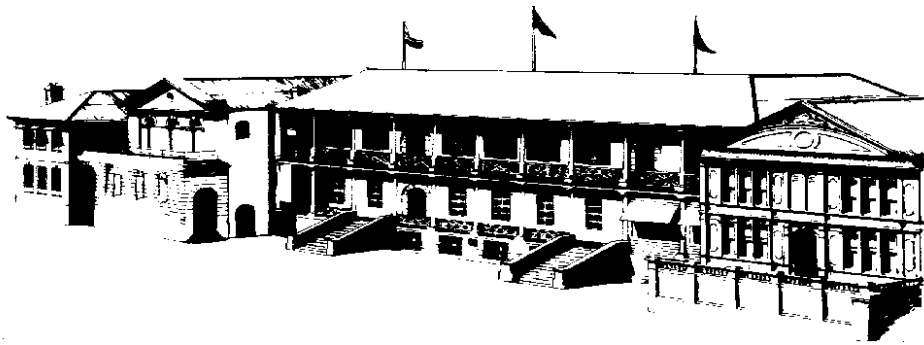




NEW SOUTH WALES



Legislative Assembly

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
SECOND SESSION**

OFFICIAL HANSARD

Tuesday, 20 October 1998

LEGISLATIVE ASSEMBLY

Tuesday, 20 October 1998

Mr Speaker (The Hon. John Henry Murray) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

POLICE INTEGRITY COMMISSION

Report

Mr Speaker announced, pursuant to the Police Integrity Commission Act 1996, receipt of the Police Integrity Commission report entitled "Report to Parliament: Operation Jade—Regarding the Former Task Force Bax of the New South Wales Police Service", dated October 1998.

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, received from **Mr Armstrong, Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Collins, Mr Debnam, Mr Ellis, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Dr Kernohan, Mr Kerr, Mr Kinross, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr O'Farrell, Mr Phillips, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Ms Seaton, Mrs Skinner, Mr Smith, Mrs Stone and Mr Tink.**

Ryde Hospital

Petition praying that Ryde Hospital and its services be retained, received from **Mr Tink.**

Land Tax

Petitions praying that land tax on the family home be abolished, received from **Mr Blackmore, Mrs Chikarovski, Mr Collins, Mr Debnam, Mr Ellis, Ms Ficarra, Mr Hartcher, Mr Hazzard, Dr Kernohan, Mr MacCarthy, Mr Merton, Mr O'Farrell, Mr Phillips, Mr Schipp, Mrs Skinner, Mrs Stone and Mr Tink.**

Land Tax

Petition praying that land tax on the family home be abolished, and that the investment tax threshold be increased from \$160,000 to \$320,000, received from **Mrs Skinner.**

Kings Cross and Woolloomooloo Policing

Petition praying for increased police strength at Kings Cross local area command and police foot patrols in Woolloomooloo, received from **Ms Moore.**

Surry Hills Policing

Petition praying for increased police presence in the Surry Hills area, received from **Ms Moore.**

Kings Cross Policing

Petition praying for increased police presence in Kings Cross, received from **Ms Moore.**

Mattara Lodge

Petition praying that funds raised for an accommodation service for disabled people by Mattara Lodge be used for that purpose, received from **Mr Mills.**

Same Sex Relationship Rights

Petition praying that same-sex relationships be accorded the same status, rights and benefits as heterosexual relationships, received from **Ms Moore.**

Tilligerry Peninsula

Petition praying that rezoning of parks and reserves on the Tilligerry peninsula be prevented, received from **Mr Martin.**

North Head to Little Manly Point Spoil Tunnel

Petition praying that construction of the spoil tunnel from North Head to Little Manly Point be opposed and that the excavated sandstone stockpiled at North Head be used to rehabilitate the North Head sewage treatment plant, received from **Dr Macdonald.**

Northside Storage Tunnel

Petition praying that plans to construct a storage tunnel from Lane Cove to North Head be abandoned, and that the allocated funds be used to find a long-term sustainable solution to sewage disposal, received from **Dr Macdonald.**

Manly Cove Foreshores

Petition praying that the Manly Cove foreshores be protected, and that the Manly Council policy that limits the height and scale of any Manly Wharf development be respected, received from **Dr Macdonald**.

Manly Wharf Bus Services

Petitions praying that plans to move bus services from Manly wharf to Gilbert Park be abandoned, received from **Mr Brogden** and **Dr Macdonald**.

Cooranbong F3 Noise Reduction Barriers

Petition praying that noise reduction barriers be erected on the F3 at Cooranbong, received from **Mr Hunter**.

Moore Park Light Rail System

Petition praying that a light rail public transport system be established to serve sporting venues and the Fox entertainment centre at Moore Park, received from **Ms Moore**.

Moore Park Passive Recreation

Petition praying that Moore Park be used for passive recreation after construction of the Eastern Distributor and that car parking not be permitted in Moore Park, received from **Ms Moore**.

MINISTRY

Mr CARR: I advise honourable members that during the absence of the Minister for Local Government, who is attending the New South Wales Local Government Association conference at Coffs Harbour, questions relating to his portfolio will be answered by the Minister for Energy.

QUESTIONS WITHOUT NOTICE**DEPARTMENT OF COMMUNITY SERVICES
STAFF PAEDOPHILE ALLEGATIONS**

Mr COLLINS: My question is addressed to the Minister for Community Services. Given the Minister's admission today that there are at least two paedophiles working in the Department of Community Services, does she guarantee that they have no access to any information regarding assistance from the department? Why does the

Minister compromise the safety of children by continuing to employ those two people in her department?

Mrs LO PO': I understand that the police are about to lay charges against two employees of the Department of Community Services. The latest information I have is that one of the employees has been stood down without pay and is now facing criminal charges; the other is still employed and is on clerical duties, with no access to clients or files. A police investigation is pending. No charges have been laid. The Government is putting in place the very best system of child protection in Australia. Since coming to office the Labor Government has instituted the toughest measures in Australia to apprehend paedophiles and to protect children. The Government has established a child protection enforcement agency to find and prosecute known paedophiles. The agency is acknowledged by the Federal Bureau of Investigation of the United States of America and the Canadian police as the best of its kind in the world.

Mr SPEAKER: Order! I place the honourable member for Ermington on three calls to order.

Mrs LO PO': I used to teach children like the honourable member for Ermington. The Government has established new investigation teams throughout the State to track down child abusers using the resources of the Police Service and the Department of Community Services, it has commenced and funded far-reaching reforms in the Department of Community Services, and it has replaced the child protection workers that the previous Government dismissed.

Mr SPEAKER: Order! The Leader of the Opposition has asked a question. He will listen to the answer in silence.

Mrs LO PO': The Government has undertaken a full review of the Children (Care and Protection) Act. Today the Government has announced legislation to establish a new children's commission. It has introduced the toughest screening laws in Australia and legislation to gaol convicted sex offenders who even attempt to work with children. These plans are the best protection we can afford our children.

WEAPONS PROHIBITION LEGISLATION

Mr STEWART: My question without notice is to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. What is stage two of the Government's assault on weapons in the community?

Mr CARR: In March this year I announced the toughest knife laws in Australia. These laws have already removed knives from the community at the rate of more than 200 per month.

Mr Hartcher: On a point of order. The standing orders provide that questions must seek information relating to public administration. They do not allow for the making of ministerial statements. The honourable member's question clearly asked what was proposed by stage two of the Government's legislation on knives and invited a ministerial statement dealing with future government policy. Therefore, the question should be ruled out of order.

Mr Whelan: On the point of order. It is in order for a member to ask for further information to elicit information, as the honourable member for Gosford has conceded the honourable member for Lakemba had done. There is no prohibition—past, present or future—on a Minister with regard to the provision of additional information.

Mr SPEAKER: Order! The point of order taken by the honourable member for Gosford has some validity. However, as the Leader of the House has said, past Speakers have ruled that a Minister is not prohibited from providing further information about Government initiatives. I rule accordingly.

Mr CARR: The task force I established in March found that the 1989 Prohibited Weapons Act had failed, and it recommended that the legislation should be repealed. That is why the Government will introduce the 1998 Weapons Prohibition Bill, which contains the toughest controls on the use and possession of prohibited weapons ever enacted in Australia. These are new rules to protect the community by taking more prohibited weapons out of the community. Prohibited weapons are those prescribed under the existing Act. They include devices such as kung-fu sticks, studded fighting gloves and anti-personal sprays. Based on Police Service advice, the new legislation retains this list but it adds ballistic knives, which are devices that shoot a blade by means other than by explosive, acoustic or mitre-emitting anti-personal devices which are designed to incapacitate, and any device designed to propel or launch a grenade, rocket or missile.

The bill will not change existing firearms laws. Specifically the Weapons Prohibition Bill 1998 will, first, ban the possession or use of prohibited weapons without a permit. It will not infringe upon the rights of those who have legitimate reasons such as war veterans or crossbow club members and

people and/or clubs who currently have permits or will be able to use their existing licences for a period of 12 months before renewal under the new scheme. However, unlawful possession of a prohibited weapon will attract a penalty of up to 14 years imprisonment.

Second, to those groups in the community who can legitimately access these devices, the legislation provides genuine reasons for possession. Third, because those categories must not be subject to abuse, the bill creates a rigid permit system. The power to provide permits is vested in the Commissioner of Police. To approve a permit the commissioner must be satisfied that the applicant is a fit and proper person who can be trusted to have possession of the implement without danger to public safety, that the applicant has completed the approved training safety course and that the approved storage safety requirements will be met.

Mr SPEAKER: Order! If the honourable member for Northcott and the honourable member for Ku-ring-gai wish to conduct a private discussion, they should leave the Chamber.

Mr CARR: Fourth, all permit holders will be subject to conditions. The holder must not allow any unauthorised person to possess or use the prohibited weapon covered by the permit. The holder must allow police to inspect his or her storage and safe-keeping facilities. A permit is not transferable. Fifth, if permit holders allow their weapons to come into the possession of those who are not authorised, they face an \$11,000 fine and/or a two-year gaol term. The penalty for failure to surrender a permit is a \$5,500 fine and/or imprisonment for 12 months.

There is also a \$5,000 fine and/or imprisonment for 12 months for those who buy a weapon from an unauthorised person, sell a weapon as an unauthorised person or even place an advertisement for the sale of a weapon without stating the permit requirements. I announce also that with the implementation of the legislation there will be a prohibited weapons amnesty to encourage people to hand in prohibited weapons. The Government will also run an advertising campaign to publicise the changes and inform the community of the amnesty. These new laws will build on the achievements of the knife laws for a safer community.

DEPARTMENT OF COMMUNITY SERVICES STAFF PAEDOPHILE ALLEGATIONS

Mr COLLINS: My question is to the Minister for Community Services, Minister for Ageing,

Minister for Disability Services, and Minister for Women. Given that the Minister's former director-general admitted knowing that paedophiles were working in her department in February this year, how does the Minister explain her failure to act for the last eight months?

Mrs LO PO': I say again: one paedophile has criminal charges pending, and the other has been taken off duties.

Mr Hartcher: When did you find out?

Mrs LO PO': The question is not when I found out; the question is what I have done about it. These people have been pulled out of contact with clients and files.

Mr Photios: On a point of order. The question of the Leader of the Opposition was explicit. It asked when did the Minister find out. I ask that the Minister be brought back to the leave of the question.

Mr SPEAKER: Order! There is no point of order.

SCHOOL STUDENT LITERACY STANDARDS

Mr MILLS: My question is directed to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. What is the Government's latest initiative to improve literacy standards in New South Wales schools?

Mr AQUILINA: As I told the House last week, the Government has the most comprehensive and extensive literacy strategy in the country. Through the long-term \$200 million strategy that is already delivering results, students needing additional assistance are being identified, and they are receiving the extra help they need to lift their literacy standards to adequate levels. Since the election of the Carr Government improvements have been made to the basic skills test. The Government has introduced the new K-6 English curriculum with a return to traditional grammar and an emphasis on spelling. The Government has provided an extra 400 specialist reading recovery teachers to assist 22,000 year 1 students with low literacy skills. This year all year 10 students statewide will be tested in English literacy as part of the new school certificate. I am pleased to announce today another initiative the Government will introduce next year as part of its ongoing drive for literacy standards.

Mr Hartcher: On a point of order. The Minister for Education and Training is clearly

flouting the rule against making ministerial statements in question time. He has said that he is pleased to announce a future policy which his department will advocate. The standing orders are clear and I ask you to uphold them. The Minister is out of order.

Mr Whelan: On the point of order. The standing orders are clear. So also is the edition of *Decisions from of the Chair* dated October 1996. Two important rulings of Speaker Rozzoli are recorded on page 88. The first is:

If in giving factual information in an answer a minister touches on matters of Government policy it does not necessarily make the answer a ministerial statement.

The second ruling states:

In answering a question a minister may give facts about certain things or give facts about matters and initiatives which are proposed by the Government.

The Government relies on Speaker Rozzoli.

Mr SPEAKER: Order! Standing Order 135 is in precise terms. In part it provides that a Minister may be asked a question which relates to public affairs. Irrespective of past rulings, the standing order gives a questioner a wide ambit. The question asked by the honourable member for Wallsend obviously falls within the scope of Standing Order 135.

Mr AQUILINA: Literacy is a matter of vital importance to the Government and to the children in our schools. As I said earlier, I am pleased to inform the House of another initiative that the Government will introduce next year as part of its ongoing drive to lift literacy standards. The Government has decided to expand the \$200 million literacy strategy with the introduction of literacy assessment for year 8 students. In 1999 the successful English language and literacy assessment test, the ELLA test, which is currently taken by all year 7 students, will be extended to include a retest of year 8 students. The release last week of the basic skills tests results and the earlier announcement of this year's ELLA test results show that even at this early stage the Government's literacy strategy is delivering.

The strategy is identifying those students needing additional assistance and giving them the extra help they need. The strategy is also lifting their literacy skills. The only person who opposes the Government's literacy strategy is the shadow minister for education. Every time literacy is mentioned in the media he confirms his opposition

to the literacy strategy. I tried to make this strategy bipartisan, but the shadow minister is nothing but a whingeing, negative nark. He is a negative nabob. Those on the Opposition benches are all negative nabobs. Is the shadow minister trying to tell the people of New South Wales that he does not approve of the Government trying to improve the literacy standards or that he does not like those improvements? Why is he not a little more positive instead of being so negative all the time?

The expansion of the ELLA program will give teachers and parents even more detailed information about students' progress and their individual needs. The acquisition by students of these basic skills is essential for their future educational, life and job opportunities. The Government has moved to extend the ELLA test to year 8 at the request of many teachers and principals. I emphasise that. They have found the assessment and reporting a helpful teaching and learning tool. The test will not be compulsory and will be conducted only at the school's request. This year 95 per cent of schools have requested that the test be undertaken.

Earlier this year the retest option for year 8 students was offered for the first time. That one-off trial of the year 8 retest revealed widespread support for the program among schools. As I said, 95 per cent of schools which took part in the year 7 ELLA tests in 1997 want to have the students, who are now in year 8, tested again. More than 38,600 year 8 students took the test. The results showed pleasing progress. The retested year 8 students had higher scores than their results in year 7 and the small number of students identified in 1997 as requiring additional assistance had improved at a faster rate than the rest of the school population.

The overwhelming comment from principals is that the retesting option is important and useful and should be available every year. Principals believe the additional information about students' progress is invaluable for helping individuals as well as for planning school programs, and parents have welcomed the personalised reports about their children. Importantly, the results of these tests assist the Government in making decisions about allocating resources and targeting programs to the schools and students with the greatest needs. The results have enabled the Government to spend \$200 million on the literacy strategy far more wisely and appropriately. Lifting literacy standards is a priority for teachers and the Government, and the results of that commitment are already evident.

GOVERNMENT DEPARTMENT SPENDING

Mr ARMSTRONG: My question is to the Premier. Is it true that for the first time the Auditor-

General has indicated that he will qualify the accounts of the Government following unlawful expenditure of more than \$3 billion by 69 government agencies? Given that the unprecedented action of the Auditor-General involves at least 18 Ministers, including the Premier, how does the Premier explain his Government's financial incompetence?

Mr CARR: I refer the Leader of the National Party and the House to legislation currently before it.

PLANNING APPROVAL CERTIFICATION SCHEME

Mr LYNCH: My question without notice is to the Minister for Urban Affairs and Planning, and Minister for Housing. What is the Government doing to reduce red tape on applications for major jobs projects?

Mr KNOWLES: As all honourable members would be aware, changes to the State planning laws began to take effect as at 1 July. Those changes will be phased in over the next 18 months. However, the benefits are already becoming evident. In only three months the changes are beginning to have an effect. Whilst a number of local councils and State Government agencies are undergoing what is knowingly described as a substantial learning curve there are already positive results. Yesterday I signed into law the first accreditation scheme to allow private sector professionals to work in the traditional local government monopoly environment.

The scheme, which was prepared by the Institute of Engineers Australia, will allow suitably qualified professionals to become accredited certifiers to deal with a range of specified areas of practice which include structural engineering, building services engineering, electrical engineering, mechanical engineering, fire safety engineering, energy management, environmental engineering, geotechnical engineering, civil engineering and acoustics engineering. That is clearly good news for the building and construction industry and consumers alike.

In addition to the scheme for engineers, the Royal Australian Planning Institute, the Building Surveyors and Allied Professions Accreditation Board and the Master Builders Association have all submitted accreditation schemes which are likely to be agreed to in the near future. That will open the way for a broad range of suitably qualified professionals to work in an environment that has been historically the exclusive domain of local councils and State government bureaucrats.

The Government's planning changes are about creating new jobs and a better climate for investment and growth, whilst, of course, maintaining rigorous environmental controls. To demonstrate that fact, I am delighted to advise the House that the first integrated development approval under the new planning laws has been achieved. Last night I signed off on an approval which will result in Ingham's Enterprises establishing a \$22 million poultry feed mill near Berrima. The mill will create 170 new jobs, including 90 direct jobs, 30 indirect jobs and 50 jobs during the construction phase. There are 68 conditions of consent dealing with all aspects of environmental impact.

Under the old planning system a conservative estimate for the Ingham's proposal would have taken more than five months to go through the planning process. Under the new legislation all approvals, the assessment and community consultation took ten weeks. That is half the time taken by the old system and there has been no reduction in quality. In fact, the integrated assessment system drives a greater degree of consistency and certainty into the process, which, of course, is beneficial to everyone. The other major changes are in the realm of local government. As honourable members are aware, local councils have been given 18 months to prepare their lists of exempt and complying development.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr KNOWLES: The Opposition is not interested in this \$20 million development and in a planning process that cuts development time in half. Nor are they interested in the creation of 120 new jobs for the people of this State. These fundamental reforms provide opportunities for business, investment and jobs growth in this State. Apart from new accreditation systems for private certifiers and new integrated assessment processes, the changes in local government will also provide major opportunities for business and economic growth.

As honourable members would be aware, local councils are in the process of developing their local environment plans for exempt and complying developments. They have 18 months to do so, but already I have received more than 50 lists of exempt developments from local government, and I am currently considering another 10 proposals for complying and exempt developments. By and large, the work done by local authorities has been excellent. Councils that have lodged complying LEPs are Bankstown, Coffs Harbour, North Sydney, Orange, Warringah, Wollongong, Pittwater, Wollondilly, Gosford and Hastings councils. Each of

those councils has taken up the challenge to develop systems that will allow them to work better with their communities and do a better job for business and jobs growth.

There is an extremely high level of co-operation between local authorities, the State Government, and industry associations, particularly the Housing Industry Association. We are all going through a steep learning curve in relation to the changes. To assist in the implementation of the changes, the Department of Urban Affairs and Planning is working with all of those bodies to establish best practice guidelines and processes. As the changes, which will come into place over the next 18 months, are fully implemented, New South Wales will have a planning regime that is second to none in creating jobs and investment for the people of New South Wales.

AMBULANCE SERVICE STAFF MORALE

Mrs SKINNER: My question is to the Minister for Health. How can the Minister stand by his claim that morale among ambulance officers employed by the Carr Government is high when ambulance chaplain Reverend Denis Madigan says one officer has committed suicide since June, another two have attempted suicide and morale in the service is low?

Dr REFSHAUGE: There is no doubt that Reverend Denis Madigan made those statements. I disagree with him, as do the vast bulk of those ambulance officers who work in New South Wales. The Ambulance Service has increased in size since Labor came to government. I remind the House that there were fewer ambulance officers in this State at the end of Liberal-National rule than there were at the beginning. The Carr Government has been increasing the number of ambulance officers throughout its full term. The Government has increased the number of ambulance officers in metropolitan areas and in the Hunter, and a review of rural areas is now under way.

In September the Government announced a boost in ambulance staff numbers, with a further 53 ambulance officers to be employed by the middle of next year. Those officers will include 10 new paramedics, 27 ambulance officers, and 16 patient transport officers. That will bring the total number of ambulance officers to 2,441, an increase of 9 per cent since 1995. The numbers were down under the coalition; they have increased under Labor.

Mrs Skinner: On a point of order. My question asked whether the Minister stood by his claim.

Mr SPEAKER: Order! What is the point of order?

Mrs Skinner: The point of order relates to relevance. The question was about morale and whether the Minister still stands by his claim.

Mr SPEAKER: Order! There is no point of order.

Dr REFSHAUGE: No wonder morale in the Ambulance Service is increasing when the Carr Government is increasing the number of ambulance officers. In the Hunter region 49 additional ambulance officers were employed. No wonder the people of the Hunter prefer a Labor Government that listens to them to a Liberal-National Government that cut the numbers of ambulance officers. The most recent increase in the number of ambulance officers will mean that a new paramedic service will be available from the Castle Hill ambulance station by the middle of next year. The increase in the number of patient transport officers will see the introduction of new services at Colyton, Concord, Liverpool, Macquarie Fields, Penrith, Randwick, St Ives and Summer Hill by the end of the year.

Mr Hartcher: All Labor electorates.

Dr REFSHAUGE: They will be after the next election—and a few more will be too! Gosford has just become a marginal electorate. Not only are the honourable member for Gosford and Gallacher, his mate in the upper House, on a marginal seat campaign but, as the Premier announced, their marginal seat committee decided, when interviewing the potential candidates for marginal seats, to spend the first half hour bagging the leader. I was delighted to read in the press that the Leader of the Opposition has banished the honourable member for Gosford from that committee.

Mr Amery: A good decision.

Dr REFSHAUGE: A very good decision. The Government is backing the Leader of the Opposition to retain the leadership. Long may he remain in the position of Leader of the Opposition! Not only is the Government increasing the number of ambulance officers, it is rebuilding the ambulance fleet. It is not surprising that this has become a priority of the Government, because when Labor came to government in this State something like 40 per cent of ambulances were more than eight years old. That was an indication of the neglect by the coalition parties. Members of those parties would be changing their cars more frequently. I would wager that the

honourable member for North Shore changes her car more frequently than her Government changed vehicles in the ambulance fleet.

The ambulance fleet has been increased to a total of 845. The Government is providing an extra \$5.4 million to upgrade that fleet: 112 new ambulances are being bought. The Government has also increased the recurrent budget of the Ambulance Service. The budget has not been increased in line with the consumer price index; it has been increased by significantly more than the CPI figure. The Ambulance Service budget has been increased by 55 per cent to \$136.3 million this financial year. Labor has provided funding for the Ambulance Service that the coalition denied. Labor has provided extra ambulance officers for the Ambulance Service that the coalition Government denied. Labor has provided paramedic services for the central coast that the coalition denied. Labor is rebuilding the ambulance fleet that the coalition let run down.

The only policy we have heard from the Opposition on ambulance services was from the honourable member for North Shore when she said, "If you have a sick child, don't call an ambulance." I reject that policy. The question contains another spurious allegation by the honourable member for North Shore. The House will remember the allegation she made that somebody had died in an ambulance while it was trying to find a hospital. When she first made that statement she firmly nominated the hospitals that the ambulance was going to: Royal Prince Alfred Hospital and St Vincent's Hospital.

A couple of days later she changed her story: it was not going to Royal Prince Alfred and St Vincent's, it was on the way to St George Hospital. Then, in an interview on the *7.30 Report*, the honourable member changed her story again. Somebody had told her that maybe somebody had died in an ambulance. I take those allegations seriously. If something like that happened in the Ambulance Service I wanted to know about it. We went through all the records—not just for the day that the honourable member said, because she changed the date on which it was supposed to have happened a number of times, but for two weeks before the nominated date and two weeks after it, in case she had got it wrong.

We found not one indication in all of those records that anything like that had happened—not one! If the Ambulance Service has difficulties with morale it is because the honourable member for North Shore says "don't call an ambulance" and

makes outrageous suggestions that people die in ambulances when she has absolutely no proof of that. It is no wonder that if the honourable member for Lane Cove became the Leader of the Opposition the honourable member for North Shore would be out of the health portfolio.

REGIONAL BUSINESS ASSISTANCE

Mr MARKHAM: My question without notice is addressed to the Minister for Regional Development, and Minister for Rural Affairs. What is the Government doing to help regional manufacturers win new business?

Mr WOODS: The honourable member for Keira has a great interest in regional development, especially in the Illawarra region. Yesterday in Goulburn I announced that the State Government is substantially increasing its support for the Industrial Supplies Office. The ISO helps businesses to grow and create new jobs, and the Government wants to ensure that country manufacturers get their fair share of that growth. We are appointing to the Industrial Supplies Office four new fieldworkers who will provide a better service to manufacturers based in and around Goulburn, Tumut, Dubbo, Grafton and Armidale.

Mr SPEAKER: Order! I call the honourable member for Gosford to order.

Mr WOODS: Members opposite do not like regional development. Boosting the ISO presence in country New South Wales is a key part of our country centres growth strategy. The ISO helps businesses find local companies to supply their needs, rather than looking for imports from outside their region or from city-based companies. The ISO also helps manufacturers increase their business in other ways. For example, the ISO looks at what a local manufacturer or business is currently producing and assesses whether it can make minor changes to expand its product range to meet market demand. The ISO also provides an extremely valuable service in a number of other ways.

Country businesses often lose out to city businesses because potential customers are not aware that they can buy locally, and businesses are often unaware that they are capable of diversifying their product range to meet local needs. The expansion of ISO services will go a long way toward turning that around. The aim of the ISO is to build a country trading network to encourage businesses to buy closer to home. The ISO has a database of some 30,000 companies which is used to match industry needs with suppliers so that local companies get a

chance to compete for business that might otherwise go out of the region.

The State Government believes in using targeted and strategic intervention policies and programs to boost economic growth and job creation in New South Wales. The new ISO fieldworkers will help to establish a local industry capability service for each of their regions. They will be talking to all manufacturers and value-adding service providers in their regions to find out exactly what they need. That information will be used to link industrial capabilities between towns within the region and to form a picture of the region's capability as a whole. That information can then be used as a selling tool to attract investment to the region, as well as matching businesses with local suppliers.

On the other side of the coin, the ISO will also use that information to match manufacturers with customers outside the region. Until now there have been ISO officers in Newcastle, Wollongong, Albury, Orange and Canberra. The Government is almost doubling that capability for country New South Wales. The expansion of the program means that more country businesses across New South Wales will benefit from the work of the ISO. The Armidale office of the ISO, for example, will service a wider area than only Armidale; it will also service Tamworth, Glen Innes, Moree and Coonabarabran. The Grafton office will service Tweed Heads, Coffs Harbour, Ballina and Lismore. The Wagga Wagga office will look after Tumut, Narrandera, Leeton and Griffith, and the Goulburn office will service Yass.

The Government is serious about creating jobs for the people of regional New South Wales. Coalition members have never been and will never be serious about that, because they believe in the same trickle-down effect as their Federal colleagues. Our initiative to expand the ISO program will accelerate the growth of individual businesses and the regions as a whole. Our aim is to accelerate the economic growth of the regions of New South Wales—a worthwhile aim that the Government is achieving. It will mean secure jobs for the future. I doubt whether members of the National Party comprehend the needs of regional New South Wales, especially when the Leader of the National Party has such madcap ideas as having the Clarence River flow the other way, piping water from New Guinea or having a tunnel under the Blue Mountains.

The stewardship of the Leader of the National Party has been an utter failure. Not only did he lose the last election but one-third of the National Party

members in this House are either retiring at the next election or have already gone. If one-third of the Labor Party members in this House were retiring at the next election, the media would be asking serious questions about the standard of leadership. However, that is not happening. The leadership of the National Party shows no ability in formulating policy, and that is reflected in the number of National Party members retiring at the next election. One-third of National Party members are leaving because they have no faith in their leader.

DRUG TRAFFICKING PENALTIES

Mr TINK: My question is directed to the Premier. In 1994 did the Premier say, "I want all those large-scale dealers in drugs to know that under a Carr Labor Government if they are convicted they go to gaol for life"? If so, how does the Premier now explain that under his Government not one drug trafficker has received a life sentence, all but five drug traffickers have received less than six years gaol, and court appearances by drug dealers, manufacturers and suppliers have fallen by 14 per cent?

Mr CARR: The Government will match its record of dealing with drug dealers against the record of the coalition at any time

Mr SPEAKER: Order! I call the honourable member for Gosford to order for the second time. I call the honourable member for Davidson to order.

Mr CARR: This question comes from a man who called John Hatton, who raised the question of police corruption in this place, a perjurer and a liar. The reformed Police Service is now dealing in New South Wales, as never before, with the crisis represented by drug use and abuse and the crime that feeds on it.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order.

Mr CARR: The Government has increased the penalties in several categories. Under the Government no penalties have been reduced; the penalties have only increased. How dare the honourable member for Eastwood ask about legislation that the coalition attempted to block in the upper House! The Government has placed those increased penalties on the statute book in the face of opposition from the coalition.

Mr TINK: I ask a supplementary question. If all that is true, why have drug convictions fallen by 14 per cent?

REGIONAL TOURISM

Mr BECKROGE: My question without notice is to the Minister for Tourism. What is the Government doing to promote tourism in regional New South Wales?

Mr Tink: On a point of order. I asked the Premier a supplementary question. Is he going to answer it or not?

Mr SPEAKER: Order! No point of order is involved. I place the honourable member for Wakehurst on three calls to order. The point of order taken by the honourable member for Eastwood related to a supplementary question. I have ruled on that point of order. The Minister for Tourism has the call. Members who continue to interject will be placed on three calls to order. I place the honourable member for Gosford on three calls to order.

Mr DEBUS: I thank again the honourable member for Broken Hill for his question, the answer to which may properly be regarded as complementary to the answer just given by my colleague the Minister for Regional Development. New South Wales leads Australia in promoting regional tourism, encouraging our domestic and overseas visitors to explore every corner of the State from our idyllic beaches to the country villages and the great expanses of the outback. Tourism is one of this State's most successful and vibrant industries, creating thousands of jobs from Broken Hill to Tweed Heads.

This Government is making every effort to ensure that tourism operators and organisations in every region of New South Wales share in that success. There are many parts of New South Wales where the development of tourism offers the best chance for economic development and job growth, especially in the creation of jobs for young people. Under this Government, Tourism New South Wales has built a cohesive structure of 16 regional tourism organisations, which has played a major role in the growth and development of the industry. It has provided also massive increases in funding, resources and support for those organisations to foster the development of the tourist industry.

Indeed, this Government has increased funding to record levels. Today that funding stands at \$7 million, which is 40 per cent more than when we came to office, and over 310 per cent more than the Fahey-Collins Government allocated in its 1993-94 budget. I am pleased today to announce that we are providing grants totalling \$2 million for the network of regional tourism organisations to develop and

implement an innovative series of marketing campaigns for the coming year. These grants will allow those organisations to vigorously market their local industry, attractions and events.

The new campaigns will encourage visitors from around Australia and the world to discover holiday destinations across this State. They include an international farm-hosting campaign to encourage more overseas tourists to experience the day-to-day life of a New South Wales farmer; a new accommodation guide for the increasingly popular bed and breakfast industry, the easiest way to meet locals wherever you are in the State; and the Pacific coast route, which is a joint project with Queensland to take visitors along the route from Brisbane to Sydney to explore the coast's world-renowned beaches. In the Blue Mountains, a high-tech project will take business tourism into the twenty-first century using the Internet and a CD-ROM to promote the region's meeting and convention facilities. In the far west of the State two projects will be developed, the outback treasure hunt, which is aimed particularly at increasing visitors from Sydney, and a CD-ROM carrying images of the region throughout Australia.

In the Riverina a television campaign is aimed at bringing new visitors to the region, particularly from Victoria. In the central west, a new series of tourist trails based around popular themes such as the heritage of towns like Bathurst and Dubbo will be provided, together with the attractions of the food and wine country of Mudgee. This Government's support for regional tourism is evident in its substantial contribution of \$5.5 million to the highly successful and effective "Experience It!" tourism advertising and marketing campaign to encourage domestic tourism from other States to New South Wales, which was launched in April. All of these investments are concrete evidence of the Government's continuing commitment to support this growing industry, to create jobs and to boost the economic security in our regional areas.

Questions without notice concluded.

GENERAL AUGUSTO PINOCHET ARREST

Ministerial Statement

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Ethnic Affairs) [3.15 pm]: Most of the 20,000 Chileans in Australia greeted this weekend's news of the arrest of former dictator Augusto Pinochet with surprise but jubilation. This House should welcome his arrest and applaud the action of Spain and the United Kingdom in securing

it. From the chronicles of epic villainy in this blood-stained century, Pinochet holds a high dishonoured place. He does not rank with Hitler or Stalin among the pinnacles of human malice, but in the uplands of tyranny, state-organised terror, torture and random execution he has his claim to fame.

