstra's commitment to ensuring that untimed local calls remain available at current prices and low-income consumers continue to have affordable access to telecommunications services,
- (d) notes that Telstra's actions in calling for the retention of the current price cap and untimed local call regime reflect the need to protect low-income and isolated consumers and to continue to drive improvements in efficiency,
- (e) supports the Federal Government's commitment to fostering competition in the telecommunications sector and to the retention of the existing price control regime and capped local untimed call costs, and
- (f) congratulates the Federal Government on securing a \$3 billion regional telecommunications package that Labor and the Independents could not deliver."

I note that paragraph (a) of the amendment as circulated contains an error; it should read "22 cent", not "22 per cent". I commend the amendment to the House.

Reverend the Hon. FRED NILE [3.52 p.m.]: As the Hon. Don Harwin clearly indicated, the motion moved by the Hon. Henry Tsang, and as amended by the Hon. Christine Robertson, contains inaccuracies. Given Telstra's submission, we cannot vote in favour of that amendment or the original motion. The House of Representatives and the Senate have passed the Telstra legislation, and that means that there are guaranteed benefits to the community, in particular a \$3 billion regional communications package and a minimum \$2 billion special fund. The amount may be greater in the future, but the Prime Minister has guaranteed \$2 billion, and that is provided for in the legislation. Accordingly, the Christian Democrats will support the amendment moved by the Hon. Don Harwin.

The Hon. PETER BREEN [3.54 p.m.]: Given what has happened in the Federal Parliament, this motion is probably out of date, and on that basis should not receive the support of the House. The amendment of the Hon. Christine Robertson is inconsistent with paragraph (e) of the original motion, which called on the Federal Government to retain majority public ownership of Telstra. Given the passage of the Federal legislation providing for the sale of the remaining half of Telstra, the amendment moved by the Hon. Christine Robertson, like the original motion, seems to be out of date. I agree with what Reverend the Hon. Fred Nile said about the Opposition's amendment, and I too will support it.

The Hon. RICK COLLESS [3.55 p.m.]: I had not intended to speak to this motion, but some comments by members opposite have compelled me to put on the record a few thoughts about the full sale of Telstra. Basically, the amendment moved by the Hon. Christine Robertson changes the debate from one about local untimed calls to one about the full sale of Telstra per se. The bleating we have heard from Labor members and certain others about how Telstra should not be sold is absolute hypocrisy. It is hypocritical of members opposite to say, "We shouldn't be selling Telstra." What happened to the Commonwealth Bank? Who sold the Commonwealth Bank?

The Hon. Don Harwin: They did.

The Hon. RICK COLLESS: They did. Who sold Qantas?

The Hon. Don Harwin: They did.

The Hon. RICK COLLESS: They did. Who was preparing guidelines in 1995-96 for the full sale of Telstra?

The Hon. Don Harwin: Their government.

The Hon. RICK COLLESS: Yes, the Federal Labor Government. Now members opposite are saying, "Let's not sell Telstra. It's a terrible thing. We shouldn't do it." Yet Labor would have sold Telstra long before now had it still been in government in Canberra. Telstra has remained in government ownership until now only because Labor was turfed out of government in 1996. Members opposite cannot deny that a Federal Labor Government would have sold Telstra. I have put that proposition to them and I do not hear one murmur from them!

The Hon. Don Harwin: Unlike our parties when we were in Opposition and we were voting for possible reform.

The Hon. RICK COLLESS: That is right. At every opportunity Labor takes whatever it can get. I shall make some general comments about Telstra. We should consider what telecommunications facilities were available in Australia 15 years ago. We are not talking about 200 years ago; we are talking about a mere 15 to 20 years ago. As the Hon. Christine Robertson would well know, in those days many, many exchanges in northern New South Wales were still manual exchanges.

The Hon. Christine Robertson: Name them!

The Hon. RICK COLLESS: Only 15 years ago the exchanges in Tingha, Bundarra, Coolatai, Wallangra and Graman in the Inverell district were manual exchanges. Let us move forward 15 years. We now have reasonably good telecommunications facilities, even in fairly remote parts of the bush. We have mobile communications in vast areas of New South Wales, thanks to Tim Fischer, who introduced the code division multiple access [CDMA] network. That was a giant step forward for regional telecommunications. Tim Fischer was responsible for that. The Hon. Tony Catanzariti knows who Tim Fischer is, because he comes from his part of the world. There were no mobile phones 15 years ago, but we now have mobile phones and reasonably good coverage, and automatic exchanges throughout New South Wales for landlines.

Let us think ahead. Let us go forward and think about what is going to happen in the next 15 years. Do honourable members really believe there will be any copper cables left in 15 years, given that 15 years ago we still had manual exchanges? I do not think there will be any copper wires left in the telephone system in 15 years. Some glass cables may be left, which is what is being put in now. There might be some optic fibre cables left in 15 years, but how will telecommunications be delivered in 15 or 20 years? They will not be delivered by land-based systems as we know them today.

Technology is moving at such a pace we now have these little Blackberry facilities that I continue to be buzzed by to let me know I have emails. I can receive that all over New South Wales. That sort of technology is here now. So, in 15 or 20 years how will telecommunications be delivered? They will be delivered by some medium that we have no comprehension of at this time or they will be delivered by some manner of wireless or satellite facility that will improve the delivery of telecommunications services all over Australia. So, people who live in places like Wanaaring, which does not have any mobile service at the moment, will have the same sort of access to telecommunications facilities that people in Sydney, Brisbane and Melbourne will have, because it will be delivered in a completely different format from the way it is delivered today.

Members on the Government side are bleating that we cannot sell Telstra because the services are not up to scratch. I find that nonsense also. If something is not up to scratch, do we want to keep it in its current form and continue to have services that are not up to scratch? It has to be fixed to make it more competitive for those who want those services. If someone takes a motor car in for a service and the company does not change the oil or put in new filters, that person would not be very happy. They would do one of two things: take the car to a different service provider or want to see the ownership of the service company changed, because the current company was not providing proper services. Does it not make sense that if things are not up to scratch you change them?

The Hon. Tony Catanzariti: What are you saying, that the Government has to change it?

The Hon. RICK COLLESS: No, I am not saying that all. I am saying that the way the ownership of Telstra is at the moment, because there is no injection of funds, it will not be able to go forward. We want to see a Telstra that is internationally globally competitive, because telecommunications, probably more than any other industry, will be so globally competitive that any telco will be able to offer services virtually anywhere in the world. Telecommunications will become a truly global service industry. We have to make Telstra into an organisation that can do that effectively on the world stage. Over the years, many people have asked me why we would want to sell Telstra when it is our best milking cow?

The Hon. Tony Catanzariti: Exactly.

The Hon. RICK COLLESS: The Hon. Tony Catanzariti repeats the sentiment. The Hon. Tony Catanzariti is a rice grower, not a dairy farmer, but I am sure he will understand the analogy of having his best milking cow in the paddock—

The Hon. Tony Catanzariti: Citrus.

The Hon. RICK COLLESS: I am sorry, a citrus grower. I am sure he would understand that if he had his best milking cow in the paddock he would keep milking it for a few years but if he did not sell her eventually, what would happen to her? She would die in the paddock.

Reverend the Hon. Dr Gordon Moyes: Buy a bull.

