

LEGISLATIVE COUNCIL

Thursday 13 October 2005

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

The Clerk of the Parliaments offered the Prayers.

DEFAMATION BILL

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

Motion by the Hon. Tony Kelly agreed to:

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

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

NSW OMBUDSMAN

Annual Report

The President tabled, pursuant to the Ombudsman Act 1974, the annual report of the Ombudsman for the year ended 30 June 2005.

Ordered to be printed.

PETITIONS

Public Dental Health Services

Petition requesting increased funding for public dental health services, received from **Ms Sylvia Hale**.

Breast Screening Funding

Petition requesting funding to ensure access to breast screening services for women aged 40 to 79 years and to reverse falling participation rates, received from **the Hon. Robyn Parker**.

Unborn Child Protection

Petition requesting legislation to protect fetuses of 20 weeks gestation and to make resources available for post-abortion follow-up, received from **Reverend the Hon. Dr Gordon Moyes**.

Breast Screening Funding

Petition requesting increased funding of breast screening services to ensure access for all women, including a breast screening plan for those aged 30 years and over, received from **the Hon. Catherine Cusack**.

Same-sex Marriage Legislation

Petition opposing same-sex marriage legislation, received from **Reverend the Hon. Dr Gordon Moyes**.

Anti-Discrimination (Religious Tolerance) Legislation

Petition opposing the proposed anti-discrimination (religious tolerance) legislation and the introduction of heavy penalties that will prevent religious groups from speaking frankly and openly for fear of allegations of vilification, received from **Reverend the Hon. Dr Gordon Moyes**.

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY
COMMISSION**

Report

The Hon. Jan Burnswoods, on behalf of the Chair, tabled report No. 9/153, entitled "Seventh General Meeting with the Inspector of the Police Integrity Commission", together with the transcript of proceedings, dated October 2005.

Report ordered to be printed.

BUSINESS OF THE HOUSE

Withdrawal of Business

Contingent Notice of Motion relating to the Crimes Amendment (Road Accidents) Bill withdrawn by the Hon. John Della Bosca.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Ms LEE RHIANNON [11.16 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. 183 outside the Order of Precedence, regarding the tabling privileged documents relating to the contract between the Roads and Traffic Authority and the Cross City Motorway Consortium, be called on forthwith.

This is indeed an urgent matter. Until we know the full extent of the contract that the Government has entered into, we will not be able to resolve the crisis that is engulfing the cross-city tunnel and traffic arrangements in Sydney. This matter is urgent because in the past 10 years numerous government agencies have called on the New South Wales Government to produce clear guidelines about the release of information regarding public-private partnerships. The New South Wales Auditor-General is on the record about this matter, as is the Ombudsman. As long ago as 1993 the Public Accounts Committee said that the first preference is for full disclosure of contracts. The Australasian Council of Auditors-General takes a similar position. For these reasons, I put it to the House that this is a most urgent matter. We can make a positive contribution by securing the release of the documents 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) [11.17 a.m.]: The Government opposes the motion moved by Ms Lee Rhiannon. The Government believes honourable members in this House should take the time to consider carefully the implications of their vote for or against the motion. The motion goes against the advice of a former Chief Justice of this State, distinguished jurist Sir Laurence Street. The motion to consider these documents should therefore not proceed until all members in the House have reflected carefully on the issues and principles at stake.

The motion to table these documents, and to open them for public access, is of significant concern. These are privileged documents—there is no doubt about that. The eminent and highly respected former Chief Justice of this State, determined unequivocally that the documents are privileged. The Government does not believe a decision to overturn this privilege should be taken without careful consideration by all members in this House. The Government believes passage of this motion would set a very undesirable precedent. Some of the documents sought consist of correspondence between the Government and its lawyers in connection with the negotiations. It is imperative that the Government be able to obtain legal advice in complete confidence to enable it to engage effectively in negotiations with the private sector.

The public interest in protecting documents that are subject to legal professional privilege has long been recognised by the courts, and by the previous practices of this Chamber. By making these documents public the House will be providing the Government's confidential legal advice to the operators of the cross-city tunnel. This will significantly disadvantage the Government in any future negotiations or during potential litigation—and, ultimately, it will disadvantage the taxpayers of New South Wales. Some of the documents are

privileged because they contain matters of commercial sensitivity relating to commercial-in-confidence negotiations between the Government and the private sector.

Making public the details of information disclosed to the Government by the private sector in commercial negotiations would significantly prejudice the future ability of private enterprise to prepare competitive bids and carry out commercial negotiations with the Government in a recently commercial way—in other words, further disadvantage in the timeliness and delivery of public infrastructure. Companies will be reluctant to deal with governments if they risk devaluing or destroying assets because their commercially sensitive material can be publicly revealed. Further, it will discourage the private sector from future dealings with the Government, which ultimately will be to the detriment of the New South Wales public.

The motion will create a precedent and undermine the practice that is reflected in the standing orders whereby documents are lodged with the Clerk so that honourable members can see them, but they are not released publicly. This practice properly balances the ability of the House to exercise its accountability functions with the need to protect the interests of the people of New South Wales. Honourable members have the right to see documents to consider whether the Government is wrongfully hiding behind privilege. Further, there is a procedure involving an independent arbiter, which allows privileges to be tested. The established procedure for dealing with privileged material has been complied with in each case.

This is not about keeping matters secret from the Legislative Council. The Government provided these documents to the House in 2003, and honourable members have had access to them since that time. They have been able to look at the documents and, if they desire, raise any concerns. The independent arbiter has determined that the privilege claims are legitimate. The public interest has been protected by ensuring the protection of sensitive information which, if released, could be damaging to the interests of the State and taxpayers. The House must consider carefully whether it is prepared to walk away from the practice it has established. The House established the practice that Ms Lee Rhiannon is now proposing we walk away from.

There is no secrecy: members of this House have been able to look at the documents since 2003. The overwhelming public interest is that sensitive information should not be sacrificed for the short-term political gain of either the Opposition or the Greens. The Government opposes this contingent motion, and urges honourable members on the other side and the crossbenches to think carefully about what we are doing. We have advice from Sir Laurence Street, one of the most respected jurists not only in New South Wales and the Commonwealth of Australia but also internationally. On the other hand, we have a political campaign by Ms Lee Rhiannon. Honourable members should weigh up which is most likely to reflect a fair balance of the public interest and a fair balance of this Chamber's responsibility. It is an important and sensitive matter. I have discussed with the President the possibility of her making Sir Laurence Street available to any honourable member who wishes to discuss with the former Chief Justice the criteria he used to determine privilege.

Reverend the Hon. FRED NILE [11.22 a.m.]: We are not debating the substantive motion, but the contingent motion to bring on the substantive motion. However, all honourable members know the detail of the substantive motion. I am concerned that previously we have not overruled Sir Laurence Street's decision. I was one of those who worked very hard to set up the system because of conflict in the House about the tabling of documents, some of which were privileged for various reasons. A blanket motion automatically would have released such documents. We are now debating whether we should set in motion a process to overrule that procedure. We are being asked to make a decision on a whole series of documents that I have not seen, and I doubt whether many members of the House have examined, and overrule the wisdom of Sir Laurence Street.

I foreshadow that I would move to amend the substantive motion to refer the documents back to Sir Laurence Street for re-evaluation because it has been argued that, as some years have passed, he would base his decision on different criteria. We should adjourn this matter until next Tuesday to enable further consideration and to allow time to talk to Sir Laurence Street and/or amend the substantive motion to refer the matter back to him for reassessment of his initial decision about one or more of the documents in question. He may decide that certain documents can be released to the public. The documents are not secret because they have been made available to all members of the House.

This procedure will make the documents available to the public—the media and other interested persons—and we have to seriously evaluate whether that is in the best interests of the State in the long term. I looked at some of the headings and I have discussed them with the Hon. Greg Pearce. The documents contain faxes from legal companies. Would those companies be happy for legal advice given in confidence to a client—either the Government or the consortium—to be made public? A number of important issues are at stake. We should not rush into making a decision today, even if there is pressure from the media to release the material.

The Hon. PETER BREEN [11.26 a.m.]: As I said yesterday, I am not sympathetic to the supporter of the motion generally in relation to the cross-city tunnel. However, precedent dictates that when a matter is urgent and it is in the public domain, as this is, it ought to be canvassed. Some serious issues have been raised in the advice of Sir Laurence Street. Reverend the Hon. Fred Nile referred to faxes between the Roads and Traffic Authority [RTA] and its lawyers, Clayton Utz. Sir Laurence Street has allowed the claim of legal professional privilege simply because documents are attached to an email or a fax. My experience is that that is not what legal professional privilege is all about.

Legal professional privilege is about advice given by lawyers to their clients. It is about confidential communications on the basis of legal advice. It is not about attaching public documents about important issues, such as the responsibility of the RTA for building roads in and out of the tunnel, maintaining ramps and so forth, that belong to the RTA that ought to be in the public domain. Those matters are current and they are critical to questions about the impact of the opening of the cross-city tunnel on traffic flow. These matters will not wait until next week. I urge the House to support the motion.

The Hon. Dr PETER WONG [11.27 a.m.]: I was very attracted to Ms Lee Rhiannon's motion. However, I am concerned that such a motion would contravene the procedures of the House. I would be happy to wait until I have been briefed by the independent arbiter, and reserve my decision until after such briefing.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Mr Breen	Miss Gardiner	Mr Pearce
Dr Chesterfield-Evans	Mr Gay	Ms Rhiannon
Mr Clarke	Ms Hale	Mr Ryan
Mr Cohen	Mr Lynn	<i>Tellers,</i>
Ms Cusack	Ms Parker	Mr Colless
Mrs Forsythe	Mrs Pavey	Mr Harwin

Noes, 18

Ms Burnswoods	Mr Hatzistergos	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	Ms Robertson	Mr West

Pair

Mr Gallacher

Mr Roozendaal

Question resolved in the negative.

Motion negatived.

The PRESIDENT: If honourable members wish to make contact with Sir Laurence Street, they should contact the Clerk.

LEGISLATION REVIEW AMENDMENT (FAMILY IMPACT) BILL

Second Reading

Debate resumed from 12 October 2005.

The Hon. PETER BREEN [11.36 p.m.]: As I said on the last occasion, I support the Legislation Review Amendment (Family Impact) Bill. It provides another criterion whereby the Legislation Review Committee can consider issues in bills coming before the House. It is an important initiative in that it raises for consideration by the committee two matters that are in the human rights legislation. The list of matters to be

considered is reasonably narrow given the number of issues that are contained in the International Covenant on Civil and Political Rights. These matters relating to the family would be a worthy addition. On the basis of what I have said previously, I support the bill. Honourable members would improve the work of the committee by supporting the bill.

The Hon. HENRY TSANG (Parliamentary Secretary) [11.37 p.m.]: The Government does not support the Legislation Review Amendment (Family Impact) Bill. The Government recognises that families are the cornerstone of our society. However, we need to recognise that families are diverse and no longer limited to two-parent nuclear units. Legislation will impact on different families in different ways or may affect the same type of family unit in different ways. For example, a bill to decrease the rate of conveyance stamp duty may have positive implications for families that are buying properties, while having a less favourable impact on families that receive Government services made possible by revenue from the higher stamp duty. Indeed, it is difficult to think of any bill or regulation that does not have any impact on at least some families.

The Government believes that consideration of the needs of families, and indeed of many other groups in society, should be taken into account during the initial development of policy and then throughout the process, not just tacked on to a Legislation Review Committee report. It is accordingly unhelpful to require the Legislation Review Committee to assess the impact of each bill and regulation on the family as it is impossible to reconcile the multitude of different interests under the one category of family. This is a potentially open-ended task, which the Legislation Review Committee would find difficult, if not impossible, to carry out. Further, it is inappropriate for the Legislation Review Committee, with its narrow membership comprising eight people, to purport to be the voice of authority on the impact of legislation upon families, however defined.

Members of Parliament represent constituents from many social groups and a multitude of different types of family units. We already consider the impact of legislation on their constituents. It is their responsibility to do so and to raise in the House any concerns they may have. Finally, the imposition of an additional scrutiny requirement on the committee has the potential to limit the committee's ability to properly discharge its other duties within the required time frame. Therefore, the Government opposes this bill.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.40 a.m.]: I strongly support the Legislation Review Amendment (Family Impact) Bill because it extends the functions of the Legislation Review Committee. At the time the committee was established I was involved in the formulation of motions that were intended to result in a more extensive role for the Legislation Review Committee. Basically I contended that the review of legislation should be carried out by a public process so that legislation would be publicly and systematically assessed at regular intervals from the point of view of whether or not it worked. I also contended that before new legislation is proclaimed an analysis should be made of the effect that it will have, who will be affected and to what extent.

If that approach makes the legislative process more cumbersome—and, of course, that is likely—so be it, because currently legislation is passed by this House by dint of fine rhetoric and is pushed along by government departments or vested interests. Legislators do not really know the effect that legislation may have. The general impression gathered by most people is that legislation is becoming more and more complex, and less and less useful. We need less, but improved, legislation. Australia has a very elite society and needs people to be much more involved in their democracy. At the time the Legislation Review Committee was established I suggested that its processes should be far more public than the current processes and that the Parliament should facilitate public discussion by notifying people of issues, by commissioning research on the effectiveness of legislation, and by assessing its likely effects.

It is one thing to apply what I refer to as the legal model and invite people to come to the Parliament with their briefcases to give evidence. If members believe that they have credibility, members will believe them, but if they do not have any credibility, the members will not believe them. That process assumes that the outcome already exists in the community. Sometimes it is necessary to frame an inquiry by asking, "If this were the situation, what economic model would be appropriate and what would happen?" In other words, some issues require research, and social impact research should be undertaken prospectively by universities. Academics could be awarded tenders to conduct research in certain areas at certain times so that the information can be evaluated. That process would make the inquiry separate from the processes of government.

Unfortunately, the public service is no longer separate from government. Press releases and opinions are vetted by minders and tight control is exercised over information. Departmental staff are scared and whistleblowers are having a very bad time. People whose role is to deal with freedom of information have told

me that the Government is trying to avoid ascribing numbers to files so that the files cannot be traced, which is cause for great concern. The practice is being referred to the Ombudsman, but that is another issue. The failure of the implementation of freedom of information legislation has been drawn to the attention of the Ombudsman and has been recognised in the Ombudsman's report, but that was rejected by Premier Iemma who has said that the transparency of this Government is second to none.

Freedom of information legislation was defeated recently when the Government claimed details of a contract could not be revealed because of private sector implications. Effectively the Premier asked to be granted a fig leaf for a week. When the time came for the details to be released, the Government managed to avoid disclosing the appalling reality that control of Sydney's inner-city roads has been passed to a Hong Kong consortium. The extent of secrecy in this Government is frankly appalling. The purpose of reviewing legislation is to safeguard the interests of the people of New South Wales. The formulation of laws should be the subject of maximum input from the people of New South Wales and the people of New South Wales should be aware of what may happen.

Currently the protagonists of legislation—which usually comprises vested interests or lobby groups that approach the Government—or the Government work out what the Government will do. Ordinary people who belong to small lobby groups and find out about matters at the last minute approach the crossbench to draw attention to the fact that many other little groups, who have not been considered in the formulation of the legislation and did not know of the proposals, will be trampled. Members of those little groups ask the crossbench to formulate amendments. When the crossbench presents the amendment to the Government it complains that the amendment has arrived at a very late stage and the Opposition points out that the issue had not been discussed at the second reading stage. Consequently, it is difficult to have amendments accepted, but that is a natural concomitant of inadequate discussion during the preparation of legislation.

Legislation should not ambush the people of New South Wales. Rather, it should be the end result of a serious discussion process. I note the point made by the Hon. Henry Tsang on behalf of the Government that the Legislation Review Committee consists of only eight members and that the extension of the committee's scope is all too hard. I must admit that when I look at the prodigious work output of the Legislation Review Committee I am glad I am not a member of that committee. I am amazed that the committee can go through so much legislation and produce reports within the required time frame. I presume that the clerical support staff are doing a great deal of the work: that would have to be the case because no legislator would have the time to take on the extra workload.

I quite agree that eight members of the Legislation Review Committee would not be able to cope with an extended workload, but that is because the model is wrong, and I am sure the Hon. Henry Tsang understands that point. Eight people should not have to review legislation. That should be done routinely by members examining the legislation with the assistance of standards of greater transparency. There should be a longer lead time for the process of preparing legislation. Legislators should make an active effort to place on the Internet what the Parliament is doing, what has been suggested and the option papers. The Parliament should present the information to the people, ask people to consider the issues and ask them to respond after three months. Tenders should be let for university departments to conduct serious research into social and economic proposals and the likely effect of legislation. This State needs to be looking at the larger picture, but is nowhere near doing that.

The State fails to realise that passing legislation is not a matter of doing deals with the private sector but, rather, is a matter of the acting in the interests of the people of New South Wales. The path to the legitimacy of government is the demystification of processes. Part of that approach is to examine prospective legislation by reference to social and economic indices. Recently all submissions to Cabinet have had to be accompanied by an economic impact statement. It is appalling that the economic impact statements are hidden from the people of New South Wales because of the exemption from freedom of information that applies to Cabinet documents. What sort of a mickey mouse starting point is that for the serious consideration of legislation that is passed by this House? Given the current procedures, the people of New South Wales do not even know the economic impact of Cabinet decisions. No social impact research is being carried out.

Members of this House pontificate about the effect that legislation will have, but there is no substantive basis for the views they express. New South Wales has evidence-free legislation because there is no full inquiry into the pros and cons of the provisions. New South Wales needs a far better legislation review process than currently exists. The Legislation Review Committee is certainly a good start to an improved process of legislative scrutiny—at least it is certainly a great improvement on having no scrutiny at all—but a lot more work needs to be done. The bill introduced by the Hon. Patricia Forsythe at least takes into account family

impacts and attempts to address the issues. As such, the bill before the House is a step in the right direction, albeit too small a step, but I support it.

While I am on the topic of the assessment of the impacts, I believe that if this Parliament is to be taken seriously when it makes serious decisions, its processes should reflect its charter of making decisions in the interests of the people of New South Wales, not the Macquarie Bank, the Hong Kong Bank or any other interest group. If this Parliament's role is to be given serious credibility at a stage when Australians think that this country is overgoverned by too many people who are far too comfortable—which I think is a correct assessment—the paradigms of the process of legislation need to be opened up. The processes of government have to be opened up and there should be widespread discussion of proposed legislation with a view to restoring the credibility of this State. I believe that State parliaments should be abolished and the Australian Constitution should be rewritten, but that is probably beyond the scope of the bill.

The Hon. Peter Primrose: But not beyond the scope of your speech!

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It is not beyond the scope of my vision. Members of this Parliament believe that they want changes to be made within government, but they are certainly not getting much leadership in relation to changes in the direction of the Constitution. Frankly it suits members of this Parliament and members of the Federal Parliament to maintain the status quo, and that is bad. Given the immense gerrymander that exists and operates in favour of the two major parties, it is difficult to organise change. Through my membership of the Joint Standing Committee on Electoral Matters I discovered that no-one wants to examine proportional representation or accept any system other than a binary system. Again, that issue is beyond the scope of the bill.

In general terms, a good starting point would be to use advances in technology. Today we have instant communication through the Internet and email. Therefore, people could review legislation through an open process. We would have less legislation and it would go through more slowly, but we would know what our legislation would encompass in future and whether past legislation had worked. This bill is a step in the right direction, although it is too small a step. We have to start thinking beyond the way we think today.

Reverend the Hon. FRED NILE [11.50 a.m.]: The Christian Democratic Party supports the Legislation Review Amendment (Family Impact) Bill. The object of the bill is to amend the Legislation Review Act 1987 to extend the role of the Legislation Review Committee to require it to consider whether bills introduced into Parliament impact on families, to report to both Houses of Parliament accordingly, to consider whether Parliament's special attention should be drawn to regulations on the ground that they impact on families, and to make such reports and recommendations as it considers desirable to both Houses of Parliament as a result of that consideration.

The bill contains no definition of "family". Some honourable members have said that there is confusion as to what constitutes a family, but there is no confusion in my mind, in the minds of the members of the Christian Democratic Party or, I believe, in the minds of the great majority of Australians. However, some politicians are confused as to what constitutes a family. That lack of definition is an important omission from the bill, and makes it meaningless; it does not have any teeth, any practicality. A person who supports the homosexual movement could argue that two men cohabiting are a family. The Legislation Review Committee would need to decide how the bill affects those two men.

A few years ago an advertisement for a Toyota car portrayed two men and a dog, and described that car as the "new family model". I am quite clear what constitutes a family: in essence, it comprises a male and female, normally joined together in marriage, who, hopefully, have children. I prefer what I call the three-generation family: a family that interacts between the grandparents, parents and children. That lack of definition is a weakness in the bill. When I asked, "Is the Liberal Party voting for this bill?" the Hon. Don Harwin and the Hon. Patricia Forsythe shouted, "Of course, it is our bill." This is a private member's bill, and no-one can assume that a private member's bill is supported by all members of the party or by the Coalition.