His murder of the freely elected Salvador Allende in the presidential palace in Santiago 25 years ago will be especially remembered; so will the herding of innocents into Santiago soccer stadium and the slaughter that followed. According to Amnesty International, his subsequent record in torture is the worst of recent decades. More than 4,000 Chileans were murdered or vanished during his regime. The spectacle year in and year out of the recovered bodies of the disappeared, the young men and women that never came home, will haunt the remembered images of this era for centuries to come.

It was good that his failing health put this monster in harm's way. It is good that extradition treaties exist and justice, however late, can sometimes be done. In this House we wish this eminent citizen a long incarceration and time aplenty to ponder a fate more merciful than that endured by his many victims. I lead this House in commending the governments of the United Kingdom and Spain, and particularly Judge Garzon, for their honourable shared purpose of the arrest and extradition of this notable criminal. I also join with the Australian Chilean community in wishing Mr Pinochet the justice he deserves and his victims demand.

Mr PHOTIOS (Ermington) [3.17 pm]: If ever a dictator in this world deserved to be locked up with the key firmly placed where it can never be found, that dictator is General Pinochet. In recent history not just Salvador Allende was killed; at this dictator's direct request and under his administration thousands more were killed in a country that should otherwise have enjoyed its rightful place in the civilised world community. The State Opposition joins with the Government, as should the world community, in condemning this savage dictator who has abused the rights, the privileges and the lives of his people.

The British Government and the world community want this man to be locked up where he can never be found again. The State coalition joins with the Chilean community in supporting the determination of the British and Spanish governments. We are committed as friends of that community to see this mother of all dictators in South America locked up regardless of health. His health is not equal to the death of the thousands

killed as a result of his political hegemony. Accordingly, there can be no defence for this man based on health. No greater sin can be committed by any world leader than to take the lives of the harmless and the innocent as this general did. The coalition condemns General Pinochet. It wants him locked up forevermore. It supports the community in its call for action and supports the Government on a bipartisan basis in this appropriate statement.

DRUG PENALTIES

Personal Explanation

Mr TINK, by leave: I emphatically deny the Premier's scurrilous allegation during question time that I called the former member for South Coast a perjurer or a liar. I have the utmost respect for the former honourable member and I emphatically deny that I ever said anything of the sort.

QUESTIONS WITHOUT NOTICE

Supplementary Answer

AMBULANCE SERVICE STAFF MORALE

Dr REFSHAUGE: Earlier today I was asked by the honourable member for North Shore about a letter by Father Madigan about the Ambulance Service. That letter contained a suggestion that morale was low. The three incidents mentioned are very distressing. We recognise that being in the frontline and providing medical care at emergencies can be very stressful. Counselling services are available and I hope any ambulance officer who needs support will find help through those services.

The Carr Government is supporting officers by building up the State's Ambulance Service. We are committed to providing a high quality Ambulance Service for patients and to supporting the many hundreds of men and women across the State who provide that service. Responding night and day to emergencies takes a special kind of dedication and we want to make sure we provide the kind of support our ambulance officers need. This year an extra 53 uniformed staff are being employed. The Ambulance Service will be adding 37 ambulance officers, including 10 paramedics. An additional 16 patient transport officers are also being employed. These additional officers will further increase the already record uniformed staffing level of 2,376 as at July 1998.

The Carr Government has dramatically reduced the age of the ambulance fleet. When it came to

office 45 per cent of ambulance vehicles were more than eight years old. This year another 102 ambulances have been purchased. This means only 19 per cent of the fleet will be more than eight years old. Plans are in place to reduce the age of the fleet even further. In addition, the Vocational Education Training Advisory Board has granted accreditation to the service's clinical education courses. This allows officers who complete the education program to be a qualified ambulance officer to be awarded a diploma. A patient transport service has also been introduced to undertake some of the routine and non-emergency cases, freeing up frontline ambulances to respond to emergencies. The welfare of ambulance officers is extremely important to the Government and to the Ambulance Service.

CONSIDERATION OF URGENT MOTIONS

Freshwater Native Fish Stocks

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [3.22 p.m.]: This matter should have precedence today. It is important to put on the public record that this is the first opportunity to debate the issue since the inland licence fee was reintroduced on 1 July 1998. The fee was in place until 1988 when the coalition Government wiped it. It did not realise the fee's potential for conservation. The licence was reintroduced because 69 per cent of respondents to a New South Wales Fisheries survey were in favour of the fee. That was, of course, provided that the money was spent on freshwater fishery management.

Mr J. H. Turner: On a point of order. The Minister has been in this House long enough to know that he must establish urgency, not give a speech on the issue.

Mr SPEAKER: I uphold the point of order.

Mr MARTIN: This matter should have precedence over other matters for urgent consideration because the Opposition does not want to face up to it. There is time for a report card after three months. It is a way to explain how our rivers, streams and dams are being restocked. It is a way to explain to the House what we are doing in our carp eradication program. It is also a way to put on the public record the need for Federal Government assistance in carp reduction programs, and it is important for the new Federal Minister, following his appointment yesterday, to be able to hear first hand from this Government what needs to be done with New South Wales waterways. Without a doubt

this is the more important of the two urgent matters before the House, and I urge the House to vote in favour of this very important issue.

Rural Health Crisis

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.26 p.m.]: The matter the Government has introduced cannot be particularly urgent. The Minister could not speak for more than 2½ minutes on it. Health is the number one issue in rural New South Wales. This was confirmed by rural organisations such as the New South Wales Farmers' Association as recently as two hours ago. This House views with alarm the crisis in rural health in New South Wales. A number of other honourable members and I have addressed this House repeatedly on the problems of rural health.

This matter is urgent because country people are being denied the normal assurance and comfort of having access to an adequate health care system. The country health system was once a proud, first-rate service which was community based and supported and operated by local boards. Sadly, the system is being dismantled and replaced by an inferior and inadequate organisation which masquerades as health care. This motion is urgent because country New South Wales now has a Third World health system.

Mr Anderson: On a point of order. I wish the honourable member would take his own advice. He was chastising the Minister for Mineral Resources, and Minister for Fisheries for doing what he is doing himself. He is speaking to the motion. He is debating the subject. He is not talking about urgency or about whether his matter is of greater importance than the matter raised by the Minister. I ask you to bring him back to that topic.

Mr SPEAKER: Order! I am sure the Leader of the National Party will soon return to the reasons his motion should receive priority.

Mr ARMSTRONG: The matter is urgent because at the moment the Junee District Hospital is 3.58 nursing staff short and it has had to close nine beds. If that is not a reason for urgency, I do not know what is. This has happened because the department and the Minister are simply too incompetent to find the extra nurses. This matter is urgent because, although they say they cannot find the nurses, my electorate secretary in one day—last Friday—managed to find two agencies in Sydney who have nurses ready to go to Junee. If an electorate secretary can find nurses to go to Junee,

why cannot a government department with all its resources find them? Is it because it does not want to or is it simple incompetence?

The Minister wants to know why it is urgent. I am talking about sick people and about health care. A number of shires in the State are having similar difficulty. The matter is urgent because just two months ago I raised the problem that Cowra Hospital has not had a full X-ray facility since October last year. The matter is urgent because the Greater Murray Health Service was unable to pay its doctors in West Wyalong. It could not even find the money to pay for visiting medical officer rights at West Wyalong. It is urgent because the Greater Murray Health Service is now considering closing the X-ray facility at West Wyalong Hospital.

The matter is seen to be urgent when one considers the problems of Leeton District Hospital. That hospital has been waiting since last May for the Minister for Health to address matters raised with him by the Leeton Shire Council delegation. At Narrandera District Hospital the Greater Murray Health Service has denied approval to the Narrandera branch of the Cancer Patients Assistance Society to establish a palliative care room for terminally ill patients at the hospital. Let any member of the Government tell me it is not an urgent matter when a district hospital at Narrandera cannot establish a cancer palliative care ward. The Minister might laugh and smirk but he is an ignoramus if he finds humour in denying approval to assist cancer patients.

The hospital at Jerilderie has a resident doctor for a population of 1,100, yet that doctor has not been given visiting rights to the local hospital. He has to send his patients to Finley. The 1,100 residents in Jerilderie are denied the right to be treated by their own doctor in their own hospital because, once again, the Department of Health will not give the hospital approval for a multipurpose service. Simply, this matter is urgent because health facilities and the conferencing of those facilities in rural New South Wales are at an all-time low. The budget is broke, the Minister and the Government are incompetent, and the people of New South Wales feel that they have been sold out and shelved by this Government.

Question—That the motion for urgent consideration of the honourable member for Port Stephens be proceeded with—put.

The House divided.

Ayes, 47

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Mr Moss
Mr Carr	Mr Neilly
Mr Clough	Ms Nori
Mr Crittenden	Mr Price
Mr Debus	Dr Refshauge
Mr Face	Mr Rogan
Mr Gaudry	Mr Rumble
Mr Gibson	Mr Scully
Mrs Grusovin	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Tripodi
Mr Iemma	Mr Watkins
Mr Knight	Mr Whelan
Mr Knowles	Mr Woods
Mr Langton	Mr Yeadon
Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Beckroge
Mr McBride	Mr Thompson

Noes, 43

Mr Armstrong	Mr Oakeshott
Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Brogden	Mr Peacocke
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Hazzard	Mr Souris
Mr Humpherson	Mrs Stone
Mr Jeffery	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Dr Macdonald	<i>Tellers,</i>
Mr Merton	Mr Fraser
Ms Moore	Mr Smith

Pairs

Mr Nagle	Mr Collins
Mr E. T. Page	Mr O'Doherty

FRESHWATER NATIVE FISH STOCKS**Urgent Motion**

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [3.37 p.m.]: I move:

That this House:

- (1) notes the considerable increase in stocking of freshwater native fish in inland waters following the introduction of the inland freshwater fishing licence;
- (2) supports the Government in its efforts to improve our freshwater habitats; and
- (3) calls on the Commonwealth Government to increase its expenditure on the State Government's introduced species reduction program.

This year saw the production and stocking of a record number of bass in New South Wales. Figures provided by New South Wales Fisheries through the research centre at Port Stephens show that 260,000 bass were released this year. One of the final stocking events for the season took place last Saturday, 17 October, when up to 30,000 Australian bass fingerlings were released into the Brogo Dam near Bega. There are several important reasons that this highly significant event took place. Importantly, the achievement was the result of the development of new, very efficient, large-scale breeding techniques.

Australian bass have proved to be a difficult species to culture, and this work caps off decades of bass breeding research. New South Wales Fisheries is working closely with a number of commercial fish breeders to transfer the new technology and have it working as quickly as possible. This will facilitate the expansion of the developing industry and will allow breeders to overcome problems that have significantly constrained their production in the past. The stocking of these wonderful fish into major dams in rural areas is also a very significant event.

Australian bass are a species that cannot breed in dams or other areas because they would be prevented from running to the sea. Honourable members may be interested to know that bass breed in the mouth of estuaries in near-saline waters. In late winter they spawn, they go through a three-week larval stage and then they migrate back up the rivers and streams. In the past hundreds of dams and weirs have been built, which has led to a reduction of the areas in which bass can be found in their natural environment.

Question so resolved in the affirmative.

Mr SPEAKER: Are they good eating?

Mr MARTIN: Bass are wonderful to eat. As well, they are found in the eastern flowing river systems from the Thomson River in Victoria to the Mary River in Queensland. They are very similar to the barramundi in biology. The only way in which spawning can be induced is by use of a human pregnancy hormone. I could spend a great deal of time speaking on that subject, having been involved in that matter in the past. When the program was put together the environmental pressures facing estuaries and rivers had a major effect on the species. The Government is devoting significant efforts into developing fishways as a means of reducing the impacts of weirs and dams, particularly on this migratory species.

I advise honourable members opposite that it is necessary to use a similar technology on inland species in order for fish to travel up and down the inland rivers. Honourable members will recognise the need for fishways. For the many areas above major dams and weirs stocking will remain the only practical method of returning bass to fresh water impoundments and rivers. In some areas bass cannot migrate, so populations are not coping for a variety of reasons. Experimental stockings carried out in the Manning River have shown that stocking of rivers can provide some useful assistance in reinforcing population numbers. Other impacts on the population can be assessed and, hopefully, resolved. What we have done this year builds on what was done last year, and there is more to come. The number of bass produced this season is more than three times the amount produced last season.

This significant increase has been allowed by the funding provided in anticipation of revenue which will come from the recreational freshwater fishing licence. This motion of urgency relates in part to the inland fishing licence. Last season saw the greatest combined number of native freshwater fish species ever stocked in one year in the State's history: well over two million native fish were introduced. This bass season builds on those significant achievements of recent years and highlights how fishing licence funds will allow a major increase in the fish population.

Anglers have asked also that licence funds be used to buy fingerlings from private hatcheries to match river stockings of fish purchased by community groups. This would allow increased numbers of fish to be stocked and encourage and assist local groups in their efforts, and, importantly, it would give great financial assistance to the rapidly developing fish breeding industry. Most of the fish produced in government stocking programs go into major dams, and it is now widely recognised that

these areas provide world-class freshwater fishing. Major dams such as Glenbawn, Burrinjuck, Copeton and Wyangala are becoming meccas for local and city-based anglers, and it is common to meet Sydneysiders who routinely spend their weekends travelling to fish in these areas. Not only is the stocking good for the vast number of anglers in inland towns, but the resulting tourism is a multi-million dollar industry.

By creating great fishing in these areas we are making a valuable investment in inland New South Wales. Angling is a highly popular recreational pursuit in country areas and involves about 40 per cent of the population. By providing good fishing we are providing new recreational opportunities across vast areas. This is particularly valuable for young people, who make up a very high proportion, about 50 per cent, of anglers. The economic activity based around angling, the tourism it creates, and the social benefits are clearly very real assets for regional communities. New South Wales Fisheries has sought the advice of angling groups to ensure that fish are put to the best use.

By getting a clear understanding of what anglers want, we have been able to provide unique fisheries that are now the recreational focus of tens of thousands of people. This is part of broad approach of forming partnerships with the community. This approach has obvious benefits in the management of natural resources and it is also bearing fruit in many other areas of government. From a fisheries perspective this approach will ensure that the best use is being made of funds derived from the freshwater fishing licence. It is important for the Opposition to make its position clear: does it support this licence or will it abolish it? The appreciation by anglers of this approach is evidenced by their broad acceptance of the licence scheme.

Yesterday the new Federal Minister responsible for agriculture and fisheries, Mr Mark Vaile, made a number of statements on regional radio in New South Wales. In particular, he pointed to the need for co-operation between the States and the Federal Government on fisheries management. I look forward to my first meeting with Mr Vaile, when I can inform him of this Government's achievements. I also look forward to working closely with and receiving financial assistance from the Federal Government to introduce a carp reduction program.

It is important to realise that in the Darling River system in inland New South Wales the catfish *tandanus tandanus* has virtually disappeared, for a

variety of environmental reasons: it is virtually non-existent. It is important to get that species back, and to get environmental flows. The tandanus tandanus is one of the rare species that will breed in captivity without flood plain conditions or induced spawns. It is important that we work together on the carp reduction program. Cotton Australia has put \$25,000 into the trust fund. We have a very important task ahead of us: to get rid of the carp. It is not a matter of paying forever, it is about establishing businesses and making sure that we work well on them.

At the end of 1988 the former Government wiped out licences for a political ideology and not for the betterment of the people. In 1958 the freshwater licence was introduced and was in existence until 1988. Pensioners, the young and Aborigines were exempt from that licence, as they are today. Since the abolition of the licence the Australian Labor Party had been constantly lobbied to reintroduce it. Labor came to government on the promise that if it could be proved that the fishing fraternity wanted it we would reintroduce it. We have honoured our side of the promise.

After three months the Government has \$600,000 in the trust account, as well as the money promised by the Premier for the carp reduction program, which will be \$1 million over three years, and the money from Cotton Australia. The fund is going extremely well. I defy anyone to take it apart for crazy ideological reasons. It is important to know that fishing in inland New South Wales is a very vital part of the pastimes, the economy and the wellbeing of inland New South Wales. It is important that carp numbers are reduced, that stocking continues, that we have licence fees, and that we have a better river system. It is important that this House supports what inland anglers in this State want: a better fishery, owned and paid for by them, of which they can be proud.

Mr J. H. TURNER (Myall Lakes) [3.47 p.m.]: It took the Minister almost 9½ minutes to finally say how much he has received from this fund. The Opposition suspected it was about \$600,000. I have not verified, audited or checked the figure, but I take the Minister's word for it. I imagine it would have cost about \$500,000 for the extra eight inspectors, so the Government is about \$100,000 ahead at this stage. By the time administration costs and extras are taken into account, the fund will be in debit. An article in the north coast *Daily News* entitled "Fisheries to target favoured locations" stated:

NSW Fisheries warned freshwater anglers that several favoured fishing locations across the Tweed would be targeted as part of the newly introduced licensing scheme.

This is becoming a revenue raiser. The Minister's zealotry with regard to this ill-founded tax will cause fishermen to become criminals. The Minister said that only \$600,000 has been collected and that the Premier had to advance money towards this recreation fund. Where did those funds come from and how did they happen to be put into a trust account? I presume they were advanced from Treasury. Will they have to be repaid out of that trust account, and, if so, what provision does the trust account have to repay those funds?

From my reading of the trust account conditions, it would be illegal to repay those funds to Treasury. Why were the funds advanced? The Government expected people to rush in and pay money to be able to fish in places where they had fished free of charge for many years. However, the Minister has not kept his word, and Treasury, through the Premier's Department, has rescued him. The Minister referred to the resultant record stocking, and his press release of 28 June stated that the expected record of six million fish would be a taste of things to come. That is wonderful, but when the coalition is in government the situation will be much better.

That press release was issued before this fund was established. If the Government can fund a record six million fish without a licence fee, why does it need one? The Government has been funding that scheme for the past 12 months and believes it is excellent. The licence fee may increase the Government's coffers, but not by much. It has collected only \$600,000 to date, and indications are that the Government will not get much more. Out of that amount it has had to pay for at least eight additional inspectors, the licence issue fee, commission in some instances, processing fees, the costs of banking and administration, computerisation, and the cost of printing the licence on paper or plastic. Frankly, the Minister is behind the eight ball: he does not have the money, and that is probably why he is being propped up by the Premier and outside sources.

The Opposition is committed to restocking our waterways with native fish and will give ownership to inland fishing groups and organisations. That ownership will not come with a price tag but with giving responsibility to fishermen without the middle man and without the department zealously targeting favourite locations to raise revenue. Each weekend tens of thousands of fishermen would break this law, because they do not agree with it. They do not have a licence and will not get a licence, because they have been fishing at their favourite locations for years without a licence. This legislation has turned

tens of thousands of people into potential criminals at risk of possible prosecution. It is inherently unfair.

The Minister spoke about buying fingerlings from private groups. Why does the department need to involve itself in that process? Why not have a scheme whereby inland angling groups can do that directly? Again the middle man will be used, but at what cost? How much will it cost for the department to interfere in this scheme? This proposal was last considered with the Booma hatcheries, which is a protracted matter that may not yet have concluded. That is indicative of the way the Minister deals with private enterprise. That ill-fated exercise could easily have resulted in 45,000 endangered eastern freshwater cod being tipped on hot cement because of the Government's ineptitude and inefficiency in handling the matter.

The Minister sought to rely on all sorts of dodgy figures. Some people said that the Department of Fisheries told them to ring me about the licence. The Minister, or members of his staff, should not have directed people to make those calls. I received phone calls from people who said that the majority of people wanted the licence. The Minister said in his second reading speech that 500,000 people from interstate and overseas come to New South Wales to fish. I stated that the figure would be 250,000. On those figures, of the 3,840 responses to the Minister's 1997 survey, 75 per cent, or 2,880, supported the proposal for an inland fishing fee. That is 0.38 per cent of people in New South Wales who, according to the Minister, fish in New South Wales.

It is nonsense to say that the majority of fishermen want a licence, because it is simply not true. The Opposition has been overwhelmed by complaints about the licence. A short time ago the Minister referred to tens of thousands of people having a licence. What happened to the hundreds of thousands? Did the Minister mislead the House when he said in his second reading speech that 500,000 people from interstate and overseas—not counting New South Wales—travel to New South Wales to fish. That statement indicates that the scheme has not worked. This cumbersome Minister and his cumbersome proposal have fallen foul of the general public. This is simply a tax on country New South Wales; it is the bed tax of country New South Wales.

If people want to fish in country New South Wales they will have to pay \$10, \$30 or \$75. To demonstrate the stupidity of the situation, fishermen

could throw out a line in front of the Minister's home and would not have to pay, but if they throw out a line in the Grahamstown Dam, in his electorate, they will have to pay. This is a revenue raiser to increase the bureaucracy in his department and to ensure that he drives people away from country New South Wales, which desperately needs an influx of people and money.

The Minister said in a press release that \$2.9 million will be raised from the licence fees, but how many people is he scaring away? How many hotel beds are empty; how many restaurants and fish shops need customers? Families will fish at the beach at no cost, because it would cost them an extra \$30 or \$40 to fish in fresh water. The Minister is turning people away from country New South Wales. He may have a ministerial salary, but most people have a limited income. One way people can maximise their income is to have a free day at the river bank where they can fish—but they cannot do that under this Government.

Mr ANDERSON (St Marys) [3.57 p.m.]: The introduction of a fishing licence fee from 1 July was a bold step for the Carr Government. It was a step that was desperately needed to assist native fish to re-establish in our rivers and waterways. There are no successful biological means of controlling carp in our river systems. This experimental program is the next best thing: to see if carp numbers can be reduced using commercial fishing and the carp replaced with native fish. It needs to be proved before the Government will expend large sums of money on the program. The aim has always been to subsidise commercial fishers to encourage them to catch as many carp as they can. The Government set a target of 1,000 tonnes of carp in the first year. The program will cost \$1 million each year, over three years.

Mr J. H. Turner: It's \$1 million over three years, not each year.

Mr ANDERSON: It is \$1 million over three years. The money will come from New South Wales Fisheries and a proportion of freshwater fishing fees, as well as from contributions by the Department of State and Regional Development, the Environment Protection Authority, the Department of Land and Water Conservation and the National Parks and Wildlife Service. So that many people and organisations are contributing to this experiment. It is not possible to eradicate carp completely. This Government will not throw huge sums of money at the problem without establishing the worth of a reduction program.

The experiment is supported by recreational anglers, who have indicated they want some portion of the money collected from the freshwater fishing fee to go towards carp reduction. The program is spread over three years, with the main effort coming from the inland commercial fishing sector, which is being offered a bounty of 25¢ a kilogram on carp caught in the first year, with the sum reducing over the following years. This will make it financially viable for commercial fishers to take three to four million kilograms of carp from our waterways over three years. It will allow them to develop markets for fertiliser, fishmeal, bait and pet food, and improve fishing and transport methods.

Money from the fee for the freshwater fishing licence will allow New South Wales Fisheries to stock our waterways with native fish at the same time as carp are being removed. Hopefully, native fish once again will become dominant in our environment. This is a good theory. It could dramatically reduce the number of carp, see native fish re-established as dominant species, and provide jobs, investment and better angling in the regions. I support the comments of the Minister for Fisheries about the lack of Federal support for the carp eradication program. It is high time that the stunned mullets in Canberra recognised the benefits for the bush of important programs such as this and supported this Government in achieving what it has set out to do, rather than just sitting around and doing nothing about such an important program.

Mr SLACK-SMITH (Barwon) [4.02 p.m.]: If this motion is more urgent than a motion on New South Wales country health, I am a monkey's uncle.

Mr Martin: I think you could be right.

Mr SLACK-SMITH: No doubt the Minister has been given the fisheries portfolio because he is used to telling whoppers in the House. This motion is no exception. Did I hear the Minister correctly? Did he say that freshwater fish in inland rivers have increased in number, or was that comment directed to just the number of carp? I am not sure whether the Minister was saying that the number of native freshwater fish—cod, yellowbelly, and silver and golden perch—in our inland rivers had increased. The Minister did admit that carp are posing a big problem. There is no doubt about that. But what has the Government or the Minister done to eradicate carp? The answer is absolutely nothing.

Several New South Wales companies have tried hard to get the Minister's endorsement to harvest the carp. However, something always happens, and those companies have not been able to

get their harvesting operations going. The inaction of the Minister has allowed carp to flourish. The Minister spoke about releasing fish into our riverways. I will speak about inland rivers because I come from inland New South Wales. The Bingara, Inverell, Moree and Narrabri fishing clubs have been releasing freshwater fingerlings into our rivers for years. That is nothing new.

I am looking at a list of New South Wales Fisheries stockings. It is all well and good to put fish in our dams, but apart from stocking the Murrumbidgee with trout cod, nothing in the list indicates that any other variety is being released into any of our inland rivers at all. That is a disgrace. The biggest concern of those in inland New South Wales is that although carp are devastating our river systems the Government has been doing nothing about it. What really irks those who live inland is that they have to pay for a licence to fish inland streams while the people of Sydney fish the harbour for nothing. Fish have almost disappeared from Sydney Harbour. Twenty years ago fishermen could catch enough fish from the harbour to provide quite a few good meals. Today they cannot catch enough for one meal.

The Minister should address the position with regard to fishing in Sydney first, and ask the fishers of this city to pay a licence fee before asking freshwater fishermen to pay their share. Then we would not mind so much paying for a licence fee. It irks inland fishers that they are being discriminated against. We are being told that we cannot fish our rivers or dams without a licence when people up and down the coast and around Sydney Harbour can fish as much as they like without paying a fee. Inland anglers are being discriminated against. All of the fishermen to whom I have spoken are very annoyed. Many have said, "As far as this Minister is concerned, I won't even bother getting a licence." Therefore the Government is losing money, and the fishers disregard the fact that they are breaking the law because they do not like being discriminated against simply because they live in an area of New South Wales that does not have salt water.

The Minister has blown it. This \$1 million eradication program, to be carried out over three years, involves a levy of 25¢ a kilogram to collect funds to eradicate carp. Eradication of carp is a good move, but nothing has happened yet. After the first year the levy will reduce to 15¢ a kilogram, and for the third year it will be 10¢ a kilogram. If the program is to work, the incentive should be greater for the third year, because that is when operators harvesting carp might be finding their catch a bit lean.

Mr Martin: Another National Party subsidy. Here we go!

Mr SLACK-SMITH: That is exactly what the Minister is doing under this program. This is yet another tax on country New South Wales and on those who choose to live inland in this State. They will pay what is in effect another tax when the people of Sydney and those living along our coast do not have to pay a tax on the same activity. This discrimination is disgraceful. The sooner the Minister gets his act together, the better off New South Wales will be.

Mr ROGAN (East Hills) [4.07 p.m.]: I support the urgency motion moved by the Minister for Fisheries. I will begin by referring to one or two matters raised by the Opposition spokesman and the honourable member for Barwon. The Minister referred in his second reading speech to environmental flows. This Government is to be commended for its whole-of-government approach to inland waters and their stocking with fish, because if the flows are inadequate the fish will not spawn and breed. The second reference made by the Opposition related to licence fees. An assurance has been given that the licence fees will be returned to fishermen by way of stocking of our waterways with fish.

My experience over the years has been that when people see value for their money they will not complain about contributing. Nobody likes parting with money for nothing, but when they see value for their money they really do not mind. The Opposition spokesperson spoke about what the coalition would do if it were to be returned to government. The coalition was elected to office in 1988 on a lot of promises it had made. Instead of meeting those promises, it took a slash and burn approach to administration. I would treat with great scepticism and caution—as I know the public will—any promises made by the Opposition on what it will do if returned to government.

The question was posed about whether tourists and others would go to our inland to fish. All I can say is that it is a well-known fact of life that if the fish are there, fishers will turn up to try to catch them. This Government is putting in place policies and implementing measures to make sure that that can happen. The Carr Government is going from strength to strength in providing world-class freshwater fishing for local and tourist anglers. The Minister for Fisheries indicated that throughout the State a total of 2,122,550 native fish were stocked in the 1997-98 financial year. That is tangible evidence of the value for money that we are receiving from those fish stocks. In stocking the fish, the

Government is making a valuable investment not only in regional New South Wales but in areas close to the metropolitan area.

For example, bass have been introduced into Fitzroy Falls in the Illawarra, Tallowa Dam in the Shoalhaven and Lake Wallis near Lithgow—all of them an easy drive into the nearby countryside for fishing families. I find it particularly pleasing that the Government is making a special effort to re-establish the dominance of native species such as Murray cod, golden and silver perch, and Australian bass in our river systems. That answers the question of members opposite about the fish species that have been introduced. I understand that fisheries officers, with the co-operation of local anglers, have stocked a record 83,000 trout cod, an endangered species, in the southern Murray-Darling Basin. I am sure that will be of particular value to the honourable member for Barwon. That is almost three times the 28,000 trout cod stocked last year, and it is especially pleasing as I understand that research by the Department of Fisheries indicates that previous trout cod stocks are showing excellent signs of survival.

Anglers are now reporting good stocks of the cod, especially in the Murrumbidgee River between Wagga Wagga and Narrandera. It is clear that the recovery program is starting to restore species to their former status. For those positive and tangible reasons, I am delighted to support the Minister's motion. Of all fisheries Ministers, especially those who have been in office during the time I have been a member of the Chamber, none is more qualified and dedicated to the task than this Minister for Fisheries, given his background as a fisheries officer.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [4.12 p.m.], in reply: At the outset I must say that I was disappointed by the response from Opposition speakers. The two Government speakers, the honourable member for East Hills and the honourable member for St Marys, made constructive contributions to debate on this urgent motion. Members opposite talked about matters of substance for only 2½ minutes; they spent the rest of their time on waffle. If as many licences are sold this year as were sold in 1988, \$2.9 million will be collected. The Government has received an assurance that every cent of that will go into the trust account. In addition to the trust account, Cotton Australia is providing \$25,000. The Premier has committed an additional \$1 million to the carp reduction program, and the Government will be providing further funding for carp reduction.

Mr Fraser: What does administration of the fund cost?

Mr MARTIN: Less than 10 per cent will be spent on administration. When the coalition took office in 1988 it wiped out eight inland inspector positions. The Government is now re-instating those positions. The honourable member for Myall Lakes referred to debt. The trust account will total \$2.9 million. At the end of the first three months of this year the account had a balance of \$600,000. I remind honourable members that July and August are non-fishing months; no licences are issued for those months and some fishing stocks are closed. The Murwillumbah *Daily News* has given fair warning to people not to fish in non-tidal waters. The allegation that the Premier has had to advance funds is nonsense. The Premier has deposited funds in the account to get rid of carp, not for the reasons suggested by the poor, hopeless member opposite.

The licence fee is set out in the legislation. Members opposite said that tens of thousands of people fished in New South Wales waters. The statistics for people fishing in New South Wales show that 38 per cent are women, just under 500,000 are under the age of 14, just under two million are over the age of 14 and nearly 500,000 come from overseas or interstate to fish in New South Wales. Those figures are put out through three different groups. The honourable member for Barwon spoke extensively about the carp reduction program. The coalition did nothing about reducing carp during its seven years in government. The Government is trying desperately to get rid of carp. It needs assistance from the Commonwealth because carp are a problem in Queensland, Victoria, South Australia and New South Wales. If carp is removed from one place it must be removed totally. Only this week I received a letter from an eminent person in the fishing industry, Mr Bill Classon, which stated:

Just a quick letter to congratulate you and your Fisheries personnel on your achievements over the last twelve months.

The freshwater licence and the commitment of those funds directly to recreational fishing is a credit to you personally.

On behalf of all freshwater anglers in Australia—

Thank you

Bill Classon

I table that letter for the information of honourable members. Members opposite do not want inland jobs. They do not want fishing to be enhanced, they

do not want better inspection and enforcement, and they do not want the habitat repaired. They do not realise that I could enhance inland fishing, clean up the habitat and provide better policing. Technology does not exist on the coast of New South Wales to introduce snapper, mulloway, whiting and bream, but the Government is working towards that. Until that happens the charging of a saltwater licence fee cannot be justified.

In Victoria, Jeff Kennett has done a deal to take all the fishers out of Port Phillip Bay in return for imposing a saltwater licence. However, nothing has been heard about that for 10 months. I will do the honourable thing in New South Wales. I will adjust the fishing. I am trying to remove inland fishers so that carp and yabby licences can be issued. The Government is taking positive action. New South Wales will have a fishing licence and better fishing. Members opposite do not want inland jobs. They should be ashamed of the way they are treating the people of inland New South Wales. The House should support my urgency motion.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Ms Moore
Mr Carr	Mr Moss
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knight	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McBride	Mr Thompson

Noes, 42

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cochran	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Ms Seaton
Mr Ellis	Mrs Skinner
Ms Ficarra	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Souris
Mr Hazzard	Mrs Stone
Mr Humpherson	Mr Tink
Mr Jeffery	Mr J. H. Turner
Dr Kernohan	Mr R. W. Turner
Mr Kerr	Mr Windsor
Mr MacCarthy	
Mr Merton	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Smith

Pairs

Mr Nagle	Mr Collins
Mr E. T. Page	Mr Kinross

Question so resolved in the affirmative.