The Hon. RICK COLLESS: You could buy a bull, but eventually she will die in the paddock. That is what we do not want to see happen to Telstra. We do not want to see Telstra die in the paddock or wither on the tree like an orange that has not been picked when it was ready. That is one of the reasons why I think the analogy of the milking cow is not a good analogy to use, because eventually if you do not sell the milking cow she will die in the paddock anyway. Roger Bamber, whom I am sure members on the Government side know, made some pertinent comments about the sale of Telstra at AgQuip. Roger Bamber said:

I can tell you pretty well what sort of technology you will have access to in two years time. I can give you some idea what sort of technology you will have access to in five years time, but I cannot begin to imagine what sort of technology we will have access to in 15 years time.

Technology is going to change so quickly that we cannot comprehend how our telecommunications services will be delivered in another 15 or 20 years. I support the Hon. Don Harwin's amendment. I think it is most sensible. It brings this debate back to its original intention, a debate about local untimed calls rather than a debate on the full sale of Telstra. It also acknowledges the fabulous benefits that will accrue to regional areas following the \$3 billion telecommunications package secured by the Federal Government. I congratulate the Federal Government on coming to that arrangement. I commend the amendment of the Hon. Don Harwin and support the motion as amended.

Question—That the amendment of the Hon. Don Harwin be agreed to—put.

The House divided.

Ayes, 17

Mr Breen	Mr Gay	Mrs Pavey
Mr Clarke	Mr Lynn	Mr Pearce
Ms Cusack	Reverend Dr Moyes	Mr Ryan
Mrs Forsythe	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Noes, 19

Ms Burnswoods	Ms Griffin	Ms Robertson
Mr Catanzariti	Ms Hale	Mr Roozendaal
Mr Cohen	Mr Hatzistergos	Mr Tsang
Mr Costa	Mr Kelly	<i>Tellers,</i>
Mr Della Bosca	Mr Macdonald	Mr Primrose
Mr Donnelly	Mr Obeid	Mr West
Ms Fazio	Ms Rhiannon	

Question resolved in the negative.

Amendment negatived.

Question—That the amendment of the Hon. Christine Robertson be agreed to—put.

The House divided.

Ayes, 19

Ms Burnswoods	Ms Griffin	Ms Robertson
Mr Catanzariti	Ms Hale	Mr Roozendaal
Mr Cohen	Mr Hatzistergos	Mr Tsang
Mr Costa	Mr Kelly	
Mr Della Bosca	Mr Macdonald	<i>Tellers,</i>
Mr Donnelly	Mr Obeid	Mr Primrose
Ms Fazio	Ms Rhiannon	Mr West

Noes, 17

Mr Breen	Mr Gay	Mrs Pavey
Mr Clarke	Mr Lynn	Mr Pearce
Ms Cusack	Reverend Dr Moyes	Mr Ryan
Mrs Forsythe	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Question resolved in the affirmative.**Amendment agreed to.****Question—That the motion as amended be agreed to—put.****The House divided.****Ayes, 19**

Ms Burnswoods	Ms Griffin	Ms Robertson
Mr Catanzariti	Ms Hale	Mr Roozendaal
Mr Cohen	Mr Hatzistergos	Mr Tsang
Mr Costa	Mr Kelly	
Mr Della Bosca	Mr Macdonald	<i>Tellers,</i>
Mr Donnelly	Mr Obeid	Mr Primrose
Ms Fazio	Ms Rhiannon	Mr West

Noes, 17

Mr Breen	Mr Gay	Mrs Pavey
Mr Clarke	Mr Lynn	Mr Pearce
Ms Cusack	Reverend Dr Moyes	Mr Ryan
Mrs Forsythe	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Mr Oldfield	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Question resolved in the affirmative.**Motion as amended agreed to.****LEGISLATION REVIEW AMENDMENT (FAMILY IMPACT) BILL****Second Reading****Debate called on, and adjourned on motion by the Hon. Peter Breen.****ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS TOLERANCE) BILL****Bill introduced, read a first time and ordered to be printed.****Second Reading****The Hon. PETER BREEN** [4.21 p.m.]: I move:

That this bill be now read a second time.

I express my gratitude to the House for allowing me the opportunity to introduce the Anti-Discrimination Amendment (Religious Tolerance) Bill. Thirty years ago, in October 1975, the Commonwealth Racial

Discrimination Act became law, implementing the United Nations Convention on the Elimination of all Forms of Racial Discrimination, which Australia had signed in 1966 but had not ratified. The Racial Discrimination Act marked the official end of the White Australia Policy, and multiculturalism became the basis for migrant settlement and social and cultural policy.

Gough Whitlam dismantled the Immigration Department, which he described as outmoded, outdated and "incurably racist". As Immigration Minister, Al Grassby famously pointed out that Jesus Christ would have had the "greatest possible trouble" entering Australia on racial grounds at the time of the White Australia Policy. Following the 1975 Commonwealth race law, the States enacted complementary anti-discrimination legislation, including, in New South Wales, the Anti-Discrimination Act 1977. Premier Wran introduced the bill into the Legislative Assembly of this Parliament on 23 November 1976 with these words:

The protection of fundamental rights and freedoms of the individual is of paramount importance to governments. The principle that all human beings are born equal, have a right to be treated with equal dignity, and the right to expect equal treatment in society is a principle firmly upheld by my Government.

Mr Wran continued:

One of the greatest contributions to world unrest is the conflict of people of different races, the intolerance that has prevented the peaceful coexistence of people of different nationalities and the prejudices that have blighted their mutual respect as human beings, each for the other. These intolerances and prejudices are reflected today in confrontations taking place in different parts of the world. This bill is an attempt, as far as legislation can, to end intolerance, prejudice and discrimination in our community.

Included in the Wran Government's anti-discrimination legislation were prohibitions against discrimination on the grounds of religion, race, sex, and marital status. It was landmark legislation and changed the way many people thought about discrimination. Unfortunately, the prohibition against discrimination on the ground of religious conviction was removed from the bill by a Government amendment in this House. Cardinal Gilroy and Archbishop Gough had successfully lobbied Premier Wran to the effect that religious freedom includes the right to say as you please about other people based on their religious belief.

I indicate to the House that my bill does not attempt to reintroduce religion as a ground for prohibiting discrimination under the Anti-Discrimination Act. The prohibition of discrimination on religious grounds raises some distinctive considerations, which may be more appropriately dealt with in a separate bill and in a separate debate. The need for vilification provisions seems to me a greater urgency at this time, given the current wave of abuse and hate speech that incites violence towards Muslim Australians. My bill would make religious vilification unlawful, and vilification that incites violence and offence under the Anti-Discrimination Act would attract the same penalties as racial vilification and sexual vilification.

Some of the issues relating to the operation of the 1977 anti-discrimination legislation were highlighted in a report to this House dated August 1992 by the Hon. James Samios. Mr Samios was a member of the Liberal Party and did more than any other conservative politician to bring the Liberal Party out of the bleak house of the White Australia Policy and into the new world of multiculturalism and racial integration.

The Hon. John Ryan: Which party abolished the White Australia Policy? It was the Liberal Party!

The Hon. PETER BREEN: The White Australia Policy was abolished under the Whitlam Government and finally implemented by Mr Fraser and the Coalition.

The Hon. Charlie Lynn: What did Arthur Caldwell say about Mr Wong?

The Hon. PETER BREEN: Whatever may be the truth about the White Australia Policy, the fact is that Mr Samios was a very important activist in multiculturalism and cultural integration.

The Hon. Duncan Gay: I do not think he would like to be called an "activist".