I remember an intense debate that was held in the other place when a Liberal member dared to introduce a bill, because of his pro-life convictions, to close abortion clinics. Immediately after the bill was introduced the then Premier, Mr Greiner, indicated quite clearly that the Liberal Party did not support his bill. Procedural approaches were used to prevent the bill from being debated in the other place. It is not wrong to ask whether the party supports a private member's bill introduced by a member of that party. Such support is not automatic.

The Hon. Don Harwin: No-one was suggesting it was. Why don't you just tell the truth?

Reverend the Hon. FRED NILE: That is why I asked the question.

The Hon. Don Harwin: You tell lies.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind honourable members that interjections are disorderly at all times.

Reverend the Hon. FRED NILE: I am not telling a lie.

The Hon. Don Harwin: Why don't you just tell the truth?

Reverend the Hon. FRED NILE: I asked whether the party supported the bill, and the Hon. Don Harwin implied that I had asked a stupid question. It was not a stupid question.

The Hon. Don Harwin: I did not imply that at all. Stop misleading the House.

Reverend the Hon. FRED NILE: Certainly, your response—

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind the Hon. Don Harwin that interjections are disorderly at all times. Reverend the Hon. Fred Nile will direct his comments to the Chair, not to individual members.

Reverend the Hon. FRED NILE: It could be argued that this token bill has been introduced to circumvent another bill that is on the agenda of the House, the Family Impact Commission Bill, which I introduced some years ago. It is a far more thorough and detailed bill, and it includes the definition of "family". That may be part of the Hon. Patricia Forsythe's strategy. When she attacked my bill she said:

Fred Nile's Family Impact Commission Bill is the most dangerous bill introduced into Parliament.

I found her comment to be alarming. However, she has then introduced this bill, which implies some inconsistency on her part. I do not believe that her bill conflicts with the Christian Democratic Party's Family Impact Commission Bill, which is why we will vote for her bill. However, as I said, it omits the definition of "family". Other honourable members have raised the justifiable question of whether the members of the Legislation Review Committee have any expertise to make this decision. That was the objective of the Family Impact Commission Bill, because it would set up a commission comprising persons qualified in matters relating to the family, social sciences and so on. They could make decisions from an expert, academic basis, whereas we are now asking eight members to make that kind of decision. But how do members of Parliament assess the impact when coming to a decision on legislation? How quickly could they do that?

Currently the Legislation Review Committee is a procedural committee, looking at restricted questions. Obviously, it can do that and do it very quickly, then make an assessment and publish its report. Will this bill result in an extensive seven-day inquiry into the impact of a bill on the family? If we do not intend that to happen, the bill is pointless. Is the Legislation Review Committee to just rubber stamp a bill and say that it does not have any impact on a family? The Christian Democratic Party, along with members from both sides of the House, always assesses how legislation affects the family. That question is often debated in this House, especially legislation that deals with moral issues or pro-life issues. In the main we all ask what impact a bill has on the traditional Australian family. If this bill were defeated that would not mean that no member of this House would assess whether a bill affects the family. I believe it is an obligation on every member of this House to make that assessment, obviously within their party and then finally in this House. I assume that that will continue. I am not a member of the Legislation Review Committee but I give an assurance that the Christian Democratic Party will always review the impact of any legislation on the traditional Australian family.

The Hon. DON HARWIN [11.58 a.m.]: As a former member of the Legislation Review Committee, I will make a few comments on the Legislation Review Amendment (Family Impact) Bill, introduced by my colleague the Hon. Patricia Forsythe. The bill has the full support of both Coalition parties. A number of honourable members have asked whether the Legislation Review Committee is able to undertake the obligations the bill imposes upon it. That is a valid subject to debate, because if we ask a parliamentary committee to widen its scope we have to consider its needs. I commend the bill to the House.

The Hon. Dr Arthur Chesterfield-Evans was kind enough to make some remarks about the hard work undertaken by committee members to produce these digests every sitting week. As an outgoing member of the committee I pay tribute to the two Chairs under whom I worked—the honourable member for Miranda, Barry Collier, and our colleague the Government Whip, the Hon. Peter Primrose. They have a more considerable workload than do ordinary members of the committee.

It should be noted that the committee does not just have responsibilities in relation to legislation; it also has responsibilities in relation to regulations. It is not just a narrowly focused committee on personal rights and liberties. As a committee that deals with regulations it has a much wider purview, with appropriate research and support from committee members—a point that was also made earlier by the Hon. Dr Arthur Chesterfield-Evans. At this point I should state how much I valued the work of the committee staff—Russell Keith and the policy officers, including Indira Rosenthal and Mel Keenan. They do an outstanding job in supporting the work of committee members.

The Hon. Dr Arthur Chesterfield-Evans said also that staff support was critical if members were to undertake a wider brief. If the Parliament believes that the scope of the committee should be widened along the lines suggested by this bill, it should do so. In relation to regulations, committee members consider matters such as the adverse impact on the business community, so they have to have a wider brief and the capacity to undertake research. I am sure that same brief could be given to this committee.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

KINGS CROSS MEDICALLY SUPERVISED INJECTING ROOM

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Special Minister of State. Is the Minister aware that it has been almost 48 hours since television viewers saw disturbing footage of the impact on the Kings Cross community of the Kings Cross injecting room—footage that included a young child in a pram being wheeled into the injecting room by a man who had just run the gauntlet of drug dealers; footage of drug dealers standing in the doorway of the injecting room selling drugs in full view of a security guard where injecting room staff talked openly with drug dealers; and footage of drug dealers and drug deals being openly conducted within a few feet of police cars? What action has the Minister taken to address the justified alarm of the community about all these events that, sadly, happen every day outside the injecting room that he and his Government established and for which taxpayers are paying?

The Hon. JOHN DELLA BOSCA: I assume the Leader of the Opposition asked me that question in my capacity as representing the Premier in this House.

The Hon. Michael Gallacher: And the architect behind it.

The PRESIDENT: Order!

The Hon. JOHN DELLA BOSCA: No doubt the Leader of the Opposition is aware that the Minister for Health, my good friend and colleague the Hon. John Hatzistergos, is the portfolio Minister for that matter.

The Hon. Michael Gallacher: Have you seen the footage?

The Hon. JOHN DELLA BOSCA: Let me respond to the question asked by the Leader of the Opposition. When he was describing the current affairs show I was not sure whether I was watching Mike Gallacher or Mike Moore from the *Frontline* program.

The Hon. Michael Gallacher: Point of order: Not only is the Minister debating the question, he is also trying to trivialise a very serious matter. If he has not seen the video, here it is. He should be asked to answer the question.

The PRESIDENT: Order! The Leader of the Opposition knows full well that the standing orders do not support his point of order.

The Hon. JOHN DELLA BOSCA: I have already made some remarks about Mike Moore and the *Frontline* program. He has the same amount of respect for the truth as the Leader of the Opposition.

The Hon. Michael Gallacher: You are the architect behind it. So are you saying that it is biased?

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

The Hon. JOHN DELLA BOSCA: I am saying that it is biased, yes. It is obviously biased.

The Hon. Michael Gallacher: The footage speaks for itself.

The Hon. JOHN DELLA BOSCA: It is biased.

The Hon. Michael Gallacher: The footage speaks for itself. Have you seen it?

The Hon. JOHN DELLA BOSCA: It is a biased presentation.

The Hon. Michael Gallacher: Have you seen it?

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

The Hon. JOHN DELLA BOSCA: Obviously someone forgot to give the Leader of the Opposition a little pink pill before question time. First, and most importantly, taxpayers do not make a contribution to the operation of the injecting room centre; it is funded from the confiscated proceeds of crime. Second, subsequent to that program there has been more balanced reporting and the acting director was interviewed on a number of occasions.

The Hon. Duncan Gay: So you are saying it is all right to deal drugs there.

The Hon. JOHN DELLA BOSCA: No, of course I'm not. The Deputy Leader of the Opposition ought to know that that has nothing to do with the injecting room. The Leader of the Opposition and the Deputy Leader of the Opposition are taking it in turns to interject. I refer to that very biased presentation of matters to do with the injecting room centre and state that my colleague the Deputy Leader of the Government pointed out the report concedes that lives have been saved by the operation of that centre.

The Hon. Michael Costa: I have seen it three times.

The Hon. JOHN DELLA BOSCA: The Deputy Leader of the Government said that he has seen this footage three times. I trust his judgment in these matters much more than I trust the judgment of the Leader of the Opposition. In relation to the injecting room trial I simply state that a one-off trial is occurring in Kings Cross.

The PRESIDENT: Order! I call the Hon. Charlie Lynn to order for the first time.

The Hon. JOHN DELLA BOSCA: Previous evaluations over a long period now have found that it has not contributed to the honey pot effect in Kings Cross, it has lowered the amount of public injecting significantly, it has saved lives and it is a gateway to treatment. Opposition members have suddenly found that they can open up old wounds and old issues amongst their own ranks. The Leader of the Opposition has chosen, at the most crude political level, to go beyond the lowest common denominator.

The Hon. Duncan Gay: It is happening now.

The Hon. JOHN DELLA BOSCA: I do not understand what the Deputy Leader of the Opposition is saying.

The Hon. Duncan Gay: It is happening now.

The Hon. JOHN DELLA BOSCA: What is happening now?

The Hon. Duncan Gay: The dealing of drugs out at the centre.

The Hon. JOHN DELLA BOSCA: The simple answer to the interjection of the Deputy Leader of the Opposition and the question asked by the Leader of the Opposition about drug dealing is that it is a police matter, properly reported by the police and being pursued by the police.

The Hon. MICHAEL GALLACHER: I ask a supplementary question. The Minister said that the footage was biased. Has the Minister seen the footage?

The Hon. JOHN DELLA BOSCA: That is not a supplementary question. What I said was based on the Leader of the Opposition's description of the footage and on the summaries I have read. I take this opportunity to state again the report indicates that the facility has saved lives, it is a gateway to treatment and it has been an effective way to prevent public injecting. As a trial it has been extremely effective. Subsequently there has been a lot of balanced reporting of this issue. As I said earlier, the acting director of the centre adequately dealt with the allegations in the video and the assertions of the Leader of the Opposition. I reiterate that any matters relating to drug dealing, whether they occur within 10 metres, 100 metres or 100 kilometres of any health facility in New South Wales, are matters for the New South Wales police. Appropriate police protocols are in place to deal with them.

HOUSE FIRE DEATHS AND SMOKE DETECTORS

The Hon. JAN BURNSWOODS: My question without notice is addressed to the Minister for Emergency Services. Will the Minister inform members of the Government's initiatives to promote smoke alarms and help to prevent fire deaths in homes in New South Wales?

The Hon. TONY KELLY: Firefighters in New South Wales Fire Brigades see first hand the destruction and tragedy that a home fire causes. With almost 50 per cent of deaths occurring between 9.00 p.m. and 6.00 a.m. while most people are sleeping, a working smoke alarm is people's best chance of survival. In the decade up to 1999-2000 Fire Brigades statistics show that 88 per cent of fire deaths occurred in buildings with no smoke alarms. In response, Fire Brigades conducted targeted community education programs and the Government installed smoke alarms in 130,000 public housing homes in New South Wales.

As a result, the percentage of homes with smoke alarms installed has risen from 28 per cent in the early 1990s to almost 73 per cent in 2004. However, it was estimated earlier this year that some 670,000 dwellings in New South Wales were still without smoke alarms. The Government is moving to speed up installation of these devices by the remainder of the community. One such program is the New South Wales Fire Brigades Smoke Alarm Battery Replacement program for the Elderly, or SABRE. In a New South Wales first a smoke alarm blitz in St George and Sutherland shire resulted in the installation and testing of over 140 smoke alarms for senior citizens.

NSW Fire Brigades has commissioned a task force comprising more than 20 firefighters and four fire engines. This is the first time that a fire prevention campaign has been assigned a task force, and I support this initiative wholeheartedly. Fire brigades' research shows that people aged over 65 are three times more likely to die in home fires than other people. The NSW Fire Brigade SABRE Program has worked in this instance with Legacy to identify at-risk seniors and to support them to live safely and independently by providing assistance with smoke alarms. The SABRE Program will also be expanded to other at-risk groups in our community, including people with disabilities and people from non-English speaking backgrounds.

The House has already been informed that smoke alarms will become mandatory in New South Wales homes from 1 May 2006. All existing homes and other buildings where people sleep, including flats, boarding houses, motels, hotels, hostels and manufactured and mobile homes, must be fitted with either battery-operated or hard-wired smoke alarms by 1 May next year. Landlords will be required to install smoke alarms in their rental properties as a term in all rental tenancy agreements. Of course, this is a tax-deductible expense for investment property owners. People selling their homes will also be required to state that smoke alarms have been installed. I urge people not to wait for the new laws but to go out and buy a smoke alarm today. It could mean the difference between life and death. The Government will continue working with our fire services and the community to help prevent any more house fire tragedies.

TAIL DOCKING BAN

The Hon. DUNCAN GAY: My question is directed to the Minister for Primary Industries. Does the Minister recall the commitment made in March 2004 to direct NSW Agriculture, now the Department of

Primary Industries, to undertake a 12-month review of the ban on the practice of tail docking under the Prevention of Cruelty to Animals Act 1979? Has the Minister honoured his commitment given in Parliament by carrying out this review? When, where and how was this review carried out and what were the findings of the review that the Minister promised to conduct during debate on the tail docking legislation?

The Hon. IAN MACDONALD: Yes, I made some undertakings in relation to reviewing the tail docking legislation. I might add that that legislation followed on from an agreement between Ministers at the Primary Industries Ministerial Council about laws across the country banning this practice. When the legislation was under discussion we had many conversations with various dog owner groups that opposed the Government's position but I made it very clear at the time that we believe in national frameworks on these sorts of issues. Although we were probably the last State to make a commitment on this matter, we proceeded to go ahead and implement the national framework. We have been looking at this area and I have not received many complaints in relation to it. The review is currently being conducted and all stakeholders have been contacted.

The Hon. Duncan Gay: When will the results be made public?

The Hon. IAN MACDONALD: When the review is finished—certainly not before.

The Hon. Duncan Gay: It was a 12-month thing.

The Hon. IAN MACDONALD: No, the review did not have to be completed within 12 months.

CANOLA CROP CONTAMINATION

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. Did the Minister hear the ABC *Bush Telegraph* broadcast on 11 October 2005 during which Victorian canola farmer Geoffrey Carracher detailed how his supposedly non-genetically modified [GM] crop of Grace canola was found to be contaminated with Bayer's Liberty Link genetically engineered [GE] material at a level of 0.5 per cent? Is it a fact that up to 10 per cent of this year's canola crop in New South Wales is the same Grace canola variety and could also be contaminated? Will the Minister ensure that the Department of Primary Industries acts immediately to conduct independent tests on all Grace crops in New South Wales to determine whether they are contaminated? Will the Minister go in to bat for these farmers and ensure that they receive compensation from the seed suppliers and for the clean-up of their farms if their crops have also been contaminated? If not, why not?

The Hon. IAN MACDONALD: The Network of Concerned Farmers recently issued a press release claiming contamination of the canola variety ATR Grace with genetically modified [GM] canola. According to the press release, Mr Geoffrey Carracher, a farmer in the Wimmera region of Victoria and a member of the Network of Concerned Farmers, accepted an offer from Greenpeace Australia to test some excess seed of ATR Grace that remained following the sowing of his 60-hectare crop. The seed was tested in the Agriquality laboratory in Melbourne and the sample reportedly contained 0.5 per cent GM canola. The GM traits detected were consistent with the Topas 19/2 event, but results were not definitive.

It should be noted that the Department of Primary Industries cannot confirm the veracity or accuracy of these tests as it has not been involved in the process. Industry test results are expected in mid-October and will either confirm or contradict the results from Greenpeace and the Network of Concerned Farmers. The New South Wales Agricultural Advisory Council on Gene Technology will meet again shortly and I will seek its advice on the most appropriate response to this issue. However, I remind honourable members that the alleged incident occurred in Victoria.

HOSPITAL WAITING LISTS

The Hon. KAYEE GRIFFIN: My question is addressed to the Minister for Health. Can the Minister update the House on what the New South Wales Government is doing to reduce the waiting list for booked patients?

The Hon. JOHN HATZISTERGOS: This year the New South Wales Government will spend more than \$10.9 billion on health services—an increase of 9 per cent on last year and double the amount that the Coalition spent before Labor came to office. In 2004-05 the Government devoted an additional \$35 million to improving access to surgery for people who had been waiting long periods to undergo their procedure. In

2005-06 we have increased elective surgery funding by another \$15 million over and above the additional funding announced in last year's budget.

Our predictable surgery plan is currently targeting patients who have waited more than 12 months for low-complexity procedures such as cataract operations and ear, nose and throat surgery. The plan makes provision for about 2,000 additional procedures to be performed in public hospitals and for a partnership with private hospitals to perform a further 2,500 low-complexity procedures. To date, contracts for a total of 874 long-wait patients have been issued and I am advised that 190 patients have had their procedures performed as at the end of September. Since July 2004 there has been a cumulative increase of \$115 million for booked surgery underwritten by the Government funding an additional 1,300 new permanent beds.

The current statistics clearly show more booked surgery activity and steadily declining waiting lists, with increased surgical access for patients in all urgency categories. As at August 2005, the booked surgical waiting list stood at 59,204—a decrease of 6,191 or 9.46 per cent since August last year. The booked medical waiting list stood at 13,310—a decrease of 6.6 per cent since July 2004. The following hospitals have delivered significant gains in improving their surgical waiting lists over the past 12 months. They are the Children's Hospital Westmead, with a reduction of 334 from the list; Sydney Hospital and Sydney Eye Hospital, with a reduction of 346 from the list; Liverpool Hospital, with a reduction of 382 from the list; St George Hospital, with a reduction of 402 from the list; Nepean Hospital, Penrith, with a reduction of 476; Bankstown-Lidcombe Hospital, with a reduction of 607 from the list; and Gosford Hospital, with a reduction of 676 from the list. The long-wait list—or those who have been awaiting surgery for more than 12 months—has almost halved over this period, from 9,590 in August last year to 4,958 in August 2005. That is a 48.3 per cent decrease. The long-wait list decreased by 229 patients in August this year.

August 2005 had 3,678 more surgical admissions to public hospitals than the previous month. The next phase of a long waiting list reduction program is in orthopaedic surgery throughout the rest of 2005-06. A Predictable Program of Orthopaedic Surgery is being developed directly with orthopaedic surgeons. It will include a limited number of orthopaedic centres in New South Wales with high throughput and negotiations with prosthesis supply companies to get the appropriate replacements at the best price. During 2004-05 admissions to wards, operating theatres and intensive care units from emergency departments grew by 8 per cent in New South Wales. This increase in activity has remained constant for the current financial year, with attendances to emergency departments up by 11.1 per cent on the previous year as at August 2005. Despite these measures we are succeeding in reducing waiting lists. We have coped with rising numbers of patients needing emergency care, and we have reduced the long waiting lists for surgery. Year to date, the off-stretcher time is 32 per cent, which is a 4 per cent decrease on the previous year-to-date figure. In relation to access block—*[Time expired.]*

SYDNEY HOSPITAL ORTHOPAEDIC AND GENERAL SURGERY SERVICES

Ms SYLVIA HALE: I address my question to the Minister for Health. Are orthopaedic and general surgery services available at Sydney Hospital as of today? Is it true that the last clinic was held yesterday and that orthopaedic and general surgical staff have been transferred to other hospitals? Did the South Eastern Sydney and Illawarra Area Health services recently issue a press release claiming that all surgical services were operating, and would continue to operate at Sydney Hospital when this is not the case? Has his department tried to cover up the fact that emergency and general surgical services have been closed down at Sydney Hospital?

The Hon. JOHN HATZISTERGOS: This is an interesting situation for Ms Sylvia Hale because last week, or perhaps the week before, she issued a press release stating that Sydney Hospital was going to close. She said that she was organising an urgent meeting with me to discuss that, but I never heard about the visit. I do not know if she bothered. It probably was a good thing to put in a press release, even though it was not true. Orthopaedic and general surgery departments at Sydney Hospital will not close. Orthopaedic and general surgeons will continue to be available for patients at the hospital. Orthopaedic positions, alongside nearly all surgical positions, will now be attached to two sectors rather than individual hospitals, such as in the case of Sydney Hospital acting in conjunction with the Prince of Wales Hospital. The capacity to utilise the excellent resources of Sydney Hospital to perform predictable elective surgery will enable surgeons to undertake surgery without being bumped off the list by emergency and trauma cases, thus increasing the elective output. That is what was happening all the time. Emergency surgery was taking precedence over elective surgery and the elective surgery was being bumped off the list. There is now a Predictable Surgery Plan that will result in elective surgery being carried out.