Motion agreed to.

CHILD SEXUAL ASSAULT PROSECUTIONS**Matter of Public Importance**

Dr MACDONALD (Manly) [4.25 pm]: I ask the House to note as a matter of public importance the need for reform in matters relating to the prosecution of child sexual assault cases. A crisis exists in the prosecution of those cases. That crisis is manifested by the current management of victims within the legal system, the so-called "second assault", inordinate court delays and the low conviction rate. Let me give the House some background statistics relating to child sexual assault cases. The number of such cases coming to trial in New South Wales is rapidly increasing. The figure has risen from 81 in 1992 to 713 in 1996-97.

Child sexual assault cases account for nearly one-third of all criminal trials in Western Sydney. On the other hand, the conviction rate has fallen from 58 per cent in the early 1980s to 38 per cent in the early 1990s. The delay from the time of arrest to

the time of trial is unacceptable. In 1995 a study found that the average time from charge to committal was six months and from committal to trial was eleven months. Although trial dates are set, a significant number of cases are ultimately adjourned on the set date.

I have brought this matter to the attention of the House previously. In November last in a debate on a matter of public importance I canvassed some ideas for reform of the system for hearing child sexual assault cases, including the concept of a tribunal system, a reversal of the onus of proof and a lower standard of proof. At that time the Minister for Police said that he did not agree with many of my proposals. The Attorney General also indicated, in response to a letter I wrote to him, that he did not agree with my proposals. Following the debate on that matter of public importance I put together a discussion paper and forwarded it to a number of organisations for comment.

I have received feedback on that paper and, as a result, I have modified some suggestions, which I shall draw to the attention of the House shortly. The problems for child victims of sexual assault within the court system seem to me to fall into three categories: court delays, court procedures and the legal jargon. Changes have been made that will go some way to addressing those issues. For example, the Government is to be commended for increasing the number of joint investigation teams to eight statewide and for introducing the system of videotaping the evidence of children. However, the high number of unsuccessful cases and the distress caused to children by the whole process show that a great deal more work needs to be done. That was particularly illustrated in the report, "The Evidence of Children" by Judy Cashmore.

Defenders of the criminal justice system must step back and look at the precious concept of a fair trial and the complicated evidentiary procedures from the perspective of a child witness. Other systems, such as an inquisitorial model, may have something to offer to the child witness that the present adversarial system does not. Long delays are common between the time the child first talks to the police, the committal, the trial and the sentencing. That benefits the accused and can have a detrimental effect on the child's case. By the time the case comes to court the child is older and may have matured. That may have an effect on the jury's perception of the child's vulnerability. The child may have difficulty accurately remembering details after the passage of a long period of time. That can be detrimental to the child's evidence.

I have been given notice today that the Government intends to introduce legislation that will to some extent resolve these difficulties. The Minister for Police may care to confirm that. That legislation provides that in certain circumstances it may not be necessary for the child witness to specify or prove the dates, the exact circumstances and location of the offence. However, the effects of long delays, which are unnecessary, are those to which I have referred. The stress of preparing for hearings that are postponed a number of times may make a child want to give up. I have been given a number of examples of that within my electorate. Delays may also hamper the treatment of the child. It is argued that therapeutic counselling can contaminate the child's evidence and therapy is often postponed as a result.

For those reasons court delays work against the child victim and in favour of the accused. Court procedures also work against the interests of the child. In criminal cases the prosecution generally cannot call witnesses only for the purpose of enhancing the credibility of the victim. The effect of that rule of evidence is that the prosecution is unable to call expert witnesses to testify as to the effect of sexual assault on a child's behaviour and character development or whether that effect is within the expected range of reaction to sexual assault. The prosecution is also prohibited from calling evidence about paedophile behaviour generally.

As a result, the members of the jury—for whom a trial may be the first time they have been in a courtroom and who are unlikely to be informed about matters relating to child sexual assault—do not have the necessary information available to assist them in assessing the child's evidence. Expert opinion evidence on issues affecting the perceived reliability of a child witness should be admissible in any civil or criminal proceedings in which abuse of that child is alleged. In particular, evidence which may assist the decision maker in understanding patterns of child disclosure in abuse cases or the effects of abuse on a child's behaviour and demeanour in and out of court should be admitted.

For those reasons court procedures also work against the child. Later in my contribution I will put forward suggestions about what can be done to improve the system. As part of that I will be advocating the introduction of expert witnesses. Judges and lawyers do not speak the language of children. The use of legal jargon and complex legalistic phrases can easily confuse and stress child witnesses. Aggressive cross-examination, accusing the child of lying and repeated questioning about the same issue can have an alienating effect on children

and may impede them from being able to say what they mean. Recommendation 110 in report No. 84 of the Australian Law Reform Commission, "Seen and Heard: Priority for Children in the Legal Process", acknowledges that and recommends the development of training programs and guidelines for judges.

Recommendation 112 of the report recommends that the advocacy and professional conduct rules incorporated in barristers' and solicitors' rules should specifically proscribe intimidating and harassing questioning of child witnesses. Lawyers should also be encouraged to use age-appropriate language when questioning child witnesses. That gets back to the point I made earlier: the victims of child sexual assault can be severely damaged by appearing as witnesses within the court system. Often they have waited for months, and sometimes years, for the case to come to court. They have to go through a process of retelling their story. They are then confronted with the perils, challenges, difficulties and stresses of the legal system.

The evidence before us, the reports and their recommendations acknowledge that. Those involved in the system, the judges and counsel, must also acknowledge that and adopt a style that is supportive and friendly to the child rather than adversarial and hostile. The expert evidence I have heard is that children tend not to lie about sexual assault matters. Anyone who attends a court and listens to the way children in such cases are treated, as I have done, would tend think that many lawyers believe the opposite. A system that is supportive of children is needed, a system that can be expedited and work in their favour. I intend in my remarks in reply to deal with some of the matters that should be included in such a system, matters that should be adopted and supported by the House.

Mr WHELAN (Ashfield—Minister for Police) [4.35 p.m.]: The honourable member for Manly has a long history of interest in child sexual assault prosecutions. I shall refer first to refer to some of the matters raised by him prior to today. The honourable member has proposed that some of the fundamental tenets of the criminal justice system be radically amended. The Government approaches such proposals with great care, because of the practical and philosophical challenges they raise. First, the honourable member suggested that the onus of proof should be placed upon the accused. That principle of the criminal justice system represents one of the most important and fundamental protections for individuals. By ensuring that the prosecution bears the onus of proof, citizens are protected from being wrongly accused or convicted.

Second, the honourable member suggested that the burden of proof should be lowered to the civil standard, that is, proof on the balance of probabilities. The standard of proof is arguably the second most fundamental principle of the criminal justice system. The standard of proof for all criminal matters is proof beyond reasonable doubt. I am confident that persons who commit child sexual assault offences and other sexual assault offences can be successfully and efficiently prosecuted within the current system. Public awareness of the problem of child sexual abuse and its open and frank discussion as an issue which affects many lives will ensure that complaints about abuse will be forthcoming.

Some comments have appeared recently in the media with respect to the Director of Public Prosecutions and the prosecution of sexual assault matters. As the honourable member has indicated, the Director of Public Prosecutions recently circulated an internal memorandum regarding matters to be considered during the screening of sexual assault matters by lawyers in his office. These considerations were late complaint, possible motive for false complaint, different versions of events or prior inconsistent statements, recovered memories, and evidence which may have been contaminated by therapists or other people. The process outlined in the director's memorandum is in accordance with the director's prosecution policy and guidelines. All of these considerations are legitimate factors to be taken into account when the director's officers screen matters.

The Director of Public Prosecutions has responded to an inquiry by the Attorney General regarding late complaint. The DPP advised the Attorney General that his officers were aware that the reference to late complaint did not mean a complaint not made immediately but a substantially delayed complaint for which there is no reasonable explanation. The law realises that there are many reasons, particularly with child victims, as to why complaint may be delayed. I note that the DPP had not asked his officers to discontinue investigating matters because of any one of the considerations he itemised. He was merely asking his officers to be aware of those considerations and to refer matters for consideration where appropriate.

The Government is committed to continuing to improve and refine our present criminal justice system. It is open to new ideas in that regard and I assure the honourable member for Manly that I will pass on his comments to the Attorney General. In 1997 the honourable member raised certain matters in the House with respect to child sexual assault. I

am pleased to say that I agreed with many of them and that the Government has taken appropriate action. I felt it appropriate to advise the honourable member of the changes that have taken place in that period, since he has raised many matters in this House.

In 1997 I advised honourable members that the Crimes Amendment (Children's Evidence) Act, which commenced operation in 1997, contained a number of practical and procedural reforms in relation to evidence given by children. That Act ensured that a child witness has a right to use closed-circuit television and a right to be accompanied by a support person. Second, the maximum penalty for the offences for possession and publishing of child pornography was substantially increased by the Government, thus sending a clear message that the abuse of children in any way would not be tolerated. Third, an important recent development is the change to the manner in which children can give evidence in criminal proceedings. Traditionally children were not regarded as competent by the courts to give sworn evidence because they did not understand the nature of an oath. The situation in this State was that if a child gave unsworn evidence that was not corroborated by other evidence implicating the accused, the jury would be directed to acquit. That meant that convictions were often impossible to obtain.

In 1995 the Evidence Act made more flexible the age requirements with respect to children giving evidence. Importantly, that Act also removed the common law requirement that evidence of complaint could not go to prove the truth of what was alleged. Evidence of complaint, pursuant to the Evidence Act, can now be admitted as truth of the contents of the complaint. Fourth, in the past three years delays in the criminal justice system have been targeted by the Government. Child sexual assault trials are given high priority by the courts in which they are listed. An extra District Court judge has been appointed to assist with expediting child sexual assault trials.

Fifth, honourable members will recall that it was recently National Child Protection Week. Operation Paradox, an initiative that continues to be supported by the Government, was widely publicised and was in operation during National Child Protection Week. Operation Paradox encourages persons who have suffered from child sexual abuse to telephone police and encourages other persons who have evidence of child sexual abuse to report it. The Government is continuing to raise awareness about child sexual abuse and to facilitate the effective reporting and prosecution of offenders.

Sixth, victims are assisted through the prosecutorial process by officers of the witness assistance service of the Office of the Director of Public Prosecutions.

The Government recently sponsored the expansion of the witness assistance service to the 10 regional offices of the DPP. A much higher level of support is being provided to victims of child sexual assault. Seventh, in January 1996 the Government established the Child Protection Enforcement Agency. That agency leads the nation in the investigation of child sexual assault matters. Police who are attached to the agency are given specialist training in methods designed to assist child victims and in the gathering of evidence in an appropriate manner. The Government continues to support and sponsor the agency. The royal commissioner recently said that the Child Protection Enforcement Agency so far has proved itself to be a highly effective agency—staffed by capable and dedicated investigators.

I add that the Federal Bureau of Investigation of the United States of America has praised the work of the CPEA, as have the Canadian police. Eighth, the Government commenced the implementation of the victim impact statement scheme. That scheme allows victims to have their say in court by way of a victim impact statement. Ninth, honourable members will recall that the Evidence (Children) Act passed through the Parliament in late 1997. Amongst other things the Act addressed the concern of the honourable member for Manly that child witnesses are interviewed too frequently and must then give their evidence in court. The Evidence (Children) Act, which allows children's evidence in chief to be given by way of the original taped interview, has not yet commenced, for a very good reason. The Government is ensuring that the implementation process with respect to the Act is undertaken carefully and rigorously. The comprehensive training of officers who will undertake the initial interviewing of a child witness is currently taking place.

Tenth, to assist with the efficient investigation of child sexual assault investigations, joint investigation teams—JITs—were recently established. The JITs program entails Department of Community Services child protection officers and police co-locating in teams and jointly investigating child abuse allegations. The Government has implemented the formation of eight co-located JITs, five in Sydney and one each in Newcastle, the Entrance and Wollongong. Funding has also been provided to establish a further JIT for the northern Sydney area. Eleventh, following the success of the

JIT program on 4 August this year the Minister for Community Services and I announced a major upgrade of child sexual assault services to be provided by police and the Department of Community Services in rural and regional New South Wales.

The rural joint response program was established. Under that program the two agencies, whilst not co-located, work together to investigate allegations of sexual abuse in rural and remote areas of New South Wales. Twelfth, honourable members will be aware of the following initiatives by the Government: the achievements of the police royal commission paedophile inquiry; the recent reference given to the New South Wales Crime Commission granting authority to investigate paedophile rings; the creation of interagency guidelines for child protection intervention workers; and the various measures contained in the Commission for Children and Young People Bill 1998, the Child Protection (Prohibited Employment) Bill 1998 (No. 2) and the Ombudsman Amendment (Child Protection and Community Services) Bill 1997.

In short, two of the main concerns raised by the honourable member for Manly have been addressed by the Government and are in train, that is, videotaping the initial interview with a child witness and the advent of joint investigation teams. I take this opportunity to thank the honourable member for Manly, who has raised matters of great concern. I indicated that I would send these matters to the Attorney General. I take this opportunity also to point out that the above are 12 very important initiatives that the Government has taken in child protection. I thank the honourable member for his contribution.

Mr TINK (Eastwood) [4.44 p.m.]: I also thank the honourable member for Manly for raising this very important matter. I share the reservations of the Minister for Police about two fundamental issues, the reversing of the onus of proof on the accused and the changing of the standard of the burden of proof. Those are fundamental propositions, and I am yet to be convinced that they should be changed in this area. Having said that, we owe it to all New South Wales citizens to constantly seek ways of improving the prosecution of justice in this area of crime in particular, in which victims are at such a disadvantage in terms of maturity, life experience and the horrific acts they have had to suffer—which are, of course, the reason they are in court in the first place.

There is a fundamental problem, given that the minds of small children are in many cases pitted

against the minds of the best barristers in this State. Following the recent royal commission, the Police Service has done good work in this regard. It is important to note, on a bipartisan basis, that the Child Protection Enforcement Agency has brought a new sensitivity and a new direction to child investigations of this type. I should like to think that the improvement could be replicated within the judicial system. There is a great deal of procedural work that could be done without fundamental changes to the laws.

Perhaps specific judges could be given the role of trying these matters in order that they could develop a level of expertise and sensitivity to the position of child witnesses and child victims. That could be beneficial, rather than having cases heard by a judge who just happens to be free at the time of a case—a judge who may not before have heard a child sexual assault case. It is important for judges to develop a level of expertise in this area and a special sensitivity to children giving evidence in these matters. Such amendment would replicate work that has been done in the Police Service.

Within the rules of evidence there are discretions available to judges in relation to the nature of questioning that children have to endure. There are discretions and rules, including judicial rules, that could and should be developed and encouraged—in the way that similar procedures have been developed in the Police Service—to ensure that the legal harassment of children is not prolonged or engaged in any more than is absolutely necessary; preferably not at all. The Minister referred to child pornography. Child pornography falls well within the leave of this motion.

I am concerned that there appears to be a problem with the law in this State, as has been evidenced in recent worldwide raids on Internet child sex rings. The New South Wales Police Service was placed in the extraordinary position of not being able to arrest suspects. It is my understanding that suspects were arrested in Perth and in many jurisdictions around the world, including the United States of America, Belgium, the United Kingdom, Germany, Norway and Italy. I gather that a number of raids took place in other countries also. The New South Wales Police Service discovered a legal flaw that prevented it from immediately arresting and charging anyone found in possession of explicit child pornography.

That law has to be amended to allow police to make arrests in the same way that arrests are made in other jurisdictions. It should be a top priority to change that law. I shall be very interested to hear

the response of the Attorney General to the issues raised by the honourable member for Manly. I look forward to those issues being referred to the Attorney General, as the Minister for Police has undertaken to do. I shall discuss these issues with the shadow attorney general to determine what further can be done.

Dr MACDONALD (Manly) [4.49 p.m.], in reply: I thank the Minister for Police and the honourable member for Eastwood for their contributions to this debate. After 20 years as a general practitioner I knew nothing about child sexual assault compared with what I know now after my years as a member of Parliament. I have spoken in this House before about the Anthony George Reid case, which made me more familiar with the problems and omissions within the system and the terrible abuse suffered by that victim. The Government is implementing a series of initiatives based on the recommendations of the Wood royal commission, which is the absolute minimum that should be introduced. The recommendations do not go far enough and I plead with both parties to go further than those recommendations.

In a House that has traditionally defended the conventional legal system it is difficult to contemplate the dismantling of the jury system, shifting of the onus of proof to the accused and lowering of the standard of proof from beyond reasonable doubt to a balance of probabilities. There is a serious failure to effectively prosecute and convict perpetrators of child sexual assault. I do not want honourable members to close their minds to a progressive change to the legal system. A number of things can happen now. Cases with child witnesses must be fast tracked. Further changes need to be made to the priority given to child sexual assault cases. The aim should be to move cases from committal to trial within a matter of months. The games played by lawyers and the distress of chopping and changing dates must be prevented by setting fixed hearing dates.

Judges and solicitors must have training to help them to avoid using legal jargon when child witnesses are in court. Further research is required on conducting cases in plain English and for court rules to give direction in cases involving children. The practice rules for barristers and solicitors should be changed to prevent intimidating and harassing questions of child witnesses. Because of court procedure a high number of accused plead not guilty in child sexual assault cases because statistics show that their chances of getting off a charge are much higher. I support the introduction of expert witnesses in cases of child sexual assault and paedophile behaviour to give evidence as advisers to the court.

The role of those experts would be to assist and advise the court on general topics such as the typical behaviour of paedophiles and the effect of child sexual assault on a child's behavioural patterns and demeanour. Unfortunately, I have been intricately involved in a case that has led me to believe that juries must be made familiar with the paradoxical relationship between the child and the perpetrator, and with the subsequent effect on the behaviour pattern of the child. That is why expert witnesses need to be brought into the court. There should be a further inquiry into the feasibility of using a different model for child sexual assault cases.

An inquisitorial model rather than an adversarial model needs to be explored. This Government—or any new government after March—charged with bringing in legislation should look at the question of limiting cross-examination and at the management of child witnesses. It could even be argued that children should be immune from cross-examination, as I mentioned in my remarks in November last year. In other words, an emphasis should be placed on the protection of the child. These matters of urgency can be dealt with either through regulation or immediate legislation, and I call upon the responsible Minister to do so. [*Time expired.*]

Discussion concluded.

EDUCATION ACT: DISALLOWANCE OF EDUCATION AMENDMENT (HOME SCHOOLING) REGULATION 1998

Mr O'DOHERTY (Ku-ring-gai) [4.55 p.m.]: I move:

That this House disallows the Education Amendment (Home Schooling) Regulation 1998, published in *Government Gazette* No. 132 of 11 September 1998, page 7358, and tabled in this House on 22 September 1998.

The Opposition believes this regulation should have been made after consultation that has been denied to home schoolers by the Carr Government. Tonight I will demonstrate that the Carr Government does not believe and has never believed in home schooling. The current Minister for Education and Training sent a letter to home schoolers in 1993 when he, as shadow minister for education, said that the Labor Party's policy states that home schooling should not be regarded as of equal status with school attendance as provided for in the Education Reform Bill. For the benefit of honourable members, that was at the time when the coalition Greiner government was legislating to allow home schooling as a legitimate form of education in New South

Wales. The current Minister said at the time that the Labor Party:

... does not propose to remove the right for children to be schooled at home. However, we wish to ensure that Home Schooling is only allowed in exceptional circumstances.

That letter betrays the Australian Labor Party's fundamental ideological opposition to home schooling. It is on that basis that the Opposition believes that without warning the Government has introduced a regulation that significantly impacts on the ability of parents to offer home school and, in many cases, will close down those home schoolers. It will be more difficult to be a home schooler registered under this regulation than it would to operate a non-government school. Until the Opposition raised this matter the Government did not say a word about home schooling. When the Home Education Council was in discussion with the Board of Studies the regulation was not mentioned.

In fact, the council has written to the Board of Studies arguing that the minutes of meetings over guidelines, which had been in some dispute because of the Julia Boxx case, should be amended because there was no discussion on regulations. A letter sent to John Ward by Colleen Strange and Maureen Richardson on behalf of the Home Education Council said that the minutes of the meeting should be amended. The letter states:

Mr Ward indicated that in the current uncertainty over the guidelines, the possibility of regulations was one option being considered. Mr Ward said that home schoolers would be kept up to date on this issue.

The home schoolers point out that there was no discussion at all and suddenly the regulation was published in the *Government Gazette* which severely impacted on the ability of home schoolers to home school their children as provided by right to them under the Education Act and as legislated for by a coalition government. The regulation imposes severe restriction and a school-like model on home schooling which the Opposition argues is inappropriate to the very ethos of home schooling. The regulation limits the manner in which the requirements of the Education Act can be fulfilled, restricting home schoolers to a particular style of education, one which best fits a school model. The coalition believes that home schooling is a legitimate but different form of education.

It is therefore inappropriate for the Government to impose a school-based model to regulate home schoolers. The Government should have worked co-operatively with home schoolers to develop guidelines for the registration of home

schooling which are appropriate to that form of education. The coalition will work with home schoolers when it is in government after March next year to develop appropriate guidelines for the registration of home schoolers. The coalition will do so constructively, co-operatively and in discussion with home schoolers and there will not be nasty surprises as there have been for so many people, not only home schoolers, under the Carr Labor Government. Home schoolers have found a nasty surprise and a Minister who refuses to meet with them.

Home schoolers make the following points. The regulation is discriminatory and section 1 of the Act requires inspections of facilities for home schooling registration. Those inspections are not required for those engaged in distance learning. That is a very clear anomaly which needs to be discussed openly and co-operatively. Home schoolers say that the amendment is in conflict with other parts of the Education Act. For example, the amendment argues that providers must be able to demonstrate their commitment to undertake home schooling. Home schoolers find it offensive that the Government, in this regulation, is implying that they are taking an easy option; in other words, that they have no commitment to their children. That is offensive to parents, who are by right and obligation the first and most important educators of their children.

Is the Government seriously suggesting that people who would put up their hand for home schooling—a very difficult option—are doing so because they want to allow their children to be truants? If so, let the Government produce evidence. Is the Government arguing that home schoolers are irresponsible parents? If so, let the Government produce evidence to the House tonight. Is the Government arguing that parents are being irresponsible in exercising home schooling? If so, let the Government produce evidence. But let the Government not hide from its obligation to make those arguments to the Parliament. This motion is before the House because the Opposition wants to hear what the Government has to say and because the Government has been silent on this matter until now.

Home schoolers say that the regulation requires the Minister to give his written approval of teaching and learning programs. They say that that is in direct contravention of sections 8F and 10E of the Education Act. The Act requires a minimum curriculum for primary and secondary education to be taught, but those sections clearly advise that courses of study in a key learning area may, but need not be, taught in accordance with the syllabus

developed or endorsed by the board, or approved by the Minister. In other words, a home schooler has to have his courses of study approved by the Minister: a registered school does not. A different standard is applied to home schoolers than the standard applied to government and non-government schools or a system. It is harder to be a home schooler under these regulations than it is to be registered as a school.

Home schooling is not for everyone; it is for a small number of parents who feel that in some way the school system is not appropriate for their child. It is important to understand why home schooling is an important element of philosophy for the coalition. Parents have the first responsibility for the education of their children. The State has an obligation to make sure that the choice of parents is exercised responsibly and supported by government. The State does not have a responsibility to second-guess who are ideal parents and who are not so far as education is concerned. Whose standards is the State trying to impose when it inspects someone's home? By what criteria are homes to be judged?

Under this regulation it could be said that parents will have to provide facilities similar to those available in schools. Are they supposed to have gymnasiums, science laboratories, art class facilities, and so on? In this regulation there is nothing to tell us what criteria the Government will impose. It is not a co-operative process, it is a Big Brother process whereby the Minister makes the decisions but does not say how those decisions will be made. This problem arose because of the objection by some home schoolers, notably, Dr Julia Boxx, to the home inspection process that had built up under guidelines that were never spelt out clearly.

The Opposition does not say that guidelines should not be spelt out; it clearly believes that there ought to be guidelines, perhaps even a regulation under this Act, but only after due discussion with home schoolers to formulate a regulation which works, to support home schoolers and to discharge the obligation of the State to make sure that children are receiving the most appropriate form of education as determined by their parents and the community. We have an obligation to our children which we hold in balance, but the obligation and responsibility of parents to be the first and most important educators of their children cannot be taken away from them. It must not be legislated away by a Big Brother government.

It is significant that the Regulation Review Committee commented on this regulation in the press this morning. I hope the chairman of that

committee will contribute to this debate. I understand from his comments that the committee has decided that this regulation should be withdrawn from further discussion, and that is what the Opposition is asking. That is why we have brought this matter to the House: to keep the Government accountable for its decisions. In a democracy, that is what home schoolers and other citizens have a right to expect. I look forward to picking up on other themes raised by other members and the Minister later in the debate.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.05 p.m.]: The Education Act 1990 provides for a range of means by which parents can select a high quality education for their children: attendance at a government school, attendance at a registered non-government school, or by home schooling. The various government and non-government systems of education have quite stringent accountability procedures and operate under a range of Acts and regulations. These ensure that education of the highest quality is provided and that appropriate measures are in place to protect the health and welfare of students. Individual schools which operate independently of a system are regularly subject to Board of Studies inspections to ensure that they also meet high standards. There is nothing unusual about that.

It is not a simple matter to register a school in this State. High standards are expected and are maintained. As Minister I must be able to assure the people that children are receiving an education of the highest quality in appropriate facilities in a registered non-government or government school, or at home. I have no other option. I have a responsibility to the school-age students and no matter how determined and vocal is the Opposition I cannot and will not shirk that responsibility. The Act requires that the children of parents who exercise their right of choice by selecting home schooling must be registered, and I will take whatever steps are required so that they are registered. There are also provisions for exemption from registration on religious grounds and these are also exercised.

The Government is not, and I personally am not, against home schooling. The Government supports parents exercising their right of choice by selecting home schooling for their children. It is an entirely legitimate form of schooling and many home schoolers are able to achieve outstanding educational results. As Minister my record over the past 3½ years would emphasise and endorse that. The reasons why people choose home schooling are varied and complex, some because their children do not fit well within the traditional schooling model

and others because of their particular beliefs—and I respect that. The reasons why parents choose home schooling are not the State's business. But the quality of the education that children are receiving is most certainly the business of the State.

The guidelines of approval of applications for home schooling were developed and approved in 1991 by the previous coalition Government and there have been only minor changes since then. The shadow minister for education was chairman of the backbench education committee during much of that time. The current guidelines are the same as those which existed then. The guidelines were developed in consultation with home schoolers and have been modified in consultation with home schoolers. The purpose of the guidelines is to identify for applicants the conditions that apply to home schooling and to ensure that authorised persons appointed by the Board of Studies apply consistent criteria in assessing home schooling applications. The guidelines require applicants for home schooling registration to demonstrate to an authorised person the adequacy of the proposed courses of study and the adequacy of the facilities that students will use while studying—with none of the scaremongering nonsense that the shadow minister goes on about.

The Government is not about being overbearing and not about making extreme or unrealistic demands on parents and their home conditions. The Government is about ensuring that those facilities are adequate and appropriate. The guidelines have worked remarkably well. Of the 7,000 applications lodged since 1991 only 40 have been refused. The low refusal rate is due in the main to the professional support and advice provided by Board of Studies officers. Their support has enabled home schoolers to develop an appropriate study program and study area. Under section 70 of the Act an "authorised person" is a Board of Studies inspector or any other appropriate person who is given written authority by the Minister to carry out inspections of premises and records in order to advise the Minister on applications for home schooling.

A small handful of people are now challenging the authority of the "authorised person" and are insisting that under the Act the Minister has to inspect the home premises. Most home schoolers have accepted the requirements expressed in the guidelines for many years and appreciate the support provided by the Office of the Board of Studies. The guidelines are not harsh; in fact, they can be described as minimalist compared to the guidelines required for the registration of a school or the requirements for home schooling that exist in other States.

I totally and completely refute the claims made by the shadow minister that the Government is making greater demands on home schoolers than are placed upon our general school system. In essence, the guidelines require home schoolers to demonstrate an appropriate teaching and learning program, an appropriate environment for the child, and a method for recording the student's progress. The guidelines require less than is expected of most schools. The guidelines require a re-inspection at least every two years or, in the case of home schoolers of long standing, continued registration can be granted by the Minister upon recommendation by the Board of Studies. A shorter period is sometimes recommended.

About 10 per cent of parents are registered for six months or less where there is concern about the parents' long-term ability to provide adequate home schooling. In the past few years a small number of home schooling families have questioned the legitimacy of the guidelines. In general, their opposition to the guidelines is not to any particular detail in those guidelines but is based on the belief that the State should play a minimalist, if not non-existent, role in the education of their children. These families represent only a small proportion of the approximately 900 families currently registered for home schooling. That is not a small number; it is substantial.

The families have appealed to the Schools Appeals Tribunal, which was set up to ensure that the guidelines are being properly implemented, and their appeals have been rejected. When their appeals have been rejected, members of the group have then questioned the authority of the tribunal to operate and the capability of its members to adjudicate on the appeals. The families have engaged in extensive correspondence with the Board of Studies, with me, with many other Ministers and with parliamentarians. I stress that point. The recurring theme in this correspondence is that the Education Act does not provide the Minister with power to make such decisions, and that the State has no legitimate power over the rights of families to educate their children. I have consistently maintained that these views are wrong.

Under our laws, in our society, the State has a responsibility to provide the compulsory education that its children are required by law to undertake. Where children are not, by the choice of their parents, being educated in a school, the State has a clear responsibility to monitor the quality of their education. We are involved in this debate because there is opposition to the making of a regulation that simply formalises the existing guidelines for home

schooling. I emphatically make the point that the Government is not introducing anything additional to the guidelines. It is formalising the guidelines into regulations. Those guidelines have applied since 1991. They were developed under the previous coalition Government, and now they are being opposed by the Opposition in a rank display of opportunism. That opportunism is against good public policy. Therefore I move:

That the motion be amended by leaving out all words after the word "That" with a view to inserting instead the following:

this House agrees:

- (1) to postpone consideration of the motion to disallow the Education Amendment (Home Schooling) Regulation 1998 for a period of 28 calendar days, while further consultation on the impact of the regulation in terms of schedule 1 of the guidelines for preparation of statutory rules under the Subordinate Legislation Act 1989 is undertaken by the Office of the Board of Studies with the education community; and
- (2) at the end of the 28 days, a report be furnished to Parliament by the Minister, within 7 days, on the result of the consultation.

I move the amendment because the Regulation Review Committee made the point that, whilst it accepted the necessity for regulations relating to home schooling—and the Opposition indicated it accepts the necessity for regulation related to home schooling—it raised concerns about the adequacy of the consultation process that has been undertaken and the assessment that has been carried out. I should indicate that a great deal of consultation has been undertaken. However, the correspondence that has been exchanged between home schoolers, me and the Board of Studies in relation to these matters has been substantial.

I refute the claim that this regulation came as a great surprise to home schoolers. Indeed, they were told time and again in correspondence that the Parliament would be considering a regulation to give legislative weight to the guidelines. However, I concede that the chairman of the Regulation Review Committee has urged that consultation take place on this matter. That is why I moved the amendment: it will have the effect of delaying the motion for disallowance for a period of 28 days, enabling the consultation process to proceed, and enabling me to have the report of the Regulation Review Committee, once printed and made available to the Parliament, so that I may report back to the Parliament within seven days of the furnishing of that report.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS**HAWKESBURY ST JOHN AMBULANCE
BRIGADE**

Mr GIBSON (Londonderry) [5.15 p.m.]: I wish to congratulate St John Ambulance Australia, Hawkesbury division, of which I have been president for a number of years. This year we celebrate 50 years of St John's operational service to the city of Hawkesbury. Even though our history as a division stretches back to 1948, when we were formed at Riverstone meatworks, our history in delivering and teaching first aid commenced in 1892 when Dr Helsham, a veterinarian, taught first aid courses to the public.

In 1913 Dr Helsham formed a St John Ambulance Brigade of 10 local members to render first aid to the public. In 1914 the entire 10 members went with Dr Helsham to the shores of Gallipoli. Many of those members saw distinguished service as members of the Australian Field Ambulance Corp. Many returned with high decorations. For 28 years after their return first aid teaching was again being given in the Hawkesbury and then in 1948 the division moved back to Riverstone meatworks. In 1961 the division returned to Windsor. In 1962 the Richmond-Riverstone division was formed in an old ramshackle army hall which may have been a common environment of our earlier Gallipoli members. In 1991, with the help of local citizens, we moved the entire old army hall from the site at south Windsor some six kilometres away to the present Hawkesbury showground at Clarendon.

St John's Hawkesbury division has a proud history of service, the equal of any St John's operational division in this nation. We have been there in fires, floods and storms to back up our fellow emergency services in the Hawkesbury. As recently as Sunday night 18 October we rushed from the Hawkesbury to help render first aid to fire victims in the Blue Mountains, at Springwood. The division usually averages 6,500 hours of first aid service to the Hawkesbury community and 500 hours of first aid teaching. I emphasise that this is all voluntary work done by the people of St John, and it is a credit to them.