The Hon. PETER BREEN: He was an activist. He was very active in that area. In his report, Mr Samios identified the problem that certain kinds of vilification were religious rather than racial, and he recommended amending the Anti-Discrimination Act to include the term "ethno-religious" in the definition of "race". The report says:

Muslim women, in particular, experience more racial violence and intimidation than Muslim men because the women are physically different by wearing the hijab or Muslim women scarfs. Strictly speaking, derogatory remarks on the basis of the

headgear might be said to be religious rather than racial vilification. It is certainly impossible to identify Muslims with one nationality, Islam being the world's biggest single religion.

Apart from the Samios inquiry report, the New South Wales Law Reform Commission received from the Attorney General a reference to inquire into the scope and operation of the Anti-Discrimination Act 1977. In a comprehensive submission to the Law Reform Commission entitled "Balancing the Act", the New South Wales Anti Discrimination Board argued that religion raises separate issues related to freedom of belief and expression that are different from those of race, even though religion is a strong and even a defining element in some cultures. In other words, the board did not consider it appropriate to include religion with the ground of race in anti-discrimination legislation. The board said, in effect, that the Samios idea of including "ethno-religious" in the definition of "race" was to be applauded in its intention, but unlikely to prove effective in preventing religious vilification.

History has proved that the board was right, and the New South Wales Anti-Discrimination Act has not been successful in preventing religious vilification. When David Oldfield published his Muslim hate web site it was left to the Victorian Anti-Discrimination Board to bring him into line. The New South Wales Anti-Discrimination Board could do nothing, even though the web site was hosted in New South Wales

When Mosman resident Mike Barclay wrote, "Jews make fantastic lampshades" on a billboard outside his Spit Road home, New South Wales laws were again shown to be completely ineffective to curb religious vilification. Despite complaints to numerous government agencies, including the Anti-Discrimination Board, none of the authorities could act because of the deficiencies in New South Wales law. I should note in passing that religious vilification of this kind is illegal in Tasmania, Victoria and Queensland, with New South Wales the proverbial lame duck on the east coast of Australia when it comes to protecting minority religious groups.

The Greiner Coalition Government made some important amendments to the Anti-Discrimination Act in 1994 when Attorney General John Hannaford introduced the Anti-Discrimination (Amendment) Bill into this House. Homosexual vilification was outlawed, as was discrimination based on certain forms of disability in the areas of employment and accommodation. Vilification of people suffering with the HIV-AIDS virus was also outlawed. On the issue of religious vilification, the bill introduced the Samios concept of ethno-religious origin in the definition of "race".

The Government sent mixed messages with the provision. In this place Mr Hannaford said that the extension of the Anti-Discrimination Act to ethno-religious groups "will not extend to discrimination on the ground of religion". Yet he also said that the effect of the amendment "is to clarify that ethno-religious groups such as Jews, Muslims and Sikhs have access to the racial vilification and discrimination provisions of the Act". In the event, the 1994 amendments to the Act did not provide an avenue for relief in New South Wales for people subjected to religious vilification. The rationale for religious tolerance laws, or anti-vilification laws as they are sometimes known, is to be found in the 1981 United Nations Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief. Article 1.2 provides:

No-one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

Even though Australia is a signatory to the international instrument, a question arises about its enforceability until religious tolerance is incorporated into local law by statutory amendment. Despite this peculiarity in our legal system, I think it is fair to say that the principle of religious tolerance stands alone as an ethical and moral precept. It is wrong to vilify people and incite hatred towards them because of their religious belief, on the basis of the dignity and respect they are entitled to expect as fellow human beings. In religious terms, I am talking about the good neighbour principle: do unto others as you would have them do unto you. Just as it would be morally and ethically repugnant to torture a person because of something they believe, it is also a fact that vilification and hate speech are offensive from a moral and ethical perspective. Torture is not restricted to body blows. The reason we have laws prohibiting religious vilification is simply to recognise the ethical and moral principles that underpin a civilized society.

To say of a group of believers "They should all be shot" has a chilling effect on believers who hear or read about the remark, even if it is not directed at them personally. As the Anti-Discrimination Board points out, such a remark may release tension and anger in the person who makes it, but the effect on believers can be devastating. And as a believer myself, I feel personally wounded when I hear remarks of that kind, regardless of whether the remarks are directed at my faith or the faith of another. Another reason for legislating religious tolerance laws is to deal with the tension that exists between secularists and believers. The Anti-Discrimination Board says this is a good enough reason on its own to amend the Anti-Discrimination Act. I agree with that

sentiment. Believers can work themselves into a frenzy over interfaith initiatives, but such initiatives do nothing to promote acceptance and tolerance from secularists. We live in a secular State, not a religious one, and the purpose of religious tolerance laws is to indicate where the boundaries of criticism should be drawn.

Importantly, my bill protects secularists and people of no belief from religious zealots, in the same way that it protects believers from intolerant atheists and agnostics. Respecting the rights of non-believers is no less important than recognising the sensitivities of believers. Many people of good will fear God-botherers, blaming them for wars, pestilence and other human catastrophes. I have a brother-in-law who firmly believes that all religious people are quite mad, and suffer from delusional thinking and possibly a genetic disorder. I need to respect my brother-in-law's belief, to be tolerant of his opinions, and to entertain the possibility that he may have some valid reasons for holding his belief, even if those reasons are not sufficient for me to agree with him. In practical terms, we enjoy a tolerant and harmonious relationship even though our respective positions on the religion question are diametrically opposed. Both of us remain open to the possibility that we may be wrong, and hopefully we would be willing to consider evidence of the opposite view to the one we hold. But under my bill, my brother-in-law would have to be cautious about the manner and language he uses when expressing his contempt for religion, particularly if he expressed it in public, given that his expression might cause unwarranted harm to people of religious beliefs by inciting hatred towards them, serious contempt for them, or severe ridicule of them.

The first meaning of "tolerance" in the *Oxford Dictionary* is the action or practice of enduring pain or hardship. The second, and more relevant, meaning of "tolerance" is described as "the disposition to be patient with or indulgent to the opinions or practices of others; freedom from bigotry or undue severity in judging the conduct of others; forbearance; catholicity of spirit". It is in this sense of "catholicity of spirit" that I introduce the Anti-Discrimination Amendment (Religious Tolerance) Bill. I do not ask people to abandon or compromise their own beliefs, but simply to allow others the space and opportunity to practice their religion free from vilification. Some beliefs may appear to stand in direct contradiction to my own beliefs, and yet that is hardly a good reason to deny the right of others to freely hold those beliefs.

Curiously, the two most important cases on the meaning of religion and religious freedom dealt with by the High Court involved controversial religions. *The Church of the New Faith v The Commissioner for Payroll Tax* (1983) recognised Scientology as a religion, while the Jehovah's Witnesses case (1943) is authority for the proposition that the religious freedom provision in the Commonwealth Constitution was intended to protect minority religions and not the religion of the majority. There are circumstances in which mainstream Christians might be vilified. I note that the Hon. David Clarke has been on the receiving end of some thinly disguised hate speech over the last couple of weeks. I look forward to hearing the Hon. David Clarke's contribution to the debate, and I would like to assure him that the protections offered by my bill extend to the adherents of all religious beliefs and to people of no religion.