Surgeons will benefit from additional theatre time and longer operating lists. I am advised that the number of orthopaedic cases performed will increase as further funding is allocated for long-wait surgery and joint surgery. In 2004-05 Sydney Hospital received \$466,000 to perform additional operations, and further funding for additional surgery is anticipated in 2005-06. As the surgical service will be a combined unit across Sydney Hospital and Prince of Wales Hospital, I understand that there should be no negative impact on the registrar appointments due to the volume of operations being performed. I am advised that in the South Eastern Sydney and Illawarra Area Health services there are 16 visiting medical practitioners, three staff specialists and one clinical academic in adult orthopaedics. Following recent recruitment action, six surgeons were appointed to Sydney Hospital: three were re-appointed, one did not re-apply and two applied but were unsuccessful. All visiting medical practitioner applicants who were unsuccessful have been invited to provide an expression of interest to work in other parts of the area health service, namely Shoalhaven and/or Wollongong.

I am advised that there were 40 applications for orthopaedic positions, which means that there are sufficient numbers of practitioners seeking appointment to public hospital positions. Senior doctors and nurses of South Eastern Sydney and Illawarra Area Health services currently are developing a clinical service plan that targets the development of clinical services across the area. The clinical executive committee is developing a number of plans, including a new surgical services plan to enhance the development of services across the South Eastern Sydney and Illawarra Area Health services. I am advised that the clinical executive committee, which is chaired by Dr Michael McGlynn, will make their recommendations in the near future. These changes are aimed at a better distribution of senior medical cover across the area and more equitable allocation of on-call duties. The area health service is committed to reducing significantly the number of patients who have been waiting for surgery for more than 12 months by July 2006. I suggest the next time Ms Sylvia Hale wants to condemn anyone for misleading the public that she condemns herself.

Ms SYLVIA HALE: I ask a supplementary question. Am I to take it from the Minister's remarks that any person presenting themselves for emergency surgery to Sydney Hospital, which deals with the residents, business people and workers within this city, will not be dealt with at Sydney Hospital but will be transferred to an already massively overstretched Prince of Wales Hospital?

The Hon. JOHN HATZISTERGOS: The question is illogical. People do not present themselves for emergency surgery; usually they are taken there by ambulance. The ambulance will take them to the centre that is most appropriate.

HOME AND COMMUNITY CARE PROGRAM FUNDING

The Hon. JOHN RYAN: My question without notice is directed to the Minister for Ageing, and Minister for Disability Services. Has the New South Wales Government replied to the Federal Government's letter of offer about the 2005-06 Home and Community Care Funding Agreement, which, I understand, might have been sent to the Minister in June? Is the agreement worth \$444 million this financial year, and will growth funding for next year now be in jeopardy because of his delay?

The Hon. JOHN DELLA BOSCA: I am somewhat surprised, although I should not be, by the honourable member's knowledge of correspondence between the Federal Minister and me. As the honourable member well knows, the Home and Community Care Agreement has been the subject of probably weekly, and certainly monthly, negotiation between my officers at the Department of Disability and Home Care and officers of the Commonwealth Minister. In the intervening time I have had a very useful conversation with the two Commonwealth Ministers involved, Kay Patterson and Julie Bishop. The Home and Community Care Program is jointly funded, as the honourable member said, by the New South Wales and Commonwealth governments. The New South Wales Government is contributing approximately 40 per cent of total funding. We understand the importance of this program, which enables frail older people and younger people with a disability to remain in their homes. The Government is committed to ensuring that New South Wales receives its fair share.

The Commonwealth Government has made an offer of funding of \$265,707,000 for the Home and Community Care Program in New South Wales for this financial year. Should the New South Wales Government accept that offer it will provide funding of \$178,248,000, which will result in total Home and Community Care funds of \$443,955,000. It is a 7.2 per cent increase over 2004-05. The precise details of funding allocations for the program in New South Wales will not be available until the 2005-06 Home and Community Care State Plan—which the Commonwealth Minister requires for the program to be fully funded—is endorsed by both me and the Commonwealth Minister.

NEW SOUTH WALES FIRE BRIGADES RECRUITS

The Hon. GREG DONNELLY: My question without notice is addressed to the Minister for Emergency Services. Will the Minister inform the Chamber about the New South Wales Fire Brigades firefighters who graduated at a ceremony at the New South Wales Fire Brigades State Training College at Alexandria today?

The Hon. TONY KELLY: This morning I had the pleasure of attending the graduation ceremony of the newest New South Wales Fire Brigades recruit firefighters. Some 38 men and women have now taken their place among the ranks of this respected organisation, representing a 1 per cent increase in the number of firefighters in this State. Six women were among the 38 graduates, representing 16 per cent of the graduating firefighters, which is a significant increase on the previous number of female firefighters. For more than 120 years, we have counted on firefighters when our lives, families or homes have been threatened by fires or accidents or during some other emergency. The proud men and women who graduated today will never forget the moment they were transformed from citizens to firefighters.

The Hon. Greg Pearce: How does six out of 40 become 16 per cent?

The Hon. TONY KELLY: It is six out of 38. Do the calculation. You are a lawyer, not an accountant.

The Hon. Greg Pearce: You said 40.

The Hon. TONY KELLY: I said 38. The New South Wales Fire Brigades sets very high standards for the training of its recruits. They met every challenge thrown at them, and I am sure my parliamentary colleagues will join me in congratulating them. Firefighting is one of the most popular professions in Australia, and these graduates were among thousands of hopeful applicants. I think last year there were of the order of 6,000 applicants to join the Fire Brigades. Members may well ask why so many people are drawn to firefighting as a career. Largely it is because they have a great sense of community spirit. They come from all walks of life; quite often they are former tradesmen, such as plumbers or electricians. Among this morning's graduates were former electricians, two former teachers, and a former member of the Juvenile Justice Office. Many live in beach suburbs. While I am very pleased that they have become firefighters, the community will unfortunately lose their services to their previous occupations. One graduate is a former employee of the tax department, and I do not necessarily regret the fact that the tax department has lost an employee!

Firefighters are among the most trusted people in society, as countless national surveys have shown. As highly regarded members of the community they are trusted to be there as soon as humanly possible when we are in danger or our property is under threat. We expect them to make difficult decisions in the face of extreme adversity. As a society we place our lives and those of the people we love in their hands. This is an act of complete trust. This bond of trust is strengthened by the increasing range of skills and services that are offered by the New South Wales Fire Brigades, including rescue, hazardous materials emergencies, bushfire control, hazard reduction, disaster recovery and, unfortunately in today's world, they are in the front line to save lives following a terrorist attack.

The fire services of the new millennium are being asked to rise to meet these new challenges. In Australia, as in other parts of the world, these challenges may come in the form of emergency response to terrorist attacks. The New South Wales Fire Brigades is among the best of its kind in the world. I understand it is the fourth largest in the world. It is the best in the world at detecting and dealing with chemical, biological and radiological emergencies, and rescuing people from collapsed buildings. The Government has spent more than \$700 million this year to ensure that New South Wales emergency services are equipped and trained for this vital work to protect the State's families. The New South Wales record budget of some \$500 million—*[Time expired.]*

NORTHERN BEACHES HOSPITAL PROPOSAL

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Health a question without notice. Is the Minister aware that the recent value management workshops conducted by the Northern Sydney Central Coast Area Health Service on 19 May and 9 June this year regarding site options for the new northern beaches hospital has been referred to the New South Wales Ombudsman and the Independent Commission Against Corruption concerning issues of probity in how the process was undertaken? Has he directed the Director General of Health to investigate this most important process independently to ensure transparency and probity?

Is the Minister also aware that Pittwater Council has sent a detailed submission to the Ombudsman on the issue of probity within this process?

The Hon. JOHN HATZISTERGOS: The Department has tried to be as transparent and open about this issue as possible. That is why all that information about the value management study was published. The workshop was held and discussions and votes took place. Unfortunately some of the people from the Pittwater area were outvoted in relation to their preferences. We have indicated there will be an economic appraisal, which will also be released, so there will be transparency as far as the ultimate decision is concerned. People are entitled to go to the Ombudsman and to the Independent Commission Against Corruption to make complaints. I do not know what other information can be provided. An upper House inquiry has dealt with this issue and canvassed all matters. Some people obviously do not like what others have to say. There is a division of opinion. The director general will co-operate with whatever inquiries are required.

OFFICE OF STATE REVENUE OFFICE SPACE

The Hon. GREG PEARCE: My question is directed to the Minister for Finance, Minister for Infrastructure, and Minister for the Hunter. How much space does the Office of State Revenue lease in its Hunter Street premises? Was the amount of space increased to accommodate staff to process the vendor tax? How much space is now vacant and how much rent is paid on it?

The Hon. MICHAEL COSTA: It may surprise the honourable member, but I have not actually measured the amount of space that the Office of State Revenue or any other office of the Government has in undertaking its task. I was asked by the Greens in an estimates hearing how close my office was to somebody else's office and I made the point that I am not in the habit of walking around with a tape measure and measuring office space. It is a ridiculous question and it ought to be dealt with.

The Hon. John Ryan: Point of order. The Minister appears to be debating the question. He has been asked to provide an answer, not to debate why someone asked a question or whether the question was appropriate. He has been asked a reasonably clear question and he should be asked to get on with providing an answer.

The PRESIDENT: Order! Although the standing orders state clearly that a Minister must not debate the question, as I understood the Minister, he was in fact pondering the difficulty of measuring an office.

The Hon. MICHAEL COSTA: I was pondering that. I suggest that if the honourable member has such an interest the extent of Government office accommodation, he should put the question on notice.

AREA HEALTH SERVICE RESTRUCTURE

The Hon. CHRISTINE ROBERTSON: My question without notice is directed to the Minister for Health. Can the Minister advise the House on the progress of the area health service restructure?

The Hon. JOHN HATZISTERGOS: As honourable members will be aware, the Government is undertaking a major reform of the structure of area health services across New South Wales. We are streamlining administrative and corporate services and eliminating bureaucratic duplication, and directing resulting savings to front-line services.

The Hon. John Ryan: You are sacking all the whistleblowers.

The Hon. JOHN HATZISTERGOS: I know many people have a position on this, but the Opposition's position is somewhat confused. In fact, in October last year, the Hon. Melinda Pavey said—

The Hon. Melinda Pavey: What about the rural management school in Port Macquarie?

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order for the first time.

The Hon. JOHN HATZISTERGOS: Ask the Commonwealth. This is what Melinda Pavey said on Mid North Coast radio in October last year—

The Hon. Melinda Pavey: You should be spending money on operations.

The PRESIDENT: Order!

The Hon. JOHN HATZISTERGOS: People in this House often wonder why I have such a very high regard for people of the calibre of Melinda Pavey. Did members hear what she said about this issue? If they did, they will understand why I hold her in such high regard, and the jealousy they all have will dissipate. I ask members opposite to listen to this. She said:

The National Party have always been the ones that say we want to see more money go through to services on the ground rather than administration and management. Um, so it would be, you know, it would be not right of us to say, oh, you know, we don't want to see better management of the area health services and I think that is actually what the Government is trying to achieve.

She was praising the Government for what it is doing. Members will understand why I hold the Hon. Melinda Pavey in such high esteem.

The PRESIDENT: Order! I call the Hon. Jennifer Gardiner to order for the first time.

The Hon. JOHN HATZISTERGOS: She is not the only one in the National Party that I hold in high regard. I actually hold the Hon. Jennifer Gardiner in high regard also, particularly having regard to the motion she moved at the National Council of The Nationals, which I referred to yesterday. I will not refer to it again today, but I will refer to what the Leader of the Opposition had to say about reducing bureaucracy and the importance of doing so. Incidentally, he has reiterated the promise that he will axe 29,000 jobs across New South Wales. The Hon. Robyn Parker told us in an estimates hearing that the Coalition will tell us what those jobs will be after the election.

The Hon. Greg Pearce: Point of order: The Minister is misleading the House. He knows full well that the Opposition policy is a recruitment freeze.

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

The Hon. JOHN HATZISTERGOS: The Tamworth interview, which was given by the Leader of the Opposition and the Leader of The Nationals, was quite interesting. The Leader of the Opposition said that everyone agrees on the basic need for families to be able to see a general practitioner within 24 hours of seeking an appointment—which is something he should point out to the Federal Government. He also agreed with the State Government that incentives are needed to make sure that doctors and nurses are at the front line in each town—another issue that he may wish to take up with his Federal colleagues. We actually saw some sense coming from the Leader of The Nationals, who referred to work force shortages and the need to lobby the Federal Government for an increase in training places.

Quite sensibly, the Deputy Leader of the Opposition and Leader of The Nationals, Mr Stoner, pointed out that the issue falls across State and Federal governments, requiring a co-operative and constructive approach. Very insightful statements were made by Andrew Stoner, but Peter Debnam intervened and said that it is clearly a State issue, revealing not only divisions within the Coalition but his lack of understanding of health policy as well. When it comes to health, the Opposition is a mass of confusion and hypocrisy.

The Opposition should listen to someone such as the Hon. Melinda Pavey, who at least learns from what she says. Last week the honourable member for North Shore was bleating about waiting lists and doing her best to talk down the public hospital system, but her figures were all wrong. She was wrong about the number of elective surgery procedures—there are 11,000 more this year than she indicated—and she was wrong about longer waiting lists. The average waiting time for elective surgery in June was 3.6 months and in July that was reduced to 2.8 months.

[Interruption]

Members of the Opposition should be more discerning about the press releases the honourable member for North Shore asks them to endorse. She has been flinging press releases around like confetti, but all her facts and figures are wrong. The shadow Minister for Health, the honourable member for North Shore, has misled the public. *[Time expired.]*

The PRESIDENT: Order! I call the Hon. John Ryan to order for the first time.

The Hon. CHRISTINE ROBERTSON: I wish to ask a supplementary question. Will the Minister continue to advise the House about the area health service restructure?

The Hon. JOHN HATZISTERGOS: The honourable member for North Shore misled the public on elective surgery waiting lists, which increased by almost 5,000 in the past 12 months. It is apparent that the shadow Minister for Health is eager to put the boot into this State's public hospital system.

The Hon. Patricia Forsythe: Point of order: The Minister at no time actually described the restructuring of the area health service, so it is not a supplementary question.

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

The Hon. JOHN HATZISTERGOS: The shadow Minister for Health, Jillian Skinner, is not the only one who has been talking down the public hospital system. Earlier I referred to the Greens, and I point out that Ms Sylvia Hale issued a press release headed "Sydney Hospital to close tomorrow". Members of this House ought to be a little bit more responsible about the statements they make in relation to public health and should make appropriate inquiries. The Greens are always sanctimoniously telling people to tell the truth, yet they have issued a press release declaring that Sydney Hospital will close tomorrow. Ms Sylvia Hale stated in a press release that she was shocked to discover that Sydney Hospital faces imminent closure because of a lack of doctors.

CAREEL BAY MARINA PROPOSAL

Reverend the Hon. FRED NILE: I address a question without notice to the Minister for Finance, representing the Minister for Planning. Will he outline the Government's position on the proposed marina at Careel Bay, Pittwater, given the extensive community concern and outcry against the proposed development? Is he aware that there will be significant heritage, amenity, environmental and waterway issues, including the destruction of seagrass beds in the area, if this proposal is adopted? Is he aware that there is a perceived greater risk to the biodiversity and biosecurity of the location of the proposed marina?

The Hon. MICHAEL COSTA: As Reverend the Hon. Fred Nile knows, I strongly respect heritage and the natural environment. I will take the question on notice and refer it to the relevant Minister.

BROKEN HILL WESTERN LANDS LEASES

The Hon. RICK COLLESS: My question is directed to the Minister for Lands, and Minister for Rural Affairs. Is he aware that urban Western Lands leases in Broken Hill have increased in value by up to 300 per cent, thereby forcing rentals to increase? How much have the Western Lands lease rentals in Broken Hill increased as a result of this revaluation? What action will he take to make freeholding of Western Lands leases more affordable for residents of Broken Hill? What action will he take to provide financial relief to businesses, residents and pensioners in Broken Hill as a result of the rental increases?

The Hon. TONY KELLY: I thank the Hon. Rick Colless for his question. I will refer it to the Minister whose responsibilities include Western Lands.

FEDERAL GOVERNMENT INDUSTRIAL RELATIONS POLICY

The Hon. IAN WEST: I address my question to the Minister for Industrial Relations. What will be the impact upon New South Wales of changes to the Australian Industrial Relations Commission, as detailed in the Federal Government's *WorkChoices* document?

The Hon. JOHN DELLA BOSCA: I thank the Hon. Ian West for his question and commend him for his ongoing interest in industrial affairs. The Commonwealth Government's inappropriately named *WorkChoices* proposal takes the axe to the independent umpire, the Australian Industrial Relations Commission—or, at least, what is left of it. The Commonwealth Government has retained the commission in name only, but will gut its powers and its role.

Hon. Greg Pearce: It is about time, too.

The Hon. JOHN DELLA BOSCA: The commission will lose its wage-fixing powers and its conciliation and arbitration powers. The Hon. Greg Pearce says that it is about time, too. This country's industrial relations system has been operating for 110 years. I thank the Hon. Greg Pearce for his interjection. The Hon. Greg Pearce thinks it is about time we abolished the independent umpire, took away the relevance of

awards, and cut back dispute resolution powers. The Commonwealth Government has attempted to justify removal of the commission's powers to resolve disputes by saying that it wants employers and employees to resolve disputes between themselves.

The Hon. Duncan Gay: Point of order: Unless I am mistaken, this is a State Parliament, but we are hearing about matters that are before the Commonwealth Parliament. The Minister should be directed to make his remarks relevant to the matters that concern the State.

The Hon. JOHN DELLA BOSCA: To the point of order: The question specifically asked what the impact will be upon New South Wales of changes to the Australian Industrial Relations Commission.

The PRESIDENT: Order! The Minister is quite clearly answering the question. If the Deputy Leader of the Opposition had a problem with the question, he should have taken a point of order when the question was asked. The Minister is answering the question.

The Hon. JOHN DELLA BOSCA: The Boeing dispute at Williamstown shows how inefficient and costly the Commonwealth Government's approach can be. The dispute between Boeing and its F-18 maintenance workers has been dragging on for 120 days and is one of the longest industrial disputes in Australia's history. Because the commission already has been stripped of its powers to initiate compulsory conciliation, this dispute continues to be handled the Federal Government's way. A stalemate of attrition between a multinational corporation and its Newcastle maintenance workers is hardly a sign of successful dispute resolution between the parties. Of course, all the employees who are involved are residents of New South Wales.

Under the WorkChoices proposals, a model dispute-settling procedure that has been outlined by the Commonwealth Government will overrule all dispute resolution provisions in awards. The Commonwealth Government's model assumes that parties who are unable to resolve their workplace disputes will put aside competing interests and agree on which alternative dispute resolution service they will use. Even if the parties get that far, the commission will not have the power to finally determine the dispute without the agreement of both parties. This will not happen. This approach is a recipe for spreading Boeing-type disputes throughout Australia with workers on the grass or out in tents.

One person who has spoken out against the Commonwealth Government's proposals is the founder of a company that has lodged 15,000 Australian workplace agreements [AWAs]. Rob Thompson of Enterprise Initiatives previously has been criticised for drafting agreements that do not provide for holidays, leave loadings or penalties, but even Mr Thomson has expressed his concerns about the Commonwealth Government's proposals. He told the ABC recently:

This is a democracy—and this is the time to speak and hopefully be listened to before this Bill is put through the Parliament.

Moreover, this man, who has drafted 15,000 AWAs, said in relation to the Howard Government's WorkChoices package, "Bad law makes bad people." Removal of the independent umpire and the removal of all protections and entitlements is bad law. Even the best employer will be forced into extreme behaviour and will be forced into a race to the bottom in order to compete.

The Australian Industrial Relations Commission has rejected the Commonwealth Government's arguments at every national wage case and in crucial test cases. The commission is now being treated like an employee of a company that has fewer than 100 workers. After more than 100 years of faithful service to employers and employees of Australia the commission is being sacked, and Australia can look forward to high levels of industrial conflict, lengthy disputes, uncertainty and insecurity. The WorkChoices policy is certainly not operating in the interests of the State of New South Wales.

BILL OF RIGHTS

Ms LEE RHIANNON: I direct my question to the Special Minister of State. Given the Federal Government's atrocious record on human rights, what steps are being taken by the New South Wales Government to protect the human rights of the people of New South Wales? Will the Government commit to establishing a parliamentary inquiry to investigate a bill of rights for the people of New South Wales in line with similar legislative reforms that have been undertaken by the Australian Capital Territory and currently being considered by the Victorian Government?

The Hon. JOHN DELLA BOSCA: Ms Lee Rhiannon would know from my answer to the previous question and from a number of public comments I have made consistently over a long time that I am no fan of the current Federal Government. I am at a loss to know of any instances that have affected the human rights of citizens of Australia, although I would argue that the Federal Government has not done us very proud with regard to the human rights of our near neighbours and refugees. I am a little unclear about her request for an explanation about the ways in which the current Federal Government is suppressing the human rights of Australian citizens.