Many of our divisional members have been recognised as Members of the Order of St John. In 1996 Her Royal Highness the Queen awarded our late superintendent, Mr Ray Bottles, the highest honour bestowed an officer of a division, that of

Commander of the Order of St John. We in the Hawkesbury owe a lot to Ray Bottles, a gentleman who committed his life to looking after the people through St John Ambulance. He was very well known in the Hawkesbury. Ray Bottle will be sadly missed. He is the calibre of person that communities need to ensure their success. Members of the St John Ambulance Brigade are highly trained in advanced life support. Gone is the image of the old days, with a zambuck running onto a football field, applying the magic sponge to a player lying motionless who would instantly recover. Today, the members of St John Ambulance brigades are very well trained.

In reaching its fiftieth anniversary, the Hawkesbury division of the St John Ambulance Brigade could never forget the hundreds of local men and women who have selflessly served the people of the Hawkesbury. Names that may mean little to honourable members of this Chamber and to people outside the Hawkesbury are Ray Bottles, Ernie O'Brien, Ron Hadfield, Wal Shaw, John Jones, doctors Bateman, Bain, and Mackay, paramedic Ted Bowly and his fellow ambulance officers. To those of us in the Hawkesbury, they are part of the local legend. The honourable member for Hawkesbury has given great assistance to St John's in this area.

Our motto, as with the knights of old, is to serve our fellow human beings and to relieve pain and suffering in casualty situations. Those who meet St John members will long recall how important they are in enabling our citizens to participate safely in sport or other activities through their direct attendance at events. They may also be remembered because of their teaching of first aid to a son, a daughter, a wife, or oneself. No matter where we may be, our lives will be enriched by the efforts of the Hawkesbury division of St John. The acting superintendent, Mr John Christie, who has taken over since the death of Ray Bottles, has been doing a magnificent job.

John gives a tremendous amount of time to the St John's effort in the Hawkesbury area, and I know that the people of the Hawkesbury appreciate that. The Hawkesbury has been hit many times by floods, fires and so on, and St John Ambulance volunteers are always present to provide assistance. They put their lives at risk, for no monetary gain whatever. They do voluntary work because they have a great love for the Hawkesbury and for their fellow human beings.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.20 p.m.]: I join the

honourable member for Londonderry in extending praise to the St John Ambulance volunteers in the Hawkesbury area for the work they do. I add my words of thanks and praise as a local member in the district. The honourable member said that Hawkesbury St John Ambulance originated at the Riverstone meatworks back in the early 1890s. In those days St John Ambulance was probably the only organisation of its kind to provide physical support to the meatworkers.

As the honourable member for Riverstone I am conscious of the history of St John Ambulance as it relates to that industry, and I am conscious also of what St John Ambulance volunteers do today. I join the honourable member in paying tribute to Ray Bottles, Ernie O'Brien, John Christie and others who have in many ways been the stanchions of voluntary service through St John Ambulance in our local area. A large number of young people in the Hawkesbury district are involved in sporting events.

Indeed, almost every day of the week, especially on the weekends, thousands of young people, and some not so young, participate in sporting activities, and St John Ambulance volunteers are always there providing assistance and support. St John Ambulance in the Hawkesbury also provides services to western Sydney, especially the city of Blacktown. The honourable member said that the Hawkesbury area is prone to tragedies. From time to time flooding and bushfires affect not only the electorates of Londonderry and Hawkesbury but also substantially the electorate of Riverstone, and emergency services and St John Ambulance volunteers are there all the time providing services. It is fitting that we should pay tribute to them today, and I thank the honourable member for doing so. [*Time expired.*]

BURWOOD GIRLS HIGH SCHOOL TOILET BLOCK

Mr MacCARTHY (Strathfield) [5.22 p.m.]: The Government has continually failed to provide the students of Burwood Girls High School with decent toilet facilities. I am pleased that the Minister is in the House to hear my private member's statement. I thank him for being here but I do not thank him for the fact that this speech is necessary. Some time ago I raised in the House the matter of the dirty and unhygienic toilet facilities at Burwood Girls High School. Those facilities have cracked floor tiles and an uneven floor, the entry path to the block is dangerous and toilet seats are missing. In July 1997 I received a letter from the parents and citizens of Burwood Girls High School in which they pointed out, among other things, that all girls

who attend State schools have the right to a modern, hygienic and safe working environment, and that at present the toilets at Burwood Girls High School do not meet that standard. I agree completely with that.

At the request of the parents and citizens, I inspected the toilet block on 24 July. On the following day I wrote a letter to the Minister pointing out that the problem was disgraceful and that no significant maintenance work had been done on the toilet block for decades. I received a reply from the Minister stating that something would be done but he was a little vague about the timing. I then raised the matter in a private member's statement in September last year—13 months ago. At that time the Minister acknowledged the need for maintenance work and gave an undertaking that the work would be carried out during the first few months of the new maintenance contract, which he said would be let during term four of 1997. I repeat: the work would be done within the first few months of the new maintenance contract.

Further correspondence and inquiry on my part revealed that the contractor became responsible for the work finally on 29 December 1997. However, the Minister's undertaking has not been met. When the Minister was present at Burwood Girls High School—I cannot remember the exact date—for the announcement of a government initiative I was disappointed that he did not accept my invitation to walk 20 metres to inspect the disgraceful condition of the toilet facilities. He would not have been able to enter the toilet block but he would have seen the disgraceful nature of the concrete entry path. More than 13 months have passed but work still has not been done. I have made inquiries of people at the school and parents. I have been told that although the contractor has inspected the toilet block nothing has been done.

It is rumoured that the proposed work extends only to replacing floor tiles. That is not good enough. When will the toilets be repaired, including provision of new toilet seats? When will the dangerous concrete path that the girls must walk over to get to the toilet block be repaired? When will the toilet block be painted? Last week the Minister said that he had given all members letters indicating increased school funding and things that would happen. However, there was no letter about the electorate of Strathfield and certainly no information about the disgraceful state of these toilet facilities.

As the father of three daughters I would not be happy if my daughters attended Burwood Girls High School at the moment. The school has an excellent

reputation which deserves to be enhanced. However, poor facilities such as this toilet block do not enhance the reputation of either Burwood Girls High School or the State school system. Once again I seek assurances from the Minister that, firstly, something will be done, and done immediately, and, secondly, the renovations will not simply involve replacing the floor tiles but will include replacing the extremely dangerous path leading to the block, repairing the toilets and, ultimately, restoring the toilet block to a facility suitable for an excellent State school in the 1990s.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.27 p.m.]: I acknowledge the statements made by the honourable member for Strathfield. Earlier today he indicated to me that he would be raising this matter in the House so I requested a report on the minor maintenance works to be undertaken at Burwood Girls High School. I have been informed that a number of inspections have been carried out. Indeed, some minor repairs have been undertaken, especially to block H, but fairly extensive work needs to be done to block J. I have been told that already in this financial year some \$40,000 has been spent on maintenance at Burwood Girls High School, although I do not have details about the aspects of school maintenance the money has been spent on.

The information handed to me today by the Department of Education and Training General Manager of Properties is that the Department of Public Works and Services has completed an investigation into the cause of the building movement in block J. So substantial work is needed; it is not simply a matter of repairing a few tiles. At present the department is seeking costings to determine the most appropriate action to fully remedy the situation. I do not have more specific information other than that when the cost is known the necessary work will be completed.

The honourable member for Strathfield has sincerely raised these matters relating to Burwood Girls High School. However, he may have given the impression that the necessary remedial work is relatively minor and that it can be fixed by a relatively small funding allocation. While I do not have detailed costings, the information I have is that that is not the case. In fact, substantial work, not simply the replacement of a few tiles, is required as there is building movement. I will undertake to look at that matter and to provide funding to ensure that the work is appropriately completed. I cannot give the honourable member a date now but I will do so shortly. [*Time expired.*]

BERESFIELD LINK ROAD VALUE MANAGEMENT STUDY

Mr PRICE (Waratah) [5.29 pm]: I draw to the attention of House the details of a current event in my electorate. It involves major community participation in a value management study at Beresfield Bowling Club, organised by the complex manager of the Roads and Traffic Authority Newcastle branch. The community has been invited to assist in the evaluation of a number of alternatives for the link road between Thornton Road and Anderson Drive, Beresfield, which will incorporate a major overhead roundabout to join the Link Road, the New England Highway and Weakleys Drive. It is a demanding project with good and bad points.

I have written to the Minister on behalf of several residents who live either in or adjacent to Weakleys Drive and object to the project because of major problems associated with access in each of the four proposals under consideration. No doubt those concerns and objections will be taken into account by the Minister's staff and by the department during this evaluation process. The interchange will impact significantly on the Maitland and Wallsend electorates and I am sure that the honourable member for Wallsend, who is in the chair, will take more than a passing interest in the project as time goes on. Of course, the project requires Federal funding, although that funding will be provided on the basis of safety and reasonable access to that portion of the New England Highway that runs north of Beresfield and is currently the temporary national highway.

I am advised that that situation will remain for some years because the Federal Government still has not made a decision on the F3 through Seaham or thereabouts to Kurri Kurri and on to Lochinvar and Branxton. Whilst those decisions are being determined, the Link Road that joins the F3 at Minmi Road through to Beresfield and in part along Weakleys Drive has significance for the national highway and local residents, who are my principal concerns. The four alternatives being considered will be evaluated during this management study. I do not know the extent of public participation in the various preferences considered appropriate to Beresfield or Thornton.

Nevertheless, this value management study is an excellent demonstration of this Government's wish to involve the community in a major project that will impact on the daily lives of every person in the region. The study has taken some money and time but at the end of the day the community will

receive a first-class road network that will provide at least one of the safest residential areas adjacent to a highway in this State. Of course, when it reverts to being a State-only highway it will be of great value to New South Wales even if compensatory funding is made available at some later stage.

It is important that the participants in the workshop have been local residents. For instance, I was asked to nominate an alternate as I am attending Parliament this week. Local resident Mr John Chalmers is presently undertaking that role. Local council has also been involved. It is an important opportunity for everyone to know that the entire process is transparent and before the public. Members of the public are being guided by professionals who, in turn, are being guided by public opinion. It is the first time I have been involved in a project of this magnitude, but it closely follows the construction of the John Renshaw Drive flyover to the New England Highway, which was opened late last year. This evaluation process is a step forward and I look forward to hearing of a successful conclusion to the workshop. I hope the concerns of everyone for and against the project are taken into consideration as it progresses.

TIMBARRA GOLDMINE

Mr CHAPPELL (Northern Tablelands) [5.34 pm]: I refer the House to some events which have occurred at the Timbarra goldmine on a site east of Tenterfield. A blockade has been established by environmental extremists, terrorists in balaclavas, on the public road access to the Timbarra goldmine, which is a development of Ross Mining NL. On Sunday afternoon I visited the site with John Lawton, the managing director of Ross Mining, and several police officers to inspect the blockade action and any harassment undertaken by these extremists, following action that took place over the previous couple of days. During those altercations serious incidents resulted in the arrest of a number of environmental protesters, injury was caused to a number of officers and extremists made threats to life, limb and property.

It is quite obvious that the task of policing this area is beyond the resources available in the local area command of the New South Wales Police Service. Therefore, I have called for resources from outside the region to be made available to supplement those in this police region. Such allocation of additional resources will clear out the protesters, keep them out and guarantee the safety of life and property for the mining company and for neighbouring land-holders. The Timbarra goldmine

has met all environmental standards to the highest standard anywhere in the world. A number of court challenges have tested those standards, which met all the requirements of the State Government. The development is proceeding with overwhelming community support in the Tenterfield area.

This mine has brought an enormous economic boost to a community that has done it tough in recent years. Jobs have been provided already and many more will be provided over the life of the mine. The local community is enraged at the terrorist activities being taken by the environmental extremists. I am pleased to advise that police action earlier today removed the protesters and their tripod structures that blocked the main public road access into the mine. The camp was broken and removed from the area. For that I am grateful, but the road must be kept open. The mining operations must be able to proceed uninterrupted with guaranteed safety to construction personnel, their contractors, mine operation staff and adjoining land-holders.

The events of recent days have led to serious community concern. I refer in particular to events which occurred yesterday afternoon. Land-holders were assaulted when they sought to block their private roads to prevent protesters from gaining access to adjoining land. One of those land-holders, a woman, hoped to meet with the Minister for Police this evening to explain the risks her family faces from the protesters. The children have been taken from the property and left with grandparents to guarantee their safety, as extreme action has been threatened by the protesters. The parents hold grave concerns for the safety of their family, their livestock and their property.

In yesterday's altercation one person who helped the Petries, neighbours, ended up in hospital having a wound stitched. The Petrie's vehicle was damaged after being hit by a tree limb that was aimed not so much at the vehicle but at the driver. Fortunately that tree limb did not hit the driver. These incidents are serious. I point out that it is the obligation of this Government to provide that lawful activity be carried out, irrespective of the actions of extremist organisations. As I said earlier, the extremists were balaclava-clad terrorists.

They are a highly organised and disciplined group carrying out full-scale terrorist assaults on the local community. They wear balaclavas and are expert at erecting tripod structures to produce a blockade. Apparently they have support with resources and money and are intent on creating mayhem in any way possible. Control of these people will require sustained police effort, effort that

is beyond the capacity and resources of the local area police command. I call upon the Government to provide adequate resources to sustain safety for all concerned. [*Time expired.*]

ILLAWARRA POLICE NUMBERS

Mr RUMBLE (Illawarra) [5.39 p.m.]: I wish to speak this evening about police numbers in the Illawarra region. An article in the *Illawarra Mercury* of 17 October stated:

Police figures released to *The Illawarra Mercury* show Wollongong has recorded 274 break-ins, 133 car thefts, 166 incidents of malicious damage, 158 thefts from cars and 59 assaults in just one month.

Those figures are just for the area from Helensburgh to the city centre. They don't take into account crime in the southern suburbs, Shellharbour and Kiama.

Bag snatchers, home and business burglaries, armed hold-ups, assaults, thefts of and from cars are all regular occurrences.

Drug use and related crime is at unprecedented levels and the answers to the problems are not easy to find.

The police have acknowledged the problems and are the first to admit the statistics do not look good.

Now they are calling on all government agencies to come to the party and help in the fight against the region's crime rates which appear to be spiralling out of control.

Eight break-ins in three months have convinced prominent Wollongong businessman, Mr John Borgo, that the region's crime problem is out of control. Mr Borgo, a distributor for a national ice-cream company, is fed up with losing stock, replacing windows, repairing doors and fixing locks on his building and trucks. So far he has lost about \$2,000 in ice-cream stock from his business, R & E Goodfellow, and he has spent thousands of additional dollars repairing damage to his Kembla Street premises. The article in the *Illawarra Mercury* continued:

The Illawarra Steelers board member has even been forced to erect a \$10,000 fence to keep thieves and vandals out of his property.

"There is just no respect for people's property anymore," Mr Borgo said.

"We need more police on the streets to catch these people and the law needs to be tougher on them."

In business for nine years, Mr Borgo said he had never been a victim of crime until three months ago.

"Now I don't know which day I'll come in to work and find windows smashed, trucks damaged, doors smashed, locks broken and stock missing," he said.

Another resident of the Wollongong area, Mr Jack Henington, an Australian Industry Group executive, whom I have known for more than 20 years, fell prey to the thieves of Wollongong. At 4.30 a.m. police telephoned Mr Henington at his Farmborough Heights home to tell him they had found his car; it was missing from his driveway. Mr Henington said it was hot and the fan in the house was on and he did not know anything about the car being stolen. Police said the thieves used the dark green 1995 sedan in ram raids on northern suburbs petrol stations. It was then driven on to the grounds of Smiths Hill High School, where it was stripped and set alight. Irreplaceable mementos from a recent European holiday and a set of golf clubs were stolen from the vehicle.

The chief superintendent of the Wollongong region, Bruce Johnston, has a wish list for the south-east police region, and his number one priority is more police. The region's most senior officer said he was hopeful that Wollongong and Lake Illawarra would be included on the allocation list for probationary constables who graduated from the Police Academy in December. The *Illawarra Mercury* of 19 October reported:

"We are fairly confident we're going to get some extra resources," Mr Johnston said.

"We can make bids for things, bids for people, but it's up to the commissioner who wins and who doesn't.

"If there are any extra resources to be had I've certainly made some very strong bids for extra people."

Speaking yesterday about the crime wave that had gripped the Illawarra in recent times, Mr Johnston said the region was battling a raft of socio-economic problems and unprecedented levels of drug use which had heightened the situation.

I ask the Minister for Police to order an investigation into police numbers in the Illawarra region. It is a matter that has occupied much of my time as a member of Parliament, with people complaining to me about break-ins, burglaries, problems relating to antisocial behaviour by young people and so on. The senior superintendent is hopeful of getting more police. If the Minister for Police ordered an investigation into police numbers it would benefit the people of the Illawarra and would be very much appreciated.

MONA VALE ROAD UPGRADE

Mr BROGDEN (Pittwater) [5.44 p.m.]: In June this year the death toll on Mona Vale Road in the Pittwater area increased to 12 in seven years after the tragic and terrible deaths of two people at the corner of Emma Street and Mona Vale Road in

Mona Vale. The Government finally acted and the Minister for Roads commissioned, via the Roads and Traffic Authority, an independent road safety audit. After much discussion the Government allocated some funding for improvements to the road. However, rather than release the report of the independent audit publicly or for discussion by Pittwater Council, other local authorities or me, the Government initially released \$4 million to commence an upgrade of the road.

Recently I obtained a copy of the report and I now know exactly why the Government chose to release \$4 million for the upgrade of Mona Vale Road rather than to release the report publicly. Today the Roads and Traffic Authority provided a briefing to the Pittwater Council traffic committee. The authority arrived with copies of the report for the local council and for other representatives, but there was no copy for me. However, members should not be concerned as I have obtained a copy of the report. The most damning aspect of the report is the callous lack of interest shown by the Government in the ongoing maintenance of Mona Vale Road. Page after page of the report describes the basic unwillingness of the RTA to look after essential maintenance. For example, referring to driver visibility, the report stated:

Both night and day audits revealed a poor standard of driver visibility with inadequate sight distances to intersections and a generally poor level of conspicuity throughout the route.

In relation to the condition of signage and road markings, the report stated:

... there was numerous evidence of sign posting being in need of routine maintenance due to overgrown vegetation ...

The report continued:

Road shoulders and pavement edges were generally found to be unsatisfactory ...

The report also noted that a considerable number of guideposts and/or reflectors were missing from the route. Those quotes from the report are merely a quick wander through it. Street lighting is another great concern. The report states that only minimal street lighting is provided. Mona Vale Road is a killer road. I guarantee, with some morbidity, that accidents will continue on it. I hope that in the near future the Government takes action to stop further fatalities. Only after 12 deaths in seven years has the Government acted. The report contains 23 recommendations.

The Government has acted on only four of the recommendations in the short term. They are the

provision of a climbing lane on the steep upgrade heading west of Daydream Street, a review of speed limits and the designation of the section of Mona Vale Road between Terry Hills and Mona Vale as a speed camera zone, an extension of the acceleration lane for west-bound vehicles to improve access to Mona Vale Road from Powderworks Road, and relocation of the existing access at the Baha'i Temple for turning traffic.

That is not good enough. Pittwater Council has concerns, which it expressed to the RTA today. More worrying is the attitude of the Minister who regularly asks members of House, "Did you come to see me about this? Have you raised this issue with me?" I have raised this issue with the Minister on numerous occasions. On 8 September, after the Minister's press release of 4 September, I wrote to him asking for an urgent personal briefing on Mona Vale Road. I have yet to receive a reply.

Today I call for an urgent on-site briefing by the RTA; an undertaking that Mona Vale Road will receive an upgrade and will be placed on the priority list for basic regular maintenance; consideration of Pittwater Council's concerns about the Government's prioritisation of the independent audit; a review of speed limits; urgent placement of speed cameras by the Police Service; warning signs for drivers; an increase in general signage, which is a continuation of the work the RTA has started; increased lighting; and the commencement of discussions regarding the full upgrade to a two-lane, dual carriageway. These actions must take place before the Christmas holidays or more carnage will ensue.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [5.49 p.m.]: I am disappointed that the honourable member for Pittwater would seek to abuse Mona Vale Road merely to give himself a run in the local newspaper. That is all he is interested in. The honourable member cannot bring himself to acknowledge that the Government has done more in the past few months to improve Mona Vale Road than the coalition Government did in its final two years in office. The Government is providing \$4 million for the upgrade of Mona Vale Road. It is purchasing a home and upgrading the Emma Street intersection to improve road safety, lowering the speed limit at certain points and upgrading the road around the Baha'i temple, with climbing lanes. The honourable member for Pittwater complained that the Government has commissioned an independent road safety audit. Members will note that I did not ask the Roads and Traffic Authority to undertake the audit; I asked a consultant independent of the Government to prepare the audit.

Mr Brogden: Why didn't you release it?

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Pittwater has made his private member's statement. He will listen to the Minister's response in silence.

Mr SCULLY: It has gone to council, and the honourable member has a copy. The report was released to the news media. Had the honourable member asked me for a copy, I would have provided him with one.

Mr Brogden: Rubbish!

Mr ACTING-SPEAKER: Order! The honourable member for Pittwater will cease interjecting.

Mr SCULLY: The honourable member for Pittwater ought to at least acknowledge that this Government is doing something positive to improve road safety on Mona Vale Road. Instead, he has chosen to go on a press release rampage. He struts up and down Mona Vale Road—I dare say, almost with glee—so that if an incident occurs he can get himself in front of a camera.

Mr Brogden: That is a disgusting allegation.

Mr SCULLY: I shall not demean myself by quoting what the honourable member and the mayor said when a terrible accident occurred a few months ago. I thought it extremely demeaning of the honourable member to seek to politicise that accident. He ought to apologise to the Government and to the *Manly Daily* for the way in which he has conducted himself with respect to Mona Vale Road. The honourable member has been engaged in a stunt.

CENTRAL COAST BEACH SAFETY PROGRAM

Mr McBRIDE (The Entrance) [5.51 p.m.]: Today I commend the school beach safety program for central coast schoolchildren, which was launched by the Minister for Gaming and Racing at Umina Beach on Friday, 16 October. The program was designed by Surf Life Saving Central Coast for schoolchildren. The program, funded by a \$35,000 grant from the Casino Community Benefit Fund, will be conducted by Surf Life Saving Central Coast. Surf Life Saving Central Coast lecturers will visit schools, conduct beach safety programs, distribute beach safety literature and organise media education campaigns to raise awareness of beach safety. Launching the program at Umina Beach, the

Minister said that the Government was pleased to be able to provide the grant of \$35,000 to assist with the project. He said:

Beaches and surfing play an integral part in the lives of a great number of Australians. Unfortunately, injury and sometimes death can occur with this popular recreational pastime.

Surf Life Saving Central Coast, with over 50 years experience, is well placed within the region to be able to assist local communities in reducing the incidences of surf accidents.

The 15 member clubs in the areas administered by Gosford City Council and Wyong Shire Council provide countless hours of voluntary community service, and this program represents another ongoing voluntary community service. The project aims to raise the degree of surf safety awareness at all levels in the community to reduce drownings, injuries and mishaps in the surf and beach environment. The clubs will also work with local councils, the tourism industry, police and others to provide surf awareness, lifestyle programs and recreational opportunities for disadvantaged groups. I have the promotional material for distribution to local schoolchildren, which includes a range of posters, games, stickers and other material designed to attract the interest of young people.

Importantly, it includes information relating to resuscitation; the central coast surf education program for 1998-99; surf safety hints; membership details; tips on body surfing and how to swim in safety; and surf awareness education. That information, the programs, the instructions and the teaching programs were all developed by Surf Life Saving Central Coast under the direction of the body's chief executive officer, Peter James, with the financial support of the Casino Community Benefit Fund, the Central Coast Leagues Club and the central coast *Express Advocate*.

Peter James deserves special thanks for his dedication to surf lifesaving on the central coast since his appointment as chief executive officer some 18 months ago. Peter's achievements are numerous. His leadership and management skills have lifted the profile of the organisation, giving a level of professional management and organisation that formerly seemed unattainable on the central coast. He has also managed to gain the commitment of the local councils, Gosford City Council and Wyong Shire Council, for financial support that more equitably reflects the community safety contribution by surf lifesaving.

Wyong Shire Council is now contributing \$100,000 annually to the six clubs in its shire and

Gosford City Council is contributing some \$200,000 annually to the nine clubs in its area. Thus, the 15 clubs servicing the central coast now receive some \$300,000 from local government. Another major achievement of Surf Life Saving Central Coast is reflected in statistics that illustrate the phenomenal contribution to the community by the 15 local central coast surf clubs. For the 1997-98 season total membership stood at 8,300. Junior members, aged 14 years and under, numbered some 3,000; there were some 3,000 patrol members—those who provide service on the patrols; and there were some 2,300 social members.

Rescues in the 1997-98 season numbered 1,108; some 11,738 preventative actions were undertaken; approximately 3,500 people benefited from first aid; and six lives were saved on the central coast. Statistics are an important measure of performance, but they do not reflect the unlimited hours of training, teaching, community liaison, fund raising, competitions, carnivals, examinations and patrols by Surf Life Saving Central Coast members. The personal commitment, dedication and service to the community provided by club members is very important. I extend my personal support and commendation for the actions of Peter James and all other Surf Life Saving Central Coast members for the service they provide to our community during the summer and throughout the year.

ST JOSEPH'S PRIMARY SCHOOL, WEE WAA

Mr SLACK-SMITH (Barwon) [5.56 p.m.]: I acknowledge and congratulate the wonderful achievement of the Wee Waa St Joseph's primary school in reaching the State final of the Catholic primary schools 10-a-side rugby union knockout competition. Wee Waa is a small rural town in my electorate with a population of approximately 2,000. The town has five schools, including a high school. St Joseph's school will play the Patrician Brothers school, Fairfield, which has 167 boys in year 5 and 182 boys in year 6—a total of 350. The Patrician Brothers school was successful in winning the Sydney 10-a-side knockout competition, and now St Joseph's and the Patrician Brothers schools will play for the State title.

As I have said, the Patrician Brothers school has 350 boys, compared with the 30 boys in years 5 and 6 at St Joseph's school. The majority of the rugby team is made up of year 5 students. Incidentally, my daughter Sophie is in year 5, but she does not play rugby. The final will be played at Muswellbrook on 28 October, on neutral ground. It is a pity that there is not enough funding for the whole school, which comprises 145 boys and girls,

to attend the final to cheer for their team. St Joseph's has played against schools that have enrolments of 400 and 500 students. The team went through the season undefeated, having only two tries scored against it in five games.

The St Joseph's primary school won the inaugural central north rugby 10s tournament in the second term of this year. In the third term it competed in the north-west carnival at Gunnedah. Primary school teams, including the winners of the previous three rugby 10s tournaments, travelled large distances. St Joseph's school defeated the New England champions, St Edward's of Tamworth, 7-0 in the pool game and defeated St Edward's again 32-0. St Joseph's then defeated St Matthew's of Mudgee 32-0 in the final to claim the country title.

The game on 28 October will be a David and Goliath affair, with an experienced team from Patrician Brothers, Fairfield playing a team from a small rural school that had not played tackle sport until this year. This is the first year the team has played football. They have played soccer for several years and have been moderately successful in that sport. It is a new sport for a school that is not wealthy. The blue and gold jumpers being worn by the boys were kindly donated by a boy's parents.

St Joseph's primary school team comprises Jye Cruickshank, Luke Findley, Adam Hatton, Tarney Holcombe, Thomas Kerr, Samuel Murray, Timothy Phelps, Matthew Schwager, Richard Webber, Kain Bell, Michael Boyle, Aaron Cini, Ricki Graham, Kurt Maxwell, Jeremy Schwager and is ably coached by Robin Findley, Tony Schwager and Steve Boyle. Win, lose or draw, reaching the State final is a tremendous achievement for a small country school such as St Joseph's. I am sure all members of the House, even the honourable member for Fairfield, will join me in wishing the team the best of luck at Muswellbrook on 28 October.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.01 p.m.]: I have listened intently to the statement of the honourable member for Barwon and, through him, I extend my best wishes to St Joseph's primary school at Wee Waa. Having taught in a small country school at the start of my teaching career I understand only too well the enthusiasm and expectation that is built up in small country schools. My heart goes out to the community. It is always a great delight and pleasure for me as Minister to tour the countryside and visit country schools. As the honourable member for Barwon would know I have visited a number of schools in his electorate during the past 12 months.

As the honourable member said, the match will be a David and Goliath affair. Not only are there 350 boys in years 5 and 6 at Patrician Brothers Fairfield but that school has a noted reputation for its strong rugby league side, which is spurred on by the principal, Brother Bernard Bulfin, who was previously the principal at Patrician Brothers Blacktown. Wherever the Patrician Brothers teach they are keen to encourage strong rugby sides. On this occasion I am sure the under-10 side will be no different. Nonetheless, only so many boys can fit on a field. I am sure the 30-odd boys in years 5 and 6 at St Joseph's primary school, Wee Waa, will be an able match for them. I wish them well in their endeavours. I hope that win, lose or draw the boys enjoy the State final. I join with the honourable member in acknowledging the wonderful achievement of these boys and their school in reaching the State finals. St Joseph's primary school, Wee Waa, is a small school in a small town and no doubt the parents and teachers are immensely proud of the students.

DEATH OF Mr RAY McCORMACK

Mr ROGAN (East Hills) [6.03 p.m.]: One of the great privileges of being a member of Parliament is being able to acknowledge publicly the outstanding service of members of our community. Today is a sad occasion because my remarks follow the death of Mr Ray McCormack, a long-term serving member of Bankstown City Council, who made an outstanding contribution to the local community. Ray McCormack was in the navy during World War II and saw active service on destroyers. When World War II ended he was discharged from the navy. He moved to Marrickville and a short time later moved to Revesby. Mr McCormack took an active role in the local community and in 1965 was elected to Bankstown City Council. He served as mayor of Bankstown from 1979 to 1982, serving a total of 17 years on the council.

A highlight of Mr McCormack's career was the visit by Queen Elizabeth II, when he was the mayor, for the proclaiming of Bankstown as a city. I consider myself to have been a great personal friend of Ray. I am delighted to acknowledge his service to the community today. Honourable members who are old enough will recall that in 1962-63, when the Revesby Workers Club was established, hotel drinking conditions were not all that great. Because of that, Mr McCormack and others got together and formed the Revesby Workers Club, which is now one of the largest clubs in New South Wales. Ray McCormack was a foundation director of the club.

Mr McCormack also distinguished himself within the Australian Labor Party. Last year, having

been a member of the Labor Party for 40 years, as well as taking an active role within the trade union movement, he was given the great honour of life membership of the party. Mr McCormack established the Bankstown Frail Aged Persons Trust, which built the Yallambie village at Revesby while he was a member of the council. A frail aged village was built for Bankstown citizens and their relatives in all four wards of Bankstown City Council. The village is of outstanding quality.

I am delighted to place on record the achievements of Ray McCormack, whose funeral was held on the day of the Federal election, 3 October. The funeral service was held at St Luke's Church, conducted by Father Terry Bell, to whom I am grateful for having given up time at such short notice to conduct the funeral service. It was a great honour for me to have been a friend of Ray McCormack and to have been associated with him for the best part of 30 years in his activities in the local community and as a member of Bankstown City Council. He assisted me in my preselection when I was made the endorsed candidate for East Hills and subsequently the member for East Hills.

MISS NARELLE EMERY ASSISTED ACCOMMODATION

Mr KERR (Cronulla) [6.08 p.m.]: I bring to the attention of the House a problem associated with people with disabilities. In August I received a letter from a constituent, Dianne Conway, whose niece, Miss Narelle Emery, was born with an abnormality causing mild intellectual and physical disabilities. Narelle is now 34 years old and resides in a nursing home. She is confined to her bed for all but four hours a day when she must be lifted mechanically by a large hoist into a wheelchair, where she remains until after lunch. Narelle is suffering problems associated with her ailments, which include incontinence of the bowel and bladder and loss of feeling and movement below the waist.

Until July 1993 Narelle enjoyed as independent a lifestyle as is possible for a person who was born with a developmental disability. Originally she attended Miranda North primary school, then Flora Street special school, which is conducted in the church hall at Sutherland and, finally, Narelle was in the first intake at Bates Drive special school, Kareela.

Narelle's years at Bates Drive Special School helped her advance in both education and living skills. In her last year she was school captain, an honour she still talks about. Although having a mental age of approximately 13 years, she progressed to residing away from home and

attending the St George Special Industries Sheltered Workshop. Problems were always present and at times life was very difficult, but Narelle kept going. She even went on a cruise with friends. In July 1993 Narelle began experiencing difficulties in her ability to stand. In September 1993 she had a total collapse whereupon she was placed in Sutherland hospital for two months whilst extensive neurological tests were carried out. It was then discovered that a disc had been displaced in her mid-spine and was impinging on her spinal cord, causing lower body paralysis.

It transpired that she had been knocked down by a car, but had not told her parents. She had been living independently in a group home and did not want to worry her mother. Narelle is totally dependent on 24-hour nursing care. What ability she had to weight bear has now gone and she needs to be mechanically and physically lifted from her bed to the shower chair, from the shower chair to the wheelchair, from the wheelchair back to her bed—not a very satisfactory existence. Added to that is the problem of not being able to walk or push herself up in bed.