The Anti-Discrimination Board has received complaints from committed Christians as well as people of minority faiths vilified by those contemptuous of the concept and practice of religion. Ironically, the more self-righteous that mainstream religions become in a secular society, the more likely it is that they too will need the protection of anti-discrimination laws. The Hon. David Clarke would be one of the strongest supporters of my bill if he thought about it. In the three months since I gave notice of the bill I have received a truckload of hate mail from well-meaning Christians who believe that Jesus Christ is the answer to the problem of human existence and that everybody else is on the road to perdition. One charming correspondent said I was doing the work of Satan by promoting religious tolerance laws. These good people often quote Jesus Christ as saying "Nobody comes to the Father except through me." This text is taken from the fourth Gospel written by the Apostle John a generation after the death of Jesus. The words do not appear in the other three Gospels, and their meaning, as interpreted by my correspondents, is contradicted by other writers, such as the Apostle Peter.

The Hon. John Ryan: That is complete rubbish.

The Hon. PETER BREEN: It is not rubbish. Peter said that anyone—

The Hon. John Ryan: Peter contradicts John's Gospel. He says that no-one comes to the Father but through Jesus.

The Hon. PETER BREEN: Maybe you are the author of one of the emails I received. I certainly do not recognise a lot of the names. Scripture is nearly always ambiguous, and in my experience includes various layers of meaning. One cannot interpret scripture without taking into account the historical context of the

writing and the text of the early translations, since all the original writings have been lost. It is a grave error to give literal interpretation to scriptural texts, regardless of whether they are the *Bible*, the *Koran* or the *Bhagavadgita*. Most of my hate mail has been from Christians, telling me what the *Koran* says about mayhem and violence, but the *Bible* can be a very dangerous book when given literal interpretation. In Luke's Gospel, Jesus tells his followers to sell their cloaks and buy a sword. The apostle Matthew quotes Jesus as saying "I have come not to bring peace but a sword." In fact, the word "sword" appears 446 times in the *Bible* according to my concordance, and not once in the *Koran*.

People eager to criticise Islam and Islamic extremists will sometimes remove passages from the *Koran* and quote them out of context in order to justify their views. For example, one verse of the *Koran* says, "Slay them wherever you find them." This has been interpreted to mean Muslims may kill non-Muslims. In fact, the only time the *Koran* permits Muslims to fight is in self-defence and protecting the oppressed. Taken in context, the expression "slay them wherever you find them" means the prophet and his followers were permitted to fight the Meccans who attacked them. Other passages of the *Koran* are taken out of context and used to justify discrimination against women, for example, but various passages of the *Bible* can be used the same way. The adherents of different religions hurling scriptural abuse at one another do not serve their respective causes.

I said in my inaugural speech in this place that I am a dyed-in-the wool Catholic, but that the Catholic Church has not cornered the market on truth and wisdom. Nothing has changed. While the Vatican's position on sex, women and children is often a source of embarrassment, the church princes know an awful lot about God. They assure us that the God of Allah is the same God the Father of Abraham, Isaac and Jacob. In my experience, Catholics have no problem with the idea that Allah revealed to the Prophet Mohammed the text of the *Holy Koran*. And while it is true that a literal interpretation of the *Koran* may appear to deny some of the basic teachings of Christianity, such as the divinity of Jesus Christ, many so-called Christians say that Jesus was just an ordinary man, although I hasten to add that I am not one of them. What gives me much more grief than mainstream Islam is distorted, self-righteous and fundamentalist Christianity. My hate mail includes a letter from a woman named Kaia of Seven Hills who sent me 61 quotes from the *Koran*, which she says commands Muslims to fight or kill. Kaia also says that the first terrorist act in Australia should be followed by a government decree that all Muslims will be deported.

As a member of Parliament, I have had the privilege to attend a number of interfaith forums organised by Bishop Manning of Parramatta and Keysar Trad of the Lakemba Mosque. These are truly inspirational events and they provide ample evidence that religious tolerance is not incompatible with deep faith, whether as Christians or Muslims. On one or two occasions there have been tensions at the forums between so-called orthodox groups and extremists. Scriptural slanging matches have degenerated into yelling and screaming and name-calling, none of which could be described as hate speech or vilification. People are entitled to disagree with each other and express forceful contrary opinions.

If the Anti-Discrimination Amendment (Religious Tolerance) Bill is to become law, it will require the leaders of the dominant religions who are all Christians to extend the hand of charity to other faiths and different belief systems. It will also be necessary for the majority Labor Government to reverse a policy not of the party but of the former Premier, Bob Carr. In what turned out to be one of his last speeches in this Parliament, Mr Carr said that while he was happy to promote interfaith harmony and convey respect to the great Islamic community of New South Wales, he did not want Muslims to have the benefit of laws protecting them from religious vilification. Mr Carr even had the audacity to quote from John Stuart Mill's essay *On Liberty* to make his argument that people should be free to say as they please in a democratic society. The very essence of Mills' essay is that the state has an obligation to place limits on citizens in circumstances where their actions and words are likely to cause harm to others. In his introduction to the essay, Mills said:

Like other tyrannies, the tyranny of the majority was at first, and still is vulgarly, held in dread, chiefly as operating through the acts of the public authorities.

Mr Carr often boasted that he was no sports fan, and perhaps that is the reason he missed the trend in sporting bodies such as the Australian Football League [AFL] to protect players from racial and religious vilification. The sporting bodies recognised that religious vilification can be even more harmful than racial vilification. In 1995, the year Bob Carr took on the Premier's job, the AFL introduced Rule 30, which incorporated a process of education, conciliation and potential sanctions for racial and religious vilification. The new policy provides as follows:

The AFL understands that religious and racial vilification of any sort is unacceptable, regardless of when or where such vilification occurs. The AFL has also recognised that it has an opportunity and responsibility to relate this important message to

the public and raise community awareness that vilification at any level is unacceptable. The program involves all AFL players, coaching staff and administrators in an annual education program. This program has been supported by a public education program.

Other football codes have followed the AFL lead. The national code of conduct of the Australian Rugby League, for example, now provides that participants in the game of rugby league "should respect the rights, dignity and worth of every person regardless of their gender, ability or disability, sexual orientation, cultural background or religion". A few weeks ago I attended the Byron Bay Writers Festival where author, journalist and former rugby union player Peter Fitzsimons reminded me that heroic football stars have been responsible for killing stone-dead various prejudices in the Australian sporting community. One was the St Kilda AFL player Nicky Winmar, who proudly lifted his football guernsey and pointed to his black skin in response to abusive racist taunts from Collingwood fans in 1993. Peter Fitzsimons nailed the significance of this event when he said:

Word went out to the back of Brewarrina that indigenous people had much to be proud of.

Another landmark incident in breaking down sporting prejudice occurred when rugby league footballer Ian Roberts outed himself as a homosexual. Peter Fitzsimons described Ian Roberts as the toughest footballer in any code in Australia who forced people to re-think their stereotypes about gay men. These footballers and other sporting heroes such as Cathy Freeman have encouraged aggrieved minorities to stand up against the evils of stereotyping and vilification. I contend that the passage of my bill could do the same for religious minorities instead of alienating them and pushing them to the margins of society and into the hands of extremists. On his last day in the job as Premier before he scuttled the ship of state, Bob Carr spent the afternoon at a bushland conference centre at Arcadia surrounded by schoolchildren. According to Andrew Clark in the *Sydney Morning Herald*, Mr Carr told the children:

Years from now, you might remember that a politician, on his last day in office urged you to be a leader.