As to the second part of her question concerning what the New South Wales Government will do in respect of a bill of rights, I remind the member that that matter has been debated in relatively recent times on a number of occasions in this Chamber and in the other place. The current position of the Government remains unchanged. I think the member is well aware of those debates and that position. If the matter changes, or if any other matter is reconsidered by the Government or members of this Chamber, I am sure she will be among the first to know.

HUNTER NEW ENGLAND AREA HEALTH SERVICE CARELINK PROGRAM TENDER

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Health. Is the Minister aware that Gunnedah, Uralla and Glen Innes Severn shire councils invited the Hunter New England Area Health Service to join them in an alliance to submit a joint tender for a \$1 million Federal Government Carelink program? Is it correct that after agreeing to a joint tender, the health service then submitted its own tender, which was accepted? What does the Minister say to Uralla mayor's claim that the health service submitted a rival bid with the benefit of in-confidence information provided by those councils? Has this matter been referred to the Independent Commission Against Corruption and/or the Ombudsman? Will the Minister agree to the councils' request for a restart of the tender process? What does the Minister say to the Hunter New England Area Health Service chief executive officer's claim that this was all because of a communications breakdown?

The Hon. JOHN HATZISTERGOS: That is a staggering question, bearing in mind that the submission is for funding of a Commonwealth program, Carelink. I am advised that the process was appropriate and in accordance with Commonwealth requirements. The Hunter New England Area Health Service prepared a submission for a proposal for funding under the program, which was successful, at the behest of the Commonwealth authorities. The consortium of councils stated that they were of the view that they would continue to be provided as an alliance arrangement, and that a joint tender would be submitted. I am advised that, although there were discussions about a joint proposal, there was certainly no agreement.

Both parties submitted separate proposals for funding. Neither the council consortium nor the area health service advised the other of the details or the fact that they were submitting separate proposals. The submission by Hunter New England was judged appropriate by the Commonwealth, through its processes. I am sure that the Hon. Jennifer Gardiner would be supportive of the Commonwealth accepting a tender that the Commonwealth judges as providing the best service for the people of that region, rather than an inferior service based on parochialism. I am sure she would support the decision that the Commonwealth has taken.

EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE

The Hon. TONY CATANZARITI: My question without notice is addressed to the Minister for Primary Industries. Will the Minister update the House on the latest drought situation in New South Wales?

The Hon. IAN MACDONALD: It gives me great pleasure to be able to inform honourable members of some good news on drought assistance for farmers in the face of this long, devastating, dry spell. On the weekend I announced the latest drought figures for October—the best results since April 2002. In September, 77 per cent of New South Wales was officially in drought. This figure has now fallen to 38 per cent. The area of the State considered marginal is now 49 per cent, up from 22 per cent last month. Of course, the drought is far from over. Rural communities across the State will continue to feel the pinch until income starts to flow again. Without widespread and consistent follow-up rains, many of the marginal areas, in particular, could easily slip back into drought.

Good rains in September helped bring along winter crops such as wheat and canola, many of which were planted quite late, with little more than a faint hope that rains would come. After mounting pressure from the State Government, our farmers finally received good news from the Federal Government with its decision to

implement a number of New South Wales recommendations to enhance drought support. Part of the Commonwealth's announcement yesterday was the decision to standardise exceptional circumstances [EC] criteria for croppers. I have been calling for more equitable criteria for our croppers for more than two years. In September this year, I again wrote to the Federal Government about the inequities. I emphasised that previous cropping criteria had become ineffective and increasingly confusing for producers, advisers and administrators. In fact, the eligibility goal posts for our croppers have been continually shifting throughout this drought.

In my most recent letter, I urged the Commonwealth to standardise the two failed-crop criteria for any season across all regions of New South Wales. The Federal Minister clearly recognised the merit of this and has now adopted the suggestion. Removing the costly application process for EC rollovers is another measure the New South Wales Labor Government has argued for. And now the Federal Government has officially agreed to adopt this position. However, the Commonwealth still has not released any concrete criteria for rollovers. As a result, farmers and administrators have no clear direction on how the Commonwealth is actually assessing potential rollover decisions. It also has not pledged to speed up the decision-making process for those areas approaching the end of their eligibility period.

For instance, EC income support for farmers in Bourke, Brewarrina, the Western Division and Cobar is due to cease in November this year. Farmers in nearly 20 additional areas of the State could lose EC income support in early December. Making farmers wait until the last minute to find out whether their income support will be extended only creates unnecessary strain—which is the last thing they need. I am also encouraged by the fact that the Federal Government has followed the State's lead and increased its financial support for rural financial counsellors. The New South Wales Government has essentially doubled its support for the rural financial counsellor service, compared to previous years. Since 2002 the New South Wales Labor Government has contributed \$4.7 million to support 30-plus rural financial counsellors in New South Wales, and it is good to know the Federal Government has topped up its contribution as well.

I assure the House that I will continue to work constructively with the Commonwealth and other States and Territories to identify and implement further enhancements to the Commonwealth's EC program. It is good to see that the new Federal Minister is open to listening to good ideas from the Labor-led States. I am also encouraged that the new Minister has taken a number of positive steps that his predecessor refused to take.

DEPARTMENT OF COMMUNITY SERVICES DETENTION POWERS

The Hon. Dr PETER WONG: My question without notice is directed to the Special Minister of State, representing the Attorney General. Following my question yesterday regarding young people finding their way into juvenile imprisonment without a direct order from the court, I ask the Minister whether such treatment constitutes wrongful imprisonment? Are such young people entitled to compensation in the same way as adults are compensated when they are wrongfully imprisoned? Given that these young people constitute 30 per cent of the juvenile prison population, what has the Attorney General's Department done to prevent the criminality of State wards and their overrepresentation in the remand and custodial populations?

The Hon. JOHN DELLA BOSCA: That is a very good question. I am not absolutely certain that the Attorney General will be able to give the most immediate response; the matters referred overlap the portfolio areas of the Attorney General, the Minister for Juvenile Justice and perhaps the Minister for Community Services. I undertake to obtain a full answer from the Attorney General and provide it to the honourable member as soon as practicable.

JUVENILE JUSTICE CENTRE STAFFING

The Hon. CATHERINE CUSACK: My question without notice is addressed to the Minister for Juvenile Justice. How many rostered shifts for youth workers at the Frank Baxter Juvenile Justice Centre are currently staffed by relatively inexperienced casual staff? Why is the Minister using casual staff to fill regular rosters, while five permanent employees from Kariong are relegated to the relief pool? Given that almost a year has elapsed since Kariong was transferred to Corrective Services, why are those five employees still awaiting a lateral transfer to Baxter? Is this inefficient and inequitable arrangement payback by the Minister's department because some of those employees appeared as witnesses at the Legislative Council's inquiry into Kariong?

The Hon. TONY KELLY: The member has asked almost a dozen questions, all of which were rather silly. With regard to the last question, there certainly was no payback.

WORKCOVER SMALL BUSINESS WEB SITE

The Hon. PETER PRIMROSE: My question without notice is addressed to the Minister for Commerce. Will the Minister inform the House of the recent launch of WorkCover's new small business web site and the assistance it offers to small businesses across New South Wales?

The Hon. Michael Gallacher: You are not his researcher.

The Hon. JOHN DELLA BOSCA: But I like giving him good information. Honourable members would be aware of the Government's commitment to helping small businesses meet their workplace obligations. WorkCover has introduced many services that are practical and effective and, most importantly, accessible to small businesses. We are all aware of the economic and social contribution made by the small and medium business sector, which in recent years has been a major contributor to job creation in New South Wales.

Aside from the many facets of operating a small business, such as strategic planning, financial management, people management and marketing and innovation, to be a truly successful business owner one needs to understand and manage the risks of a business. Occupational health and safety is a crucial element of every organisation's risk management strategy. This year has seen the Government build on a solid foundation of assisting small businesses to meet their responsibilities. Honourable members would be aware that in February I launched WorkCover's business assistance unit with my colleague the Minister for Small Business, the Hon. David Campbell.

The Hon. Michael Gallacher: It must have been a small launch.

The Hon. JOHN DELLA BOSCA: It was a big launch at a factory in Western Sydney. It was very good. Since then the unit has conducted over 100 workshops attended by more than 1,700 business owners and managers and a new round of workshops for the October-December quarter is under way. The unit works directly with small and medium businesses to learn first-hand what works and how WorkCover can best help businesses to help themselves. WorkCover's latest small business initiative, created in conjunction with the Department of State and Regional Development, is the safe business is good business web site.

The web site has been developed specifically for small businesses to make it easier for them to make their workplaces safer and to meet their workplace safety, workers compensation and injury management responsibilities. It has a selection of basic and practical information organised by industry to help small businesses understand what their requirements are and how to meet them. The web site has been designed to be easy to use, it is fast to download and it offers text-only versions to ensure the site is available to all small businesses, regardless of bandwidth access. The web site can be reached by visiting the WorkCover web site.

Businesses can use this web site to find general and specific information for different industry sectors, such as the construction industry, or retail and wholesale industries. Businesses can also subscribe to an electronic news bulletin that will bring them up to date and keep them up to date with the latest developments and ideas on workplace safety. Honourable members would be aware that workplace injuries and fatalities in New South Wales are at their lowest level in 17 years. The Government is proud of that record. I commend the "safe business is good business" web site to the House as another important step in the Government's goal of assisting business in New South Wales.

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

HOME AND COMMUNITY CARE PROGRAM FUNDING

The Hon. JOHN DELLA BOSCA: Earlier during question time the Hon. John Ryan asked me a question about Commonwealth-State funding arrangements for home and community care [HACC]. For the benefit of all honourable members, I confirm that the New South Wales Government has agreed to the 2005-06 funding for HACC. That matter has been communicated to the Federal Minister.

Questions without notice concluded.

[The President left the chair at 1.04 p.m. The House resumed at 2.30 p.m.]

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**Report: Handling of Health Care Complaints in Other Jurisdictions**

The Hon. Christine Robertson, on behalf of the Chair, tabled report No. 9/53, entitled "Handling of Health Complaints in Other Jurisdictions", dated October 2005.

Ordered to be printed.

The Hon. CHRISTINE ROBERTSON [2.34 p.m.]: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Christine Robertson.

LEGISLATION REVIEW AMENDMENT (FAMILY IMPACT) BILL**Second Reading**

Debate resumed from an earlier hour.

Reverend the Hon. Dr GORDON MOYES [2.35 p.m.]: I will speak only briefly on the Legislation Review Amendment (Family Impact) Bill, and I thank honourable members for their comments about it. As many honourable members will be aware, my colleague Reverend the Hon. Fred Nile expressed in a private member's bill intentions similar to those in the bill we are considering today. In October 1991 he introduced a bill with the purpose of establishing a Family Impact Commission—an entity that would be charged with providing family impact statements on legislation before the House. The intention of my colleague's proposed legislation is, in essence, replicated in this bill. However, unfortunately, it fails on one very important point: the definition of a "family".

Regardless of how we define a "family", we all come from one and most of us are in one. Ultimately, families are groups of people living under the same roof who have committed to living with one another because of an emotional and/or biological connection. The traditional definition of "family"—the nuclear family—is perhaps not as salient for our communities as it once was. However, there is no general move across the nation away from the traditional or nuclear family. The numbers of different types of families reflect patterns of partnering and marriage, and subsequently differences in family formations. This can be seen in the most recent Australian Bureau of Statistics [ABS] publication in this area, entitled "Family Characteristics 2003".

The Australian Bureau of Statistics has extrapolated an abundance of valuable information on Australian families and their characteristics from data obtained in this area. In order to understand appropriately the nature and characteristics of Australian families, it is useful to know what we are talking about. Families may comprise couples with or without children of any age, lone parents with children of any age, or other families—that is, families of related adults where no couple or parent-child relationship exists, such as brothers and sisters who live together. In 2003, 84 per cent of all families—4.6 million—were couple families. Some within the community claim that the nuclear family has died out in Australia. But in fact 84 per cent of families are nuclear or couple families. Some 14 per cent were one-parent families and 2 per cent were other families.

Families with children constituted 60 per cent of all families. These can be categorised as families with dependent children—that is, families with children aged under 15 years or full-time dependent students aged 15 to 24 years—and families with non-dependent children only. In 60 per cent of couple families with dependent children—that is, children aged under 15 years or full-time dependent students aged 15 to 24 years—both parents were employed. The likelihood of both parents being employed tended to increase with the age of the youngest dependent child, from 45 per cent in families where the youngest child was under two years of age to 67 per cent where the youngest dependent child was a full-time student. Interestingly, of the almost 700,000 couple families with dependent children where only one parent was employed, the employed parent was the father in 89 per cent of cases. So the stereotype of the father supporting his wife and children seems to have strong statistical support in Australia. In 2003, 52 per cent of lone parents with dependent children were employed and, of these, just over half—or 52 per cent—were employed full time.

As with couple families, lone parents with older children were more likely to be employed than those with younger children. Some 76 per cent were employed in families where the youngest dependent child was a

full-time student aged 15 to 24 compared to 28 per cent where the youngest child was aged 0 to 2 years. In 2003, 15 per cent of all dependent children were in families without an employed parent. Almost two-thirds of these children were in one-parent families. As reported in the ABS statistics, in 2003 there were 7.6 million households, of which 71 per cent were family households. Most people, 87 per cent, lived in family households. What do we mean by family? This is exactly where the legislation fails to make sense. We believe that families are people of two different sexes, living together, exclusively of others, tied by bonds of law and blood. When we reach the Committee stage I foreshadow that I would like to produce a better definition of "family". If that definition is acceptable, this bill will be more likely to be accepted.

The Hon. PATRICIA FORSYTHE [2.41 p.m.], in reply: Earlier today Reverend the Hon. Fred Nile, speaking on behalf of the Christian Democratic Party, indicated support for the bill. However, it would appear that Reverend the Hon. Dr Gordon Moyes will move an amendment, which as yet has not been produced. I thank the Hon. Peter Breen and the Hon. Dr Arthur Chesterfield-Evans for their contributions in support of the role of the Legislation Review Committee. Both members have always stood up for the clarification of rights. I thank the Hon. Peter Breen for outlining the origins of the committee, how it has evolved, and its place within the parliamentary process. I thank the Hon. Dr Arthur Chesterfield-Evans for his committed position for a lengthy period on this type of legislative review. I acknowledge the sensible contribution of my colleague the Hon. Don Harwin, who served on the committee.

The Government's rebuttal of the legislation was extraordinarily weak. It is determined to oppose it for reasons that are unclear. The Opposition supports small government. I have always tried to advocate for the sensible role of government. The committee provides an opportunity, without being burdensome, to advise members of both Houses on the impact of legislation. One of its functions is to assess the effect of legislation on personal rights and liberties. The committee refers to the adverse impact of regulation on the business community. The Government says that families are diverse and therefore it would be impossible to define what constitutes a family. If we do not use the legislative review process the Government will have to find some other way. Prior to the 1995 election Bob Carr, the then Leader of the Opposition, stated that the Labor Party would have impact statements on families and women to at least advise Cabinet.

I am surprised by the Government's position because one of the functions of the committee is to advise on the adverse impacts of regulation on the business community, which is extraordinarily diverse. The business community can include a single small business owner, a multinational corporation, a farmer on the land and a variety of other people in a profession or business. No attempt has been made to define "business community". We could make our own definition. Appendix 4 to Legislation Review Digest No. 11 relates to the index of correspondence on regulations reported on in 2005. The first was the architects regulation, which one might assume would be relevant within the business community, but it might have a broader impact: for example, it might impact on the construction industry. The forestry regulation might not have been of interest to architects, but it might have been relevant to foresters. The business community means different things in different contexts, and it is the same for families.

The Government has no difficulty talking about families. That is obvious when one reads the budget papers. Although the Government says it is difficult to define families because they are diverse, one need only turn to table 2.1 on page 2-3 of this year's Budget Statement, which refers to the share and growth in expenses for priority areas. What are listed as priority areas? Besides the obvious areas of Health, Transport and Education, the Budget Statement lists children and families. The Government seems to know what families mean in that context. Under the heading "Supporting children and families" on page 2-22 of the Budget Statement reference is made to children and families in the context of budget allocations to the Department of Community Services, which plays an important role in child protection; the Department of Ageing, Disability and Home Care, including the Home Care Service; the Office of the Children's Guardian; the Commission for Children and Young People; and NSW Businesslink. Reference is also made to Aboriginal services and support for children. Table 2.6 on page 2-27 of the Budget Statement is headed "Major Service Improvements in Support of Children and Families".

The Government seems to understand what families are in a particular context, but it seems to be incapable of supporting legislation that deals with families in a legislative, rather than a budgetary, context. The Government's response was totally unconvincing. When we go to the next election political parties will demand to know what the Government and the Opposition will do about a family impact statement. I took this concept to the Opposition party rooms in May last year. The Opposition regard this as an important way forward. We believe in the importance of families and we believe that, within the context of the role of government, it is important to consider legislation not only in the context of the environment, business or individual rights but also in the context of families.

The Government has adopted an extraordinarily narrow position. It said that it ought to be a guide for Ministers in developing policies. If it can be framed in the context of being part of the Cabinet process in the development of policies then it can be framed in the context of legislation. There is no doubt that much of the legislation will have no relevance, just as we get reports from the Legislation Review Committee that say it can see nothing that impacts on the rights of the individual in a particular case. In other cases we get a lengthy dissertation on rights and responsibilities. I think the Government has missed an opportunity to do something about a matter whose time has come.

I want to take up the points raised by Reverend the Hon. Dr Gordon Moyes relating to Australian Bureau of Statistics definitions. However, I want to make a very clear statement to Reverend the Hon. Fred Nile, who, in criticising the bill and saying he would support it, said it was a token bill. That was not the position the Opposition took. In our party room we talked about it as a positive move. He said he had no doubt that a family was a male and female in marriage with children and he referred to a three-generational family, with grandparents, parents and children. Since I came close to being defamed recently on this issue, let me say that I have no agenda to promote anything on behalf of the homosexual community. It is not something that has been or is likely to be part of my agenda. In my daily life it is not relevant. My family is a husband and wife and children. They are not dependent children now; they are adults. That is the context in which my children have grown up and in which I live.

However, you cannot restrict a definition, so I want to take up the points Reverend the Hon. Gordon Moyes raised about the Australian Bureau of Statistics [ABS]. We can be guided by some of the statistics the ABS provides. Let us look at what the ABS says about families and households. It does a fairly good definitional breakdown of the statistical analysis of families and households in our community. The ABS census of 2001 shows 47.8 per cent of all families in occupied private dwellings were couple families with children. However, the ABS also notes that 34.9 per cent were couple families without children, 15.5 per cent were one-parent families and 1.8 per cent were "other families"—I am not sure what that means. It is fairly clear that, using the family and household definition, couple families with children effectively comprise 50 per cent of the people who occupy private dwellings.

We can start to work from that point. Then there are the one-parent families, which is the issue. To try to suggest that the only families that might be impacted are married couples with children raises the question of what you do with a widow or widower with a child? What do you do with an unmarried parent with a child to whom they are directly related? How do you define that? The fact is that 15 per cent of our households are one-parent families. When would we use this legislation? When is it most likely to have a role? It will probably be when we deal with the issue of dependency. Let us look a little further at the ABS statistics. If we look at households in New South Wales we see that in addition to defining a husband and wife in a registered marriage there are also those in a de facto marriage, as defined by the ABS. We can also look at the number of children under 15, dependent students aged 15 to 24, and non-dependent children in a household. We can start to analyse matters. When does this bill become most relevant? It is when we are dealing with legislation that impacts directly on children.

I will take the obvious but extreme end and go back some years when I disallowed some regulations related to childcare in New South Wales because there had been no proper cost benefit analysis. It came to my attention because business—that is, the operators—felt the costs would be an onerous responsibility on its operations. One could talk about that regulation in relation to the impact on the business community. However, one could also take it further and translate it to the likely cost if one had to employ one or two additional childcare workers for each group of six children. One could work out what that might mean for a family with a child in childcare. Out-of-school-age care is another area that could be considered.

It has traditionally been deregulated despite the fact many people in the community want it to be strongly regulated. Out-of-school-age care is frequently accessed by working parents and one of the arguments against it being regulated is that there will be extra costs. One can translate that proposal into a cost impact. Some things might be translated to mean a household. Reverend the Hon. Fred Nile said he had no doubt in his mind, but some people might interpret a family to mean two homosexual men living together. I do not translate that to mean a family. I certainly translate it to mean a household. For example, if we were dealing with the stormwater legislation that we discussed last night, which imposes a \$25 annual levy on a household, one might say that the levy is an additional cost on a household. In some cases, it would impact on a family and in others it might impact on a household. It could be interpreted in different ways.