Narelle's weight has ballooned to 15 stone and as she is extremely heavy she can offer no assistance whilst being lifted or moved. Outings are very few and she has now developed depression. The purpose of the letter from Mrs Conway was to make representations to the Minister for Community Services. I had advised the Minister that I would raise this matter this afternoon. Narelle needs to find a place which offers 24-hour care for a physically highly dependent, mildly intellectually disabled woman who is craving for younger companionship and a reason to wake up in the mornings. Her family has searched for five years for such an establishment but without success. The situation has become desperate. Mrs Conway's letter stated:

I could keep going on and on about the problems Narelle is experiencing. Her Mum, my husband, and I are just about at the end of our tether when people keep telling us "Narelle is inappropriately placed—she should be with younger people—people her own age." I know they mean well, but if they knew the efforts we have made and the heartache we feel for Narelle and her situation, they would think twice before commenting. Unfortunately, we have had the problem for 34 years . . . perhaps it is time the Government recognised the need for this type of accommodation. We agree that a nursing home is an inappropriate place but what else is there?

Narelle is placed with older people. Assistance has been received from the Department of Community Services, for which Mrs Conway and the family are grateful. This is an increasing problem for the many people who would not otherwise have survived, particularly in the 1960s, without the advances in medical science. There is a need to address this matter urgently. [*Time expired.*]

ST PATRICK'S ESTATE MANLY

Dr MACDONALD (Manly) [6.13 p.m.]: A serious matter in my electorate relates to land which is owned by the Roman Catholic Church. I am concerned that the church is able to wield undue influence on the Government. I draw the attention of the House to a number of matters relating to leaseholders in the Bower Street area. The St Patrick's seminary, which vacated the site, has plans to develop the remaining land for up to 400 houses. The Government blocked Manly Council's attempt to conserve that estate; the council's attempts to introduce a local environmental plan were thwarted by the Government. As a result, planning opportunities were delayed, and the courts gave the church pretty much all it wanted.

The Government has given favourable treatment to the Catholic Church on the issue of State Environmental Planning Policy 5, the new policy relating to aged-care housing. This policy now applies to St Patrick's Estate, which will eventually be covered with aged-care housing. The most important and immediate issue is the plight of leaseholders of the St Patrick's Estate. Leases are for 99 years and involve more than 100 leaseholders; in some cases the lease has only 14 years to run. The Catholic Church is acting unconscionably in its dealings with the leaseholders and is making unreasonable demands. The church is demanding that when the leases expire each leaseholder will have to pay 20 per cent of the freehold value for a 17-year extension. That valuation is to be based on the improved value, yet the lease involves only the land.

The St Patrick's Estate Residents' Committee has the support of 75 per cent of the leaseholders. They agree that a renewal fee should be paid at the end of the expiry of the lease even if that means amending the Residential Tenancies Act, but on fair conditions. Those conditions should include an agreed valuation process based on the unimproved capital value and a lease period longer than 17 years. Some leaseholders are asking for a lease extension of between 50 and 99 years. This issue is about consumer protection. The chairman of the St Patrick's Estate Residents' Committee wrote to the Director-General of the Department of Fair Trading. The letter stated:

. . . we would expect the Minister to have an overriding concern with issues of fair trading—and in particular, the need to ensure that those who, through positions of power, financial strength and bargaining position are able to assert their will over those with much lesser power, financial strength and bargaining position.

I arranged a deputation with the Minister for Fair Trading, but it was a complete farce. The residents

received no concessions. Everything was to the satisfaction of the Catholic Church. There appears to be some collusion between the Minister and the Labor Government, along with the Catholic Church, to deny residents any shield or protection from the power of the landlord. The spirit of the Residential Tenancies Act is clearly to provide for consumer protection, which the residents have been denied. At that meeting John Schmidt, the Policy Director of the Department of Fair Trading, said that it is not the department's job to intervene in contractual arrangements freely entered into between two parties. What is the department there for, if not to protect those who are less powerful and in a poorer position? The leaseholders of the St Patrick's land, many of whom live in uncertainty with only a few years left on their lease, deserve the protection afforded by the Department of Fair Trading and by proper legislation. They are being unconscionably dealt with by the Catholic Church. I condemn the Department of Fair Trading and the Minister for not assisting them and for failing to give them proper consumer protection.

FISHERMANS COVE RESTAURANT

Mr BECK (Murwillumbah) [6.18 p.m.]: I raise a matter of grave concern in the Tweed Heads area of my electorate. Why is the Government supporting the closure of the Fishermans Cove Restaurant by the Tweed Shire Council? I advised the Minister for Agriculture, and Minister for Land and Water Conservation that I would raise this issue this evening. He indicated that he could not be present, but would respond tomorrow. The restaurant has been owned and operated by the Karlos family for over 20 years. Three brothers, Larry, Stephen and Nicholas, have been told to stop operation of their restaurant: I ask why?

I would like to give a little of the history of the restaurant and the reasons being given as to why it should close. Some two years ago a rock that had been dislodged crashed into the back of the restaurant causing about \$2,000 worth of damage. The restaurant proprietor informed the insurance company, which advised that it was not the responsibility of the insurer but of the Department of Land and Water Conservation. The Tweed Shire Council, being the trustee for that area, was advised of the incident. According to a note that I have received from the Fishermans Cove Restaurant, the council has said it is not responsible for the incident. That was two years ago. Since then, the council in its wisdom has decided that it should close down the restaurant.

The Fishermans Cove Restaurant is part of Jack Evans Boat Harbour, which has been the

subject of plans of management under consecutive governments, including the present Government. There have been plans of management for the boat harbour under the Wran and Unsworth governments, the Greiner and Fahey governments, and now the Carr Government. Over that period it has been decided that Jack Evans Boat Harbour should continue to be enhanced. Despite that, we have lost the Border Park caravan park and the aquatic club, and now the Fishermans Cove Restaurant has been told to close up and leave immediately, and it will be relocated in Queensland.

It is interesting that on the agenda of the council's meeting last week was a report noting that the council's recommendation on the draft plan of management had been returned by the Department of Land and Water Conservation, and noting the following recommendation for consideration by the council, "Delete references to specific architectural styles and proposals, eg Greek Taverna Restaurant", which happens to be the Fishermans Cove Restaurant. Another item on that agenda was, "Eliminate statement that previous lessees/occupants had preference when responding to expression of interest advertisements", in regard to a future plan of management for the Jack Evans Boat Harbour.

It appears that the Tweed Shire Council has an agenda to chase the Fishermans Cove Restaurant out of the Jack Evans Boat Harbour. That contention is supported by the construction of signs in the area such as "Warning: Council advises this area poses an unacceptable risk to persons from instability of the hill behind Fishermans Cove Restaurant. Please do not enter". It is signed by the General Manager of the Tweed Shire Council, John Griffin. Last weekend a massive function was held at the Jack Evans Boat Harbour, the Sea Change. That function was organised by the State Government in conjunction with the Tweed shire to celebrate the opening of the street scaping of the Tweed and the lighthouse. An article in the local newspaper noted that the parade, which was held in Tweed Heads, wound around the Jack Evans Boat Harbour, adding that:

Through the rest of the afternoon and night several thousand people listened to music including a Sea Change Lighthouse Concert featuring Julie Anthony, the Northern Rivers Symphony Orchestra . . .

It noted also that in attendance were the Sydney Olympic 2000 mascots, Syd, Millie and Ollie, the giant inflated platypus, echidna and kookaburra. All of the 2,000 people who gathered at the function went past the signs that I mentioned. Those who parked their cars walked by the signs and joined others sitting under the escarpment of the hill. At

9.15 p.m. massive fireworks were set off on the hill above the Jack Evans Boat Harbour, that is, above Fishermans Cove Restaurant, where at the yacht harbour towers previous Premier Barrie Unsworth resided for many years. I asked, "What is going on?" [*Time expired.*]

COMMONWEALTH BANK BRANCH CLOSURES

Mr IEMMA (Hurstville) [6.23 p.m.]: I express my support for Commonwealth Bank officer and constituent Mr Stuart Morris, who has been threatened with the sack by the Commonwealth Bank for having dared to exercise his constitutional and democratic right to free speech. Last week Mr Morris wrote a letter to the *Daily Telegraph* joining the public debate about Commonwealth Bank closures. In his letter to the editor of the *Daily Telegraph*, which was published in the letters section, Mr Morris outlined the actions of the Commonwealth Bank over many years.

Mr Morris, who has been a bank officer for 23 years, set out various actions of the Commonwealth Bank that have led to the massive closures of bank branches across metropolitan Sydney and in rural and regional areas of New South Wales. In his letter Mr Morris told of the Commonwealth Bank deliberately running down services. It would move staff out of a particular bank branch, affecting services and resulting in customers taking their business elsewhere, then saying it was justified in the closure of that branch because it was no longer viable due to the low level of business it conducted. Mr Morris also criticised privatisation and a number of management decisions of the bank.

At the end of last week Stuart Morris was presented with a letter to show cause by 5.00 p.m. this Monday why he should not be dismissed for having spoken out in the manner in which he did. It comes as no surprise that senior management of the Commonwealth Bank have reacted in this way because, as I said when speaking to an urgency motion moved last week, this sort of action was commonplace in the Commonwealth Bank even when it was fully publicly owned. I worked at that time as an organiser with the Commonwealth Bank Officers Association.

The bank was not a model employer and manager in the mid-1980s, when it was in full public ownership; instead, it was the worst of the major banks operating at that time. It was the worst employer. It was always acting to reduce staff conditions that were the fruit of hard industrial negotiating over many decades. The Commonwealth

Bank always sought to attack not only the conditions of employees but also the employees. In those days the attacks involved maternity leave for female officers. The bank took pre-emptive action in an attempt to remove maternity leave as an entitlement of its staff. In the late 1980s it was involved in an infamous industrial dispute related to subsidised staff housing loans.

Part of my job was to deal with workers compensation matters and officers who had been the victims of hold-ups. I regret that I have to say the bank was never at the forefront of sensitive treatment of its staff who had been the victims of hold-ups. That type of behaviour was common throughout the bank. The actions of the Commonwealth Bank were not known publicly. People had an idealised view of the Commonwealth Bank. Because it was such an icon in this country, people could not believe that the bank would act in such an inappropriate way. Since privatisation, nothing has changed with the bank. Its attacks on staff conditions and its reduction of staff levels have continued.

Over the past 12 months the Commonwealth Bank has conducted what could only be termed a campaign to systematically rid itself of its branch retail banking network. That move led to the public outcry that culminated in a protest outside the bank's head office today and ultimately to the disgraceful and despicable action against Stuart Morris, who was simply speaking his mind and saying nothing more than many people have been saying for the past 12 months. People, whether they live in country New South Wales or metropolitan Sydney, have been complaining about the way the Commonwealth Bank treats its customers and its staff. The bank responded to Mr Morris by saying that the actions it has taken have led to record share prices and record profitability. Of course, those results have been derived from the systematic attacks not only on employees but on the bank's customers.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.28 p.m.]: I echo the comments and sentiments of the honourable member for Hurstville, who expressed criticism of the way in which the Commonwealth Bank is treating Mr Morris. The honourable member was even more critical of the way in which the Commonwealth Bank is taking every opportunity these days to ride roughshod over the interests of the small people. It was not long ago that the bank was making a big issue in its advertisements of its size and how that created a sense of security and strength.

Clearly, the size of the Commonwealth Bank has been translated into insensitivity. The organisation is all about big profits; it is not about the interests of ordinary people living in suburbs or in rural New South Wales. Not only is the bank systematically closing its branches and riding roughshod over its employees; it is driving people away. The Commonwealth Bank is all about big business and big profits. Clearly, the people are voting with their feet. I sympathise with the elderly residents of Lalor Park whom I joined today in protesting against the closure of the Lalor Park branch of the Commonwealth Bank this coming Friday.

Clearly, the bank is laughing all the way as far as these people are concerned. The more elderly residents the bank drives away from its branches and the more disabled people it denies access to its branches, the happier the bank will be because it can maximise its profits. That is a disgrace. It is despicable that the Commonwealth Bank, which was formed essentially for the common good of people, has no interest in the rights and welfare of people and is riding roughshod over the interests of people.

NOWRA NAVAL AIR STATION

Mr ELLIS (South Coast) [6.30 p.m.]: The history of the naval air station in Nowra goes back to 1939. I am indebted to the staff at HMAS *Albatross* for providing me with an abstract that I am delighted to share with honourable members. This year marks the golden jubilee anniversary of HMAS *Albatross* in Nowra, and I congratulate all those involved with celebrating this event. The celebrations will culminate with a street parade of naval personnel in conjunction with the Nowra Spring Festival, which will be held on Saturday, 31 October. I commend the occasion to all members and extend an invitation to attend. This year is also a commemorative occasion for the now disbanded fleet air arm. As a tribute to its service, a fine naval aviation museum stands on the base.

The decision to build an airfield on the land now occupied by the naval air station was taken soon after World War II was declared in 1939. The Royal Australian Air Force—the RAAF—occupied the new base on 7 May 1942 and was soon followed by the United States Army Air Corps and the Royal Netherlands East Indies Air Force. In 1944 the British admiralty directed certain naval forces to the south-west Pacific area. Of course, this necessitated the provision of shore base establishments for the Royal Navy and its fleet air arm in Australia. The RAAF base at Nowra was considered the ideal choice because of its proximity to Jervis Bay, which

was large enough to accommodate the entire British Pacific fleet.

The Royal Navy's fleet air arm began operations at Nowra in late October 1944, and the base was renamed HMS Nabbington. In March 1946 the base reverted to Royal Australian Air Force control to be retained but not maintained. On 3 July 1947 the Commonwealth Defence Council approved the formation of a fleet air arm which would be controlled and operated by the Royal Australian Navy. The initial planning provided for the purchase of two aircraft carriers, necessary aircraft and the establishment of shore facilities. The carriers were later named HMAS *Sydney* and HMAS *Melbourne*, and the shore facilities were at Nowra.

HMAS *Albatross* was commissioned on 31 August 1948 and the twentieth carrier air group, comprising sea fury and firefly aircraft, were brought from England to Australia by HMAS *Sydney*. These aircraft, operated by the 805 and 816 squadrons, disembarked at Nowra in May 1949. In November 1950 they were joined by the carrier air group of the 808 and 817 squadrons, also flying sea furies and fireflies. HMAS *Albatross* has been expanding ever since. As more capable aircraft have been acquired, ground support facilities have had to be built to service the more sophisticated equipment. In April 1955 sea venoms and gannets arrived, so radar workshops and test facilities were required. More aircraft in the skies necessitated stricter standards of air traffic control and a new control tower was built in 1958. Wessex helicopters with a dunking sonar capability required a further expansion in servicing techniques and skills in 1962.

In 1965 it was decided to buy American aircraft to replace the ageing British gannets and sea venoms. Douglas skyhawks and Graman trackers were the choice, and additional avionic facilities were built to service the complex equipment these aircraft carried. Today the primary task of HMAS *Albatross* is to support the three naval air squadrons which provide aircraft and air support for our ships. The three squadrons and the aircraft they operate are HC723 with AS350 squirrel helicopters and HS748 Hawker Cetyl fixed-wing aircraft, HS816 with S-70B Seahawk helicopters, and HS817 with SK50 Westland Sea King helicopters.

The naval air station, including the army parachute training school, has a population of 1,383 uniformed personnel, of which 139 are female. This group is made up of 1,200 navy personnel, 95 army personnel, 33 Royal Australian Air Force personnel and 55 RNZAF personnel. HMAS *Albatross* also has several lodger units such as the Commander

Australian Naval Aviation Force, COMAUSNAVAIR; the Air Warfare Systems Centre, AWSC; the Australian Joint Acoustic Analysis Centre, AJAAC; the RAN Tactical Electronic Warfare Support Section, RANTEWSS; the army parachute training school; and 2 Squadron Royal New Zealand Air Force with A4 skyhawks. These units perform very important operational and training roles for other elements of the Australian defence force.

In 1996 COMAUSNAVAIR was created and installed in HMAS *Albatross* as a lodger unit. COMAUSNAVAIR is the senior aviation operations and policy adviser for the RAN. It is responsible for oversight and management of the maritime command elements of the naval aviation force, and provides advice on strategic aviation. The defence base brings in \$60 million to the Shoalhaven area and that is much welcomed. We hope that the base remains there for many years to come.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.35 p.m.]: I join the honourable member for South Coast in extending congratulations to HMAS *Albatross* on its fiftieth anniversary. It is always momentous to note the anniversary of a defence institution, especially in the post-war period. I share the pride of the honourable member as I, too, had a naval base in my electorate until relatively recently. During my time as member for Riverstone, member for Blacktown and mayor of Blacktown city I shared a close liaison with HMAS *Nirimba*, which is now an education precinct. All Australian naval apprentices received their training at *Nirimba*.

As the Minister for Education and Training, I am pleased to be continuing that educational role in what was formerly a naval establishment. It is a proud day for naval establishments to celebrate such anniversaries. It is also appropriate for us to recognise the great work the navy does in training personnel who eventually join the civilian work force and civilian life. As Minister for training I acknowledge the expertise of the navy and the way it trains its personnel. The Government is happy to be co-operating closely with the navy in providing that training, some of which is carried out on HMAS *Albatross*.

PAUL ROBESON EXHIBITION

Mr THOMPSON (Rockdale) [6.37 p.m.]: On 5 September last I attended the ceremony to hand back Mutawintji National Park when ownership of that magnificent area was formally restored to the traditional Aboriginal owners. I have already made a

private member's statement in the House on that subject and tonight I shall talk about something in which I was involved on the evening of 5 September following the moving experience at Mutawintji. The honourable member for Broken Hill, the honourable member for Keira and I attended the opening of an exhibition on the life of Paul Robeson at Napredak Club in Broken Hill. The exhibition was sponsored by the Construction, Forestry, Mining and Energy Union. Much of the material used in the exhibits was provided by a local Broken Hill gentleman, Don Mudie.

The exhibition included photographs, newspaper clippings, texts, recordings and even a film of the great Paul Robeson. He is one of my heroes. One regret of my life is that I never met him or saw him perform. During the early 1960s I began to truly appreciate this great man. Close family friends, Ray and Pat Edwards, who lived nearby in Bexley had an extensive collection of Robeson's records. Over a few drinks, with Robeson singing "Ol' Man River" or "My Curly Headed Baby" Ray and Pat would regale us with stories about Paul Robeson, and a number of my friends and I became devotees of not only Robeson's unique voice and music but also his humility and humanity. People who have heard Paul Robeson sing never forget his magnificent voice and the incomparable spirit and personality behind the songs. He was not just a singer; he was much more. He was unique.

Having been born on 9 April 1898, this year would have been his 100th birthday. Paul Robeson was the youngest of five children. His father was a runaway slave. The family knew hardship and were instilled with a determination to rise above it. Paul Robeson's life was at least as challenging. He was an outstanding scholar and an even more outstanding athlete. He gave up his job in a law firm after a white secretary refused to take dictation from him. He turned to the theatre and music, where he used his outstanding artistic talents to promote African and African-American history and culture.

Paul Robeson won international acclaim for a number of roles, particularly his lead in *Othello*. He is known for changing the lines of the *Showboat* song "Ol' Man River" from the meek "I'm tired of livin' and feared of dyin' . . ." to a declaration of resistance, "I must keep fightin' until I'm dyin' . . ." He was particularly interested in negro spirituals and from 1925 to 1929 he toured the length and breadth of the United States of America singing them. Robeson explained that the spirituals he sang:

. . . portray the hopes of our people who faced the hardships of slavery. They sang to forget the chains and misery. The sorrow will one day turn to joy. All that breaks the heart and

oppresses the soul will one day give place to peace and understanding and every man will be free. That is the interpretation of a true Negro spiritual.

In America it was difficult to find restaurants that would serve him because he was black. In New York theatres negroes were allowed to sit only in the upper balconies, and Paul's performances were often surrounded by threats or harassment. He talked about the injustices and oppression not only of black people but of working people around the world. He promoted the cultures of other countries. In Madrid during the Spanish Civil War he sang to members of the international brigade at the front line. He said:

The artist must elect to fight for freedom or slavery. I have made my choice. I have no alternative.

Robeson was always both an artist and activist. Through the 1940s and 1950s he continued to perform and speak out against racism and in support of trade unions and working people, and for peace. He was a stalwart in the campaign against the growing Cold War and the festering McCarthy hysteria that was undermining American democracy. He was pilloried by the infamous House of unAmerican Activities Committee chaired by Senator Joe McCarthy, just as many other good, liberal Americans were. His concerts were cancelled and his passport was confiscated for eight years.

He came to Australia in 1960 and while here he sang to workers on the Opera House construction site. The film of that occasion is truly moving. He became aware of the plight of Australia Aborigines and pledged to return to give them support. He said that the indigenous people of Australia "are my brothers and sisters", but he fell ill soon after and was never able to return to Australia. Like Robeson, my good friends Pat and Ray Edwards are gone, but I will always remember them and thank them for opening up to me the magic of Paul Robeson.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.42 p.m.]: I congratulate my good friend the honourable member for Rockdale on paying tribute to Paul Robeson, who was truly not only a great singer but also a great symbol of the underprivileged. He always stood up for the rights of those who were oppressed by authority, government and society. The honourable member for Rockdale referred to Paul Robeson's visit to Australia and in particular to the time he sang to workers at the Opera House. At the time, my father was employed as a carpenter with Civil and Civic, preparing the formwork for the concrete foundations for the Opera House.

I remember when I was an adolescent he came home from work and told the family at the dinner table about Paul Robeson, the most noted and esteemed singer of all time, singing to the workers and how much it inspired him. Dad told us that all the workers—carpenters, concreters and labourers—sang along and that the huge, burly men on the working site were reduced to tears by his presence and his inspiration. It must have been quite a scene. Paul Robeson lifted their spirits as no doubt he lifted the spirits of many workers through many generations and many countries. Once again I congratulate the honourable member for Rockdale on reminding us of this great man. The Opera House celebrates its twentieth-fifth anniversary this year, and some ceremonies to mark the anniversary will be held later this evening.

WESTERN SYDNEY ORBITAL ROAD TRAFFIC MANAGEMENT

Mr TINK (Eastwood) [6.44 pm]: I refer to the proposed western Sydney orbital and its impact on Pennant Hills Road in northern Sydney. The Roads and Traffic Authority has issued a brochure entitled "The Western Sydney Orbital Starting the environmental assessment". The brochure indicates that in 1996 business along the proposed orbital moved 39 million tonnes of freight and by 2006 it is expected to move 55 million tonnes, which is an increase of 40 per cent. This is a massive undertaking. My concern about this brochure is that it does not appear to take account of impacts on road systems other than the orbital and in the immediate vicinity of the proposed extension of the orbital which, according to the diagrams in the brochure, will run from Prestons to somewhere near Blacktown at the end of the M2.

It appears from the brochure that the orbital would be an efficient route for commercial vehicles and trucks. The brochure refers to major highways to the south and west but it does not refer directly to the enormous impact on Pennant Hills Road. I have attended a couple of public meetings in the Beecroft and Thornleigh areas, particularly in the Thornleigh area with the local member representing the Hornsby area and the Federal member for Berowra, who share my concerns. We are all extremely concerned about the impact of this extension on Pennant Hills Road.

The Government, and more particularly the RTA, must consult to ensure that those who reside in the vicinity of the Pennant Hills Road corridor have an opportunity to comment on this proposal and express their concerns about the impact of the

orbital on that road. Obviously, a north-south link is required, but it has not been properly or fully articulated in the brochure and, therefore, in the proposed consultation process. The Roads and Traffic Authority must take up with Hornsby council the issues surrounding the western Sydney orbital and its flow-on.

In a letter dated 9 October the council wrote to the traffic flow manager of the RTA at Blacktown in connection with a draft report on investigations into traffic problems on a number of local roads in west Pennant Hills. In considering these matters, which are directly related to a traffic management study into Malsbury Road and Duffy Avenue, the council resolved:

Council write to the Roads and Traffic Authority advising that it is concerned about the existing and future traffic volumes on Pennant Hills Road and that a study funded by the RTA should be undertaken to address both existing and projected traffic issues along the Highway.

In that part of my electorate along Pennant Hills Road the Carlingford High School traffic and road safety committee has called for the construction of a pedestrian overbridge, and council has expressed concerns about traffic safety in that area. So far the response from the RTA has been that child and pedestrian safety is adequately catered for. However, that is not the view of the council, and further representations will be made. Hornsby Shire Council, has serious concerns about the carrying capacity of the road, against the background—as the brochure indicates—that the orbital will carry volumes of heavy traffic, including commercial vehicles and trucks, increasing by 40 per cent by the year 2006.

In addition to consultation with those who live along the orbital route between Prestons and Blacktown there is a critical need to consult local government authorities and members of the public who will be affected by noise from the heavy north-south traffic that will be carried on Pennant Hills Road. My view, and I understand the views of the local member responsible for the Hornsby area and the Federal member for Berowra, is that a north-south tracking route should be located in the long term west of this area. In the meantime, to progress this orbital, Hornsby council and those residents of Pennant Hills Road must be consulted about the impact of the orbital.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Gaudry) left the chair at 6.49 p.m. The House resumed at 7.30 p.m.*]

**EDUCATION ACT: DISALLOWANCE OF
EDUCATION AMENDMENT (HOME
SCHOOLING) REGULATION 1998**

Debate resumed from an earlier hour.

Mr RICHARDSON (The Hills) [7.30 p.m.]: I was fascinated to hear the Minister's response to the motion. As late as this morning the Minister's spokesman was quoted in the *Sydney Morning Herald* as saying:

... the guidelines were consistent with the Education Act and the Government would proceed with the regulation.

Now the Minister says he wants to postpone consideration of the motion for 28 calendar days for further consultation on the impact of the regulation—and there are some caveats on this about which my colleague the honourable member for Ku-ring-gai will speak later—and seven days from then the Minister must furnish a report to Parliament. There is no question that this is a backflip, but it is not a big enough backflip. The Minister is trying to kick the ball over the dead ball line to get himself and his team out of trouble. No tries are being scored by the Government or by home schoolers.

Despite the decision of the Regulation Review Committee on 15 October the regulation has not been withdrawn. That means that the Minister's amendment becomes largely superfluous. If the amendment is agreed to it will be 35 days, or five weeks, before this matter is considered again. Do honourable members expect to be sitting here in five weeks time? The net effect of this will be that the regulation will become law anyway. The Government will go through some token consultation, come up with a regulatory impact statement and that will be it. That is not good enough. Despite the Minister's protestations to the contrary, Opposition members understand his aversion to home schooling.

On the other hand, the coalition supports choice in education. We support private schools. We support public education and we support home schooling. It is one of the choices. Consistent with the Education Reform Act 1990, 1,500 children—900 families—are undertaking home schooling. Parents are the primary educators of their children and, as the Minister conceded in the debate, some parents choose home schooling as an alternative to school. As the Minister said, the reasons for this are many and varied, including religious beliefs, access to schooling and dissatisfaction with the current

system. A constituent of mine, Mrs Brew, came to see me this afternoon. The reason she pulled her son out of the public school system was dissatisfaction with the current system. At the end of next year, the beginning of the year 2000, she will put her son back into the public school system, when she is satisfied that his primary school education is complete.

Bev and Paul Hartingdon of Castle Hill came to see me last week. They are home schoolers. They have 10 children. Some honourable members might have concerns that children have insufficient social interaction with home schooling. They could not say that about a family with 10 children. Indeed, quite the reverse would be the case. Mr and Mrs Hartingdon were very concerned about the potential impact this regulation would have on their lives and on their ability to carry out their home schooling program for the six of their children who are still of school age. They have chosen home schooling for their children because they are committed Christians. They believe it is the most appropriate way to bring up their children, and members on this side of the House have no quarrel with that.

We do have a quarrel with the fact that when Mrs Hartingdon spoke to John Ward, General Manager of the Board of Studies, he told her that the Board of Studies was thinking about a regulation. Within a few days Mrs Hartingdon found the regulation had been published on the Internet. She did not receive a letter telling her that the Government was going to introduce regulations, that what were previously guidelines would now be a regulation. Mr and Mrs Hartingdon were left to find out for themselves that the regulation existed. It was posted on the Internet. Clause 6A of the Education Amendment (Home Schooling) Regulation provides:

For the purposes of section 73(2)(a) of the Act, the requirements with which the conditions for the registration of a child for home schooling must comply are as follows:

- (a) the following must have the written approval of the Minister, which may be given after considering the advice of an authorised person—

that means inspectors coming around to look at the home schooling—

the teaching and learning programs for the child . . .

the educational facilities and equipment for the child, and

the premises where the child is to receive home schooling as regards light, ventilation and general suitability for the purposes of home schooling.

The question is, if one is going to look at light and ventilation—

Mr Aquilina: That is exactly what the guidelines say.

Mr RICHARDSON: It is a regulation now, Minister. Under the regulation, that would be a rationale for excluding children from home schooling and discontinuing the home schooling program. I wonder whether some public schools in the State would not comply with the Minister's standards.

Mr O'Doherty: What about airconditioning?

Mr RICHARDSON: The honourable member for Ku-ring-gai reminds me about airconditioning. We know that in the Badgerys Creek electorate the airconditioning is absolutely fabulous, but in most of the other schools in the State it is ventilation only. The Minister should not try to tell me that every classroom in the State is adequately ventilated or adequately airconditioned. Mr and Mrs Hartingdon have a range of concerns about the regulation. They believe home schooling will become much less flexible. They believe that the number of unofficial home schools may grow, paradoxically, with the additional control on home schooling causing some people to opt out of the system.

They are concerned about the lack of consultation and the underhanded—as they described it to me—way in which the regulation was introduced. They believe the regulation is prescriptive and may exclude many children from home schooling. Despite the Minister's comments earlier this evening he is clearly prejudiced against home schooling. I have a copy of a letter that the honourable member for Riverstone, when he was shadow minister for education and youth affairs, wrote to Mrs M. Phillips of 20 Antrim Street, East Ballina. The letter, dated 12 November 1993, read that the Opposition policy:

. . . states that Home Schooling should not be regarded as of equal status with school attendance as provided for in the Education Reform Bill. The previous Education Legislation known as the "Education and Public Instruction Act", which was introduced by the Labor Government in 1987 allowed for Home Schooling but did not give it equivalent status with school attendance.

The State Opposition's concern with Home Schooling relates to the fact that it is not possible for children being schooled at home to experience the broad range of activities which are available at school. It is felt that children do not experience the social interaction—

the issue I raised earlier—

which comes from school attendance.

I wish to stress however, that this is not to be taken as an assumption that no parents are capable of providing the academic training which children need.

How patronising! The letter continues:

The State Opposition does not propose to remove the right for children to be schooled at home. However, we wish to ensure that Home Schooling is only allowed in exceptional circumstances.

The Minister has said that he is not against home schooling, yet we have evidence to the contrary in the letter to Mrs Phillips. The Minister wants home schooling to be available only in absolutely exceptional circumstances. He wants to reduce the number of home schoolers in this State to a mere handful. Earlier in the debate, however, he admitted that only 40 of 7,000 applications for home schooling since 1991 have been rejected. What is the problem now?

Mr O'Doherty: Most of those 40 rejections have taken place under the administration of this Minister.

Mr RICHARDSON: I am not surprised to hear that. Why is it necessary for the guidelines to become a regulation? Opposition members want to ensure that acceptable guidelines for home schooling are introduced in consultation with home schoolers. We believe that consultation should start now. We do not believe that the regulation should stand; it should be withdrawn. I urge honourable members to support this motion.

Mr WATKINS (Gladesville) [7.40 p.m.]: The amendment moved by the Minister is a rational and reasonable answer to the current controversy regarding home schooling. The amendment moves to dispense with the disallowance motion for 28 days to allow for further consultation. The amendment will allow the concerns of home schoolers to be addressed. It should be made clear that this is not a debate about the pros and cons of home schooling. The record is clear: the Government, the Minister and the broad community support home schooling, with more than 1,500 children being registered as home school students since 1991. In New South Wales home schooling is a right, but the preferred model for schooling in this State must always be mainstream schooling. Schools are of critical importance in educating, socialising and developing the shared vision of citizenship necessary in young people.

Parents have rights recognised in the rights of home schooling. However, it is important to state clearly that children also have rights. Children have

the right to a quality of education that matches that available in schools, the right to safety, and the right to a breadth of experience in their schooling. To allow less would be to disadvantage children and to put some children at risk. It is important to consider why we need regulations and guidelines. The position is simple. Without regulations it would be impossible to monitor whether children involved in home schooling were receiving adequate education.

It is essential that board officers have the ability to visit home schoolers to assess facilities and programs of study. If the position were otherwise, we would let our children down and fail to provide adequate supervision. For too long the rights of children to safety, equality of opportunity and respect have been ignored. This Parliament will soon debate a raft of legislative measures designed to demand safety for our children. The Children's Commission has been established because we now recognise that the whole community has a responsibility for the rights of all children. We must recognise that that responsibility cannot be ignored or walked away from. The need to ensure adequate standards in home schooling is part of that responsibility.

Fewer than 40 of almost 7,000 applications or renewal applications for home schooling since 1991 have been declined. It is important to note, however, that 40 of those applications were declined. Most of the applications declined were declined because a visit showed that a child's education or wellbeing would be at risk. Forty may be a small component of the total number of applications, but no rational person would deny the rights of the children in those homes to be so protected. It is important to note also that of the hundreds of home schoolers in this State only a very few object to complying with the procedures required under the regulations.