The alternative, Mr Carr insisted, was to be a freeloader "only good for eating food and filling toilets". This is a bleak view of human existence by any standard and says much about the former Premier's lack of concern for human rights in the past 10 years—not to mention his failure to maintain the State's infrastructure. It takes empathy, compassion and respect for the dignity of the person to recognise the damage caused by religious and racial vilification. Bob Carr's idea of heaven is a warm, sunny day in Sydney by the sea, but for many people who are part of an ethnic or religious minority, heaven means freedom from oppression and a place where they are accepted for who they are. In his excellent biography of Bob Carr, Andrew West makes the point that there was a direct connection between Mr Carr's increasing popularity as Premier and his willingness to single out a particular ethnic group as being responsible for a wave of crime in Sydney. The lodestone of fear and prejudice Mr Carr so successfully tapped to achieve his political ends is best described in a letter to the *Daily Telegraph* published on 3 August 2005—Bob Carr's last day as Premier—from a man named Warner Russell from Thornleigh. Mr Russell wrote:

I presume new Premier Morris Iemma will pursue with the same vigour as Bob Carr the militant Islamic clerics who preached hatred and violence against our society, even though it may cause some concern among his Muslim constituents in the safe labour seat of Lakemba.

The mainstream Islamic community would want nothing less than his full support for Bob Carr's strong stand against the dangerous, fanatical elements in their community, many of whom he has probably met as their local MP.

I look forward to seeing him quickly take the lead in having these extremists in the Muslim community either prosecuted or expelled from Australia.

As anybody in public life who supports ethnic and religious minorities will attest, the majority of dangerous fanatics and extremists in Australia are not Muslims but profoundly ignorant and shameful Christians. They carry their Bibles in one hand and poison pens in the other, ready to strike out at anyone unwilling to share their path to eternal glory. These people whip themselves into a fervour of religious bigotry that inevitably degenerates into persecution of ethnic and religious minorities. Over the centuries, heretics, pagans, blacks, homosexuals, Jews, women and children have all felt the sword of God's wrath in the name of Christianity and I am deeply ashamed to see it happening again in Australia in this generation.

The Australian Football League decided to implement a policy to deal with religious and racial vilification because the league wanted to protect its indigenous players and keep them in the game. In the same way, the bill before the House seeks to protect the minority Muslim community in New South Wales from vilification and hate speech, to empower them as citizens and to recognise the important contribution they make to our multicultural society. The alternative to an inclusive society is one in which young people in particular are

isolated and marginalised in their country of birth. We cannot stand by and allow young people who are our Muslim brothers and sisters to become scapegoats for the crimes of terrorists that are committed in the name of Islam.

If I condemn a person in a public forum based on their race or sexuality, a legion of people will be offended and take me to task. This is because anti-discrimination laws about race and sexuality have been in force for 30 years, and people have become educated about the rule of law. Condemnation of a person based on their religion, on the other hand, is wrongly interpreted as freedom of speech, defending the faith and a host of other misnomers. Moderate Islam is a mainstream religion based on a scholarly interpretation of the *Koran*. Self-declared Christians who label all Muslims as potential terrorists falsely use the name of God to spread hate in the community. By doing so, they are no less guilty of perverting Christianity than hateful Islamic extremists are of perverting Islam.

Last week I heard Prime Minister John Howard say Muslim people have nothing to fear from his proposed anti-terror laws if they are law-abiding citizens. This statement is too cute by half, in my opinion, and fails to recognise that it is the Muslim community in general who stand at the pointy end of extra police powers. It is young Muslim men who are eyed with suspicion by lazy and sometimes incompetent investigators. It is the mothers, wives and sisters of these young Muslim men who are the targets of religious prejudice on the streets of Sydney. They are law-abiding citizens and yet these women bear the brunt of verbal and sometimes physical abuse every time the Government raises the bar on anti-terror laws as if they are somehow responsible for the unlawful acts of terrorists.

The Anti-Discrimination Amendment (Religious Tolerance) Bill affords legal protection to all people who are the victims of religiously inspired hate speech or vilification. It should not be seen as a limitation on free speech as the bill does not ban religious beliefs—even extreme and irrational ones—so long as those beliefs are held in good faith and they are not used to vilify or incite hatred towards people who hold other beliefs. The bill has nothing to do with the right and wrong of different belief systems. My own belief is not diminished because I recognise the right of others to hold different beliefs.

This week's *Catholic Weekly* includes an interview with Sister Professor Mary Boys, who is an expert on Christian-Jewish relations and the dialogue between Christianity and Islam. Professor Boys says that Christians must reach out to people of other faiths, particularly Muslims, who are frequently the object of hatred. I can think of no better way to reach out than to offer our Muslim brothers and sisters the legal protection of religious tolerance laws. It is my contention that people of all religious beliefs need the protection of anti-discrimination laws, not just for their own benefit, but for the benefit of everyone who considers that freedom of thought, conscience and belief is a basic right of all citizens that needs to be protected from the reach of tyrannical governments. I commend the bill to the House.

Debate adjourned on motion by the Hon. Peter Primrose.

CASUAL WORKERS

The Hon. IAN WEST [4.51 p.m.]: I move:

That this House:

- (a) notes the relative and absolute increase in the number of casual jobs which make up workplaces around Australia,
- (b) notes that it is becoming increasingly common for employees to receive short shifts rather than more meaningful rostered hours,
- (c) notes that the increase in the rostering of employees for short shifts hurts employees because it:
 - (i) prevents employees from receiving superannuation payments,
 - (ii) increases the ratio of travelling time to earning time,
 - (iii) causes casual employees to have total weekly hours below the minimum to qualify for part-time work,
 - (iv) causes employees to never receive paid breaks; and
 - (v) forces many employees to seek multiple jobs to earn sufficient money,
- (d) notes that those who seek multiple jobs are further disadvantaged by:
 - (i) working total hours which would attract overtime penalty rates if with a single employer but which do not qualify across multiple employees,

- (ii) making the minimum break provisions between shifts meaningless, and
- (iii) meeting the minimum income for superannuation as total income without reaching the threshold across each employer,
- (e) notes that this has an adverse impact on the community by:
 - (i) reducing the number of full time and other permanent jobs;
 - (ii) undermining working entitlements, and
 - (iii) preventing appropriate retirement savings from being put aside through superannuation,
- (f) urges future reports on employment in Australia to indicate:
 - (i) trends in the numbers of people working multiple jobs, and
 - (ii) how many employees are employed in jobs which do not earn sufficient money to qualify for compulsory superannuation, cross referenced to the age and sex of employees,
- (g) supports any future moves within the Industrial Relations Commission to vary awards to increase the casual loading for casuals working short shifts.

Even though I gave notice of this motion some 12 months ago, increased casualisation of the Australian work force is now even more relevant and timely. The most distinctive feature of the Australian workplace transformation over the past two decades has been the vast, hideous increase in the level of casualisation. The Federal Government and some employer unions often say it is about deregulating the labour market, but its approach to industrial relations is heavily interventionist and regulatory with respect to labour relations, with the intention of minimising the ability of employees to bargain collectively.

The effect has been a decrease in flexibility for employees—that is, a diminution in their ability to collectively associate and bargain in the workplace. The Federal Government is proposing to regulate the labour market so that workers do not have the right to an independent umpire. Also, the Federal Government proposes to further regulate to restrict the independent judicial umpire to a small number of matters. That is an extremely interventionist and highly regulatory way of dealing with industrial relations. People should not accept Mr Howard's comments that he is against regulation. He is an absolutist in terms of employer prerogative and regulating the marketplace, or regulating it in his own image. When people do not have a job, wage security, free weekends for community activities, ability to plan ahead or control over their personal lives, they can be left with no dignity or respect for themselves or anyone else. They can become completely disengaged from the community and the end result can be a degradation and downward spiral into violence.