I do not come to this debate with a hidden agenda. I believe that along with dealing with business, and interpreting an environmental impact in another context, one of our responsibilities as a Parliament is to look at

the impact of legislation. For the benefit of Reverend the Hon. Fred Nile, I refer to what I said when I began my speech on his legislation on 4 September 2003. I have been recently taken out of context—perhaps I could be charitable and say misinterpreted. On that occasion I said:

This is significant legislation, and I would not wish my opposition to it to be taken as being opposition to the concept and importance of families. I would be among the first to suggest that families are the cornerstone, the heart of our society. However, in giving consideration to the bill we should focus our attention on its aims.

I then said I felt that it was undermining the power authority of the Parliament. What we are trying to do here is use a committee that advises the Parliament so that we can make up our minds directly. It is not an external body through which the legislation has to go. It is a committee that is the creation of the Parliament. The advice would come from it, not perhaps prescribed in the way Reverend the Hon. Fred Nile does. I say clearly that I do not have another agenda. There is no hidden agenda. The Opposition does not have people with an agenda to undermine the concept of the nuclear family. Far from it. We support the nuclear family; we understand it to be the cornerstone of our society. Reverend the Hon. Gordon Moyes said that the nuclear family may not be as salient as it once was. We certainly do not want to undermine the nuclear family, but we recognise that it is far more acceptable in the community in this day and age for many women to be so-called unmarried mothers.

Fewer children are being adopted because it has become acceptable for an unmarried woman to have a child. A generation ago that was more the exception than the rule. Many unmarried women are loving and supportive parents. The real issue is dependency. I take the point made earlier by Reverend the Hon. Dr Gordon Moyes, who said that a family unit could include grandparents. With an ageing population, we will see more and more instances of dependency operating in a way that is different from the way it has operated in the past. In the future, children will be caring for their elderly parents. In the context of dependency, legislation and Government policy that is implemented in support of older people may need to take account of the older persons category.

If dependency had been a budget allocation rather than a legislative issue, one could well have commented on the loss of support from funded hours of care by older people who care for post-school disabled people. Overwhelmingly post-school disabled people look to their parents to provide extended care in the home. Many people who have a disability remain dependent on their parents for a long time, if not for life. In the context of the debate "dependent" was defined only as people who are under 18 years of age. However, young people such as students frequently remain dependent upon their parents until they reach their twenties. I will be interested in the definition of "dependency" that the committee recommends. [*Time expired.*]

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

The House divided.

Ayes, 20

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

Noes, 15

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

Pair

Miss Gardiner

Mr Roozendaal

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Consideration in Committee ordered to stand as an order of the day.

CASUAL WORKERS

Debate resumed from 12 October 2005.

The Hon. IAN WEST [3.10 p.m.]: The Prime Minister has said that we are living in a worker's market and that the current protections for employees' wages and conditions are too complex and confusing. He said that his legislation will make it easier for employees and employers to get together, to talk and work out their own arrangements. Quite frankly, he lives in a world that is different from the one I know regarding industrial relations—it is all a little bit too cute. Australians do not wake up every morning and think that they will go to their workplace that day and just sit down and work out their arrangements with the head of the Commonwealth Bank, McDonald's or Caltex. They know that will never happen and they know they do not have the power to do it.

Australian workers know the self-evident raw reality of master and servant, hire and fire relationships. Australians are more concerned about getting the balance right with their family, children, relationships and friendships, and the workplace. They want proper work and security in their lives. They want to apply for a home loan and get it. They want to educate and socialise their children. They want to volunteer in their communities, clubs, churches and sporting groups. Hundreds of other community activities are affected when people are called into work at short notice, on weekends, at night or after school hours. Australians want a choice—they want more than take it or leave it. Australians want freedom. They want weekends to go to church, to see family, to rest. Australians want opportunity, they want to give their kids something better than they had, they want to give them a working life that has some meaning and purpose.

Australians are individuals, and they are unique. They have developed a unique system of work protections. Australians want flexibility, but they do not want to compete with each other if it leaves their neighbour worse off. They want the ability to plan and to participate in the community. Australians do not want to be second-class citizens in the workplace or anywhere else. We have heard how casual work does not address skills shortages in Australia; in fact, it detracts from skills building. Casualisation of the work force is an issue of decency and respect. Without an independent umpire, casual workers will be left to bargain by themselves with the boss and they will be set against each other in a bidding war in a race to the bottom—flexibility down! The casualisation of the Australian work force is vital; it defines the quality of the society in which we live. It is one issue that will affect our children's lives and their children's lives. We cannot let this matter go through to the keeper. I thank honourable members for their contributions to the debate. Some honourable members made excellent contributions, but one or two were not up to speed. I ask honourable members to support the motion.

Motion agreed to.

ANTI-DISCRIMINATION AMENDMENT (EQUALITY IN EDUCATION AND EMPLOYMENT) BILL

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

Second Reading

Ms LEE RHIANNON [3.15 p.m.]: I move:

That this bill be now read a second time.

The Anti-Discrimination Amendment (Equality in Education and Employment) Bill is about inclusion, equality and fairness. The Anti-Discrimination Act 1977 is one of the finest achievements of this Parliament, but it is not perfect. It contains some loopholes that allow legal discrimination to continue. The bill seeks to remove those loopholes. At present a student at a private school in New South Wales can legally be expelled for coming out as gay or lesbian. Imagine that—a young person, grappling to come to terms with his or her sexuality, perhaps

struggling to deal with the emotions and confusion involved, is expelled for no other reason than his or her sexuality. At present a private school can legally fire a teacher because his or her marriage ends in divorce. In 2005 you would hardly believe that it could be the case, but it is. In 1977 this Parliament decided that it was unacceptable generally to discriminate on the grounds of marital status. However, in 2005 private schools can still do so. The Greens believe that that is a disgrace.

Further, at present, public schools in New South Wales accept every student who enrolls. That is their great strength. Yet private schools are legally entitled to turn away a prospective student if that young person has a disability. Public schools are not allowed to discriminate against those with a disability, and rightly so, but private schools remain free to do so. The irony, of course, is that many private schools are better placed to afford the costs involved than the hard-pressed public school system. The Greens believe that these legal discrimination loopholes are morally repugnant. The principle upon which the Anti-Discrimination Act is founded—embodying the values of inclusion, equality and fairness—cannot be qualified or limited. Discrimination is either right or it is wrong. We say that it is wrong. It is a nonsense to have one rule for some and another rule for others.

There has been some misinformation about this bill, which is obvious from the number of form letters I have received inspired by groups such as the Christian Democratic Party. Let us be clear about what this bill does not do—it does not impinge upon religious freedom, and it does not limit the free exercise of religion. The existing section 56 of the Act is largely untouched. This bill does not seek to interfere in the internal affairs of churches or religious organisations. However, when religious organisations interact with the public as service providers, businesses or de facto government agencies the ordinary rules of society ought to apply. There is a clear and obvious distinction between religious organisations on the one hand, and schools, charities or businesses operated by religious organisations on the other. Moreover, any suggestion that the Greens would ever seek to limit religious freedom betrays a total lack of understanding of our core values.

The Greens stand strongly and proudly for freedom of religion, of association and of speech. But that does not mean that schools or charities, or businesses operated by religious organisations should not have to conform to normal, social standards. It is the proper role of Parliament to set those social standards, to set rules for fairness, to promote equality, and to protect the disadvantaged. That is what Parliament did in 1977 when it passed the Anti-Discrimination Act. That is what we ought to do today. This bill also seeks to remove the arbitrary distinction between businesses that employ five or fewer staff and those that employ six or more. There is no logical or credible basis for this distinction.

The Act already contains provisions to make life easier for businesses if circumstances merit it, and we do not propose to change those provisions. I will go through the provisions in the bill in order to explain exactly what they do and what they do not do. The first substantial amendment relates to the deletion of paragraphs (b) and (c) of section 25 (3). That section of the Act deals with discrimination on the grounds of sex. Section 25 deals specifically with applicants and employees and paragraphs (b) and (c) of subsection (3) exempt respectively businesses employing five or fewer staff and private educational authorities. Of course, I have been referring to private educational authorities as private schools. The great majority of them are, but it is equally applied to private universities and so on.

There is a related amendment to paragraph (a) of section 31A (3), which seeks to remove the right of private schools to discriminate against students on the grounds of sex. Of course, this applies only in co-educational schools. Paragraph (b) of section 31A (3), which protects single-sex educational institutions from the provisions of this Act, would remain. This amendment is important because it is not just about admission to a school; it is also about how students are treated within a school. Paragraph (a) of section 31A (3) states:

It is unlawful for an educational authority to discriminate against a student on the ground of sex by denying the student access, or limiting the student's access, to any benefit provided by the educational authority.

In other words, schools cannot give one sex access to benefits that the other sex misses out on. This is currently the case for public schools and there is no reason for private schools to be any different. If it is wrong to so discriminate in a public school, surely it is equally wrong to do so in a private school. This amendment is also important because of the issue of pregnant schoolgirls. Section 31A currently allows private schools to discriminate against pregnant schoolgirls, to expel them, to ask them to leave or to provide a different level of education. This creates lasting problems. If there is one thing a pregnant schoolgirl needs, it is support to finish her education. Her potential in life and the wellbeing of her family may well be determined by her level of education. It is shameful that a school would abandon one of its students when so vulnerable, but it does occur. This bill is necessary to put a stop such practises.

Equivalent amendments are proposed for sections 38C and 38K relating to discrimination on transgender grounds. In New South Wales it is unlawful for a public school or a business with six or more staff to discriminate on transgender grounds with regard to employment or education. The bill would extend this protection to private schools and small businesses. The principle remains the same: either it is morally right to discriminate on transgender grounds, or it is morally wrong. The Greens say that it is wrong. Either way there is no logical basis to distinguish private schools and small business from the rest of society. The normal social standards ought to apply.

I refer next to amendments to sections 40 and 46A, which relate to discrimination on the grounds of marital status. It is truly remarkable that in 2005 discrimination based on marital status is legally tolerated. The amendment to section 40 would remove the loophole that allows small businesses and private educational authorities to discriminate in employment based on marital status. That loophole is a relic of a different time, and it is offensive to say the least. It harks back to the period in the nineteenth century and early twentieth century when women teachers were required to resign when they married. Thankfully, today the idea that one's marital status is irrelevant to one's professional abilities is a broadly accepted notion. It is an accepted social standard with which all in society ought to comply.

It is worth noting that section 46 would remain, creating an exception in the employment of a married couple. This is another example of the commonsense exceptions contained in the Act, which the bill leaves untouched. The amendment to section 46A would remove the loophole allowing private educational authorities to discriminate in education on the grounds of marital status. This is a less common problem, although I am sure it does arise from time to time. Nevertheless, the same principle applies—discrimination is either right or wrong, and if it is wrong in a public school then it ought also to be wrong in a private school. The next portion of the bill relates to discrimination on the grounds of disability, an issue of tremendous importance to the Greens. The bill amends section 49D to close the loophole that allows small businesses and private education authorities to discriminate in employment based on disability. In this context it is essential to note that the bill does not amend section 49D (4), which states:

Nothing in subsection (1) (b) or (2) (c)—

which is about hiring and firing—

renders unlawful discrimination by an employer against a person on the grounds of the person's disability if taking into account the person's past training, qualifications and experience relevant to the particular employment and... all other relevant factors that it is reasonable to take into account, the person because of his or her disability:

- (a) would be unable to carry out the inherent requirements of the particular employment, or
- (b) would, in order to carry out those requirements, require services or facilities that are not required by persons without that disability and the provision of which would impose an unjustifiable hardship on the employer.

Under this bill the section 49D (4) exception would be available to small businesses and private educational authorities. They would not be required to suffer unjustifiable financial hardship or to employ a person in a role that the person cannot fulfil. So there should be no concern about the burden that the bill might place on small businesses that could not, for example, afford the cost of installing a wheelchair ramp or something similar. No-one is trying to send small businesses broke—far from it. Nevertheless, people with disabilities deserve to be supported by this Parliament. If it is at all possible financially for businesses to comply with the Act, then they ought do so. That should apply regardless of the arbitrary threshold of six employees or more.

Discrimination is either right or wrong in principle and it is silly to pretend that it is suddenly okay if there are only five employees. The bill amends section 49L, which is also about discrimination based on disability but in relation to education. Section 49L (1) makes it unlawful for an educational authority to discriminate by refusing or failing to accept an application for admission as a student, and also in the terms on which it is prepared to accept the student. But paragraph (a) of section 49L (3) exempts private educational authorities, and this bill will remove that exemption. This is an important issue.

One of the great and enduring strengths of the public school system is its diversity. Children grow and develop in an environment of tolerance and understanding. Difference is minimised and normalised. Private schools, on the other hand, remain free to discriminate as to whom they accept as students. They can refuse to enrol a student with a disability. This sends the opposite message—that that difference does not need to be tolerated or accepted and that some people are more deserving than others. It is an antisocial message. Ultimately it would be to the great benefit of the private system and society generally were private schools forced to accept students regardless of disability.

It is important to note that subsections (4) and (5) of section 49L are untouched by the bill so that unjustifiable hardship exceptions would apply. A private school would not be forced to enrol a student with a disability if it would suffer unjustifiable hardship in doing so. So there is no need to be concerned that small, private schools might be unable to afford the extra resources required. People with disabilities can be amongst the most vulnerable in our society. Our role as members of Parliament is to protect the vulnerable and to ensure that fair and decent social standards apply. The application of anti-discrimination rules to small businesses and private educational authorities is a logical extension of this role.

The bill next deals with discrimination against carers. Carers are defined in section 49S of the Act, and include persons with responsibility to care for or support a child or other family member who requires care and support. This is an important issue. I do not often agree with the Prime Minister, but when he described the work-family balance as a "BBQ stopper", it was one of those rare occasions when I did. Most families struggle to balance work with looking after children and perhaps an elderly relative. If we are to have healthy, functioning families, it is essential that Parliament support carers.

At present the Act prevents discrimination in employment based on a person's responsibilities as a carer. However, small businesses are again exempted, and the bill seeks to remove that exemption by deleting paragraph (b) of section 49V (3) from the Act. This would remove the arbitrary distinction between businesses that employ five or fewer people and those with six or more workers. It is important to note that the bill does not touch section 49V (4), which creates exceptions if the employee would be unable to carry out the inherent requirements of the particular employment or if the employer were to suffer unjustifiable hardship. So any threat to the viability of small business is negated. It is essential that Parliament send the strongest possible signal in support of carers. Extending their discrimination protection to small business would do that without endangering any business financially.

The next part of the bill deals with the very important issue of discrimination on the grounds of homosexuality. There can be no justification for allowing such discrimination to continue. The bill would remove the loophole that allows small businesses and private educational authorities to discriminate in employment on the grounds of homosexuality and the loophole that allows educational authorities to discriminate in education on those same grounds. The notion that someone could be judged as being suitable or unsuitable for a job based on his or her sexuality is plainly offensive. Objections have been raised with me about employing gay men to work as teachers. Such sentiments are ignorant, backward and plain wrong. Of course, gays and lesbians are free to teach in public schools and their sexuality generally remains their own business. I challenge any member to point to evidence of any detrimental impact whatsoever in that regard. There is no such evidence because sexuality is irrelevant to one's teaching abilities.

In 2002 the Queensland Government amended its anti-discrimination legislation and now, in this respect at least, is ahead of New South Wales. Private schools in that State are not allowed to discriminate against gay or lesbian teachers unless their conduct is contrary to the religious values of the school. In other words, there is a kind of "don't ask, don't tell" policy. That is certainly imperfect, but it is better than the state of affairs in New South Wales. The fact that Queensland, which is generally regarded as a socially conservative State, can adopt such a law shows just how out of step with mainstream views the New South Wales Act is.

I have also heard it argued that it could be disruptive to a small firm if other staff had to tolerate a gay man or lesbian at work. Such arguments usually reflect only the homophobia of the speaker. But they also miss the point entirely. It is our responsibility as a Parliament to set decent social standards of behaviour and to reinforce and promote the good in our society. I believe Australians are inherently tolerant and fair-minded. In fact, in 2005 the Act probably lags behind community sentiment. We should send a clear signal in favour of tolerance and fairness.

As regards discrimination in education, this amendment is crucial if we are to address rampant homophobia in our society. As we all know, schoolyards can be intolerant places and when prejudice is reinforced officially and legally it sends a message to kids that prejudice is legitimate. It institutionalises prejudice and intolerance, which is entirely the wrong way to go. A Newspoll survey commissioned by the Australia Institute for its discussion paper "The Accountability of Private Schools to Public Values", published in August 2004, tested public attitudes on this question. Some 89 per cent of those surveyed disagreed with the proposition that "private schools should be able to expel students because they are gay". Only 8 per cent agreed with the proposition and 4 per cent were unsure. So clearly majority opinion is with the Greens on this issue.

Private schools should not be allowed to discriminate against gays and lesbians. I challenge any member who believes otherwise to say so and to explain why during the second reading debate. It would be

fascinating to hear those arguments. I do not see how one could sustain that view without arguing explicitly that there is something wrong with being gay or lesbian. If such sentiments exist here, let us hear them and let us debate this issue.

The final important amendment in the bill is new section 56 (2), which deals with religious bodies. To put this in context we must understand section 56. It says that nothing in the Act affects the ordination or appointment of priests, ministers of religion or members of any religious order, the training or education of those seeking ordination or appointment as such, the appointment of any other person in any capacity by a body established to propagate religion or any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion. So religious bodies are exempted from the Act in the widest possible terms. The bill does not change the existing wording in section 56. However, it adds a new subsection. It does not operate so as to permit unlawful discrimination in the provision of services—such as social, charitable, welfare or similar services—to the public or in the provision of primary, secondary or tertiary education.

Let us be clear about the intention of the bill. The internal affairs of religious bodies will remain exempt from the Act. Issues such as the ordination of priests or internal church practices or doctrines are not subjects of this bill. The free exercise of religion is not impinged upon in any way whatsoever. The bill seeks to bring within the Act the activities of religious bodies only when interacting with the public. Many religious bodies own and operate services such as employment services, charities or aged care facilities. Those agencies should have to comply with the Act when providing services or selling goods and services to the public. Normal social standards should apply.

For example, when the Howard Government privatised the old Commonwealth Employment Service many private agencies stepped in to offer employment services to the public—usually with Commonwealth Government funding assistance. Many of these agencies are owned by or affiliated with religious bodies. At present section 56 allows those agencies to refer a straight man to a job vacancy in preference to a gay man, for example. Another example of the need to amend section 56 can be found in the area of aged care. Many aged care facilities are owned by religious bodies and there is a significant ongoing problem with discrimination against gay, lesbian and transgender applicants for employment in such facilities. This causes real hardship, particularly as it can be extremely difficult to find suitable aged care. These are glaring loopholes, and I suggest that does not reflect the original intention of section 56. There is a very clear distinction between the free exercise of religion within religious bodies and the provision of goods and services, including education, to the general public. The principle of freedom of religion dictates that Parliaments should not attempt to legislate religious practice.

It is equally important to note that parliaments have responsibility to legislate to set standards for behaviour in general society. Those two ideas are not inconsistent. Discrimination is destructive. It marginalises, divides and limits human potential. The alternative to discrimination is a fair go: giving everyone a fair go to get a job or succeed at school regardless of gender, sexuality, marital status, disability and so on. The Greens believe in the power of government. Not in a utopian sense: not to legislate for perfect outcomes or to eliminate prejudice, but to articulate, promote and defend a vision for society based on the very best in our nature—a vision that uplifts the human spirit and shows us what we can be. The Anti-Discrimination Act embodies that vision.

No-one believes that the simple passing of a bill will, in itself, eliminate discrimination. But it is a vital step. The loopholes in the Act legitimise discrimination. They send a message to society that discrimination is okay. They demean the spirit and intent of the original Act, which is one of Parliament's finest achievements. In 1977 the Parliament was bold enough to pass the Anti-Discrimination Act and set forth a vision of a fair go for all. It was brave and it was visionary. I am sure that, at the time, plenty of detractors claimed that the sky would fall as a result of this Act, but, thankfully, they were disregarded and society today is better for the passing of that legislation in 1977. In 2005 it is time to finish the job. Nearly 30 years down the track it is time to close the loopholes. It is time to extend a fair go to everyone.

Debate adjourned on motion by Ms Lee Rhiannon.

PORT MACQUARIE BASE HOSPITAL

The Hon. JAN BURNSWOODS [3.42 p.m.]: I move:

That this House congratulates the Government on its decision to return Port Macquarie Base Hospital to public ownership, which will bring significant advantages to health services in the region.

I have great pleasure in moving this motion, which has been on the notice paper in my name for most of the year. I gave notice of it only a couple of weeks after the very welcome return of Port Macquarie Hospital to the public sector on 31 January this year. For me and many people, particularly the thousands of people living in the Port Macquarie and Hastings region, it was a welcome event. The history of Port Macquarie Hospital and the actions of the Greiner and Fahey governments go back some 17 years. I will say a little bit about the events of that time, and some of my colleagues on the Government side will speak about more recent events. I pay tribute to all the local people in the Port Macquarie area who, from July 1991 when the then Minister for Health, Peter Collins, announced that a private sector company had been asked to design and build the hospital and that a new decision had been made that the hospital would be run by the private sector, fought the good fight.