In the past 12 months a small number of people have refused to comply with the procedures, and they have run an effective political campaign based on a narrow and legalistic interpretation of the Act that favours their rights over the rights of their children. Basically, they argue that they have told the Minister that their instruction is up to scratch and that is where it ends. They believe that the Minister, the State and the wider community have no further right to ensure that their children are being properly taught and cared for. It is especially disturbing that those few parents have been supported by the Opposition in this matter.

This fits the shadow minister's view of schooling—a strange amalgam of Thatcherite policies, religious fundamentalism, opportunism and

prejudice against the department, teacher unions and parent representative bodies. It is shameful that we are debating this matter today. This is further evidence that the Opposition cannot launch an effective attack on a substantive educational policy or issue and is left dealing with the outer reaches of educational matters. In this debate the Opposition has, for its own political purposes, lured a small percentage of home schoolers to take part in its tawdry political stunt.

In the face of the Opposition's tactics, it is necessary to again state clearly the nature of the regulation. The regulation has no increased impact on any person or agency; it gives regulatory force to the existing widely used guidelines; it takes away no rights; it has no impact on the quality of education provided to children; and it is a minimalist regulation that recognises the rights of parents whilst recognising the State's duty to ensure that every child receives the highest quality of education. We all have home schoolers in our electorates. Only a tiny percentage of those home schoolers have any problem with this legislation. The regulation guarantees standards in home schooling. Of course it should remain in force.

Dr KERNOHAN (Camden) [7.45 p.m.]: I speak against this amendment and for the motion. I, too, believe that by the time this issue has been strung out the House will not be in session in order to make a decision and, as the regulation is now in force and has been gazetted, home schoolers will be left in limbo with nothing being done for some time. Definitely this motion for disallowance should be supported. I knew nothing about home schooling until fairly recently. This matter came before the Regulation Review Committee, of which I am a member.

At 10.00 a.m. on Tuesday, 29 September, I was approached by Katie Spicer of Picton and later that day, at 4.45 p.m., by Leanne Glenn of Camden. I was asked whether I would be prepared to meet a group of home schoolers. At 7.30 p.m. on Friday, 2 October, I met three couples and four individual parents from Camden, Picton, Ruse, Pheasants Nest and Mittagong who teach a total of 29 children. The meeting took place at the home of Christopher and Leanne Glenn at 62 Bowman Avenue, Camden south. I had no idea that home schooling took place in such close proximity to my own home—only 300 metres away. The meeting lasted for three hours and included a very nice supper.

My impressions were that home schoolers are highly intelligent and very dedicated people and that they feel extremely offended and abused by their

treatment by the Office of the Board of Studies. They were concerned about parents' rights versus the rights of the State, the invasion of the privacy of their homes and, particularly, the lack of consultation before the guidelines became law. According to the third edition of the *Macquarie Dictionary* a guideline is either a statement that offers advice or implementation of a policy or a general instruction such as a guideline for an inquiry. The dictionary defines a regulation as being a rule or order, as for conduct, prescribed by an authority, or a governing direction or law. There is a big difference between those terms.

It has been stated all along that the guidelines and the regulations are the same. They are not the same, as was evidenced before the Regulation Review Committee. The chairman of the committee asked why the guidelines in their entirety were not incorporated in the regulation. That is another matter. On Wednesday, 14 October, here at Parliament House, I met Philip and Colleen Strange of 4 Bruce Street, Stanmore. Their submission documented the history of the guidelines and regulations—a most interesting history. In a letter to me, Philip and Colleen Strange state:

The guidelines state that they were developed in consultation with home schoolers. The truth of this matter is that they were developed with two home schoolers, both of whom were "consultants" to the OBoS [Office of the Board of Studies]. One also ran a private company called "Home Schoolers Australia Pty Ltd" . . .

Their letter also states:

The Efforts of the OBoS to consult with the wider home schooling community since mid 96 have also been a total and utter failure. The OBoS has failed to meet its own undertakings to consult.

The home schoolers told me about the attempts that have been made to resolve the matter. That subject has already been touched upon. The Board of Studies set up a consultation group. Several meetings were held and a working party was ultimately formed to examine the guidelines. However, the Board of Studies insisted that the efficacy and validity of the guidelines had to be accepted. The board refused to consider the new draft guidelines suggested by some members of the working party. At the last meeting on 31 August the Board of Studies clearly stated that no changes to the regulations were imminent. But seven working days later, on 11 September, the Education Amendment (Home Schooling) Regulation was gazetted. On 22 September it was tabled in the Parliament. There was no consultation or notification.

The home schoolers discovered by accident or through friends what the Government had done. They were galvanised into action throughout New South Wales. On 26 September representatives of various groups and networks informally met and formed the Home Education Council of New South Wales to provide a united front on basic issues on which they all agree. That body, although not legally constituted, has an affiliation of more than 450 educating families of the so-called 900 that are registered and oppose this regulation. The Regulation Review Committee held an inquiry on Thursday, 15 October, at 9.40 a.m. at which representatives of the home schoolers, including Mr Alan Downes, Mr Geoff and Mrs Toni Stevens, were present. Mr Alan Hardy, a member of the Home Education Council was also present and three witnesses from the Board of Studies represented the Minister—Mr John Ward, General Manager; Mr Robert Randall, Director, Curriculum; and Mr David Murphy, Director of Finance and Administration.

Mr Ward spoke on behalf of the Minister. I have never seen three more uncomfortable and embarrassed administrators than the representatives of the Minister. Mr Ward read carefully worded and prepared answers to some questions—answers which were obviously approved by solicitors—in a valiant effort to protect the Minister. Mr Ward tried but he was not very convincing. It became obvious during that meeting that the Board of Studies had not complied with the spirit of the Subordinate Legislation Act. The Board of Studies had not looked at alternative and effective means of home schooling. There was no assessment of costs and the benefits of the regulation were not spelled out.

It is obvious that the requirements of the Subordinate Legislation Act have not been fulfilled. The Regulation Review Committee inquiry will report in full to this House. Because of major departures from the requirements of the Subordinate Legislation Act, the committee obviously believes that the regulation should be repealed and redrafted after adequate consultation and assessment of its provisions. The regulation should be repealed and disallowed as soon as possible and redrafted properly. It is imperative that the Minister and his administrators consult with the home schoolers. The regulation must be disallowed.

Mr SHEDDEN (Bankstown) [7.54 p.m.]: The Regulation Review Committee, of which I am the chairman, held a public inquiry into this regulation on Thursday, 15 October. The committee took detailed evidence from the Board of Studies and from home schooling parents. As there has been some speculation in the press on the committee's

deliberations I should inform the House that the committee resolved:

That, whilst accepting the necessity for regulations relating to home schooling, the Education Amendment (Home Schooling) Regulation 1998 be repealed and redrafted after adequate consultation and assessment have been carried out in conformity with the requirements of the Subordinate Legislation Act.

The committee will report to Parliament in detail on its resolution. The committee is satisfied as to the legality of the regulation. However, the evidence presented to it shows that no proper consultation was carried out with public interest groups and that there was no clear costing of the regulation or effective examination of alternative options. The committee was of the view that the procedures that the department followed in making this regulation did not comply with the Subordinate Legislation Act.

Mr CHAPPELL (Northern Tablelands) [7.56 p.m.]: This disallowance motion is being debated because there has been grossly inadequate communication with those who are most affected, that is, the parents of the children in this State who are home schooled. Those children number between 900 and 1,000; there are 70 in my electorate. Their parents are, by and large, independently minded, and highly committed and responsible parents and educators. They believe, for different reasons, that the education they provide to their children is superior to the education that is provided by the State. They are entitled to that view and they are entitled to the support of an Act of Parliament which authorises and sanctions home schooling as a valid and legal process.

Like so many of the actions the Government has taken during recent years, it has imposed the regulation on parents; it has not negotiated and co-operated with them. It has not sought to ensure that a valid outcome, acceptable to all involved, was achieved. The Government has enshrined some controversial procedures in a regulation which has seriously upset parents. I am particularly indebted to one of my constituents, Mr Alan Hardy of Armidale, who, with his wife, is home schooling his children. They are some of the 70 children in my electorate who are being educated at home.

Several months ago Mr Hardy asked me whether I was aware of home schooling and understood the reasons why many parents choose that method of educating their children. I said I knew about it. In fact earlier this year on a visit by the Governor to my electorate I met a couple of children at a function in the middle of the day. I

asked them why they were not at school. Their father, who was with them, said that he home schools his children and that the visit by the Governor is the sort of activity to which he likes his children to be exposed. He said he likes to tell them how the world works, who people are and what the office of Governor is about. He said that it was an educational experience for the children to meet the Governor, an outing that children who are at school that afternoon could not attend. He thought that was a preferred outcome.

Under the guidance of highly dedicated parents home-schooled children turn out to be delightful high achievers. Mr Hardy asked questions relating to section 1B of the Act. What constitutes a sufficient commitment by parents to undertake home schooling? Who will make that judgment? How will it be classified? Mr Hardy also asked questions relating to section 1A of the Act. What level of learning programs and facilities are sufficient? How will we classify and categorise them? He then asked questions relating to section 1E of the Act. What restrictions are placed on an authorised person to demand inspection of our records? Why are these things being imposed on us by way of a formal regulation? Why are children who are home schooled being inspected in such a way?

Authorities want to inspect the facilities of home-schooled children, but they do not do that to those children undergoing distance learning. That restriction is being imposed only on children who are taught at home. I could cite a number of examples to demonstrate why children should be schooled at home. The great majority of parents who have chosen home schooling have a difficult and onerous task, but they have undertaken that task because of a love for their children. They have a great responsibility for and commitment to their children and will, in good spirit, provide quality, educational experiences for them. They simply want a return of that good spirit. They want co-operation and consultation from the Government, not the dogma and control that have been imposed in the past.

Mr CRITTENDEN (Wyang) [8.02 p.m.]: No-one denies parents the right to educate their children. In the words of certain Christian denominations, parents are the primary educators of their children. That principle applies to all those parents who choose to have their children baptised. Some parents quite rightly decide to educate their children from the ages of, say, five to 18—the traditional schooling period. Tonight the Minister is trying to bring certainty to the vast majority of people who decide to pursue the ideal of home

schooling and who do it very well. We have already been given statistics. Currently 1,500 students are registered for home schooling and since 1991, 7,000 children in this State have undertaken home schooling. However, we must ensure that the 40 children who have been denied that opportunity are given adequate schooling.

Critical to our civilised society is the protection of our young children from physical, emotional and sexual abuse. We must also provide them with an environment—be it a home schooling or traditional schooling environment—to enable them to learn about the world. Wonderful material and textbooks are available for any given age group wanting to pursue home schooling. Parents who are reasonably intelligent can provide that sort of platform for their children's schooling. This motion will rebound on the vast majority of people who legitimately want to school their children at home. The honourable member for Camden and the honourable member for The Hills said earlier that they believe this House will not be sitting in 28 days time. They should go to the procedure office to determine for themselves what the spring parliamentary sitting pattern will be. Anyone who makes alternative arrangements for that period should rethink his or her position.

Tonight we were subjected to the views of the honourable member for Camden and the honourable member for The Hills. What they said is not correct. The honourable member for Camden referred earlier to the matter of consultation, but the Minister could not have been fairer. He moved an amendment to the motion to provide for further consultation. The Minister said, "There has been consultation but, if we need further consultation, we will undertake that consultation within the next 28 days." That is a legitimate and worthwhile goal to pursue. This debate does not revolve around the right of people to educate their children; its purpose is to ensure that the current Minister for Education and Training and future Ministers are not held legally responsible for denying children an adequate education.

We must put in place a system that will ensure that children who are schooled at home receive a reasonable education. There is nothing new about that suggestion. District inspectors have gone into Catholic schools and other private schools during the past 20 to 50 years to determine whether or not the curriculum was reasonable and fair and provided a basis for a reasonable education. Opposition members have tried to undermine our system of education in this State and have cast doubt on those in the education department who are charged with this onerous responsibility, which to my knowledge

has been discharged impartially. If there have been problems in the past those problems have been resolved.

People can be confident that the education they are giving their children is appropriate and adequate. Some parents have said that they will not respond to any government direction and will do whatever they like. Some of the older members in our community were denied a traditional education because they were forced to stay at home and milk the cows! Those limitations are not being imposed on the children in this State who are being home schooled. We must ensure that we have in place a system that provides certainty for children being educated at home. They must receive a reasonable education. We owe it to them to ensure that that occurs.

Mr HARRISON (Kiama) [8.08 p.m.]: I acknowledge that we have had a lengthy discussion on this matter. The standing orders provide that the Speaker may extend the one-hour discussion period for matters of this nature. I thank you, Mr Deputy-Speaker for giving me, as a member of the Regulation Review Committee, an opportunity to say something in debate on this motion. The Chairman of the Regulation Review Committee, the honourable member for Bankstown, has already referred to the discussion that occurred at a recent meeting of the Regulation Review Committee. I do not see the need to elaborate on that, other than to say that the attack by the coalition today is duplicitous to say the least. The honourable member for Camden, who was present at that meeting of the Regulation Review Committee, moved a motion to disallow the regulation. I moved an amendment to that motion and the honourable member for Camden withdrew her motion. The amended motion then read:

That, whilst accepting the necessity for regulations relating to home schooling, the Education Amendment (Home Schooling) Regulation 1998 be repealed and redrafted after adequate consultation and assessment have been carried out in conformity with the requirements of the Subordinate Legislation Act.

The salient words are "accepting the necessity for regulations relating to home schooling". The motion was carried unanimously by Government and Opposition members who were present. Not many people in their right minds would suggest that there should be a home education system which is not answerable to a system of guidelines or regulation as need be. If the regulations that have been brought forward on this occasion are completely consistent with the guidelines that have been in existence since 1991, it is obvious that there has been a pedantic effort by people frantically searching for some way

to prevent this regulation from coming into effect. They pointed out, quite rightly of course, that the requirements of the Subordinate Legislation Act in relation to consultation, cost assessment and so on had not been complied with.

I have been proud to serve on that committee because of the even-handedness displayed; no-one has tried to hardline or score political points. The committee has demonstrated even-handedness and the ability to criticise and call to order Ministers of the Government that we represent. That is what we have done on this occasion. The amendment moved by the Minister for Education and Training encapsulates the sentiment of the motion, that we accept the necessity for regulations to home schooling. That was the unanimous view of the Regulation Review Committee and is encapsulated in the amendment moved by the Minister which states:

... while further consultation on the impact of the Regulation in terms of Schedule 1 of the Guidelines for Preparation of Statutory Rules under the Subordinate Legislation 1989 is undertaken by the Office of the Board of Studies with the education community.

The consultation called for by the Regulation Review Committee is embraced in this amendment. I condemn the duplicitous attack on the Government in an attempt to score a few measly political points. It is acknowledged that the regulations were not formulated in the correct way. One issue of significance that I would like to comment on, however, was a claim by a person purporting to be a spokesperson for the home schoolers that she did not feel that there was any necessity for regulations or guidelines of any sort. In effect, she said that people involved in home schooling wanted to do what they wanted to do and did not wish to be answerable to government. If the Government allowed that to occur it would be abrogating its responsibility. It is the parents' responsibility to ensure that children receive an adequate and proper education and it is the Government's responsibility to make sure that certain standards are complied with.

That is what the regulation does. It is not new; it merely enshrines in legislation the position already spelled out in the guidelines. In the past when licences were issued guidelines were attached to the approval that was sent out. Licences that have been approved since the introduction of the regulation have also had the regulation attached to the approval that has been sent out. That is the Government's clear responsibility. It is a pity that committee members who acknowledged the necessity for regulations to be in place now say that those regulations were not prepared in accordance with the

Subordinate Legislation Act and are attempting to score a few measly political points. I support the amendment which reflects the sentiments of the Regulation Review Committee. Consultation will take place on the assessment of costs and so on that should have taken place in the beginning. I hope that the regulation will be put in place as was the wish of all members of the committee.

Mr O'DOHERTY (Ku-ring-gai) [8.15 p.m.], in reply: I thank honourable members who have taken part in this debate, particularly the honourable member for Kiama for his helpful contribution. He reminded honourable members that the Regulation Review Committee reached a unanimous decision. That unanimous decision, as the honourable member for Camden said, was to repeal the regulation. Nothing could be clearer. The honourable member for Camden and the Chairman of the Regulation Review Committee read into *Hansard* the unanimous decision of that bipartisan committee. The committee comprises members of the Australian Labor Party and members of the coalition. The amendment moved by the Minister for Education and Training will not repeal the regulation; it will delay the vote that would be taken in this House to give effect to the wishes of the members of the committee.

In nine minutes, when the House divides on this amendment, Labor Party members who voted unanimously in the committee to repeal the regulation will vote contrary to their consciences and contrary to their earlier decision, because the amendment will not have the effect of repealing the regulation. The Minister proposes to come back to this House, not in 28 days but in 35 days, with a report by government bureaucrats which will effectively rubber stamp what has already been done. The Minister admitted during the debate that the Government had not consulted with home schoolers and had breached the conditions of the Subordinate Legislation Act by not preparing a regulatory impact statement, despite the legislation's significant impact on the people whose lives it will regulate.

Parliament stands for the principle that citizens will not be unfairly traduced by regulations made without debate, unless a regulatory impact statement has been prepared and unless citizens have had the opportunity to express their views. When witnesses expressed their views before the Regulation Review Committee, the committee decided the regulation should be repealed and that consultation should take place. That consultation should not take place while a loaded gun is being pointed at people's heads, but that is what the Minister wants to do. Because past

undertakings have not been honoured, I do not trust the Australian Labor Party when it says that Parliament will still be in session 35 days from now. Government members may be gullible but members on this side of the House are not.

It does not matter whether Parliament is or is not sitting in 35 days, because the Minister has only to say, "We have complied with the Subordinate Legislation Act and have decided that the regulation is good and will stand." That is all he has to do; he does not have to consult with anyone. His amendment does not require him to consult and I do not believe that Government members are so gullible as to believe he will consult with anyone. The Minister did not consult prior to the making of this regulation; why would he consult now?

The only way to be fair to the home schoolers, the Regulation Review Committee of this Parliament and to the members of this House is to repeal the regulation now. This House is the master of its own destiny and members on both sides of the House should be true to their principles and vote to repeal this regulation so that fair consultation can take place. That consultation should start with a blank sheet of paper. The coalition makes two firm and unequivocal commitments. First, we believe, and have always believed, in home schooling as a legitimate form of education.

Second, as I have said to home schoolers and now put on the record of the Parliament, when the coalition is in government it will consult with home schoolers on guidelines, which will probably be given force by regulation, that reflect the new character of home schooling. The coalition will not introduce guidelines or regulations which try to impose a school-based model on home schooling, which is a different form of education. The coalition does not have a preconception that home schooling must be like the education received in a State school for it to be valid.

The coalition understands why parents prefer home schooling. They strongly believe that conventional schools do not provide the best education for their children. The State has a responsibility, together with parents, to ensure that children get the best form of education. The Act enshrines that parental responsibility, and the role of the State is to support parents in their choice. Guidelines or regulations that seek to limit home schooling and impose a Big Brother model which operates from the top down, a model that includes the regulation presented by the Minister, are inconsistent with a belief that the State should support parents in their choice and not impose its will on them.

When the State imposes such guidelines on parents it places them in a difficult situation. Although they are law-abiding citizens, they have to flout the law of New South Wales because the State wants them to do something that is contrary to their beliefs. I want to refer to a number of letters from home schoolers who have contacted the Opposition in the past few days. Referring to the regulation, Douglas and Diane Sylvester of Uralla said:

It restricts those parents who have chosen to educate their children at home by imposing formalities and dictating a particular style of education which is irrelevant and less effective in the home schooling context.

I am also concerned that the wording of the regulation permits it to be interpreted in very strict senses which would restrict our freedom to home school at all.

Ian and Mary Barnes of Valley Heights said:

The title "Conditions of Registration" implies that a child's right to be educated in the safety of his own home is conditional on the State granting approval. Surely in our freedom-loving Australia the child is not yet the property of the State.

That is precisely the point. The Opposition wants regulations or guidelines that confirm the reality that the child is not the property of the State, and that the State supports the parents' choice. If the Minister agrees, he will repeal this regulation and frame a regulation that is based on the different ethos of home schooling, not an ethos that imposes a school-based model. Julia Boxx, one of the path setters, wrote:

The regulation undermines our society's rightful expectation and thus our laws requiring (as the Education Act 1990 does) that the various responsibilities, duties, obligations and accountabilities for and to the child lie first and primarily with the child's parent, not with the state.

In a document faxed within the last hour to honourable members, Julia Boxx said:

I have just been rung that Mr Aquilina is attempting to have the motion on the Home Schooling Regulation delayed for some 28+ days while the Office of the Board "reviews" the Regulation Review Committee's report and attempts to do some "consulting" with home schoolers, etc etc.

Mr O'Doherty, this is people's lives, families and our children's educations the Minister is attempting to play with and mess around—now with a messy and highly suspect stall tactic in the midst of the Motion!

I ask you to please urge the Motion, debate and vote to proceed as it is intended to now. We home schoolers had a specified time in which to submit our submissions and letters to the Parliamentarians. Surely, Mr Aquilina now may not simply way-lay the issue like this while he attempts to manipulate the situation to his liking in this way.

I am persuaded by that argument. I believe that the Government is attempting to manipulate the situation. The Government does not want caucus members to be embarrassed by having to vote against a regulation which the Regulation Review Committee unanimously agreed should be repealed. The Government is trying to save face. Its strategy is inappropriate and it has been caught out. I thank all honourable members who took part in the debate, particularly the honourable member for The Hills, the honourable member for Camden and the honourable member for Northern Tablelands.

They support the notion that home schooling is a legitimate form of education. It is not suitable for every child by any means, and it is one not undertaken lightly. It is a form of education that most parents would find most onerous, but it allows some parents a wonderful opportunity to educate their children in the way they choose. Home schooling is but one manifestation of the notion that parents have primary responsibility for the education of their children. I urge the House not to be delayed by the Minister's stalling tactic and to support the motion.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 48

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Ms Moore
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Neilly
Mr Clough	Ms Nori
Mr Crittenden	Mr Price
Mr Debus	Dr Refshauge
Mr Face	Mr Rogan
Mr Gaudry	Mr Rumble
Mr Gibson	Mr Scully
Mrs Grusovin	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Tripodi
Mr Jemma	Mr Watkins
Mr Knight	Mr Whelan
Mr Knowles	Mr Windsor
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Noes, 39

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Humpherson	Mr Small
Mr Jeffery	Mr Souris
Dr Kernohan	Mrs Stone
Mr Kerr	Mr Tink
Mr MacCarthy	Mr J. H. Turner
Dr Macdonald	Mr R. W. Turner
Mr Merton	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Smith

Pairs

Mr Carr	Mr Cochran
Mr Nagle	Mr Collins
Mr E. T. Page	Mr Hartcher

Question so resolved in the affirmative.

Amendment agreed to.

Motion as amended agreed to.

**OLYMPIC ROADS AND TRANSPORT
AUTHORITY BILL**

Second Reading

Debate resumed from 14 October.

Mr ARMSTRONG (Lachlan—Leader of the National Party) [8.35 p.m.]: I lead on behalf of the Opposition. As shadow minister for the Olympics, I am pleased to indicate that the Liberal and National parties do not oppose this legislation. However, the coalition will be proposing a number of amendments that will improve the operation of the Olympic Roads and Transport Authority significantly. At the outset I want to place on the record once again the wholehearted commitment of the Liberal and National parties to host the best Olympic and Paralympic Games in history.

It is a matter of record that the Liberal and National parties were in government when Sydney won the right to host the Games in 1993, and we

look forward to being in government in 2000 to oversee the conclusion of this great task. We regard the current Government as being purely a caretaker for the next few months. I therefore want to take the opportunity to assure the House that in the event of a change of government on 27 March next year there will be a seamless transition in the management of the Games.

Apart from a number of issues that have already been publicly canvassed, I foresee only minimal changes to the personnel and structures of the Sydney Organising Committee for the Olympic Games, the Sydney Paralympic Organising Committee, the Olympic Co-ordination Authority, and the Olympic Roads and Transport Authority. As far as the coalition parties are concerned, on the Monday following the 27 March elections it will essentially be business as usual as far as those organisations are concerned. The Leader of the Opposition and I will have more to say on our overall plans for the State Government's preparations for the Games in the near future.

I refer now to the bill before the House. As the Minister for the Olympics said during his second reading speech on this bill, there will be only one chance to get it right. It is that sobering fact that keeps many of those involved in preparations for the Games awake at night. It is now almost a cliché to say that the eyes of the world will be on Sydney for two weeks during September 2000. The right to host the millennium Games presents significant opportunities for New South Wales, but it also poses significant hazards. One need only cast one's mind back to the experience of Atlanta, which, despite hosting an excellent Olympic Games overall, has not been able to capitalise on the many opportunities presented to it.

It is fair to say that for many people around the world, television pictures of traffic jams, lost bus drivers and grumbling athletes are as memorable as pictures of Kieren Perkins winning the 1,500 metres freestyle, or Michael Johnson winning the 200 metres sprint in 19.32 seconds. The House should be under no illusion that elements of the world's media will seize on any similar failures in Sydney and magnify them. I know that to be one of the fears of not only the Minister but also his senior staff. The impact of such pictures on the uninitiated around the world who would come to view Sydney as an attractive but chaotic city would impact on the State's bottom line for years following 2000.

The work of the Olympic Roads and Transport Authority—ORTA—therefore is of paramount importance to our ability to reposition ourselves on

the world stage. For that reason, I understand ORTA is vested with the powers proposed in the bill now before the House. Essentially, the transition from an authority under the Public Sector Management Act to a statutory authority under its own Act gives ORTA greater flexibility in hiring significant numbers of staff and dealing in property. Further, the legislation will vest in the Chief Executive Officer of the Olympic Roads and Transport Authority power to direct agencies other than police and emergency services.

I understand that to date the chief executive officer of ORTA has relied on personal relationships to deal with a number of particular issues where there has been potential conflict between agencies. However, there is no doubt that as we move closer to the Games the potential for other agencies to try to use the Olympics and Paralympics as leverage will become almost too great a temptation. My colleagues the honourable member for Ermington and the honourable member for Lane Cove will move amendments to place some constraints on those powers, particularly as they relate to the business community in their electorates.

The needs of the business community and the wider community in general need to be taken into much greater account in transport planning, which is why the Opposition will be proposing that certain representatives be included on the board of the Olympic Roads and Transport Authority. It is an unfortunate trademark of the Labor Government's handling of preparations for the Games that it tends to be exclusive, rather than inclusive. Accepting the Opposition's proposed amendments would be an appropriate acknowledgment of the impact of the Games on the day-to-day operations of the city's business community.

I refer now to other Olympic transport planning issues. I note in passing that in the second reading speech the Minister referred to the \$1 million contract for Olympic transport modelling that was let in June. I understand that that contract was let almost six months late. The Minister might like to inform the House of the circumstances that led to the delay and to what extent overall transport planning has been delayed because of it. I ask the Minister to indicate whether the motor vehicles to be used by ORTA in providing services for SOCOG will be the subject of concessional registration fees and, if so, whether the amount of revenue forgone by the RTA has been included in his estimates of the global cost of the Games. That is an important issue because the Opposition has grave reservations about the Minister's calculations of the overall cost of the Games, and we await with interest the Auditor-General's report into the matter. The

Minister may also inform the House of plans for a review of the chaotic system of road signs in Sydney. In answer to a question on notice in September 1997 the Minister for Roads indicated:

The Roads and Traffic Authority is developing a strategy for Sydney that will take into consideration the needs of general road users as well as the specific requirements of the Easter Show relocation to Homebush, the 2000 Olympics and the expected increases in tourism leading up to and beyond 2000.

Although the chief executive officer of the RTA has further assured me that the RTA is currently going through a re-signage process, I ask the Minister whether ORTA has any plans to fast-track this process. Signage must have continuity and be upgraded if this great city of Sydney is to be a proper host to the estimated 350,000 plus overseas visitors, many of whom do not speak English as their first language. Although I appreciate that it will not be possible to approach the various Olympic sites by private motor vehicle, and therefore the need for a review of the re-signage process might not seem as important as other tasks, there is no doubt that the lack of co-ordination of the current signage system will add to the general traffic chaos, which in turn will impact on Olympic traffic arrangements. The Government must reconsider the continuity, effectiveness and placing of signs.

In formulating our position on this bill, the Opposition consulted a number of interested parties, including the highly reputed Bicycle New South Wales, Green Games Watch 2000, the Centre for Olympic Studies, the New South Wales Taxi Council, the New South Wales Taxi Industry Association and Sydney airport. The Chamber of Commerce supported the bill but wisely called for greater business representation. I hope that the Government will accommodate that request by accepting the Opposition's proposed amendments. Preliminary advice from the Bus and Coach Association is that the bill will not impact specifically on the private bus and coach industry. Mr Jim Donovan from Action for Public Transport commented that there was a greater need to focus on transport arrangements after the Games. Mr Alan Finlay advised that

I regret that the NRMA is not in a position to offer any comment on the matter.

I am disappointed that the National Roads and Motorists Association has not shown greater interest in this matter because I believe the Games, more than any other factor, will occupy the thoughts and comments of its members in 2000. In conclusion, pending favourable consideration of the amendments to be moved in Committee, the Opposition does not

oppose the legislation. I am grateful to the Minister for allowing the chief executive officer of the authority, Mr Ron Christie, to brief me on the legislation yesterday. I hope the Minister will see fit to accept the comments and proposed amendments in the spirit of delivering a better Games. The Opposition has been committed to that from day one. We are proud of the fact that the original submissions to the International Olympic Committee were successful not only in Sydney winning the bid for the Games but also for acting as the benchmark and model throughout the process. Indeed, while members of the Olympic Co-ordination Authority are in town next week they will use the original submissions to measure progress and the levels of excellence being achieved for Sydney and New South Wales in preparation of the 2000 Games.

Mrs CHIKAROVSKI (Lane Cove) [8.45 p.m.]: I echo the words of the Leader of the National Party that the coalition absolutely supports the Olympics. Honourable members of this House will recall that the coalition worked extremely hard to ensure that the Olympics came to Sydney in 2000. We did so because we felt that the Games would benefit not only Sydney and New South Wales but, indeed, the whole of Australia. To focus the attention of the world on our city and our country is an opportunity that few governments have enjoyed. As I said, I echo the words of the Leader of the National Party. However, our criticism of this bill does not suggest that we are walking away from our bipartisan support of the Olympics.

Over the past few years we have worked constantly to facilitate the delivery of what will be the outstanding event of 2000. Undoubtedly, the people of Sydney, New South Wales and, indeed, the whole of Australia will be delighted when our city celebrates with the world the passion, excitement and enthusiasm of the Olympic Games. Recent surveys indicate that the passion that perhaps all members in this House have for the Olympic Games is not being reflected in the general community. Some surveys show that enthusiasm for the Games is not growing; indeed, the most recent survey released last week shows that enthusiasm is dropping off. I suspect that that reflects a number of concerns in the community about the Olympics and its impact on the State budget, the delivery of other services, and the scenes of the city undergoing change. For that reason the Opposition is a little concerned about this bill and is proposing a number of amendments to it.

Let me make it clear that we accept and understand the need to have a transport co-ordinating authority. As the Leader of the National

Party said, the transport aspect will be a vital part of delivering a successful Games. People having to queue, people not being able to get to venues, people being left outside venues and people not being properly directed to venues will all be issues for the Games, and unless those issues are dealt with successfully we will rightly be criticised by the world media. At the same time we must ensure that, in delivering the correct road transport system for the Games, we do not disrupt the rest of the life of Sydney.

The Minister for the Olympics has outlined a decision already taken that designates Victoria Road as the principal route for the Olympics. That has caused some anxiety in the local community, especially among the shopkeepers of Gladesville. Concern has been expressed to me, the honourable member for Ermington and the honourable member for Gladesville about the clearway which we propose for the Olympic Games, and that matter is being discussed at the moment. A bigger concern is that the RTA in its wisdom may decide to prohibit right-hand turns along Victoria Road, that the bill will give ORTA too much power and the authority will be able to impose its will on the Roads and Traffic Authority, and that the concerns of the business community and the local community at large will not be taken into account when decisions relating to Victoria Road are taken.

I foreshadow an amendment such that any decisions, more particularly decisions affecting Victoria Road traffic, be taken after consultation with the local business community. To ensure that the Games are successful and are supported by the Parliament, the business community and the general community, we must ensure that the community has an opportunity to participate in the decision-making process of all aspects of the Games. That is particularly important when people's livelihoods will be affected by decisions such as those facilitating the operation of the clearway lane on Victoria Road.

I urge the Minister for the Olympics to take into account the concerns of those directly affected by the decisions of ORTA and I support the Opposition's amendment. The honourable member for Gladesville is very much aware of the concerns of the local chamber of commerce. I understand he facilitated a meeting with the Minister for Roads on an earlier occasion. I challenge the honourable member for Gladesville when he votes on the amendment to take into account those concerns and to put on the public record his support for the chamber of commerce, local business and the local community.

Mr Photios: For their inclusion.