There is an ongoing misuse and abuse of casual workers in the form of Australian Workplace Agreements by businesses and advocates of the Federal Government using the guise of freedom to choose. The term "freedom to choose" means that one has an alternative. If the only alternative is being shot or hung, it is an insult to use the phrase "freedom to choose". These fallacious arguments are destroying the pillars of decent society and eroding our social cohesion. These arguments are not new. They go back to the H. R. Nicholls Society, and H.B. Higgins and the harvester case. They go back to the priests, the Wat Tyler Rebellion and the Peasant Revolt in 1381. The Coalition should not kid itself that this is something new; it goes for centuries.

The Hon. Greg Pearce: You don't believe this drivel, do you?

The Hon. IAN WEST: You bet I do! The ideological assault on working conditions is nothing more than another redistribution of wealth. The Hon. Greg Pearce understands and knows it is true. The effect is not from the top to the base but from the base to the top—the trickle-up theory. Workers now are outsourced, re-engineered, contracted out, job churned, market tested, off-shored, downsized, right-sized—the list of terms goes on. They are used by human resources gurus to describe their labour arrangements. How much of this so-called flexibility do employers really want? Employers and employer unions do not want this type of ideological attack. There is no standard definition of "casual employment".

The Australian Bureau of Statistics defines a "casual employee" as someone who is not entitled to either paid holiday leave or paid sick leave. Traditionally, casual work has been seen as being intermittent, irregular, uncertain and short-term in nature. Casual work has been around for many years—it is not new. Labour hire and contracting out are permutations of meeting the casual work requirements of employers. They are valid and have a proper use in the labour market, but should not be abused.

We live in an environment in which employment statistics define "one hour per week of work" as being employed, and in which workers take multiple jobs to try to earn a living wage. Casual workers are reluctant to knock back extra shifts at short notice for fear that they will be penalised later. Those who advocate casual employment are amazing. Usually they are male, middle aged, in full-time employment, superannuated and do not have to suffer precarious employment. The Entrepreneur Business Centre web site—hardly a hive of union activity—refers to casual workers.

Pursuant to sessional orders business interrupted.

SPECIAL ADJOURNMENT

Motion by the Hon. Henry Tsang agreed to:

That this House at its rising today do adjourn until Tuesday 20 September 2005 at 2.30 p.m.

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [5.02 p.m.]: I move:

That this House do now adjourn.

AUSTRALIA AND RELIGION

Reverend the Hon. FRED NILE [5.02 p.m.]: Twenty-four years ago, on 19 September 1981, I was elected to the New South Wales Legislative Council. One of my main objectives then—as it remains now—was to promote and defend Australia as a Christian nation, with Christian laws, values and ethics. As Australia is a Christian nation in my opinion, and I believe the opinion of the majority of Australian citizens, the basis of our moral code, our legal system, is the Christian ethic as revealed in the *Holy Bible* and taught by our Lord Jesus Christ. The term "common law" originally arose as the common law was embodied in the Ten Commandments. Of course, our laws are now enforced by the courts of the Crown, not by the courts of the church.

The debate about the Islamic religion and the demands of militant Muslims to institute Islamic law in Australia as based on the *Koran* has further raised the issue as to what is Australia, particularly as a new Muslim political party has been formed in the Australian Capital Territory. The party's leader, Kurt Kennedy, said that they wish to implement Koranic law in Australia, and that the party's aims include seeing the laws of Allah, known in some countries as the Sharia law, introduced in Australia. That raises a serious question as to what is Australia. Is it a Christian nation? Will it be an Islamic nation? Is it a secular nation? I believe the answer is that Australia is a Christian nation as intended by our constitutional founders, while recognising that there are religious minorities in Australia.

Australia is sometimes described as a multifaith nation, which I believe is confusing. Australia is a multicultural nation: there are many cultures. Last week I attended a huge Coptic church ceremony celebrating the Coptic New Year. Coptic people have their culture but they are Christians. Australia has many minority groups from other countries with different cultural practices but they are Christians. A very small minority represent other religions. The 2005 year book states that 1.5 per cent of the population claim to be Muslims, 0.5 per cent claim to be Hindus, 1.9 per cent claim to be Buddhists and 70 per cent claim to be Christians. Some 11.7 per cent do not state their religion or adequately describe it, but I believe that many of them would be Christians. Some people will not state their religion in a census for privacy reasons. They are afraid that if they do they may be identified some day.

I use the term "Christian nation" in the same way as Pakistan is described as a Muslim nation. Pakistan has a large number of Christians and Christian churches but it is still a Muslim nation with laws based on the Muslim religion. Although India has a large number of Christians, it is a Hindu nation and its laws reflect the Hindu religion in its festivals and ceremonies. I am saying that Australia is a Christian nation, not that everyone in Australia is a Christian. As I said, about 70 per cent of Australia's population are Christians, and they belong to various denominations. Sometimes that causes confusion because denominations are regarded almost as religions, such as the Catholic religion or the Anglican religion. However, they are all one religion—the Christian religion. Christians in Australia number about 15 million. I believe that this Parliament should continue to stand up for the fact that Australia is a Christian nation with a Christian constitution, Crown, Parliament—we begin our deliberations with a prayer—and flag. So Australia is a Christian nation.

CANADIAN ASBESTOS EXPORTS

The Hon. IAN WEST [5.07 p.m.]: Last week I joined with asbestos victims, workers and concerned community and union representatives outside the Canadian Consulate to expose Canada's exportation of asbestos, in particular to Third World countries. We were asking the Canadian Consulate to make a choice between human life and money. Despite the rising death toll from asbestos-related diseases, the Canadian Government continues to produce and off-load this toxic material to Third World countries. It is an international disgrace that will see more people die over the next century if it continues. Canada is the world's third largest producer of white asbestos. It exports more than 90 per cent of its asbestos, mostly to developing countries, for a lousy \$130 million a year.

The Canadian governments of Quebec and Ottawa spend millions of dollars on subsidising the industry and propping up the world asbestos trade. In particular, they fund the Asbestos Institute, which they helped to establish in 1984. Since then the institute has received more than \$54 million in funds from Canadian governments and industry to help it spin the line to the international community that white asbestos is safe. The institute has since changed its name to the Chrysotile Institute in an attempt to muddy the waters in terms of what it trades in. Ottawa and Quebec sponsor trade missions, fund pro-asbestos health studies and send lawyers, politicians and diplomats to all parts of the globe to defend and promote white asbestos.

The institute spends millions of dollars to get scientists to back its claim that white asbestos poses little risk. They say that white asbestos fibres are "short, curly and silky" rather than "long and needle-like", like blue and brown asbestos; that white asbestos has a shorter half-life than brown or blue asbestos; and that white asbestos is just like other substances that are dangerous only if handled carelessly but which pose little or no risk if a few simple rules are followed. Even the Canadian Government's health department continues to promote asbestos.

What the Canadian Government will not willingly tell people is that all forms of asbestos can cause asbestosis, lung cancer and malignant mesothelioma—there is no safe dose. Asbestos is second only to tobacco as a man-made cause of lung cancer. Over 90 per cent of all the asbestos ever used in the world has been white asbestos. Over the past century asbestos has caused millions of deaths, and the annual death toll is still at least 100,000. Even the World Trade Organisation accepted that public health concerns should overrule Canada's free trade argument with Europe when it tried to stop Canada exporting asbestos.