The July 1991 decision, at the height of the Greiner privatisation madness, fitted in with the ideological preconceptions of that Government. But from the very moment it was announced through to the opening of the private hospital in late 1994 and then through to the 10 years of increasingly unsatisfactory operation a number of people in the local area and a number of organisations have fought the good fight to have the decision reversed. I acknowledge that many of those people are members of the Labor Party, but I also acknowledge that many people with no connection to the Labor Party fought very hard to ensure that the people of the Port Macquarie area have access to decent health services and to reverse this foolish decision. I mention particularly John Murphy, who is well established in the area and who was involved in the fight from the beginning as a local pharmacist and a councillor on Hastings Council. He was aware of the issues.

I pay tribute also to the late Wayne Richards, the former mayor of Port Macquarie, who was involved for a long time. A number of people in the Port Macquarie, Camden Haven, Taree and Wauchope areas also have been involved over the years. Most recently Greg Watters, who ran as the Labor candidate in the Federal election in 2004, was responsible for collecting thousands of signatures on a petition. He certainly was not the first person in that area to do so. I pay tribute also to the Hon. John Tingle, MLC, Rob Oakeshott—a former member of The Nationals who, fortunately, saw the light and is now the Independent member for Port Macquarie—and also my colleague the Hon. Kayee Griffin, Labor's duty member of the Legislative Council for Port Macquarie.

It gives me even greater pleasure in speaking to the motion to note that the successful completion of negotiations over the latter part of 2004 and the early part of 2005 were carried out by the then Minister for Health, Maurice Iemma, who is now our Premier. Maurice Iemma, his staff and the area health service did a good job negotiating with those who had so badly let down the people of the Port Macquarie district, negotiating particularly with the Mayne health group over the return of the Port Macquarie hospital to the public sector. Now that Maurice Iemma is Premier of the State it is rewarding to reflect on what a fine job he did as Minister for Health.

[Interruption]

I will ignore the comments and interjections, but it is interesting to hear members of the Liberal Party and The Nationals still defending the long sad history of Port Macquarie hospital. In 1996, when the Auditor-General reported on his analysis of Greiner's great deal, he said that the people and taxpayers of New South Wales were paying for this hospital twice and then giving it away. The Auditor-General could not make a more damning comment to highlight the utter stupidity and ideological blinkeredness of Greiner, Fahey and Collins in 1991-92.

Not only was their decision flawed from the start in terms of the health services that the people of the Port Macquarie area would get, but also the detail was badly flawed. The original contractual arrangements gave the private sector operator far more than it should have been given. Then, as I will show in going through some of the details, matters were made even worse by the enormous number of millions of dollars that had to be paid each year to achieve even a basic level of service. From the moment the hospital opened in late 1994, almost everyone in the region—the people, patients, prospective patients, doctors, nurses and other staff—complained about its inadequacy. It was, as some of us would remember, a major issue in the 1996 by-election when Wendy Machin resigned as the member for Port Macquarie and Rob Oakeshott won the seat.

The discussion about replacing the old Hastings District Hospital started in approximately 1988 during the term of the Unsworth Government. The Greiner Government decided in 1991 to build a new hospital on a different site, but it was suddenly decided and announced by the then Health Minister, Peter Collins, that not only would the private sector design and build the hospital, it would also operate it. That decision was presented to the people involved as a *fait accompli*. Work began on planning and building. There was a remarkable report

from the Public Accounts Committee in 1992 that predicted a huge saving—I think from memory a \$40 million saving—which turned out to be totally wrong. Premier Greiner resigned amid allegations of corruption, but the contract was signed by the new Fahey Government and the new hospital opened in December 1994 while Fahey was Premier.

The hospital was managed by Mayne Nickless, as the group was then called, at a cost to the State Government of more than \$47 million a year over 20 years. That was in addition to the initial outlay of \$52 million. If the Government had stayed with the contract to the end, and the successful negotiations carried out by Morris Iemma had not taken place, as the Auditor-General pointed out, the Government and the taxpayers would have paid for this hospital twice and still not owned it. The dissatisfaction with this hospital continued almost from when it opened. For instance, in 1997, after various legal threats and arguments, the Government awarded the operator, Health Care of Australia [HCOA] as it then was, an extra \$3 million to cover the cost of providing for medical patients, on top of the \$1 million that had already been secured to cover the cost of treating Department of Veterans' Affairs patients. They are two examples of the kinds of things that happened throughout the history of this hospital. Time after time inadequate services were provided and the Government was forever having to bale out the operators so decent services might be provided to the people of Port Macquarie.

The concern of local people and pressure on the Government started to build in 2000, when almost everyone in the area began to talk about the need for the Government to take back the hospital. There were a number of reasons for this. The hospital had then been operating for six years and things were not much better. Serious concerns were expressed and specific allegations were made about poor patient treatment. It was widely believed that some of these things were happening as the market value of Mayne Nickless plummeted and it tried to rescue its financial position by the unconscionable action of cutting costs at the hospital, and therefore cutting patient care. At this stage the salaries of nurses were slashed in an attempt to make sure the hospital was profitable. That sums up the whole problem from the beginning. Mayne Nickless's interest was not in patient care but in whether it could make a profit out of operating what was, in effect, a private-public hospital. Health is much too important for that to happen.

There were more court cases. The New South Wales Department of Health again tried to make Mayne deliver on its commitments and contractual obligations. By this stage, in 2003, Mayne was trying to sell its hospital licences on the market to another operator. In December 2004 the Health Minister, Morris Iemma, announced that an arrangement had been signed that would see health services at the hospital return to public operation early in 2005. Morris Iemma said at that time:

The NSW Government will make a cash payment to the Mayne Group of \$29 million and will accept employee liabilities estimated at \$6 million for annual and long service leave and workers compensation.

This payment will allow the operations of the hospital to be returned to public operation resulting in improved services for the people of the mid North Coast.

The deal struck by the Coalition Government in 1992 which resulted in the private ownership of Port Macquarie Base Hospital was one of the worst examples of health privatisation in Australia.

The Coalition Government sold out their own constituents who have been paying for the facility ever since.

I will not go through all the detail, but Mr Iemma went on to quote the famous statement by the Auditor-General and to give some of the detail about what the agreement encompassed. To sum up the matters ensured by the agreement, in some ways the most important was that public hospital services would continue beyond 2014. Prior to the negotiation of that agreement there was no certainty that the hospital would continue to operate when the agreement with the private operator expired in 2014. The first and most important aspect was to ensure the hospital would operate long into the future. The agreement also ensured care for existing and future patients.

Linking the hospital to the North Coast Area Health Service ensured a range of improved clinical services because the hospital would be networking with other hospitals in the area. It also enabled establishment of new facilities or the improvement of specific facilities in areas where the hospital had been conspicuously lacking. They included radiotherapy and mental health services. If I have time I will mention some mental health initiatives that have occurred only in the last month or so. The local community could also be certain that there would no longer be the need for the annual fight with the operator for additional funding not anticipated in the contract.

Earlier I gave examples of the types of issues that were the subject of discussions. The \$29 million agreement ended a long and very sorry saga that tells us a great deal about the financial incompetence of the Greiner and Fahey governments. The hospital reverted to public ownership on 31 January 2005. As I think most, if not all, honourable members of this House would know, that was very much welcomed by the local people,

and they continue to appreciate that long overdue decision. As I foreshadowed, I will refer to some comments and details that have emerged since the hospital reverted to public ownership. In September the former Minister for Health and current Premier, Morris Iemma, stated in relation to mental health services:

Since the hospital came back into public ownership two things have occurred: first, master planning for Port Macquarie on future services with particular emphasis on emergency medicine, critical care and psychiatric care; and, second, planning for the future provision of services...

The services to which the Premier referred include the provision of a 20-bed mental health unit at the Port Macquarie Base Hospital that is expected to be completed by the end of the year. The Premier also made a commitment to ensure that mental health services at the hospital will be networked with other mental health services on the mid North Coast. Networking has been made possible by the hospital reverting to public ownership in a way that simply was not possible owing to the intransigence of the private operators of the hospital and their financial problems, et cetera.

I again pay tribute to the Government and to the former Minister for Health, Premier Morris Iemma, for devoting a great deal of time to undertaking a lengthy reversion process to ensure that the people of Port Macquarie receive the standard of public health services that people in other parts of the State receive. As I mentioned earlier, many local residents, health professionals, Hastings councillors and a number of members of Parliament—except, conspicuously, members of The Nationals—have fought to ensure that Port Macquarie and its surrounding areas receive the standard of health services that they deserve. Port Macquarie Base Hospital represents the type of outcome that could truly be described as a win-win. I sincerely hope that this State will never again see anyone try to fiddle around with public health services in the way that the unlamented Greiner and Fahey governments have done.

The Hon. ROBYN PARKER [4.02 p.m.]: The motion moved by the Hon. Jan Burnswoods is amazing, especially the hypocrisy in its timing. The Government and the Premier, who made such a hash of the Health portfolio, are completely, utterly and totally out of their depth when it comes to public-private partnerships. A vivid example of that is the absolute shambles associated with the cross-city tunnel. The people of New South Wales do not know the full details of the contract between the tunnel operators and the Government, but taxpayers are paying dearly for the tunnel and streets are being closed. The Government is totally out of its depth when it comes to managing public-private partnerships.

The public-private partnership for the Port Macquarie Base Hospital delivered great results for the people of Port Macquarie. The next time the Hon. Jan Burnswoods considers moving a motion to congratulate the Government she should realise that doing so is tantamount to painting a large red bullseye on the New South Wales Labor Government because this motion draws attention to the Government's failings in health services. The next time she considers drafting a motion to congratulate the Government for anything to do with health services in this State she should reach for a bucket of red paint instead of a pen! While a target that is wrapped up in private members' business is easy to detect, a big red bullseye would be more fun.

It is easy to be flippant about this motion because a call for this House to congratulate the Labor Government on anything relating to health in New South Wales is a joke. The facts relating to Port Macquarie Base Hospital are that the arrangement entered into by the Greiner and Fahey governments fast-tracked the provision of services from a great hospital and provided the people of Port Macquarie and surrounding areas with a hospital that delivered far greater outcomes than would otherwise have been available. The arrangement provided a great hospital for the people of Port Macquarie, and that hospital is a great legacy of the Greiner-Murray and Fahey governments. A difficulty arose because the hospital was so popular, and waiting lists ballooned very quickly. This Labor Government, which has been in office for 10 years, required the operator of the hospital to ensure that 80 per cent of patients treated at the hospital were public patients. I will deal with the waiting lists in more detail shortly. The former Minister for Health, the current Premier, takes the cake when it comes to waiting lists.

The transfer of funds by this Government has done nothing to deliver better outcomes for patients or more hospital beds. All that has happened is that the title deed has changed. The money could have been used to upgrade other hospitals, fast-track upgrades to hospitals such as the Queanbeyan hospital, improve community health or upgrade the Port Stephens polyclinic. It could have addressed the \$40 million worth of overdue accounts that the Government has not paid. That money could have been better spent on health services in this State. Let us face it: this Government is managing health services in this State in the most appalling way.

I turn now to examine the performance of Port Macquarie Base Hospital in a whole range of key areas since its reversion to State Government management. There were 1,683 names on the hospital's April 2005

waiting list. There are 402 names on the long-term waiting list—which is defined as being more than 12 months—and the average waiting period is stated to be 6.64 months. The waiting list for March 2005 shows 1,687 names and the average waiting period is stated to be 6.19 months, which is 104 per cent above the State average. The average waiting period for orthopaedic surgery is 7.87 months and the average waiting period for urological surgery is 6.61 months.

The exchange of hospital ownership for a huge amount of taxpayers' money has not delivered better outcomes. This Government continually tricks people with figures on waiting lists. No additional hospital beds have been funded as a result of the transfer. Figures relating to access blocks reveal that in April 2005, 29 per cent of emergency department patients had not been admitted to Port Macquarie Base Hospital within the benchmark of eight hours. In April 2005, 60 per cent of triage level two treatments, which are 10-minute treatments, were within the benchmark, and 62 per cent of triage level three treatments, which are 30-minute treatments for potentially life-threatening conditions, were within the benchmark.

In March 2005, 62 per cent of imminently life-threatening cases were treated within the 10-minute benchmark. This represents a significant reduction on the performance for March 2004, which was 72 per cent, and is well below the March 2005 State average of 78 per cent. The figures show what the people of New South Wales have received for a huge amount of their taxpayer funds. While this motion is a joke, these figures are not. Overall, in this State elective surgery waiting lists are 20 per cent higher than at the time of the most recent State election, with the number of people who have been on waiting lists for longer than a year having doubled. The promises of the Iemma Government and the Carr Government to reduce the number of long-term patients who have been waiting for treatment have come to nothing. Labor members should not draw attention to or boast about the record of the former Minister for Health.

I am absolutely astonished. After 10 years of Labor Government the number of people waiting for elective surgery in March 2005 is higher than for any other month. This State has nothing to boast about, and certainly nothing that would inspire congratulations, as suggested in the motion. Since March last year an additional 4,435 people in New South Wales have joined the waiting lists. Waiting lists now contain new categories: if someone is classified as not ready for an operation that person is put onto a different list. It is just a fiddling of the figures.

The Hon. Jan Burnswoods made some interesting comments about public-private partnerships and what she thinks deserves congratulations. Instead of patting themselves on the back Labor should be making an effort to bring down waiting lists, especially for those who have been waiting for more than 12 months. This money could have gone into tackling waiting lists. Instead of buying a title deed, which is what this money has done, it could have significantly improved surgery outcomes and it certainly could have decreased the waiting lists and allowed experienced surgeons to work through their lists more quickly. The money could have gone a long way towards maintaining assets and paying providers for their services to the Government—they are waiting for their bills to be paid.

In an interesting comment about a public-private partnership with Health, the Hon. Jan Burnswoods said that health is too important to make a profit. From that comment one would think she was not supportive of the Government going down the path of public-private partnerships when it comes to hospitals. The Government wants the private sector to help build and operate \$1 billion worth of hospital infrastructure, including \$214 million for the Mater hospital redevelopment in Newcastle, in my local area. That is a good example of a hypocritical government. The Government came up with the idea of having a \$132 million project built under a public-private partnership. It argued that private money would enable urgently needed facilities and services to be provided faster.

Yet today the Government had the hypocrisy to criticise a public-partnership that did just that. And, surprise, surprise, the Mater hospital project has blown out by \$6 million and will not open until approximately 12 months after its original completion date. That is because two years after the Government called for expressions of interest for the project it still did not have a public-private partnership backing, because no-one could deliver a construction price below that of a government-built facility. Still the Minister for Health will not provide the people of the Hunter with a completion date for this project, so patients continue to go without and health services in the region continue to deteriorate. In the Newcastle *Herald* on 1 June 2005, Dr Aiden Foy spoke of anger amongst medical staff about the delays to the Mater redevelopment and about how the community had been conned by the State Government's promises to a population that has been given repeated assurances about the redevelopment without seeing one new brick laid.

Once again the whole State has been let down by this Government with regard to health. In many hospitals around the State the Government deserves condemnation, not congratulations. A recent audit of St George Hospital showed that bed occupancy was running at 98.9 per cent when the safe working level is meant to be 85 per cent. Our hospitals are not funded and resourced to operate seven days a week, so problems exist and will continue to exist until adequate resources and funding are made available. Yet the Government continues to pat itself on the back. Maybe we should pat the Government on the back for its failure to address the problem of ambulance delays, because ambulance crews are still experiencing delays of well over 30 minutes at metropolitan emergency departments. Ambulances are still sent out with a one-person crew, in spite of any number of reports to the contrary.

Should we congratulate the Government on giving ambulance drivers a good view of emergency department driveways? That is what they get to see. Instead of being on the road and saving lives they are waiting outside hospitals with the patient they are carrying waiting to be admitted. Lives are hanging in the balance while our ambulances are in a holding pattern. Far from receiving congratulations, this Government should be ashamed of its failure to act on the growing demands and needs of hospitals, its failure to deliver basic services, its failure to act on the growing demand for services such as neonatal services, the increase in vacancies for specialty nurses—and the list goes on.

Management of health services in New South Wales and the effects of mass bed closures impact on patients and staff on a daily basis. Patients are waiting to be admitted from an emergency department, many are on the growing waiting lists, and mothers are being transported long distances to give birth, yet the motion seeks to congratulate the Government on spending an exorbitant amount of money in order to achieve a change of title deed. The motion congratulates the Government on spending millions of dollars that could have gone into better health outcomes and better health delivery. The motion fails to recognise that Port Macquarie Base Hospital would not have delivered the services it has been able to deliver if the Greiner and Fahey governments had not made the move it did.

This motion is a joke, it is insulting. All it has done is paint another bull's eye on the target of the Lemma Government's health record in New South Wales. The public-private partnership arrangement is a big bull's-eye and the voters of New South Wales will hit that target fairly and squarely in March 2007, because this Government is out of its depth in health care and in managing public-private partnerships. The Coalition opposes the motion.

The Hon. MELINDA PAVEY [4.16 p.m.]: It gives me absolutely no pleasure to speak to this motion. A letter written by a medical professional at Port Macquarie Base Hospital states:

First, doctors are drawn to centres where there is a critical mass of colleagues with whom they can work. The management of Port Macquarie Base Hospital has fostered an open and welcoming environment for doctors to move to Port Macquarie. This has had a self-perpetuating effect which has meant that we are well staffed medically.

Second, despite a period of significant concern with the management style of Port Macquarie Base Hospital, the Medical Staff Council has been listened to over the past 12 months and local management has returned, as opposed to having distant management from head office. This has been a significant improvement but we are still working to improve the lines of communication with hospital management and will continue to hold them accountable for decisions. Third, it must be said that it makes life difficult when one is the meat in a sandwich at Port Macquarie Base Hospital. There have been a number of instances, most recently regarding Treasury Managed Fund cover for medical indemnity, where being one of only two hospitals in New South Wales run by a private operator has been a disadvantage ...

That testimony was given by Dr Stephen Begbie, the head of the Port Macquarie Medical Staff Council in 2001. His testimony was given during the General Purpose Standing Committee No. 2 investigation into the quality of care for public patients and value for money in major non-metropolitan hospitals in New South Wales. He said that the Medical Staff Council in 2001, six years into the reign of Bob Carr and Labor administration in New South Wales, had made it very difficult to be a doctor in Port Macquarie. There may have been some issues with the groundbreaking contract to involve public and private partnerships in the delivery of health care in New South Wales.

It was the first contract of its kind. That is not to say that the idea was not brilliant. The idea worked and it continues to work in Australia. Progressive Labor governments in other parts of Australia are entering into public-private sector partnerships. The issue we are debating today is the delivery of hospital and medical services in New South Wales. A fine doctor in Port Macquarie said that doctors are drawn to a centre where there is a critical mass of colleagues with whom they can work. That is what happened at Port Macquarie under these public-private sector arrangements. I will read from the foreword written by Dr Brian Pezzutti, a former

Chair of General Purpose Standing Committee No. 2 and a former esteemed colleague in the New South Wales upper House. He said:

However in terms of quality of service Port Macquarie Base Hospital offers local residents a standard of excellence and a range of services not available in many other non-metropolitan areas. Now that issues such as nursing staff have been addressed the problem appears to lie with community perceptions of a private corporation making profits from providing taxpayer funded public health services.

The New South Wales Labor Party perpetuated that perception of concern. As soon as the contract was signed in the early 1990s it did everything it possibly could to undermine the standing of the hospital in the community. Despite that, by the end of 2004, the Port Macquarie community did not doubt it had one of the finest—if not the best—hospitals in New South Wales because the hospital was not run purely by the New South Wales Labor Government and its bureaucracy. The community realised it was fortunate that Labor, with all its maladministration, was not in control of running that hospital. A lot of funding issues and many disadvantages were foisted on the management of Port Macquarie Base Hospital—an issue to which I will refer later. Despite all the negativity and criticism, the people of Port Macquarie genuinely accepted that they had probably the finest hospital facility in regional New South Wales. I refer again to the foreword written by Dr Brian Pezzutti. In 2001 he said:

However, as this report shows, any profits made are really as a result of efficiencies because the Hospital is funded on the same basis as other non-metropolitan hospitals for services provided.