Mrs CHIKAROVSKI: That he will be part of the process to allow those people to be included in the decision-making process, as the honourable member for Ermington said, because decisions about Victoria Road may impact for a much longer period than just the period of the Games. I hope the Government supports the amendment. If not, I hope that at least the honourable member for Gladesville will do the right thing by his constituents and cross the floor to vote with the Opposition.

For the information of the House the two streets involve an existing right-hand turn at Pittwater Road and a proposed turn at Cowell Street. Agreement was previously reached that the Cowell Street right-hand turn would be allowed by the Roads and Traffic Authority, but the concern is that the RTA has walked away from that decision. If ORTA becomes the body that is influential about decisions for Victoria Road traffic, the Opposition is concerned that it will bring pressure to bear on the RTA to maintain the decision it expressed to the local chamber of commerce.

However, that decision is in contradiction to the original decision to allow the Cowell Street right-hand turn. The Opposition supports the general thrust of the bill, but is concerned about some aspects. I look forward to the Minister supporting the proposed amendments, and I am sure the honourable member for Ermington will ask for the same support when he speaks to his proposed amendment. The Olympics will be an outstanding event. The coalition will do all it can to facilitate the provision of those Games and looks forward to delivering the Olympic Games as the Government of New South Wales in the year 2000.

Mr PHOTIOS (Ermington) [8.53 p.m.]: The challenge for Sydney and New South Wales in the lead-up to the Olympic Games is more a transport challenge than a sporting one. Our athletes will win gold. Sydney needs to win its future place on the international map as a country that can efficiently manage the Olympic Games. Community of interest and future potential are the gold bullion that the Olympics will generate for Australia's future. Our challenge is not merely to win gold at the Games but to take gold for the transport routes that cross the Sydney matrix.

This bill is necessary and is fundamental to the success of the Games. On principle, as shadow minister for transport, I endorse the strategy that will be adopted by this House. Our future with these Games and our challenge very much focuses on

broader issues than sport, tourism and the administration of the Games. I wish the Minister for the Olympics and the Government well. The Opposition pledged our unqualified support in that task.

This bill brings together an umbrella framework and co-ordinated approach that gives legislative teeth to an authority that thus far has acquitted itself well. I was cautious about the potential traffic outcomes during the Easter weekend and the first Royal Easter Show at Homebush Bay. With lessons learned from that test I am delighted that as a State we have acquitted ourselves well, but the challenge for the Olympics—not the test Olympics—is real and dynamic. Rail patronage is expected to increase 80 per cent from 850,000 commuter trips a year almost overnight.

On one rail line, the most stressed in the network without the service of a single new railway carriage—given the inability of this Government to deliver on the first carriages from the fourth generation rail contract before the Olympics—we expect to deliver results with an 80 per cent increase in patronage overnight. The real challenge of the Games is with rail transport. With bus transport we will acquit ourselves with a 50 per cent increased target by bringing in interstate and intrastate bus drivers to provide the infrastructure that will increase the existing public and private transport network.

We have the capacity to deliver effective transport. However, this bill reaches beyond that and provides a co-ordinated framework. In that sense, together with my colleagues, I endorse this necessary legislation. However, two vital ingredients are needed. The Olympic Games will mean nothing to the people of Sydney if everyone is not included within the vision. The Olympic Games are not meant to be merely an elite event for the participation of those in the elite Sydney and international communities. Our approach must be community based and community focused.

As a community-based member of Parliament I am concerned at this Government's determination to get the big picture right at the cost to men and women, to small business in the streets and in the back blocks of the Olympics. In that regard the Opposition proposes two essential ingredients. First, the Opposition wants the bill amended to require the Olympic Roads and Transport Authority to have an absolute mandate to consult and liaise with the business community on any transport decision to ensure that in exercising its functions the authority does not have an onerous and negative impact on existing businesses.

The amendment proposed by a community-based Opposition is critical. As the honourable member for Lane Cove said, it is all well and good to focus on the Games, a big 16-day event. There is no disagreement between the Government and the Opposition in that regard. After all, they are our Games and the Government is delivering it—

Mrs Chikarovski: For the time being.

Mr PHOTIOS: Well, in this transition phase, as the honourable member for Lane Cove points out. The coalition won the Games bid, the present Government will help build it and we will open them. We look forward to the Leader of the National Party participating in that critical role. People are acutely concerned that they will lose out in the Government's determination to build the Games for the elite of Sydney and not for the community at large. The Opposition is trying to look after the men and women of New South Wales who want to be cut into the picture, who want their concerns addressed. This measure should require the Government to take into account the negative impact on existing businesses in the area. The people of Ryde, Gladesville, and Drummoyne deserve nothing more and nothing less.

I am surprised at the Government's arrogance in not including such important provisions in the bill. I will be interested to see how the Government is tested in that regard. The Government should consult, liaise, and take all matters into account. The Government should properly compensate businesses that suffer. The community has a right to be accommodated in the outcome. The Government should embrace a compensation package which provides appropriate funding—if not for individual businesses then at least for relevant chambers of commerce—to give them an opportunity, after the Games have concluded, to restart. Compensation will enable business to develop notwithstanding the sacrifices they may necessarily make but should not have to make under the arrogant dictatorship of a Government blind to their very real concerns.

Following consideration of the amendment foreshadowed by the honourable member for Lane Cove—who is understandably concerned, as I am, about Roads and Traffic Authority agendas being run through an Olympic transport bill—I will propose amendments that relate to the representation on the advisory council of the Olympic Roads and Transport Authority. Like the honourable member for Lane Cove, I am concerned about the Roads and Traffic Authority's proposed G-turn in Linsley Street off Victoria Road. Understandably, it has been branded by the Gladesville Chamber of Commerce

as a dangerous proposal. The honourable member for Lane Cove and I have supported the Gladesville Chamber of Commerce, local schools, child-care centres and the community at large in the face of inertia on the part of the honourable member for Gladesville, John Watkins.

As part of the upgrade to Victoria Road the RTA proposes to ban all right-hand turns by vehicles travelling from the city, diverting traffic through a ring road G-turn. This is completely unacceptable to the community. If this legislation is to be used as a vehicle to sneak this proposal through, the Opposition unqualifiedly rejects it. We look forward to an assurance by the Minister for the Olympics that this legislation relates merely to the Olympic Games period and will not be used as a vehicle to run an RTA-Carr Government-Watkins-led agenda to ban people from turning off Victoria Road into their local neighbourhoods. The people of Gladesville and Ryde do not want the Watkins solution, they want access. They want community-based representation, and that is what they will get from the coalition.

The Chikarovski-Photios proposal, by means of amendment, will mandate that the Government take into consideration local requirements. We will not allow the RTA or ORTA to do this, to the exclusion of local communities. The coalition is determined to give them, as the shadow minister for the Olympics encourages me to say, the legislative assurance that their considerations will be taken into account. There will be no bans on right-hand turns that will lock people out of their communities. There will be compensation for local chambers of commerce who rightly deserve it, given the sacrifices they make, and there will be representation on the advisory board of ORTA that will give locals a say in their destiny. I will pursue that mantra of community-based representation up hill and down dale, in Watkins territory. If the member for Gladesville wants to take a coffee break, I assure him I will be there on the ground representing his local community, alongside the honourable member for Lane Cove.

We want to see a representative council, not a council of bureaucrats. The Olympics is not about fat cats; it is about people. We want to see chambers of commerce represented on the board. We want to see the State Chamber of Commerce representing the community at large and we want to see Victoria Road, which is to be designated an Olympic highway, as an access road for all. In that regard, the Drummoyne, Gladesville and West Ryde chambers of commerce must necessarily be a part of the process. I plead with the Minister to remember

the community. He should not think just of Juan Antonio Samaranch. I plead with the Minister to think beyond Switzerland and the European leadership of the Olympic community and to think of the men and women in small businesses who will make sacrifices to make the Olympics work. If the Minister cuts them into the picture he will cut Sydney into the picture. The transport challenge is difficult enough without ignoring the community at large. I endorse the legislation with appropriate refinements which will make it a community-based bill, not a tablet handed down from on high in almost a biblical setting. It is critical that the community be cut into this picture because we all want a say, we all want a role, and we all have a right to be included.

Ms MOORE (Bligh) [9.06 p.m.]: I support the aims of this bill. They are to provide co-ordinated and integrated transport solutions that will ensure that the 2000 Olympics are remembered for struggles, victories and sporting spirit rather than for the traffic chaos and the destruction of residential and business amenities. I call on the Minister to ensure that the Olympic Roads and Transport Authority uses the increased authority given to it by this legislation to solve the massive transport challenges involved in staging the Games. The Minister, in his second reading speech, said that transport:

... is one of the greatest challenges associated with staging the Olympic Games.

Other speakers in this debate have also referred to that point. Co-ordination of transport for the 1998 Royal Easter Show at Homebush Bay showed what is possible when a comprehensive commitment is made to implementing and, most importantly, publicising public transport. However, such a success cannot be taken for granted, as was clearly shown on Sunday, 26 July when traffic at Homebush Bay was brought to a virtual standstill by 40,000 visiting the Olympic site, the largest number since the Royal Easter Show. Lack of promotion meant that public transport was underutilised and 28,000 people made the mistake of driving.

Though the Royal Easter Show proved that a public-transport-only policy can be effective, properly promoted and implemented, the Minister has yet to give a clear and public commitment that a similar policy will be implemented for Olympic venues in the inner city. I hope he can give that commitment in his reply. In April Dr Jacques Rogge of the International Olympic Committee highlighted problems that were still to be addressed in transport to Olympic events at Darling Harbour and Moore

Park. The NRMA has identified that the shortest route from Sydney (Kingsford-Smith) Airport to the Olympic site is via the inner city suburbs and residential streets of Redfern, Surry Hills and Darlinghurst. The inner city is in great need of a public-transport-only policy. Inner city roads cannot handle existing traffic levels. They will be gridlocked by unmanaged Olympic demands. Traffic in the vicinity of Moore Park regularly comes to a standstill during events at the sporting stadia, the Hordern Pavilion and the Royal Hall of Industries. Congestion will worsen and spread when the seven-day-a-week Fox entertainment complex opens.

No solutions are yet in place to eliminate this traffic chaos and its impact on the amenity of residents in the surrounding suburbs of Redfern, Surry Hills, Darlinghurst, Paddington, Centennial Park and further afield. Last Sunday, at a rally called to reclaim Moore Park for the people of Sydney, local residents and business people called for solutions to traffic chaos, including a total and permanent ban on car parking on Moore Park. What other city in the world allows valuable inner city parkland to be used permanently for car parking? Yet, when the eyes of the world are on Sydney for the green Olympics it seems we will be taking the appalling action of extending car parking on our precious parkland.

Despite community anger and outcry, SOCOG has provided car parking for 800 cars on Rushcutters Bay Park, with signs on New South Head Road directing motorists to the car park. It was wonderful recently to see in the *Sydney Morning Herald* a photograph of a German gold medallist, a participant at the recent test, who travelled with his crew and equipment to Rushcutters Bay on the bus, setting an example for everyone else. Many local residents contacted me during the test to tell me about the traffic and parking problems that were being experienced. As the Minister would know, a meeting has since been held with SOCOG to pass on that information. Moore Park will host the cycling, fencing and marathon events for the Olympics. We do not yet have a commitment that Moore Park will not, in the name of the Olympics, be degraded by car parking.

Readily available, inexpensive car parking encourages motorists to drive rather than use public transport, adding to traffic chaos. Public transport is supposed to be the official policy of this Government. To ensure co-ordinated and effective transport for the Olympics, ORTA must implement the public-transport-only policy for all Olympic venues, particularly inner-city venues, for all spectators, contestants and officials. It must ensure

that there is no car parking allowed on Moore Park and that the car parking area of Rushcutters Bay is dramatically reduced—I believe that it should be completely eliminated. We should follow the example shown by the German gold medallist and his crew who came on the bus.

The Government's dithering and lack of commitment could have already cost us the opportunity to build for the Games' badly needed public transport infrastructure for the inner area. Sunday's rally at Moore Park called for the urgent establishment of a high-volume public transport system such as light rail to Moore Park and beyond to handle the increasing day demand in the area and to reduce traffic congestion. Every honourable member would be familiar with that congestion, as it is experienced when one travels to this place. The rally called for the immediate release of a light rail feasibility study, which was promised when the Eastern Distributor was approved.

This Government had the will to rush through in time for the Olympics the Eastern Distributor, a major tollway that will generate increased traffic in the city. It has been estimated that an increase of 125,000 vehicles per day will travel via the Eastern Distributor. Even though public transport is the Government's official policy, the Government has been unable or unwilling to give the same priority to a public transport system desperately needed in time for the Olympics. Provision of better public transport systems would provide an invaluable Olympic legacy for this city.

My major concerns about the bill relate to the way in which the Government will ensure that it does not run roughshod over the community, residents and businesses of the inner city in the name of the Olympics. We want the Olympics to be a cause for celebration, not anger and frustration as was experienced in Atlanta. I therefore urge the Minister to amend this legislation in two areas. First, I call for direct community input into the operation of ORTA. It is not sufficient to hope that informal and ad hoc mechanisms might allow the views and concerns of Sydney's community to be included in the planning and co-ordination of integrated road transport for the Olympics. There must be a mechanism to ensure that resident and business concerns and environmental issues are a central part of ORTA's work.

The board of authority provided in part 4, division 2 of the bill is composed entirely of senior public officials from the Olympic Co-ordination Authority, SOCOG, ORTA, the Department of

Transport, the Roads and Traffic Authority and the Police Service. The advisory board must include community representation from residents and businesses. I ask the Minister to add to the board of authority at least one community representative, preferably two community representatives, appointed following an open and publicly advertised nomination and selection process.

I call on the Minister to expand the principal functions of ORTA as provided in clause 8, requiring ORTA to consult relevant community groups and individuals on its strategies and to be responsive to their concerns. Second, I call on the Minister to incorporate centrally to this legislation a public-transport-only policy. ORTA must have as one of its principal functions in clause 8 the identification and implementation of public transport strategies wherever possible for all venues and all spectators, contestants and officials. This bill is good as far as it goes. I call on the Minister to make the additional commitments to which I have referred to ensure ongoing community input and an effective city-wide public-transport-only policy.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [9.14 p.m.], in reply: I first thank the shadow minister for the Olympics, the Leader of the National Party, for indicating that he will support this bill—or, in his coy words, not oppose it. The Leader of the National Party made general comments about the Olympics. He said that in the—unlikely—event that the coalition were elected to office on 27 March 1999 it would make only minimal changes to the personnel of SOCOG, OCA and ORTA. That obviously begs the question, who is on the Opposition's hit list? I invite the Leader of the National Party to say publicly on any occasion just who in each of those bodies is on his hit list.

Mrs Chikarovski: It starts with you.

Mr KNIGHT: It is well known and well accepted that if the coalition were to gain office I would be the first person from the Olympic bodies to be dispensed with. The electorate can make its own judgment on that. Government members would like to know who else is on the hit list foreshadowed by the Leader of the National Party. The Leader of the National Party asked me to respond to two matters particularly. He suggested that the million-dollar transport modelling contract is six months behind schedule. He asked me to indicate whether that was the case and, if so, to say why a delay had occurred. The simple answer is that that is not the case. The Leader of the National Party has obviously been misinformed.

There was a request for proposals. People were given six months to submit fairly detailed proposals. The successful tenderer was accepted. Work has been under way since May this year and work continues to be done. The Leader of the National Party asked whether there would be concessional registration for cars in the fleet supplied by General Motors-Holden's Automotive Ltd for the Sydney 2000 Olympics and the Paralympics. Certainly that is not a suggestion I have heard before. The chief executive officer of the RTA, Ron Christie, advises that he has had no approach of that nature. His understanding is that the cars to be received by ORTA will be supplied by SOCOG and GMH already registered.

The head of operations and deputy chief executive of SOCOG, Jim Sloman, similarly is not aware of a proposal such as that foreshadowed by the Leader of the National Party and has not put such a proposal to the Government. The honourable member for Lane Cove, amidst her self-serving comments about the Liberal Party and the bid for the Olympics—

Mrs Chikarovski: Reflections on the truth.

Mr KNIGHT: I listened to the honourable member in silence—probably the only way she would get a hearing in this place. A little courtesy would do her no harm. The honourable member for Lane Cove criticised the choice of Victoria Road as the Olympic route. Not surprisingly, she offered no alternative. Both the honourable member for Lane Cove and the honourable member for Ermington raised the question of whether ORTA would be used to pursue a proposal by the RTA to remove some right-hand turns and S-lanes on Victoria Road.

As the Minister for Roads has stated on previous occasions, and as has been stated by the chief executives of the RTA and ORTA, this is not a matter that involves ORTA, it is not a matter linked to the Olympics or to the test events associated with the Olympics; it is an RTA matter. If the RTA decides to undertake that work, it will do so in its own time and in its own processes, not by use of ORTA legislation.

Mr Photios: Then that is a Carr Government abuse.

Mr KNIGHT: The work referred to is not related to the ambit of this bill. The honourable member for Ermington, appropriately, begins to interject. It should be made clear that the honourable member for Ermington, despite some of his mealy-

moued comments tonight, has always attacked the Olympics. In the lead-up to the Royal Easter Show he repeatedly attacked public transport to it and said that public transport would not work. After everyone else in Sydney—even the Leader of the Opposition—had endorsed the successes of the public transport to the show he appeared on the *Stateline* program and said that he would not retract his allegations.

At least the honourable member for Ermington is consistent. He consistently opposed what was happening with public transport at the show. When he went to a luncheon with the officials of the Royal Agricultural Society on Thursday, 16 April he drove his own BMW, he did not use public transport. He had to be escorted off the premises to his BMW. The honourable member for Ermington has been opposed to the Ryde water polo proposal. He is opposed to use of Victoria Road as the main route from Sydney to Olympic Park. What is clear from the contributions made by the honourable member for Ermington and the honourable member for Lane Cove is that they have given up all hope of winning the next election.

The honourable member for Ermington has abrogated any right to expect to be the transport minister in a coalition government because tonight we have heard nothing about the broad policy considerations of transport in which a shadow minister should be involved. He is trying to save his own backside in the marginal seat of Ryde at the next election. Tonight he made the extraordinary claim that the Opposition policy is to compensate businesses which suffer a financial downturn during the Olympic Games. The honourable member for Ermington would not apply the policy across Sydney but only in the electorate in which he will be a candidate. The shadow minister said his party's policy for the next election is that if a business suffers any financial downturn as a result of the Olympics, tough luck—unless the business is in the seat which he is contesting, and then they will be given a bucket load of money.

That is a pathetic attempt to garner votes and to abrogate responsibility to the taxpayers of the State. The honourable member for Lane Cove and the honourable member for Ermington have foreshadowed amendments to the advisory board that runs ORTA. ORTA is an important organisation with a big job: to run Olympic transport. On the board of ORTA is the chief executive of the Sydney Organising Committee for the Olympic Games, the organisation responsible for putting on the Games; the Director-General of the Olympic Co-ordination Authority—

Mr Photios: Do not belittle the small people.

Mr KNIGHT: The honourable member for Ermington has a problem with height. Also on the board will be the chief executive officer of the Roads and Traffic Authority, the Director-General of the Department of Transport, the chief executive officer of ORTA and the Commissioner of Police. Those fairly important, central people will organise the biggest transport challenge this State will ever face. Out of the 4 million citizens in Sydney, let alone others across New South Wales, the honourable member for Ermington and the Opposition thinks the big contributors to run transport should be the West Ryde and the Gladesville chambers of commerce.

He says to hell with those who live in Penrith, where rowing events will be held; Blacktown, for softball and baseball; Parramatta, along from the western venues to Olympic Park; Bankstown, with the velodrome; Liverpool, for shooting; Rushcutters Bay, the shore base for sailing; Bondi Beach, for beach volleyball; Horsley Park, for mountain biking and equestrian events; or anyone in between. According to the Opposition the Commissioner of Police, the heads of the various Olympic authorities, the Department of Transport, the RTA, and the West Ryde and Gladesville chambers of Commerce are required to run the Olympics.

That is a pathetic attempt by the honourable member for Ermington to garner a few votes and ingratiate himself with some business people in his electorate, to the detriment of the remainder of New South Wales. No wonder everyone knows he has given up on being in government and is trying to save his seat. The ORTA legislation requires widespread consultation with business communities in transport areas. ORTA's function is referred to in section 8(2)(c) and a number of other subsections of the Act. That is why ORTA has been consulting with businesses along Victoria Road, including some of those chambers of commerce.

The Government does not restrict consultation to those who live in the electorates of the honourable member for Ermington or the honourable member for Lane Cove but extends it to everyone in the State. I am pleased that the honourable member for Bligh supports the bill and also gives some lukewarm recognition of the public transport effort for the Royal Easter Show. The honourable member for Bligh asked whether there will be a public transport strategy for the outlying venues. I can assure her, as I have publicly said on a number of occasions, that the Government will run public

transport to each of the venues. The main method of reaching the venues, and certainly the only way for spectators to get to them, will be by public transport. Public transport will be in place for each of those venues. The public transport options run by ORTA will be covered completely by Olympic tickets.

Tickets to the rowing, shooting, beach volleyball, the velodrome or any of the venues, in addition to those at Olympic Park at Homebush, will include free public transport on Olympic transport, and that will be promoted extensively by the Government. The honourable member for Bligh foreshadowed moving certain amendments. I have not seen them, so I am unable to comment on them in detail. But I will refer briefly to the Opposition's foreshadowed amendments. I understand that the honourable member for Lane Cove will move the Opposition's first amendment. The Government will oppose the proposition that it will be mandated upon the Olympic Roads and Transport Authority that in exercising its functions it does not have a negative impact on existing businesses in the transport area. The Government would reject the Opposition's back-door compensation claim proposal. ORTA will do everything possible to moderate any adverse impacts upon businesses anywhere in the Olympic transport areas.

The second series of amendments, which it is foreshadowed the honourable member for Ermington will move, relates to the proposed expansion of the ORTA board. I have already indicated why the Government will oppose those amendments. While the Government would accept the spirit of foreshadowed amendments Nos 4 and 5, it could not accept amendment 5(3)(b), which would require a definitional change, and 5(3)(c), which is outside the leave of the bill. However, if the Opposition is prepared not to move amendment 5(3)(c) and to change the definition in 5(3)(b) to fit in with the Act, the Government would be prepared to accept that amendment. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clause 8

Mrs CHIKAROVSKI (Lane Cove) [9.31 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 7, proposed section 8. Insert after line 24:

- (e) to consult and liaise with the business community in any transport area so as to

ensure that the Authority, in exercising its functions, does not have a negative impact on existing businesses in the transport area.

I am surprised that the Minister for the Olympics reacted with such vehemence to this amendment, particularly since less than three minutes earlier he said that the Olympic Roads and Transport Authority is consulting and liaising with the business community. If ORTA is doing that, the Minister should not object to ensuring that there is a legislative framework by which ORTA could consult and liaise with the business community. The import of this amendment is to make sure that the sorts of concerns raised by the honourable member for Bligh, the honourable member for Ermington and me about the decisions that ORTA might make are discussed with the local business community. We recognise that that consultation will facilitate the development of decent transport for the Games.

The honourable member for Bligh will seek to amend this amendment by extending it to include the community at large. The coalition is persuaded that in order for the Games to be successfully delivered there must be community support at all levels, and that includes the people who will be most affected by the transport decisions that ORTA makes. This amendment is not about making ORTA's life more difficult, trying to disrupt the Games, or trying to make sure that the Government's and ORTA's responsibilities are more complicated. Rather, the amendment is about making sure that those decisions are supported by the community. I would have thought that any government that wants to competently and confidently deliver a Games to the citizens would be prepared to consult with those who would be most affected.

I expected the Government to welcome this amendment rather than react violently, as the Minister did, because if the Government is to increase the level of support for the Games from its present low levels it needs to talk to those who are most affected by the decisions that it makes. I am appalled that a government that claims to represent the people and their concerns will reject an amendment which is designed to facilitate and ensure consultation. The Minister raised the question of compensation. The Opposition does not believe the amendment requires the Government to pay compensation; it does not relate to compensation. The amendment does not refer to any financial compensation to be paid to affected people. It ensures that they will not regard the decisions of ORTA as having a negative impact.

If people are consulted on the process they will accept those decisions and not see them as negative. I looked with wry amusement at the Minister's advisers while this amendment was being discussed. They appeared to think that this is an Opposition plot to derail this process. That is not the case. The Opposition is genuinely concerned about all those who have come to us and who see this legislation as a plot against them. People see the Government using the Olympics as an opportunity to override their legitimate concerns. I do not apologise for representing in this House the interests of those people. The Minister may have forgotten what it is like to be a local member, because when he moved from his electorate of Campbelltown to reside in the pretty suburb of Roseville he lost touch with the people who elected him to this House. He has lost touch with those whose concerns he is supposed to represent. That is the Minister's problem, not the problem of Opposition members.

The Opposition will raise legitimate concerns of our constituents, as is our duty. If there are concerns about the businesses along Parramatta Road and in Penrith, I would have thought that the members who represented those electorates—the Minister for Sport, who one would have thought would have an interest in this debate, and the Minister for Community Services—would raise in this House the concerns of their constituents. This amendment represents an attempt by the Opposition to legitimately include an obligation on ORTA to take into account the concerns of those who will be affected by its decisions. In his reply the Minister said that ORTA will take account of the genuine concerns of the business people and the communities. Therefore, I am amazed that the Government will reject this amendment. If the Minister were genuine and meant what he said, he would embrace the amendment, not reject it. The Opposition moves this amendment with great pride, because we know that the people we seek to represent are entitled to that representation.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [9.58 p.m.]: I am always perplexed when the honourable member for Lane Cove speaks and is so factually wrong. I am never sure whether she is trying to be disingenuous and mislead the House or whether she simply does not understand. Her amendment goes far beyond consultation. The Act provides for consultation, and consultation is happening. Her amendment includes the words, "does not have a negative impact on existing businesses". Of course, that would give rise to compensation and legal challenges if a business

claimed there had been a negative impact. It may well be her intention to try to disrupt the preparations for the Olympics, or, she simply does not understand what she has been given.

Ms MOORE (Bligh) [9.39 p.m.]: I move:

That the amendment be amended by inserting after the words "liaise with" the words "residents and".

If my amendment is agreed to, the amendment will read:

- (e) to consult and liaise with residents and the business community in any transport area so as to ensure that the Authority, in exercising its functions, does not have a negative impact on existing businesses in the transport area.

From what I said in my contribution to the second reading debate and from my amendment, the Minister knows that I am concerned that the Olympic Roads and Transport Authority should consult with residents as well as the business community as part of the process.

Mrs CHIKAROVSKI (Lane Cove) [9.40 p.m.]: The amendment moved by the honourable member for Bligh is acceptable to the Opposition. The Opposition accepts that the broadened provision proposed by the honourable member will take into account her particular concerns about the inner city. The Opposition believes those concerns to be genuine, and the amendment seeks to do what the Minister has said he is keen to do: ensure that all sections of the community are consulted. Therefore the Opposition is happy to support the amendment moved by the honourable member for Bligh.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [9.41 p.m.]: Though the Government has no objection per se to the inclusion of the words "residents and" along with businesses—because under the existing Act residents are being consulted, as they have been consulted about the event at Rushcutters Bay, and as they are being individually and personally consulted along the route of Victoria Road—I cannot accept the amendment of the amendment because it is part of a broader amendment that the Government rejects.

Question—That the amendment of the amendment be agreed to—put.

The Committee divided.

Ayes, 40

Mr Armstrong	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Photios
Mr Brogden	Mr Richardson
Mr Chappell	Mr Rixon
Mrs Chikarovski	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Ms Seaton
Mr Ellis	Mrs Skinner
Ms Ficarra	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Dr Kernohan	Mr Tink
Mr Kerr	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Mr Merton	Mr Windsor
Ms Moore	
Mr Oakeshott	<i>Tellers,</i>
Mr O'Doherty	Mr Fraser
Mr O'Farrell	Mr Smith

Noes, 46

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Murray
Mr Crittenden	Mr Neilly
Mr Debus	Ms Nori
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knight	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Dr Macdonald	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Pairs

Mr Cochran	Mr Carr
Mr Collins	Mr Nagle
Mr Hartcher	Mr E. T. Page

Question so resolved in the negative.

Amendment of amendment negatived.

Amendment negatived.

Clause agreed to.

Clause 16

Mr PHOTIOS (Ermington) [9.50 p.m.]: I move Opposition amendment No. 2:

No. 2 Page 10, proposed section 16. Insert after line 19:

- (g) a representative, appointed by the Minister, of each of the following bodies:
- (i) the State Chamber of Commerce,
 - (ii) the Drummoyne Chamber of Commerce,
 - (iii) the Gladesville Chamber of Commerce,
 - (iv) the West Ryde Chamber of Commerce.

There is a clear choice before the Parliament. The coalition believes in community-based representation; the Government's catchcry, its mantra, is "Lock up your communities". The coalition says to the Government that it will lock up its communities at its peril. The coalition's proposal is to take the elitism out of the Olympics and to give the Olympics back to the people. We want to the people of New South Wales to play a meaningful role in their self-determination. We do not want the Minister to make the determination for us. We want representative democracy and inclusionist politics; the Minister for the Olympics wants arrogant autocracy. The Minister and the honourable member for Gladesville want to lock out—

The CHAIRMAN: Order! Members will resume their seats. The honourable member for Ermington has the call. He may continue but members will restrain their enthusiasm so that Hansard is able record the speech of the member for Ermington.

Mr PHOTIOS: In short, the coalition is about bringing the Olympics to the people; it is about making the Olympics for the people and including the people. The Government's mantra is, "We know what's best for you, and we will do it without you". Accordingly, the Opposition's amendment and that of the honourable member for Bligh seek to involve the community at large in the corporate spirit of the

Olympics. We are about involving the community, not locking up the community. The shadow minister for the Olympics, the honourable member for Lane Cove, the honourable member for Bligh and myself as the future member for Ryde are about representative democracy.

The amendment authorises the Minister—we have that much confidence in him—to appoint a representative of the State Chamber of Commerce to represent the wider business community of New South Wales affected by the Olympics, a representative of the Drummoyne Chamber of Commerce—in the interests of the honourable member for Drummoyne, despite his lack of representation—a representative of the Gladesville Chamber of Commerce and a representative of the West Ryde Chamber of Commerce. The community of Ryde has challenged the honourable member for Gladesville to speak for and on behalf of the local people because they have a right and an obligation to be heard. It is not good enough to lock the people of Ryde out of the picture. It is not good enough to lock them out of the community. They want representative democracy. They want an in on the Olympics, not an out. They want their seat at the table, they want their place in the marathon, they want to finish with the honourable member for Ryde and the community, and they want to be included, with appropriate compensation.

The Opposition proposes that representatives of the Drummoyne Chamber of Commerce, the Gladesville Chamber of Commerce and the West Ryde Chamber of Commerce be given seats on the advisory council. After all, there is only one Olympic route and it has been determined not by consultation but by Executive fear. The Minister stands condemned because, without any consultation, he shifted the route from Parramatta Road to Victoria Road and played God with our community. That is not good enough because the community has a right to determine whether the local road can be used as the Olympic route and local businesses have a right to play a role in the Olympics. However, they should be compensated for their loss because of the Minister's arrogance. That is the price the Minister should pay. It is not uncommon for the Minister to make such decisions, because he represents western Sydney but travels north. He lives on the north side.

Mrs Chikarovski: No, he doesn't. He has a seat in western Sydney but he doesn't represent it.

Mr PHOTIOS: The honourable member for Lane Cove suggests that the Minister lives on the north side and is a pale imitation of representation

for western Sydney. On the Olympic front we have our salvation because we now have the saviour of western Sydney, Jackie Kelly, playing a role in the Olympics. What the Government has abjectly rejected, we have proposed. John Howard is the battler's friend and in that respect he has given the Olympic movement Jackie Kelly. The honourable member for Lane Cove and I are seeking to give the people of Ryde, Lane Cove and Gladesville representation by their chambers of commerce.

I call on the Minister to give an assurance that he will properly compensate the chambers of commerce for the inertia of the honourable member for Gladesville. I call on the Minister to challenge his backbencher to give his constituency community-based representation. I can assure the Minister that I will continue to knock on the front door of the office of the honourable member for Gladesville, as the honourable member for Lane Cove and I did last week, until the people get the representation they deserve. This week's edition of the local newspaper had a picture of the honourable member for Lane Cove and I knocking on the door of the local member last week for local representative democracy. However, the local member was not home. No-one was answering the call. No-one is home now.

The honourable member for Gladesville should wake up and listen to the local electorate because it wants local representation. I tell the honourable member that that is what the local electorate will get on 27 March. I acknowledge the tireless support of my old friend the Minister for Transport, and Minister for Roads, who is being undermined by the Government's proposals. As the Minister responsible for the Roads and Traffic Authority he is trying to use this legislation to slink away from his responsibilities with respect to Victoria Road. A photograph of the honourable member for Lane Cove and I appears in the local newspaper under the headline "G-turn seen as dangerous move".

Mr Rogan: On a point of order. The honourable member for Ermington is straying well away from his amendment. He is talking about everything but the amendment and he should be directed to return to the substance of it.

The CHAIRMAN: I uphold the point of order. The honourable member for Ermington will confine his comments to the subject matter of the amendment. The House will remain silent while the honourable member for Ermington is speaking.