Asbestos has been banned in the European Union's 23 countries since 1 January 2005. Asbestos was declared a proven human carcinogen by the United States Environment Protection Agency in 1986. The World Health Organisation's International Agency for Research on Cancer declared asbestos a proven human carcinogen in 1987. Canada banned the use of asbestos as insulation in 1973—and when it is banning it in its own backyard you know something is wrong. Industrially developed countries have responded to the health catastrophe with progressive bans on the use of asbestos.

In response the Canadian asbestos industry is transferring its commercial activities and health hazards to the Third World. Canada is busy looking for places to dump its asbestos. To date, country-by-country actions have only shifted rather than eliminated the health risks of asbestos. The World Health Organisation does not believe white asbestos can be properly regulated in poorly controlled environments. Once the asbestos leaves Canada there is no way the Government or the manufacturer can be sure it will be treated properly. Canada's asbestos is exported to places with the lowest occupational health and safety standards and least knowledge of the harm asbestos poses. Some Third World countries cannot even afford the protective gear or technology necessary to protect workers and the public from toxic asbestos.

The Canadian Government and industry expects us to believe that manufacturers will crack down on Third World customers. They promote a concept called "safe use", which they say means good ventilation, protective equipment, embedding the fibres and wetting the material when it is being handled. The reality is far from that. Manufacturers do not even label their white asbestos products and workers are not trained to recognise white asbestos. Raw asbestos is being dumped by Canada in Chile and Thailand, where it is used to make piping, roofing and flooring material. In that environment there is no such thing as controlled use. In 2000 Canada persuaded the South Korean Government to remove labels meant to warn workers about the dangers of handling boxes of asbestos. In India the stuff arrives in big bags that are opened by hand. I congratulate the Australian unions and the Australian community and join with them in calling on the Canadian government to help stop all exportation of asbestos. [*Time expired.*]

SMALL SCHOOLS MULTISTAGE CURRICULUM SUPPORT DOCUMENTATION

The Hon. MELINDA PAVEY [5.12 p.m.]: During the recent long 11-week break from parliamentary sitting duties I met with members of the New South Wales Teachers Federation Small School Committee. The convenor of the committee, Owen Hasler, is from Gunnedah. He came down to Sydney with other representatives of small schools, including Michael Collins from Wanaaring. I had the pleasure and privilege of meeting Michael with my fellow National colleagues the Deputy Leader of the Opposition and the Hon. Rick Colless when we were travelling through Wanaaring quite a few months ago. Present at that meeting also were Michael Woods from Byrock; Kim Taylor from Corinda Beach, which is just north of Coffs Harbour, and Karen Conte from Cattai, which is in the Hawkesbury region.

I was impressed with the teacher representatives on the committee—their absolute passion for small schools and their desire to continue to teach students in small schools. While they enjoy very much working in a small school environment, they concede that doing so is not without difficulties. However, small schools are a fundamental part of public education in New South Wales, particularly in regional New South Wales. They provide a small school environment for children who may have no other option for education. The school at Wanaaring has about 18 children, and the lone teacher is also the principal.

The committee raised many issues in relation to child protection. Teachers are cognisant of the fact that at times they are put in difficult positions, being the only adult in an environment in which they could be accused of having done something they did not do—in a situation where it is their word against that of a child. No other adult is present to give witness or support. Child protection is a significant issue.

They also referred to increased staffing and school assistant staffing allocation levels for schools with fewer than 51 children. Referred to also was a system to permit increased executive release for teaching principals so that principals can do all the departmental work that is required of them as well as maintain their teaching standards. Concerns were expressed about the provision of multistage curriculum support documents—I will speak about that in more detail in a moment—and the need for a new staffing formula, which was raised in the Vinson report, that allows smaller class sizes and incremental loss or gain of teaching staff as enrolments decline or increase. At the moment class sizes are arbitrary and schools face difficult teaching consequences if they lose students. They gave credit to the Government for being considerate in areas where the drought has affected student numbers.

I have written to the missing Minister, "Campaigning Carmel", on behalf of the committee, which has raised with the New South Wales Board of Studies the need for a multistage unit curriculum. I understand the Board of Studies provides curriculum support documentation for the stages in schools from K to 2, 3 to 4 and then 5 to 6. But, in many cases, one teacher is teaching all students in a school, from K to 6, so they need special support documentation from the New South Wales Board of Studies to make their job a little easier and, more importantly, more professional. I have written to "Campaigning Carmel" in that regard and I hope she will discuss the matter with the Board of Studies and get some resolution to the concerns of small schools throughout New South Wales. [*Time expired.*]

JONATHAN AITKEN BIOGRAPHIES

Reverend the Hon. Dr GORDON MOYES [5.17 p.m.]: Recently a former British politician spoke in the Strangers Dining Room of the New South Wales Parliament. Jonathan Aitken's story has been highly publicised. Prime Minister John Major made Aitken Minister of State for Defence Procurement in the hope that his contacts in the Arab world would help promote arms sales. Before long, people were speaking of him as a strong candidate for the Conservative Party leadership. In 1999 there came his folly of accepting Arab hospitality in Paris and Aitken's brazen gamble to defend his reputation, as he said, with "the simple sword of truth and the trusty shield of British fair play". When the case collapsed his wife divorced him. He surrendered any claim to their home, which was apparently bought with his wife's family's money.

Earlier that year it turned out that he had fathered a child by Soraya Khashoggi, the former wife of a Saudi arms dealer. The 18-year-old Petrina was a close friend of the 18-year-old twin daughters of his marriage and was said to be confused at the revelation. It is difficult to imagine this man doing much more to let people down. He was on Margaret Thatcher's inner Cabinet in London and a potential future Prime Minister according to the popular press. But he lied under oath over who paid for his stay in Paris, the total cost of which was one thousand pounds. He committed perjury in doing this and was sent to gaol. He became bankrupt while he was in gaol.

It was while he was in gaol that he found Jesus Christ, who forgave him. He has written his story in two books. In *Pride and Perjury* he tells the story with frank honesty, interweaving the facts behind the newspaper stories with his own journey. The book is compulsive reading and tells of how God can make a new man from a repentant politician. With the help of steadfast friends, prayer, partners and a close family—despite a divorce—he, like his friend Charles Colston, feels tried and tested by God but ready to face the mystery of a new life. The sequel to this bestseller, which is called *Porridge and Passion*, describes Aitken's journey from being sentenced at the Old Bailey through to his incarceration at Belmarsh prison—which is Britain's most infamous high-security prison. No politician would ever want to end up in a prison like that. The book relates the many dramas he has had along the way to his eventual release and the beginning of a new life with nothing more than a black plastic bag of clothes.

In the sequel Aitken starts his story by being taken down from the courtroom and incarcerated at Her Majesty's pleasure. He writes frankly of subsequent events. He was visited by the ever-optimistic Lord Longford. He emerges from the jaws of despair a very chastened man. How this old Etonian and former Cabinet Minister, and possible Prime Minister in Mrs Thatcher's inner circle, managed to establish new relationships and lasting friendships with fellow prisoners, having spent 25 years in the British Parliament, is a fascinating read. So too is his account of the transformation of his life and the influence on the lives of others from his newfound religious belief.

Aitken, on release, was accepted at Wycliffe Hall, Oxford, to read theology. He found that the study reconditioned his mind as well as his soul. Aitken has lost none of his charm, fluency and determination, but now those traits are used for greater purpose. He has found a new life with meaning, and the authenticity of his new life drives him on. As I said at the beginning of my speech, Aitken spoke at a luncheon in the New South Wales Parliament on 10 August. Like Chuck Colson, the former White House legal head during the Richard Nixon era who has gone on to become the most influential Christian leader in the United States of America after Billy Graham, Jonathan Aitken, through his support of the Alpha program and Prison Fellowship, is on his way to becoming a Christian leader in the United Kingdom.