The same amount of money was provided to run Port Macquarie Base Hospital. It was run efficiently and with a great sense of teamwork. The hospital was run at the same cost, on a per patient basis, as any other hospital service in New South Wales. Because of this efficiency and sense of teamwork a greater profit margin was realised. Dr Pezzutti also said:

It is vital, however, that the new community health forum operate as an effective way of exchanging information between the community and the management of the Hospital

One of most exciting things to emerge from the 2001 inquiry conducted by General Purpose Standing Committee No. 2 was a four-point plan to give the community greater certainty and greater access to the management of Port Macquarie Base Hospital. In June 2001 the Director General of Health, Mick Reid, was able to announce that a comprehensive range of clinically appropriate health services would continue to be provided at Port Macquarie for the Port Macquarie-Hastings community. The four-point plan included:

- Port Macquarie Base Hospital being treated, and conducting itself, in the same manner as all other Public Base Hospitals across NSW.
- Mid North Area Health service being given increased authority to manage the contract for services with Mayne Health and Port Macquarie Base Hospital.
- The Port Macquarie Hastings community will receive an equitable share of resources and growth funding from the Mid North Coast Area Health Service. This will cover a range of clinical services at Port Macquarie Base Hospital including elective surgery, chronic and complex care and cancer services.

Despite that major point in the four-point plan, in the three years since the establishment of that four-point plan, before the New South Wales Labor Government brought the contract back out, it reneged on its commitment to give appropriate levels of funding for growing regions on the mid North Coast and the growing demand at Port Macquarie Base Hospital. It was a place to which people wanted to go and the specialists were there. That fact was not recognised by the area health service. The area health service did not appreciate the ideologies of Labor Ministers and they did not give proper support to this hospital. The hospital did not receive the share of funding that it needed. The Labor Government conducted itself in an unproductive way, which led to it buying out of the contract in December 2004. The final aspect of the four-point plan is as follows:

- Clarifying and strengthening the role of the community in monitoring and advising all health services through a new and strengthened community health forum.

That health forum comprised wonderful members from the Port Macquarie community and region. The forum and the management of Port Macquarie Base Hospital said to me that it would be a good thing if there were that level of transparency and community involvement in all public hospitals across New South Wales. But that has not happened and we no longer have that community forum. In response to the opening statement of the Hon. Jan Burnswoods I state that Labor Party ideology has blinkered her and respective health Ministers, for example, Minister Knowles and Minister Iemma. The most blinkered of them all was Minister Refshauge, who could not see any value in the development of what has become a premier service provider in regional New South Wales.

In 2001 Dr Stephen Begbie said in his evidence that doctors are drawn to centres where there is a critical mass of colleagues with whom they can work. There was a level of professionalism and dedication beyond compare in Port Macquarie. I attended a management farewell function following the transfer of the hospital to the government sector. There were 200 very good people who attended that function. There were doctors, nurses and administrative staff who were all concerned about the Labor Government's decision to take over their workplace. They have every right to be concerned. We are losing jobs in Port Macquarie because of what this Government has done. It spent \$100 million on buying out that hospital without providing any security or ensuring the continuation of that the level of care and service.

I give the people at that function their due. They are concerned. On the night of the function staff members expressed concern about a number of issues. Included in those concerns was the fact that whenever they needed to set up an email account with the owners of the hospital, all they had to do was ring somebody up and they would have an account. Now that the Department of Health has taken over the hospital and the area health service is in control they have to fill out three forms to establish an email account. Those were some of the concerns that were expressed that night. There is goodwill at Port Macquarie Base Hospital because there are good and excellent people. They are waiting, watching and doing the best job that they can, but they are concerned about the fact that laundry services are being taken away from Port Macquarie.

They are also concerned—I have not had a denial from the Government that this issue is on the agenda—that food for the hospital will be transported from Grafton. Currently Coffs Harbour Base Hospital receives its food from Grafton. So the people at Port Macquarie Base Hospital are concerned that their food will also be delivered from Grafton. I hope the Government will address that issue in this debate and lay people's genuine concerns to rest. The staff who provide the service not only fear for their job security but are worried about the quality of food that will be sourced from a destination some 3½ hours away from the hospital. Perhaps the Hon. Henry Tsang can contribute to the debate and respond to these concerns on behalf of the Government.

The Government has waged ideological warfare on this issue. Many problems could have been resolved when Mayne Health tried to transfer the sale of the hospital to Affinity Healthcare and the contract was rewritten. Labor members claim regularly that the Government had to pay for the hospital twice. Actually, if the Government had been smart and not locked in ideological battle it would not have had to pay twice. The fact remains that the \$100 million that the Government handed over for the hospital could have been spent on eradicating hospital waiting lists across regional New South Wales. On the North Coast a greater than average number of elderly people are waiting unacceptable periods for surgery and other medical treatment. The Government could have spent the \$100 million expediting the development of Queanbeyan Base Hospital. The honourable member for Monaro has promised that the redevelopment of Queanbeyan hospital will start this year. The clock is ticking. Workers have about 90 days left to pick up their shovels and begin construction on Queanbeyan hospital if it is to commence this year. The Government attempted to change the location of the hospital at the last minute, but the local community knows that that was simply a delaying tactic. There are many ways in which the \$100 million could have been spent.

As I understand it, during the drawn-out and detailed negotiations that accompanied the transfer of the sale the Government had the opportunity to rewrite the contract. The people of Port Macquarie were most worried that when Mayne's contract expired in 2014 the community would not own the hospital. I shared their concern that in 2014 Port Macquarie would not have a hospital. However, when Mayne was negotiating the sale with Affinity the Government had an opportunity to rewrite the contract and develop public-private partnerships—which are happening all over Australia—that allowed the cost per patient to remain the same but ensured community ownership of the hospital upon the expiry of the contract period. However, the Government failed to do that so it had to pay for the hospital twice. I remind honourable members of the cross-city tunnel debacle. The Government deals effectively with the private sector because it has ideological blinkers. Labor members have never managed a business or handled money so they are not sure how to proceed. The Government lost its opportunity and it was forced to spend \$100 million buying out the contract.

Port Macquarie residents expressed concern about mental health services. Legislative requirements prevented a private company from providing those services through the Port Macquarie Base Hospital. However, the Government could have found a way to develop mental health services separate from the contract or amended the legislation in light of the hospital's unique situation. Where there is a will, there is a way. However, the Government obviously did not have the will to resolve the problem. Mental health services in Port Macquarie are still not up to scratch, and much remains to be done in that area. Port Macquarie is not alone in that problem. I am pleased that the new Premier has followed the lead of the former Leader of the Opposition, John Brogden, and appointed a Minister Assisting the Minister for Health (Mental Health). John Brogden

established a stand-alone shadow mental health ministry, but I guess Premier Iemma could not copy the Opposition exactly. I hope that Minister Cherie Burton will have a good look at what is happening in Port Macquarie and push the mental health barrow in that area.

Port Macquarie Base Hospital has brilliant staff but some of them are scared. I would like to secure a commitment from the Government during this debate about the future of food services at the newly managed hospital. I would also like an update about laundry services at the hospital. I pay tribute to people who worked under extreme conditions for a long time when the Mid North Coast Area Health Service, supported by the Labor Party's ideological warfare, failed to support and resource that fine hospital properly. It was well run and it always enjoyed the support of the local community—although it always feared what would happen to the hospital at the end of the contract. As I said, the Government lost the opportunity to resolve the problem and to spend \$100 million more effectively.

The Hon. CHRISTINE ROBERTSON [4.36 p.m.]: A base hospital is a regional resource that is supposed to form an integral part of regional health structure. The State Government should not have to buy some public service from a base hospital. This debate is not only about planning and money; it is about people and service. The Hon. Melinda Pavey and I must speak to different local residents because the people I spoke to offered a different perspective about the future of the Port Macquarie Base Hospital.

The Hon. Melinda Pavey: I'm not in a union either.

The Hon. CHRISTINE ROBERTSON: I acknowledge that interjection.

The Hon. Jennifer Gardiner: I'm not in a union either.

The Hon. Charlie Lynn: Neither am I.

The Hon. CHRISTINE ROBERTSON: I think that is most unfortunate—those opposite obviously never needed to be in a union. I was not discussing union membership. Union members in the Port Macquarie health service were certainly not arguing about whether it would be a state-owned service. Although I never had anything to do with the issue, I am sure that the union was active in ensuring equitable status for hospital employees.

Debate adjourned on motion by the Hon. Christine Robertson.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 8 in the Order of Precedence postponed on motion by the Hon. Rick Colless.

SCHOOL STUDENTS LITERACY LEVELS

The Hon. CHRISTINE ROBERTSON [4.40 p.m.]: I move:

That this House:

- (a) notes the importance of literacy amongst children as an essential tool for their education and development through life,
- (b) congratulates the Government on the initiatives it has introduced to increase literacy levels in schoolchildren, and
- (c) particularly congratulates the Government on those initiatives that target low socio-economic groups, developing equitable literacy levels for the entire community.

I am proud to speak about literacy rates. Being literate is essential to life. Literacy is our foundation stone for a good education and for training. Literacy is an essential tool in almost all workplaces. It enables us to communicate and interact with one another in the written form. Literacy is vital for us to gain information. In the twenty-first century it is harder than ever to participate in, enjoy and contribute to society without being literate. As a society, literacy is what allows us to make scientific advances. It is literacy that enables us to have the strong, democratic system of government that we are taking part in today. The spreading of literacy skills enabled our ancestors to move out of the Dark Ages and into the society we now enjoy.

I commenced work as a health promotion officer in 1986. About a year earlier the University of New England conducted a study of literacy rates across the State. I remember my considerable shock when I discovered that the New England region as a whole—the New England health region, which includes the electorates of Barwon, Northern Tablelands and Tamworth—had one of the lowest literacy rates in the State. I was part of the health promotion team. We had the most amazing array of pamphlets from health services at the State level and other things that we had put together. But the majority of the population in the New England region had no chance of either reading or understanding them. The pamphlets were not even relevant. We spent a long time and a lot of work ensuring that we had documents that made sense to people.

Illiterate people have an entirely different life experience from those who can read; they have a much tougher life experience. They have difficulty filling in forms. For many of them it is almost impossible to find jobs. Housing is incredibly difficult because many illiterate persons come from lower income brackets and have to enter into tenancy deals, which can be difficult. Even getting a driver's licence can be difficult. We have had several discussions in this House about driver's licences and literacy levels, and organisations such as the Roads and Traffic Authority have put in a lot of work to ensure that those who cannot read can obtain driver's licences. When the Carr Government was elected in 1995, improving the level of literacy among school students was one of its priorities. The State Literacy Strategy was introduced in 1997, and the many programs that make up the strategy have combined to make New South Wales students the most literate in the world.

Thanks to the literacy development policies of the Carr and Iemma governments, students in New South Wales are being given the vital knowledge and skills they need to develop their reading, writing, speaking and listening skills, and to prepare them to live in a complex and demanding world. The Government committed more than \$538 million for the period from 2005-06 to 2008-09 on strategies to improve literacy and numeracy outcomes of students. It has developed a State Literacy Strategy, which focuses on teaching literacy to students from kindergarten to year 12. On 25 July 2004 the then Premier released an evaluation of the State Literacy Strategy, which showed that the strategy had been successful and that changes to teaching practices by many teachers across the State and the systematic focus of resources had remarkably improved student learning. The success of the strategy is evident in test results.

The Government has committed to parents of schoolchildren in government schools to improve literacy, which includes rigorous testing programs, particularly the basic skills test [BST] in reading, writing and language, and the English Language and Literacy Assessment [ELLA]. Parents of students in government schools in New South Wales receive clear information about their child's performance in literacy compared with statewide standards in years 3, 5 and 7—the BST in years 3 and 5, and the ELLA in year 7. One of the most exciting things about literacy programs in our school system—not that I have been involved because they came about after my children had finished school—is the integral involvement of parents of children at the school who wish to participate in reading programs and work closely with educators to ensure that young people who have specific problems receive extra resources and time within the school system, as well as support outside the school system to improve their literacy rates.

When I started high school, the year 1 class went down to 1J. Schools and classes were much larger in those days. Persons in the J class, which was the last class in our year, could not read. Little or no attempt was made to assist those persons to read. These days those persons would not have been plonked in a 1J class because by the time they had reached high school their reading skills would have been assessed fully and they would have been given as much extra resources as they needed to achieve their full potential. In 2003 and 2004, year 3 and year 5 students recorded excellent results in the basic skills test. In the 2003 year 3 basic skills test, 10.8 per cent of students were in the lowest literacy skill compared with 16 per cent seven years ago. In the 2004 primary writing assessment [PWA] the mean score for both years 3 and 5 students was higher than in 2003.

In the 2004 primary writing assessment, 4.7 per cent of year 3 students were in the lowest band compared with 11.4 per cent in 2001. It is an amazing across-the-board improvement in literacy rates. In 2005 Aboriginal and Torres Strait Islander students in years 7 and 8 achieved the best-ever results for language and reading in the English Language and Literacy Assessment. Results of New South Wales students in a Program for International Student Assessment—there are numerous tests in Australia and internationally for assessing levels—reveal that the levels of reading and literacy of 15-year-olds are among the best in the world. The Program for International Student Assessment, an internationally standardised assessment, tested school students in 32 countries in 2000 and 41 countries in the 2003.

Australia was among the top-scoring countries in reading and literacy tests in 2000, and was one of the top-scoring countries in the international test for 2003. New South Wales outshines countries such as Sweden,

Norway, Italy, Japan, Germany, Austria, France and the United States. The study confirmed that Australia is second only to Finland in reading and literacy, and that New South Wales is among the top ranking jurisdictions in Australia, outperforming the national average. Fifteen per cent of Australian students and 16 per cent of New South Wales students achieved the highest level of reading literacy, which was significantly higher than the OECD average of 8 per cent. These big improvements have not just happened by themselves, but are the result of a series of strong programs that have accompanied the tests.

The Reading Recovery Program has enabled over 900 teachers across the State to help students whose progress in reading has fallen behind that of their peers and who are in need of further assistance in this regard. Students learn about reading and writing by reading and writing. Each teacher makes a decision about the progress of each individual student in his or her care. This program is maintained for each student until he or she is reading at or above the average standard for his or her age. It is a very intensive extra resource. The results of this program are particularly encouraging, with 86 per cent of Reading Recovery students from 1999-2003 performing at or above the minimum standard for year 5 literacy and needing no further support. Seventy per cent of Reading Recovery students from 2001-03 performed at or above the minimum standard for year 3 literacy and needed no further support. The growth in literacy scores for year 5 Reading Recovery students is 7.5 per cent, compared with 7.0 per cent for other students.

Under the literacy strategy, specialist literacy consultants have been appointed to work with teachers to identify students needing help and to co-ordinate ways of improving the literacy outcomes for those students. The Government has also created literacy support teams to co-ordinate literacy activities in schools and provide support to classroom teachers across all school years. Specialist staff are working at schools with special needs to focus on the literacy needs of young learners from kindergarten to year 2. One exciting aspect of this program is the way the teaching faculty has embraced it. Teachers have recognised its value to the entire teaching process.

The Premier's Reading Challenge and Spelling Bee, which are conducted by the Department of Education and Training, are two more highly successful strategies to promote wider reading and better spelling among students in New South Wales. The first Premier's Reading Challenge began in 2001-02, with 36,000 students participating and more than 5,000 completing the challenge. For students in years 3 to 8, the challenge is to read 20 books, and for students in kindergarten to year 2, the challenge is to experience 40 books. This means the books can be read to them, they can read the books with support or they can read them independently.

Another exciting feature of this program is that small schools such as at Duri—which has a small state school of which the Duri community and I are very proud—have been major participants since the program commenced. I am pleased that small rural schools have been included in the program to ensure equal access. Historically such schools experienced great difficulties because of the level of poverty in their communities. In 2004, this program swelled to 150,000 participating students, with more than 35,000 completing the challenge. The challenge continues to grow. Students in kindergarten to year 2 have now joined the 2005 challenge, and at the beginning of June over 214,000 students had registered to attempt the challenge.

The Premier's Spelling Bee was announced in 2004 as a new statewide competition for all primary school students in public schools. A total of 431 Government primary schools entered the Premier's Spelling Bee last year, with more than 800 students participating in the regional finals. This initiative reinforces the State Government's commitment to improving students' reading and writing skills in the earliest years of learning. Following the success of the gripping radio broadcast of the 2004 final, the 2005 final will be broadcast live again on ABC 702 *Drivetime*. It is anticipated that regional finals will also be broadcast.

Because literacy is such an important foundation for future life successes, it also plays a role in overcoming disadvantage. As I have already mentioned, the Reading Recovery Program helps students who are performing below-average to get up to speed with their peers, to make sure all students are reading and writing at an acceptable level. Because students from lower socioeconomic backgrounds are disproportionately represented among those struggling to read, this program has played a very important role in overcoming disadvantage and developing an equitable standard of literacy across the community.

The Priority Schools Funding Program and the Priority Action Schools Program target schools with greater needs and aim to boost their literacy and numeracy outcomes. Schools in socioeconomically disadvantaged areas come under these programs. It is not with pride that I point out that many of these schools are located within the New England-North West area. However, the programs have ensured that opportunities for students in the area are equal to those throughout the State. The student populations of these schools consist

of disadvantaged groups, such as indigenous people. Besides having students from lower socioeconomic backgrounds, schools taking part in these programs are generally characterised by poor student behaviour and attendance, low student outcomes, high student turnover, and a low retention into post-compulsory schooling.

Initiatives under the Priority Action Schools Program include extra teachers and additional training for teachers, intensive literacy and maths programs, innovative projects such as after-school homework centres, and individually tailored support for students with poor attendance records to keep them in school. Seventy-four schools in New South Wales now benefit from the Priority Action Schools Program. Recent reviews of this program have found that it achieved outstanding results in reducing truancy levels, improving student discipline and promoting greater community involvement in the learning process. These outcomes in turn make the school environment more conducive to learning and a place where students want to be, so that they will continue to learn and develop. Following the success of the Priority Action Schools Program, Premier Iemma announced only a few weeks ago that the Government would provide an ongoing annual commitment of \$16 million to support the program. Meanwhile, the Priority Schools Funding Program allocated \$59 million last year to 541 schools in addition to their yearly allocation. This funding provides for the equivalent of 280 full-time teachers, as well as books and teaching aids and further training and development for teachers.

The programs are working at overcoming disadvantage that unfortunately exists. They provide a helping hand to students who need it most and promote a strong learning culture in our schools. The fact that New South Wales has the best literacy rate in the world is no accident. The hard work of many teachers together with outstanding State Government policy in allocating resources to the right places has ensured that no student in New South Wales will be disadvantaged when it comes to reading and writing. All New South Wales students will have a fair go at getting an education with strong literacy levels, and making a good start in life.

We all know or have met people who were not fortunate enough to have the opportunity to learn to read. Governments of all persuasions have done excellent work over the years, particularly within the TAFE and adult education sectors, to ensure that adults who have not learned to read have access to such programs. In our society not being able to read is regarded as a badge of shame, so it is very difficult for people to come forward and declare that they cannot read.

Having known in my adulthood several people who cannot read, I know that such people devise many clever tricks to ensure that others do not discover their plight, and that is very sad. Hopefully in the future in New South Wales there will be far fewer people who reach adulthood and are unable to read. I hope also that this State's young people will be provided with many more opportunities in education than were provided their predecessors. This motion provides for yet another way for people in New South Wales to escape the poverty trap, if that was a major contributor to their literacy problems.

All New South Wales students will be given a fair go, as I mentioned earlier. The Federal Minister for Education, Science and Training, Brendan Nelson, mentioned values that he would like to see in Australian schools, and I can think of few better values than concern being shown for and efforts being made to help less fortunate students to overcome their disadvantage. Literacy is a skill that all children must master. The New South Wales Government has taken great strides in engendering that skill in all New South Wales children.

People should make no mistake: students in New South Wales schools are reading and writing at levels that other countries would love to emulate and, just as importantly, they are doing so within a standard of equitable treatment that is the envy of the world. I am sure that all honourable members of this House agree it is of great importance for the future of our children for investment in education to be maintained in the State of New South Wales.

Pursuant to sessional orders business interrupted.

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY
COMMISSION**

Report: Seventh General Meeting with the Inspector of the Police Integrity Commission

The Hon. JAN BURNSWOODS [5.01 p.m.], by leave: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Jan Burnswoods.

SPECIAL ADJOURNMENT

Motion by the Hon. Henry Tsang agreed to:

That this House at its rising today do adjourn until Tuesday 18 October 2005 at 2.30 p.m.

ADJOURNMENT

The Hon. HENRY TSANG (Parliamentary Secretary) [5.01 p.m.]: I move:

That this House do now adjourn.

AUSTRALIAN PRODUCTS LABELLING

The Hon. TONY CATANZARITI [5.01 p.m.]: I draw attention to an issue that has generated a great deal of interest throughout the country and is of great concern not only to producers but also to consumers—product labelling. Consumers want to be better informed about the goods they are buying. They want better labelling and they want the current ambiguity that exists with regard to products labelled "Made in Australia" and "Product of Australia" to be rectified. It is time that a new system was introduced to allow for separate and distinctive identification of food products that are 100 per cent Australian. I cannot see any possible harm in identifying something as 100 per cent Australian. However it is disappointing that, to date, the Federal Howard Government has not made any moves in that direction.