As an historian, where would Aitken place himself amongst the British gallery of fallen twentieth century politicians? Horatio Bottomley, the demagogue who went to prison, was small fry, as was John Stonehouse, the former Postmaster-General who faked his suicide to avoid debts. Jeremy Thorpe was disgraced but not convicted. Aitken, the charming sophisticated Etonian, may have to conclude that in the last year of the twentieth century he takes the cake. His changed life is a wonderful testimony to the life-changing power of Jesus Christ. I commend both biographies, which contain many salient lessons for any politician.

WORKPLACE CHANGE

The Hon. AMANDA FAZIO [5.22 p.m.]: Tonight I want to speak about the changing workplace in Australia. The future of work is a matter of growing concern to an increasing number of Australians. Despite a prolonged period of economic prosperity, which has contributed to significant improvements in Australian society, many people feel under great pressure at work and home. Inequality in Australia has widened. Almost nine out of every ten of the new jobs created in the 1990s paid less than \$26,000 net per annum. Nearly half paid less than \$15,600 per annum. Not surprisingly, Australian Council of Trade Unions [ACTU] research shows that many union members and working people are concerned about where the world of work is heading in contemporary Australia.

People are concerned not only about the immediate experiences of those currently in the workforce. They are concerned also about the types of jobs, workplaces and opportunities that will be available for future generations of Australians. The origins of a report entitled "The Changing Nature of Work", which I commend to honourable members, lies in the mutual interest of the authors and the ACTU. The primary aim of the report is to broaden understanding of these changes and open a debate about appropriate policy responses. The report raises unsettling issues for all Australians, not just unions and their members.

Over the past 20 years Australia has experienced a period of enormous change, particularly in the workplace. There is no longer a standard model of work or employment in Australia. Only a little over half the Australian work force is now engaged as permanent employees. More than a quarter of the work force is now casual. Many others work on contract or are self-employed. Further, there is no longer a standard model for the way Australians as individuals and families interact with the workplace. For example, single breadwinner households dropped from 51 per cent of couples with children in 1981 to 31 per cent in 2000. Dual, one-and-a-half and no breadwinner households with children all grew strongly during this period.

For many people these changes have significantly increased the tensions and pressures between the competing responsibilities of work and family. The report highlights the many tensions that affect people in the work force who have family responsibilities. In these circumstances of uncertainty, the Federal Government's current proposal to destabilise the industrial relations system stands condemned. A recent poll that was undertaken by the Australian Manufacturing Workers Union of more than 600 employees has shown that 86 per cent of Australian employees believe that industrial relations laws should require employers to collectively bargain with workers if that is the preference of the majority of workers. Greg Combet, Secretary of the ACTU, said:

The polling results support the ACTU's challenge to the Federal Government to live up to its rhetoric of "employee choice" by giving Australian workers a legal right to bargain collectively with their employer if they democratically vote to do so. That is a right workers in other developed countries like the United Kingdom and Canada already have.

The Federal Government talks about choice for workers, but what the proposed workplace laws are really about is giving greater power to employers. Under the Government's proposed system of AWAs Australian workers will have no rights at all to bargain collectively with their employer. All the choice will be with the employer.

Mr Combet continued:

The problem is that the overwhelming majority of individual employees do not have equal bargaining power with their employer. As Family First Senator Fielding put it, how can a check-out employee be expected to bargain with Coles Myer? How will young people in particular or a person with limited English language and literacy skills cope?

If exploitation and unfair treatment is to be avoided, employees must demand the right to join together in the workplace and collectively bargain. Collective bargaining brings some balance to the workplace.

Family First Senator Steve Fielding cannot be dismissed as a mouthpiece for the union movement. Today emergency workers staged a demonstration outside Parliament House in Canberra to show their concern about the proposed industrial relations changes. On a daily basis those people put their lives on the line to support us, our families and our property. They say they feel insecure about the changes proposed by the Federal Government. The emergency workers, the Family First Party, the entire union movement, the Australian Labor Party and many independent commentators have all commonly come to the view that the industrial relations changes proposed by the Federal Government will not enhance our stable and well-working industrial relations system. Therefore, I call on the Opposition to support the community and urge that these changes do not go ahead. [*Time expired.*]

INSTYLE CONTRACT TEXTILES ENVIRONMENTAL TEXTILE COLLECTION

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.27 p.m.]: Tonight I again highlight concerns from an Australian textiles company about the future of Australian woolgrowers, manufacturers and associated industries. As I have stated before in this House, Instyle Contract Textiles is a leading supplier of contract furnishing textiles. Instyle, in conjunction with the Woolmark Company, has developed an environmentally preferable textile collection called LIFE Textiles. These textiles are produced locally to strict environmental criteria from sustainable rapidly renewable resources, including Australian eco-wool and organically certified wool.

Instyle is continuing its efforts to seek changes to government procurement policies favouring recycled content and has kept me well informed of its plight. Instyle is urging the various levels of government in Australia to expand its procurement policies to include all environmentally preferable products from rapidly renewable and all non-hazardous recycled materials. However, another matter concerning the rating tools of the Green Building Council [GBC] of Australia, has a greater potential to damage the Australian wool-growing industry, local textile manufacturers and the environment. The GBC is a non-profit organisation that was funded initially by the Department of Defence, the New South Wales and Victorian Labor governments and member companies. The GBC office interiors rating tool specifies recycled content and organic content as eco-preferable materials, that is, textiles and carpets.

Certified organic content accounts for an extremely small percentage of available product. The only textiles currently available in Australia with recycled content are made from polyester fibres manufactured overseas. These recycled textiles, polyethylene terephthalate [PET], contain harmful and toxic substances that create environmental and human health risks during production, use, disposal, and recycling. Instyle is concerned that its LIFE Textiles product and other wool textiles and carpets have been excluded from the Green Building Council [GBC] Green Stars—Office Interiors rating tool, yet imported recycled PET products are included.

The decision to exclude sustainable rapidly renewable content and locally produced materials goes against the GBC's predecessors, such as the Centre for Design at RMIT and the United States of America Green Building Councils LEED rating system, which recognise rapidly renewable and locally produced materials. The use of rapidly renewable materials reduces the use and depletion of limited raw materials, and local production supports the use of indigenous resources and reduces the impacts associated with transportation. The GBC's unique stands will eliminate better sustainable options and could have serious consequences for the Australian wool-growing and Australian textile-manufacturing industries.

The South Australian Government has adopted the GBC rating tools for all government office accommodation, and the other States, including New South Wales, have indicated that they would follow suit. Instyle would like support in reversing the GBC decision and would ask that the State governments do not adopt a green building standard that is fundamentally flawed. The GBC has been slow to respond and all responses to date have not addressed—indeed, all have deliberately avoided—the issues raised by Instyle. The GBC has claimed that overgrazing is the number one environmental issue in Australia, cited from a CIA web site. Credible reasons for the exclusion have not been provided and this, frankly, is not acceptable. The GBC has not been open and transparent, nor has it been accountable. I support Instyle in its quest for the Green Building Council to recognise rapidly renewable and locally produced resources, that is, wool textiles, and seek the New South Wales Government's support in doing so.

Motion agreed to.

The House adjourned at 5.32 p.m. until Tuesday 20 September 2005 at 2.30 p.m.