It is interesting to note that in a recent survey conducted by AusPoll, 97 per cent of those surveyed said that they would support the introduction of a new type of label to indicate that a product was "Australian Grown"—a label that will mean that 100 per cent of the food was made in Australia. I propose the development of an accredited labelling system that will guarantee the consumer that the product they are purchasing is 100 per cent Australian. Central to this new labelling system is the development of a logo that catches the eye and would become, not unlike the Woolmark emblem, a well-recognised symbol—a household name. The design would have to be of a minimum size and must stand out when products are on the shelf.

The development of a standout logo would greatly assist consumers who want to purchase 100 per cent Australian products. Most people do not have the time to stand around reading the fine print on the back of a label when they go shopping. They want quick and easy-to-access information about where the products have come from. As I mentioned previously, the new labelling system would be an accredited one and will thus provide a guarantee to those who purchase products in good faith. Anyone who breaches the accreditation standards should be subject to severe penalties. Australian produce is unique, world class, and already meets very strict standards. Put simply, if the Australian products were not any good, we would not be supplying produce for export markets, as we do currently.

I believe the logo would be an excellent way of generating a conversation in homes about Australia and what is produced in our great country. The new labelling system will provide an excellent opportunity to include in the curriculum of our schools more education about primary production in Australia. What better way is there to educate parents than to teach their children first? The education of children about primary production in this country should begin in their early years of schooling. There is no reason why that could not begin in the first year of school. The introduction of more comprehensive information about primary production in schools will give our kids a more realistic view of what goes on in rural and regional Australia. That may prevent them from holding the belief that food just comes from the shop. It is wrong to let our children believe this.

The education of young children combined with the labelling of 100 per cent Australian products can only be good. A discussion around the dinner table about an Australian product is not a bad thing. There are a number of foods currently grown in Australia that would not have been considered as a crop 10 or 20 years ago. Labelling may prompt people to question current labelling laws under the Trade Practices Act that allow the use of misleading labels such as "Made in Australia" and "Product of Australia"—neither of which means that a product is 100 per cent Australian, although one could be forgiven for thinking that that may be the case. Some may criticise a call for an accredited labelling system for 100 per cent Australian products as being nothing more than protectionism, but it is far from that. We promote our country and our product overseas, and I cannot see anything wrong with promoting Australia to its own people. It is time that John Howard stopped being afraid to do so.

A great example of protectionism is the recent proposal by the government of the United States of America to introduce import tariffs of up to 60 per cent to protect its citrus growers against cheap orange

concentrate from Brazil—a product that Australian producers have had to compete against for years in their local markets. Massive tariffs have not been imposed on the importation of Brazilian products to Australia. I urge people to take note the next time they are shopping of how difficult it is to ascertain from where a product originates and to consider how much quicker and easier it would be to gain that knowledge if we did not have to spend time reading the fine print at the supermarket.

AGRICULTURAL LAND USE

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.06 p.m.]: I draw the attention of the House to a problem concerning the right to farm. Mr and Mrs Hollingshed of Millfield are among an increasing number of farmers who are struggling to continue their farming operations in the face of competing land uses of prime agricultural land. For many years farmers and landowners have been concerned about the threat to their legal agricultural activities from neighbours who buy into a rural setting and then complain about existing agricultural activities next door. Mr and Mrs Hollingshed were recently requested by the Cessnock City Council to submit a development application, despite their timber and farming business activity dating back through family generations to 1829.

Competing and conflicting land use in regions that are experiencing rapid population growth is becoming more and more widespread. The protection of prime agricultural land by local and State governments to ensure the viability of agricultural industries, our food supply and valuable farming businesses is increasingly important. A recent letter from Mrs Hollingshed sums up the problem perfectly. She wrote:

We are long-term primary producers in the Millfield area.

We have a small number of vineyards, B&Bs and small wineries surrounding us who have only in the past few years begun their business.

We have applied for the development application to continue our locally based fencing contracts, some of which are contracts to Cessnock Council. Our business also employs family members and local people.

We have complied with all Council's requests in relation to having surveys and acoustical readings completed in January this year.

I have also supplied plans for a wooden retaining wall backed by dirt to alleviate noise. We have modified mufflers on all operational chainsaws, even though the existing mufflers were to the current Australian standards.

We have complied with the hours of operation Monday to Friday, 7am to 4pm and Saturdays 8am to 12pm even though our business operates on a demand basis rather than a full time basis.

Firewood we sell is cut from log salvaged on a seasonal basis and is only cut on demand. The utilities used to transport the firewood have all been fitted with rubber matting to again minimise any noise.

It is frustrating and annoying to think that surrounding businesses are able to coexist and to allow us to continue our businesses as they continue their own. Many of the surrounding businesses and subdivisions have used our timber to fence their properties.

We also supply local vineyards and eco tourism developments with our timber.

The economic activity and jobs generated by the timber business of Mr and Mrs Hollingshed are invaluable to their local community. One of their eight employees, Mr Stephen Dederer, wrote:

My employment with TW & A & SM Hollingshead is important for myself and my family. As most working men I have a wife to support and a mortgage and bills to be paid.

As an experienced timber cutter, local employment is getting harder and harder to come by. Government rules and regulations are also making positions rare as well as new machines replacing hands on jobs in the forestry.

I love working with timber and I enjoy what I do ... If TW & A & SM Hollingshed is unable to manufacture their timber products my position will no longer be required. As a 40 year old male, being unemployed frightens me as getting a job at my age is harder these days.

My experience is only in the timber industry. TW & A & SM Hollingshed have been able to provide me with a secure income and I would like that to continue.

While the Opposition acknowledges that some regional communities are becoming increasingly diversified in their economic base, it is important that both local and State governments ensure that traditional agricultural industries continue to operate. It is simply unacceptable that the Government continues to sit on its hands rather than implement plans to control urban development in these important and productive regions of the State.

Labor's inaction on this issue is costing jobs and economic activity, which forms the basis of our indispensable small businesses and farming communities. [*Time expired.*]

M2 PROJECT FINANCING

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.11 p.m.]: Honourable members may recall the successful motion moved by the Hon. Richard Jones in October 1999 which resulted in the release of the project deed and other documents related to the M2. The project deed included the financial model, a document of very great significance since it provided the key to understanding the methodology used by Macquarie Bank in promoting toll road investment. It might be noted that Macquarie Bank has grown considerably since then, to a market capitalisation of \$15 billion, and is in the top 20 companies in Australia. Macquarie Bank is known for its sophisticated financial structures. People have come to me with information alleging that the financial structures are not valid. I am not a financial expert, but I raise this matter because it is in the public interest as many investors and superannuation funds are dependent on these companies and their models.

Dr John Goldberg, a University of Sydney academic, has drawn to my attention that the models used may not be valid. He points out the following. Firstly, the traffic volumes and tolls have been portrayed as having an exponential growth in revenue, to the extent that by the end of the concession period in 2042 the revenue in that year alone will have reached \$526.784 million. The corresponding traffic volume is a practically impossible 106,652 vehicles per day, which corresponds to gridlock during the morning peak period. But the construction contract price was, in contrast, only \$435.77 million. Second, out of this enormous revenue, after expenses have been paid, equity dividends with a dividend yield of 190 per cent in that year are to be paid to shareholders. How could superannuation funds fail to be impressed with such a return?

Dr Goldberg says that the financial device allegedly used by Macquarie Bank is to assert that money received in the future has the same value as at present. However, I am told that the interest rates would have to be zero over the concession period for that to be true. As interest rates are highly unlikely ever to be zero, money received in the future has to be discounted to obtain its present value. When discounted at the same rate that the project pays for debt servicing, the \$526.794 million becomes \$2.85 million, or is reduced in value by about 185 times. This means that promised equity dividends could not be paid even if the traffic volumes reach the exaggerated values derived by the traffic engineers Gutteridge Haskins and Davey and incorporated in the model. Dr Goldberg says that failure to reach these volumes is used to create a distraction from the essential non-viability of the project.

Dr Goldberg alleges that sufficient financial data has now become available to enable it to be determined how the shortfall in revenue is being addressed. The inadequate toll revenue is artificially boosted by the Infrastructure Borrowing Tax Offset Scheme [IBTOS], which is administered jointly by the Department of Transport and Regional Services and the Australian Taxation Office. To qualify, a project has to be commercially viable. The Macquarie Bank model, with its gross inflation of real money values, would have been submitted as evidence of viability. Under the IBTOS, the M2 owners borrow each year a large capital sum which they reinvest so they can pay the lender 10 per cent interest and are able to retain 4 to 5 per cent for the project. The lenders pay a tax offset of 30 per cent and the residual interest is added to the toll revenue. In this way 35 per cent of the M2 revenue comes from interest.

For Transurban CityLink the interest accounts for 40 per cent of the total revenue. According to Dr Goldberg, the object of the tax breaks for lenders is to enable the project to contribute tax revenue from its earnings. However, after at least eight years infrastructure borrowings are being used to prevent the project collapsing. It is not surprising that dividends are being paid by increased long-term debt. The M2 long-term debt is about \$410 million, whereas Transurban CityLink has a long-term debt of about \$3,000 million. Borrowings used to pay dividends require the toll road plant, property and equipment to be revalued to meet lender security requirements. The first revaluation of the M2 more than doubled the original construction cost only three years after the start of operations.

The accounts gave a misleading explanation in the financial statements as to the true basis for revaluation. But it appears to have been based on market capitalisation. The dividends paid out of increased borrowings encouraged investors to buy shares, the price of which rose. The decrease in the debt-to-asset ratio would have convinced lenders to loan more money to the toll road companies. According to Dr Goldberg, there is also a company-trust arrangement to conceal operational losses. This structure is also designed to limit the possible liability of trust with unit holders in the event of corporate collapse. All those people can rest, content in the knowledge that the large Macquarie Bank resources can pay any amount of legal fees necessary to protect their interests in the event of prosecution under the Corporations Law.

The same big capital base allows the recruitment of people such as Alan Stockdale, the former Treasurer of Victoria, and more recently Bob Carr, the former Premier of New South Wales. It is hard to believe that Macquarie Bank's chief executive officer, Alan Moss, did not know this and his senior directors did not know the nature of the model. Dr Goldberg points out that the toll road companies have to engage huge debts to provide investors with dividends. We should remember that the Enron Corporation in the United States of America accumulated huge debts and used highly questionable accounting. We hope that will not happen here. There are others involved. The law firm Blake Dawson Waldron, which drew up the project deed for the M2, helped to concoct a scheme to make the payment of leasehold rent for the M2 corridor highly unlikely, thus providing a hidden subsidy to the owners and operators.

The Hon. Duncan Gay: Point of order: I know the member is trying to get something on the record, and I am reticent to stop him, but he is speaking at such a rate that it is impossible for Hansard to record what he is saying. The members in the Chamber certainly do not understand what he is saying; he could be putting anything on the record.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am speaking a little quickly to get the material through. The material will be provided to Hansard.

The Hon. Charlie Lynn: What are you talking about?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: M2 financing. Rent owed to the Roads and Traffic Authority is paid by the M2 owners issuing promissory notes worth about \$7 million each year. The notes become payable only when the return to equity investors reaches a certain threshold. But the threshold was placed just beyond the value derived from the Macquarie model and because of the need to discount future values of the dividends; the threshold will never ever be reached during the life of the project. By leave, I table a document entitled "Toll Road Operations in Australia: A critical examination of the financial and economic realities".

Document tabled.

[Time expired.]

COUNCIL OF SOCIAL SERVICE OF NEW SOUTH WALES SEVENTIETH ANNIVERSARY

The Hon. JAN BURNSWOODS [5.16 p.m.]: Tonight I pay tribute to the Council of Social Service of New South Wales, known as NCOSS, because this year marks the seventieth anniversary of that very fine organisation. A couple of months ago the organisation published a document entitled "Bridging the Social Divide 1935-2005", a very appropriate title for NCOSS. As Chair of the Standing Committee on Social Issues I acknowledge the great debt that the committee owes NCOSS and its director, Gary Moore. We sometimes say that there is hardly an inquiry carried out by the Standing Committee on Social Issues in relation to which Gary, or other staff of NCOSS, does not provide a submission or presents to give oral evidence. Such evidence is always invaluable, extremely thoughtful and useful, and presented on behalf of people and groups in our community who are often not very well equipped to speak for themselves.

It would be true to say that over the years a range of inquiries and reports by the Standing Committee on Social Issues have been informed and very much improved as a result of the contributions of so many different people from NCOSS, led by Gary Moore. I thank them all for that. The book that was published to mark the seventieth anniversary contains an interesting collection of articles about various periods in the organisation's history. The table of contents probably gives an indication of some of the things that have been said about it and some of the work it does. For instance, there is an essay by Robert Fitzgerald entitled "A meddling voice that just won't go away". That is probably an apt description of NCOSS. Some people might have meant that as an insult, but I am sure NCOSS takes it as I would—as praise indeed.

Reverend Harry Herbert's article entitled "A common voice for social change" would be an apt description of the work of NCOSS. Another article is entitled "Convincing conservatives about community"—a role I think the organisation played over a long period as it sought to represent the community and to bridge that social divide. A number of different essays and articles deal with some of the groups that NCOSS sought to represent and help over the years. They cover youth services, child welfare opportunities and challenges, Aboriginal people and their issues, and older people. I could go through many more.

Let us take, for example, the issues into which the social issues committee is inquiring at the moment. We heard evidence from NCOSS in our inquiry into dental services and our inquiry into the funeral industry. In each case the service provided not only cogent evidence; it also assisted other groups, for instance, the Combined Pensioners and Superannuants Association, to present their case, and it expressed concern about increasing costs and the removal of some rights relating to funeral funds. The book concludes with a thoughtful article from Gary Moore entitled "NCOSS into the future". It is good reading for any honourable member who is interested in where our society is going. As Gary said:

The next two decades may see further fundamental changes to the social and economic fabric of Australian life and the structure and role of the community sector.

He then went on to talk about changes, some of them good and some of them not so good, over the past 10 years or so of economic growth. He talked about some of the issues arising from the global character of the city of Sydney, the emergence of a new class of working poor, the rapid ageing of the population, and the pressures for sustainable solutions in our cities and along our coast. Some of those things are not new, but the fact that they are not new is often attributable to the work of NCOSS. I pay tribute to that organisation. [*Time expired.*]

AUSTRALIAN RAIL HERITAGE CONFERENCE

The Hon. JENNIFER GARDINER [5.21 p.m.]: Recently in Tamworth the former Federal Leader of The Nationals and Deputy Prime Minister, the Hon. Tim Fischer, in his capacity as chair of Tourism Australia, was a key speaker at the Australian Rail Heritage Conference 2005. Tim Fischer is famous for many contributions to public life, which include his passion for transport matters and for rail travel and the history of rail in this State and nation. On this occasion Tim focused on the history of rail travel, presenting opportunities for modern-day tourism in non-metropolitan areas as well as to capital cities. He focused on Mark Twain's visit to this country in 1895 to five Australian states, described him as one of Australia's top 10 early tourists—that is a Tim Fischerism—and noted that his observations and writings about Australia were brilliant and timeless.

Drawing on a book by Miriam Jones Shillingsburg entitled *At Home Abroad: Mark Twain in Australasia*, Tim Fischer discovered that Mark Twain caught 16 trains in Australia in that year—more than most Australians do in their lifetime, then or now. As we all appreciate, this year marks the 150th anniversary of train travel in New South Wales, so Tim Fischer's speech was timely. About 110 years ago, at about this time of year, in the spring, Mark Twain with his wife Olivia and daughter Clara arrived by ship from Vancouver and landed at Port Jackson. He was here to raise some funds by way of lectures to help pay off his business debts.

I will give the House a taste of some of Mark Twain's anecdotes about his trip by train. He arrived on 16 September, disembarked, and moved to lodgings at the then Australia Hotel in Sydney. He gave a series of very popular lectures and interviews, creating some controversy as he did in the *Bulletin* and in other publications relating to the issue of free trade and protection—he was anti-protectionism—and he was made an honorary member of the Union Club while he was here. He went to lunch with such notable characters as Sir Henry Parkes, Henry Lawson, and others. J. F. Archibald, the editor of the *Bulletin*, entertained him at his seaside cottage in Cronulla.

Mark Twain then travelled by steam train down to Sydney terminal and caught an overnight train to Albury, going through Picton, Thirlmere, Mittagong, and then to Moss Vale. The next day he went by train to Goulburn, Yass, Cootamundra, Junee and Wagga Wagga, and he had some lively stories to tell about that part of the trip. It was during that trip that he made the comment:

Now comes a singular thing: the oddest thing, the strangest thing, the most unaccountable marvel that Australia can show. At the frontier between New South Wales and Victoria our multitude of passengers were routed out of their snug beds by lantern light in the morning in the biting cold to change cars on a railroad that has no break in it from Sydney to Melbourne. Think of the paralysis of intellect that gave that idea birth; imagine the boulder it emerged from, on some petrified legislator's shoulders. It is a narrow gauge to the frontier and a broader gauge thence to Melbourne. One or two reasons are given for this curious state of things. One is that it represents the jealousy existing between the two colonies—the two most important colonies of Australasia. What the other is I have forgotten, it could be but another effort to explain the inexplicable.

That highlights one of the most extraordinary aspects of our Federal system of government. Later that year Mark Twain travelled from Sydney terminal station to Strathfield and then to Newcastle. He boarded another train and travelled to Scone, where he stayed at the Willow Tree Hotel, before heading south again. Tim Fischer suggests that these trips by Mark Twain could form the basis of a great Mark Twain down under train trail. I commend Tim, in his capacity as chair of Tourism Australia, for promoting the modern-day replication of Mark Twain's interesting and varied trips on trains throughout Australia. In fact, I think Tim should be the tour guide.

DEATH OF "AUNTY" LORNA KELLY

Mr IAN COHEN [5.26 p.m.]: This afternoon I acknowledge the passing of a very important woman from the Byron shire. Aunty Lorna Kelly, an extremely strong Bundjalung woman and an Arakwal elder, passed away recently at the age of 81. Aunty Lorna was born in Mullumbimby and grew up in Ironbark Avenue, Byron Bay. She was pivotal in achieving recognition for traditional Aboriginal land in the Byron Bay area and was an integral part of the first indigenous land use agreement in Australia. She attended ceremonies and met the general public. Everyone loved her. She worked behind the scenes with the Cape Byron Trust and worked closely with a number of Byron shire councillors, particularly Mayor Jan Barham.

Lorna Kelly was an amazing woman of great wit. She had a fantastic sense of humour. If she pointed her finger at me I knew she was talking to me. She was amazingly astute in dealing with people throughout the community, from bureaucrats to young people. So many people loved and respected Lorna Kelly. She was strong and energetic. Lorna raised not only her eight children but her orphaned younger brothers and sisters. She was forced to leave Byron Bay in the 1950s when the beach was sandmined and the Aboriginal encampment destroyed. The Aboriginal Protection Board gave her the choice of moving to Cabbage Tree Island, near Ballina, to live in a mission-type settlement or possibly losing custody of her children and younger siblings. So Lorna went to live on Cabbage Tree Island with her husband, Harold, and the rest of her family.

Lorna is survived by five children—Lorraine, Stanley, Brian, Sharon and Annette—by her sisters Dulcie Nicholls and Linda Vidler and their families, by Annette Kelly and family, by Yvonne and Wally Stewart and family, and by her nephew Norm Graham. Lorna worked for 11 years, attending meetings and developing relationships among the Arakwal people to achieve the outcomes of the indigenous land use agreement, which is very close to being finalised. Lorna was an inspiration to all, but particularly to Mayor Jan Barham, who said of Lorna:

Her commitment to the local community and conservation of the area has been an education in understanding the relationship that Aborigines have with country and place. She'll be sadly missed. She held an incredible memory bank of history and understanding of the significance of this area.

A few weeks ago I joined Lorna's relatives and friends at a meeting at the Pass, near the beach, to pay tribute to this absolutely wonderful woman. I also attended her funeral service in Ballina. Many people attended the service, including the Director General of the Department of Environment and Conservation and officers from the National Parks and Wildlife Service who worked with Lorna and had respectful and wonderful relationships with her over many years.

Aunty Lorna will be sadly missed. She had a full, fruitful and wonderful life, and she has left an entire community bereft. She was an exceptional woman. I am very proud to have been, in some small way, her friend. Lorna was a landmark individual who cared about conservation and believed Aboriginal and white people can work together successfully and enjoy each other's friendship and cultural experiences. I will never forget the day I went to Broken Head with Aunty Lorna and her children. She took off her shoes and walked barefoot—quickly and nimbly over the rough ground even though she was in her seventies—on the land on which she had walked all her life. Aunty Lorna was an inspiration and a charming, wonderful woman who will be remembered fondly by all.

Motion agreed to.

The House adjourned at 5.31 p.m. until Tuesday 18 October 2005 at 2.30 p.m.