Mr PHOTIOS: As the coalition has moved to give representation to a broader community than fat

cats, the Minister says that there are only first-class citizens in New South Wales, that is, bureaucrats on big salaries. The people of Ryde, Gladesville and Lane Cove have as much right to sit at the table of determination about their Games, the people's Games, as the Minister does, believing that the Games are the Knight Games. It is not the Minister's candle; it belongs to the people. The torch will be carried by all of the community, not only by the Minister. We all have a right to play a role.

The Opposition does not believe that first-class citizens—that is, heads of government departments—should be on the advisory council and that other members of the community should be excluded. The Opposition believes that one class should be on the council. This is one nation's Games, not the Minister's. The community has a right to those Games and a right to play its role. The Opposition wants compensation for those who will pay an appropriate price for the success of the Games, which the coalition supports without qualification.

The coalition wants community representation on the authority that will play a meaningful and substantial role in the provision of transport as it affects the community. It wants representatives of the Gladesville, West Ryde and Drummoyne chambers of commerce at the boardroom table in an advisory capacity—nothing more and nothing less. The coalition does not want any of the arrogance that the Minister displays regularly as he sits and smirks about the role of the small people and the battlers. The Minister believes he is a big player, the only one at the table. It is time he learned that the real people own these Games and not him. The Opposition wants everyone in New South Wales to play a role and to have a say. The Minister and the honourable member for Gladesville must give everyone a fair go.

Ms MOORE (Bligh) [10.01 p.m.]: I move:

That the amendment be amended by inserting after the words "West Ryde Chamber of Commerce" the words, "and residents and business representation for the South Sydney area".

I move that amendment as the NRMA has identified that the shortest route from Sydney (Kingsford-Smith) Airport to the Olympics site at Homebush will be through the inner-city suburbs and residential streets of South Sydney, Redfern, Surry Hills and Darlinghurst. It is important that community groups from those areas are consulted by the Olympic Roads and Traffic Authority.

Question—That the amendment of the amendment be agreed to—put.

The Committee divided.**Ayes, 41**

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Dr Kernohan	Mr Tink
Mr Kerr	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Mr Merton	Mr Windsor
Ms Moore	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Smith

Noes, 46

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Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Tripodi
Mr Iemma	Mr Watkins
Mr Knight	Mr Whelan
Mr Knowles	Mr Woods
Mr Langton	Mr Yeadon
Mrs Lo Po'	
Mr Lynch	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McBride	Mr Thompson

Pairs

Mr Cochran	Mr Carr
Mr Collins	Mr Nagle
Mr Hazzard	Mr E. T. Page

Question so resolved in the negative.**Amendment of amendment negatived.**

Question—That the amendment be agreed to—put.

The Committee divided.**Ayes, 41**

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
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Mr Knowles	Mr Woods
Mr Langton	Mr Yeadon
Mrs Lo Po'	
Mr Lynch	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McBride	Mr Thompson

Pairs

Mr Collins	Mr Carr
Mr Cochran	Mr Nagle
Mr Hazzard	Mr E. T. Page

Question so resolved in the negative.**Amendment negatived.****Clause agreed to.****Clause 48**

Mr ARMSTRONG (Lachlan—Leader of the National Party) [10.15 p.m.], by leave: I move the amendments standing in my name in globo:

- No. 1 Page 23, proposed section 48, line 1. Insert "and in any event before the dissolution of the Authority under section 49," after "completed,".
- No. 2 Page 23, proposed section 48. Insert after line 3:
- (3) The report under subsection (2) is to include the following:
- (a) details of the total capital and recurrent costs of the Authority since its constitution by this Act,
 - (b) recommendations for improving the management of public transport services for major events,
 - (c) any other information that the Board considers relevant.

These amendments are self-explanatory and well worthwhile. They require the authority to report to both Houses of Parliament prior to dissolution in September 2001 and to make a number of recommendations which will provide long-term benefits to the Sydney transport system. It is fair to say that the Olympic Roads and Transport Authority represents the first practical experience of a truly integrated transport agency for Sydney. There remains a clear functional separation between the Roads and Traffic Authority and the Department of Transport. This is unfortunate. The establishment and operation of ORTA will provide many valuable lessons for Sydney's transport system for the next century, and it would be a pity if all this experience and expertise did not leave an ongoing legacy for the people of Sydney and New South Wales. Such a report will also provide details as to the total cost of providing transport arrangements for the Games, which is a matter of fundamental importance to the taxpayers of the State and will allow them to decide whether the funds have been well spent. I commend the amendments.

Ms MOORE (Bligh) [10.17 p.m.]: I stress the importance of that part of the amendments recommending improvement of the management of public transport services for major events. The reason I continue to talk about and support the amendments tonight is that this is a really important issue and we want to hear from the Minister a commitment to public transport and a policy to encourage people to use public transport to travel to all the venues, particularly those in the inner city such as Moore Park and Rushcutters Bay.

Mr KNIGHT (Campbelltown—Minister for the Olympics) [10.18 p.m.]: As the Leader of the National Party knows, whenever the Opposition moves sensible amendments they will be embraced by the Government. That is the case here.

Amendments agreed to.**Clause as amended agreed to.****Bill reported from Committee with amendments and report adopted.****BUSINESS OF THE HOUSE****Extension of Sitting****Motion by Mr Whelan agreed to:**

That the sitting be extended beyond 10.30 p.m.

UNLAWFUL GAMBLING BILL**RACING ADMINISTRATION BILL****GAMBLING (TWO-UP) BILL****Bills read a third time.****HOME INVASION (OCCUPANTS PROTECTION) BILL****In Committee****Consideration resumed from 15 October.****Clause 3**

Mr WHELAN (Ashfield—Minister for Police) [10.22 p.m.]: The Government agrees with this amendment. Advice received is that the amendment adds nothing. Nonetheless, the Government agrees to it.

Amendment agreed to.**Clause as amended agreed to.**

Clause 5

Mr MacCARTHY (Strathfield) [10.23 p.m.]: I move Opposition amendment No. 2:

No. 2 Page 3, clause 5, line 5. Omit "their".

This amendment complements Opposition amendment No. 1. The word "their" is deleted, thereby making clear that it is the public policy of this State that citizens have a right to enjoy absolute safety from attack in homes, not exclusively their own homes. I commend this amendment to the Committee.

Mr WHELAN (Ashfield—Minister for Police) [10.24 p.m.]: The Government agrees to this amendment.

Amendment agreed to.

Clause as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

LEGAL PROFESSION AMENDMENT BILL**Second Reading**

Debate resumed from 14 October.

Mr TINK (Eastwood) [10.26 p.m.]: The Opposition supports this bill, the object of which is to amend the Legal Profession Act to provide for a Public Purpose Fund, which will replace the statutory interest account under that Act; to require the Law Society Council, the Bar Council and the Legal Services Commission to develop performance criteria relating to the handling of complaints against legal practitioners under that Act and to ensure that information about the complaints procedure is provided to members of the public on request; to make further provision with respect to costs assessors, the functions of the Chief Justice of New South Wales and other matters.

The Auditor-General undertook a report entitled "A Review of the Activities Funded by the Statutory Interest Account", which examined the operation of all the funding accounts of the Law Society. The Auditor-General recommended reform of the application of those funds. There has been consultation with the Law Society, the Bar Association, the Legal Services Commission, the Legal Aid Commission and the Law Foundation, all of which are beneficiaries under the various funds.

The current bill meets with the approval of all of the funded organisations. Amendments have been foreshadowed. I do not propose to move those amendments at this stage. Action may be taken by way of amendment in the other place, and the amendments may come back to this House for concurrence. The President of the Law Society, Mr Ron Heinrich, stated in a letter dated 12 October 1998:

In order to clarify the provision beyond any ambiguity, the Society seeks amendment to section 8(2) "Disclosure of pecuniary interests" by the addition of the following words at the end of the sub-section: "or a member of either governing Council".

The Law Foundation by way of a letter to the shadow attorney general dated 16 October 1998 refers to three possible amendments. The letter states:

The first that one of the trustees (s69 C (2)(a)(ii)) is currently described as:

"A person whom the Attorney General considers to have appropriate qualifications and experience to act as a trustee".

It is proposed that the description be replaced by words to the effect of a person "nominated by the Director of the New South Wales Council of Social Service". The second amendment proposed relates to scrutiny of trustees' activities. The Law Foundation states:

Section 69K requires only that the trustees report "about the income and expenditure of the Public Purpose Fund" and that that report be included in the Law Society's Annual Report.

The foundation suggests:

More precise wording, requiring a detailed report of the nature, amount and conditions of allocations to the various beneficiaries of the Public Purpose Fund, would be appropriate.

The Law Foundation seeks a third amendment also. Its letter states:

Finally, section 69J allows the Auditor General to conduct a special audit, but only of "the activities of the Commissioner and the Councils" funded by the Public Purpose Fund. There is no provision for the Public Purpose Fund or the trustees to be subject to audit.

The foundation suggests that it would be appropriate to prescribe the fund and trustees as authorities for purposes of the definition, and to amend the wording of proposed section 69J accordingly. As I have said, I do not propose to move amendments now. However, action may be taken in the upper House. I realise that some crossbench members are interested

in some of the amendments, particularly in relation to the New South Wales Council of Social Service. The Opposition supports the bill.

Mr WHELAN (Ashfield—Minister for Police) [10.29 p.m.], in reply: I thank the honourable member for Eastwood for his contribution and take note of what he has said. I am sure that the author of this bill also will take cognisance of his comments.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMINAL PROCEDURE LEGISLATION AMENDMENT (BAIL AGREEMENTS) BILL

BAIL AMENDMENT BILL

Second Reading

Debate resumed from 14 October.

Mr TINK (Eastwood) [10.30 p.m.]: The Opposition does not oppose these bills. The first object of the Bail Amendment Bill is to remove the presumption in favour of bail under section 9 of the Act for certain serious violent and sexual offences. The explanatory note to new section 9(1)(f) of schedule 1 to the bill states that other offences under the Crimes Act 1900 are included: section 33, wounding with intent to do bodily harm or resist arrest; section 61J, aggravated sexual assault; section 61K, assault with intent to have sexual intercourse; section 66A, sexual intercourse with a child under 10; section 66B, attempting, or assaulting with intent, to have sexual intercourse with a child under 10; section 78H, homosexual intercourse with a male under 10; and section 90A, kidnapping. It is worth recalling that the current bail legislation is the brainchild of the former Attorney General, Mr Frank Walker. The scheme of the bill allows for presumptions in favour of bail, except for a very narrow range of offences. In March 1995 when running for election the Australian Labor Party produced a law reform policy. On page 10 the policy document states:

Labor will strengthen the *Bail Act* to introduce a presumption against bail for offences involving threats to kill or seriously injure people.

As I understand the Bail Amendment Bill, there is no presumption against bail for any of the offences to which I have just referred. This bill will remove the presumption in favour of bail so there is no presumption either way. In other words the

Government cannot suggest that this bill is close to fulfilling one of its more important law and order promises of the 1995 campaign. The Minister's second reading speech makes it clear that those offences are the totality of offences covered by this legislation. He also made it clear that there is no presumption in favour of bail before the bill is put before the House, and passed, in relation to serious drug offences, armed and aggravated robbery offences, murder and domestic violence. The bill adds manslaughter, malicious wounding, aggravated sexual assault, and various other sexual offences involving assault and kidnapping.

The Crimes Act lists serious offences which are left with a presumption of bail in favour of the accused. I will put them on the record because by no stretch of the imagination can the Government argue that the Bail Act has been strengthened in relation to matters involving serious injury to people. The Crimes Act offences which have been left out and in respect of which there is still a presumption in favour of bail under Frank Walker's original bail legislation are:

Use or possession of a weapon to resist arrest etc.

33B. Any person who:

- (a) uses, attempts to use, threatens to use or possesses an offensive weapon or instrument; or
- (b) threatens injury to any person or property,

with intent to commit an indictable offence or with intent to prevent or hinder the lawful apprehension . . . or hinder a member of the police force from investigating . . . liable to penal servitude for 12 years.

Presumption of bail remains in place under this Government. The Crimes Act continues:

Malicious wounding or infliction of grievous bodily harm

35. Whosoever maliciously by any means:

- (a) wounds any person; or
 - (b) inflicts grievous bodily harm upon any person,
- shall be liable for penal servitude for 7 years.

Under this Government the presumption of bail remains. The Crimes Act continues:

Maliciously cause dog to inflict grievous bodily harm or actual bodily harm

35A.(1) Maliciously cause dog to inflict grievous bodily harm. A person who, having control of a dog, maliciously does any act which causes the dog to inflict grievous bodily harm on another person is liable to penal servitude for 7 years.

Under this Government the presumption of bail remains. The Crimes Act states:

Attempts to choke etc. (garrotting)

37. Whosoever:

by any means attempts to choke suffocate or strangle any person, or

by any means calculated to choke suffocate or strangle, attempts to render any person insensible unconscious or incapable of resistance,

with intent in any such case to enable himself . . . in committing, an indictable offence,

shall be liable to penal servitude for 25 years.

Under this Government the presumption of bail remains. The Act continues:

Using chloroform etc. to commit an offence

38. Whosoever unlawfully applies or administers . . . any chloroform laudanum or other stupefying or overpowering drug or thing, with intent in any such case to enable himself . . . committing, an indictable offence, shall be liable to penal servitude for 25 years.

Presumption of bail remains. The Act states:

Causing bodily injury by gunpowder etc.

46. Whosoever maliciously by the explosion of gunpowder or other corrosive fluid, or the use of any corrosive fluid, or destructive matter, burns maims disfigures disables, or does grievous bodily harm to, any person, shall be liable to penal servitude or 25 years.

Presumption of bail remains. The Act continues:

Using etc. explosive substance or corrosive fluid etc.

47. Whosoever:

maliciously causes any gunpowder or other explosive substance to explode, or

maliciously sends, or delivers to, or causes to be taken, or received by, any person, any explosive substance or other dangerous or noxious thing, or

maliciously puts or lays at any place, or casts or throws at, or upon, or otherwise applies to, any person, any corrosive fluid or any destructive or explosive substance,

with intent . . . harm . . .

shall . . . be liable to penal servitude for 25 years.

The presumption of bail remains. Further, the Act provides:

Placing gunpowder near a building etc.

48. Whosoever maliciously places, or throws into . . . any building, ship, or vessel, any gunpowder, or other explosive substance, with intent to do some bodily injury to any person, shall . . . be liable to penal servitude for fourteen years.

The presumption of bail remains. The Act also provides:

Dangerous driving: substantive matters

52A. (1) **Dangerous driving occasioning death.** A person is guilty of the offence of dangerous driving . . . liable to imprisonment for 10 years.

The presumption of bail remains in that section, for various offences. A person is liable to imprisonment for 14 years if there are aggravating circumstances, under section 52A(2), where the presumption of bail remains. Similarly, aggravated dangerous navigation occasioning death, under section 52B(2) of the Crimes Act, and dangerous navigation causing grievous bodily harm, as provided for under section 52B(3), respectively are liable to attract 14 years and seven years imprisonment with the presumption of bail remaining. By no stretch of the imagination has the Government done anything about bail in relation to a whole raft of some of the most serious criminal offences on the statutes relating to serious harm against individuals. Only a very small bracket of offences have changed in any way under this legislation. The presumption against bail has been removed. The Government promised to ensure that the presumption would be against bail being granted. The Bail Act has a long way to go and the only way to get it there is under a coalition government on 27 March 1999. The coalition supports the bill.

Mr WHELAN (Ashfield—Minister for Police) [10.38 p.m.], in reply: The honourable member's contribution ignores the fact that anyone charged with such offences is unlikely to receive bail and for practical reasons no person will be granted bail. However, if bail were granted the Director of Public Prosecutions or the Police Service would appeal against the granting of bail. The Bail Act conditions, which are tough, apply. The Attorney has indicated that the Bail Act will be tightened even further so that the presumption of bail is removed. I am sure the comments of the honourable member for Eastwood will be taken into consideration by the Attorney in due course.

Bills read a second time and passed through remaining stages.

RESIDENTIAL TRIBUNAL BILL**Bill introduced and read a first time.****Second Reading**

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing), on behalf of Mrs Lo Po' [10.41 p.m.]: I move:

That this bill be now read a second time.

The Residential Tribunal Bill restructures the Residential Tenancies Tribunal, renames it the Residential Tribunal and provides for more improved procedures. Primarily the bill updates the legislative framework for dispute resolution in the residential area. This update is required to keep pace with an expanding jurisdiction and high volume of applications and to maintain a quality service for the community. The Residential Tenancies Tribunal is established under the Residential Tenancies Act 1987 as the primary dispute resolution body for residential tenancies in New South Wales. Part 6 of the Act provides for the constitution, jurisdiction and functions of the tribunal. In recent years the jurisdiction of the Residential Tenancies Tribunal has expanded from dealing primarily with residential tenancy matters to dealing with disputes between residents and retirement village management and matters in relation to caravan parks and relocatable homes. In addition, members of the Residential Tenancies Tribunal sit as members of the Strata Schemes Board and Community Schemes Board.

In the past financial year the tribunal received more than 37,000 applications. This represents an increase of approximately 15 per cent on the number of applications received the previous year and continues a trend in recent years of annual increases of the order of 15 to 20 per cent. The increase cannot be explained as the result of new allocations of jurisdiction but is largely the result of increased activity in the residential tenancy market. This increase in volume of applications has prompted a number of improvements to the operation of the tribunal. Over the past two years the tribunal has examined its registry structures and general procedures and sought regular client feedback.

As a result of these initiatives and in an endeavour to improve overall services to clients the tribunal has made a number of operational changes. These include the commencement of Saturday hearings and improved delivery of services to the regions with the establishment of Penrith, Newcastle and Port Kembla registries. The tribunal also

proposes to make a number of procedural changes and institute an improved case management strategy. However, the tribunal has been hampered in making these improvements by the current legislative structure, which does not allow it sufficient flexibility to institute the necessary changes. In addition to these changes, which have been identified internally by the tribunal itself, there has also been an independent review of all tribunals in the fair trading portfolio: the Commercial Tribunal, Consumer Claims Tribunal, Building Disputes Tribunal, Motor Vehicle Repair Disputes Committee and Residential Tenancies Tribunal.

The review concluded that there were significant advantages to amalgamating all the tribunals into a new Fair Trading Tribunal, except for the Residential Tenancies Tribunal. The establishment of the Fair Trading Tribunal is the subject of a separate bill. The review recommended that the Residential Tenancies Tribunal not be amalgamated into the Fair Trading Tribunal but, instead, be restructured and renamed the Residential Tribunal. The review also recommended a number of procedural improvements be made to the operation of the tribunal, but did not find that the jurisdiction to deal with tenancy and residential accommodation disputes would be enhanced by the merger into the proposed Fair Trading Tribunal. While it was found that there was significant stakeholder support for all the tribunals examined, there was particularly strong support for retention of the Residential Tenancies Tribunal as a separate tribunal to deal with residential tenancy issues and accommodation matters more generally.

Disputes relating to housing and accommodation are viewed as particularly serious matters for the individuals involved and the community in general and consequently are best dealt with within a specialist tribunal. The Residential Tribunal Bill aims to incorporate the changes necessary for continued improvement, identified by both the review and the tribunal. The bill does not affect the nature or scope of the tribunal's jurisdiction. It renames the tribunal to more accurately reflect its jurisdiction, introduces certain features and improves the overall procedural flexibility to deal with its expanding and varied jurisdiction. The features and procedures of the Residential Tribunal are in line with those for the proposed Fair Trading Tribunal.

The Residential Tenancies Tribunal is currently organised into specialist divisions. These divisions are: the general (residential tenancy) division; strata division; caravan parks and retirement village division; and the community housing and nuisance

and annoyance divisions. This organisational structure facilitates the general case management policies of the tribunal. However, the divisions are informal. There is no legislative basis for their structure; the divisions operate as purely administrative arrangements. The Residential Tribunal Bill overcomes this deficiency by providing that the tribunal may operate in specialist divisions. Within the divisions there will be flexibility to conduct hearings before a single member or to constitute multimember panels depending on the degree of complexity or the nature of the matter in dispute.

The Residential Tribunal will have flexible procedures. The tribunal will have the discretion to adapt its procedures to fit the dispute before it. It will conduct proceedings with as little formality and technicality and with as much expedition as the requirements of the matter in question permit. The tribunal will not be bound by the rules of evidence, and will have the discretion to inform itself as it thinks fit. Alternative dispute resolution will be an important component of the Residential Tribunal's operations. At present the main mechanism of the Residential Tenancies Tribunal is to resolve matters prior to a formal hearing is by the use of conciliation. The tribunal's alternative dispute resolution tools will expand with the ability to use other mechanisms such as mediation or preliminary conferences.

Parties to a dispute will have the carriage of their own cases. The current ability of a landlord's agent to represent the landlord in a tenancy dispute will remain. With respect to other representation, the tribunal will have the discretion to allow representation where, in its view, it is appropriate. Factors such as the value of the matter in dispute, its complexity or the capacity of parties to present their own cases will be considered in determining whether representation should be allowed.

The Residential Tenancies Tribunal currently operates a number of stakeholder committees. These committees ensure that the tribunal gains valuable feedback from interested parties on a number of procedural issues such as the application forms used, listing arrangements, accommodation and associated registry functions. These committees will be retained by the Residential Tribunal to enable ongoing and effective community consultation. Appeal rights on questions of law are available from the Residential Tenancies Tribunal to the Supreme Court.

The Residential Tribunal Bill provides that appeals on questions of law remain but to the District Court. This change makes the appeal

process less expensive and more accessible. In addition, and as with the Fair Trading Tribunal, the Residential Tribunal will be able to conduct internal rehearings. Leave must be sought of the tribunal for a matter to be reheard. The grounds for a rehearing are identical to those for the Fair Trading Tribunal, namely, that the decision made was not fair and equitable, against the weight of evidence, or that there is fresh evidence. In addition, in all instances a party must show that substantial injustice has resulted from the decision. Where leave to be reheard is granted, the matter is dealt with afresh and may be heard before a panel of members. The normal procedures of the tribunal apply to the rehearing. I have outlined the major features of the Residential Tribunal Bill. I believe the new tribunal will provide an improved forum for the resolution of residential accommodation disputes for the people of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Beck.

HERITAGE AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [10.50 p.m.]: I move:

That this bill be now read a second time.

The Heritage Act 1977 was introduced by the Wran Government in response to widespread community concern over the extensive loss of its heritage in the early 1970s which resulted in the green bans movement. As my honourable colleagues are aware, this pioneering legislation provided a much-needed measure for the protection of the then threatened environmental heritage of New South Wales, thereby removing the need for the last-resort actions of the community using the union movement and its green bans.

There are currently 650 items that have been protected through permanent conservation orders under the Act. These orders protect some of the State's major heritage landmarks. However, the identification and protection of the community's heritage over the last 20 years has generally been in response to threats to individual items, and therefore primarily on an ad hoc basis. I believe that those items currently protected by the Heritage Act do not provide a clear indication to the community of the range, extent or significance of our State's heritage. They merely represent a sample of such items, those that have been subject to threats over this period.

However, for the past two decades—since the introduction of heritage legislation in 1977—I believe we have been too busy identifying and protecting heritage items to worry too much about whose values we were representing. It was these issues, and the need for the reform of the State's heritage systems, that led to my release of the New South Wales Government heritage policy in 1996. The thrust of my policy is to broaden the concept of heritage, to ensure protection is given before threats and conflicts arise to make the system work better and, most importantly, to encourage broader community involvement in heritage conservation.

The appointment of a respected community figure in the person of Hazel Hawke to the chair of the Heritage Council is a signal that the Government takes seriously its responsibilities as custodians for the State's heritage. Mrs Hawke's strong public profile is already proving to be a great asset in assisting the Government to win the support and partnership of the community for heritage conservation. She builds on the solid work of previous chairs, Howard Tanner and Justice Hope.

The reforms to the heritage system that I announced in 1996 depend in large part on having the right mix of people and skills on the Heritage Council. It was important to establish a pro-active and more broadly based council with a greater range of skills. The first amendments to the Act that I brought to Parliament in late 1996 provided for this. The new council membership has been widened and deepened so that it is better able to make decisions about Aboriginal, natural and moveable heritage issues. In the second half of the 1990s and particularly in the lead-up to the 2000 Olympics it is vital that New South Wales gives a much greater emphasis to these parts of our heritage, which have been overlooked for far too long.

Governments are limited in what they can and should do. One thing government can do is actively put in place systems that encourage investment, development and conservation—systems that do not contradict each other and systems that provide for greater certainty, clarity and consistency in decision making in the regulatory framework. The founder of the National Trust, Mrs Annie Wyatt, said it all when she said ". . . concern for heritage . . . had to arise among the people themselves". This is a theme that I want to underline, for I believe it lies at the heart of the next phase of heritage conservation in this State.

Many of the initiatives for reform outlined in the Government's heritage policy have been achieved

since 1996. First, the Heritage Office was established on 1 July 1996, and it reports directly to me as Minister. Second, 12 months ago I launched the State heritage inventory in electronic format, and it now incorporates a listing of 17,500 items that have statutory protection at State level or local level. Third, in April 1996 I announced the new heritage 2001 \$30 million fund to provide financial assistance for the conservation of items of State significance. Fourth, the Heritage Council has commenced development of an Aboriginal heritage policy in consultation with organisations responsible for Aboriginal heritage management.

Fifth, a moveable heritage project officer has been appointed to the Heritage Office, jointly funded with the Ministry of the Arts, to develop strategies for the Heritage Council to address this neglected aspect of heritage. Sixth was the appointment of staff within the Heritage Office to broaden heritage identification to better include multicultural heritage values. The seventh was to give education, promotion and publication activities a much more prominent role for the Heritage Council and Heritage Office.

These steps are foundations in making heritage management more easily understood, more responsive and more pro-active. Governments have a responsibility also to ensure that the education system and the school curriculum are key components in widening knowledge of and increasing our value of Australia's heritage. A \$400,000 project partnership has been established by Minister Aquilina and me to develop curriculum materials to ensure that heritage is a major component of education in the key learning area of human society and its environment from kindergarten to year 10. Every child in every school will have access to the information on the computer-based State heritage inventory. The Government is responding to these key issues and the community's demands by introducing these amendments. I am therefore pleased to present to the House today the amendments to the Heritage Act.

I now turn to protection of items of State heritage significance. At present the Act provides a mechanism for the protection of items through the making of interim or permanent conservation orders. In many cases these orders have been placed on items because of a perceived threat, not only because of their heritage significance. The current provisions are therefore adversarial in nature and often concentrate on resolving development and management issues instead of assessing heritage significance.

New part 3A of the Heritage Act introduced in this bill will, by contrast, establish a new State Heritage Register, which will eventually be a comprehensive list of publicly and privately owned places of State heritage significance. The new provisions provide for items to be subject to a thorough assessment of their heritage significance before they can be listed on the State Heritage Register. The establishment of the register will ensure that items will not be listed merely as a response to a perceived threat to their conservation. Under this new system the Heritage Council or its delegate will remain the approval authority for major changes to protected items on the register under section 57. This is the same system that presently operates for items with permanent conservation orders.

The bill introduces the concept of State heritage significance in new section 4A. Items can be listed on the State Heritage Register if they are of State heritage significance. An item will be of State heritage significance if it is of historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value or significance to the State. In order to ensure consistency and provide certainty to developers, owners, government agencies and the community the Heritage Council has developed criteria for ascertaining State heritage significance. Under new section 4A I will publish the criteria in the *Government Gazette* and ensure it is available to all members of the community.

The New South Wales heritage manual of December 1996, which was launched by the Heritage Office and Department of Urban Affairs and Planning, currently provides guidance on the assessment of the significance of items of environmental heritage. A decision as to placement on the register will relate to the importance of the item, its possession of uncommon, rare or endangered aspects, and/or its ability to demonstrate the criteria for which it has been nominated. An item is not to be excluded from the register on the ground that items with similar characteristics have already been entered in the register.

The register will also include places owned by the Crown. This is important. A significant proportion of the most important heritage items in the State is in public ownership. If the Government is prepared to obligate private owners, I believe it should be responsible for protecting its own heritage assets, the community's assets. I am sure that none of us in this Chamber could conceive of substantial neglect or any development proposal that would threaten the continued existence of State icons like the Sydney Opera House, the Sydney Harbour

Bridge and the Chief Secretary's Building. But that is not an argument for leaving them off a comprehensive listing of heritage items that the State Heritage Register is designed to be.

The introduction of the State Heritage Register will enable us to reach the stage where everyone in the State—State officials, private developers, local councils, community organisations and private citizens—can look at one register through the Internet to find complete information about the State's heritage resource. Accordingly, amendments to schedule 1 to the Act will transfer to the State Heritage Register those items that are currently subject to permanent conservation orders and those places identified as being of State significance in the heritage and conservation registers kept under section 170 of the Act by government instrumentalities. After the State Heritage Register is constituted the Minister will have power to add new items to the register and remove existing items from the register after getting the advice from the Heritage Council in accordance with part 3A.

New sections 32 and 38 respectively enable the Minister to list or remove items on the State Heritage Register on the recommendation of the Heritage Council. The effect of such a listing is that Heritage Council approval is needed for works or demolition under section 57 of the Act, as currently is the case for items subject to conservation orders. The listing process in new section 33 ensures that owners and occupiers are notified that their property is being considered for listing at the beginning of the listing process. It allows owners and occupiers the earliest opportunity to put their views to the Heritage Council prior to it making any recommendation to the Minister. It also permits the community to participate at an earlier stage in the listing process by providing for public advertising and the consideration of community submissions on proposed listings before the Heritage Council makes a recommendation to the Minister.

As with the current procedures for permanent conservation orders, new section 33 also enables owners and other interested parties to object to the proposed listing on the register on the basis that the item is not of State significance, the long-term conservation of the item is not necessary, the listing would render the item incapable of reasonable economic use, or listing of the item would cause undue financial hardship to the owner, mortgagee or lessee. Under new section 34 the Minister is to decide whether to list an item on the State Heritage Register after he or she receives a recommendation from the Heritage Council. As in the present legislation, under new section 36 the Minister will

retain the option of holding a commission of inquiry to review the recommendation of the Heritage Council. However, a commission of inquiry may not, in many cases, be the most effective way of reviewing a Heritage Council recommendation.

Consequently, the bill will introduce an alternative form of review: the ministerial review panel. New section 35 provides for a panel of three experts appointed by the Minister to undertake a review within 30 days and to provide advice to the Minister on whether the item concerned should be listed. I believe this initiative will receive wide support as it will be an efficient and effective way of resolving disputes for the owner, developer and community interests. I shall appoint to the panel people with expertise relevant to the particular heritage issue under consideration. The existing benefits that apply to owners of properties covered by permanent conservation orders will also apply to those listed on the State Heritage Register.

Additional provision has been made for the Minister to provide, in special cases, specific term relief from State imposts to encourage conservation of the listed item through the Heritage Incentive Fund under new section 45. The Heritage Council may also delegate its approval powers to appropriate organisations such as State government agencies and local councils, but only when it is confident of the expertise of those organisations in heritage management. This has already been done for the Broken Hill and North Sydney local government areas. These administrative initiatives will streamline the approvals process and will be fully integrated with the wider reforms to the development approval system achieved by the commencement of the Environmental Planning and Assessment Amendment Act earlier this year.

As a result, the Heritage Council will be able to concentrate on the identification and protection of the significant elements of the State's heritage assets while providing an effective basis for local councils and communities to address their local heritage estate. The introduction of the provisions relating to the State Heritage Register and these administrative initiatives will provide greater certainty and consistency in terms of the responsibilities for management of heritage assets to both developers, government agencies and the community as a whole. At present temporary protection at State level can be provided through interim conservation orders and emergency orders under section 130 of the Act. Both these orders usually last for 12 months.

Under the Heritage Amendment Bill the process will be simplified by combining interim

conservation orders and section 130 orders in one new order to be called interim heritage orders. New section 29 in new part 3 will permit an interim heritage order to be placed over an item for a period of up to 12 months. The order will protect an item for up to 12 months so that a proper assessment of the item's heritage significance can be made in a calm and rational manner. It will create a breathing space for all parties and ensure a better result for the State's heritage resource. Provision has been made for the Minister to make interim heritage orders for items of State or local heritage significance in new section 24. The Heritage Council is to provide advice to the Minister on the making of those interim heritage orders. Development proposals can still be considered and approved while the order is in force under section 57 of the Act.

Under new section 25 the Minister can also authorise local councils to make interim heritage orders for items of local heritage significance. This is a major initiative as it will, for the first time, enable councils as the representatives of the local community to take full responsibility for the protection of their heritage within their local government area, thereby alleviating the need for referral to the Heritage Council and the Minister for such interim protective measures. Detailed procedures have been included for the making or revoking of interim heritage orders and for the prompt notification of owners, occupiers and the community generally in new sections 26, 27 and 29. Section 136 orders will be retained for emergency protection, when the item is under threat of damage or demolition.

The existing neglect provisions in the Act are based on the concept of "wilful neglect." The aim of these provisions was to enable the Heritage Council to take action against owners of items that were subject to permanent or interim conservation orders who neglected their properties to the extent that the features that made the property worth conserving were destroyed. The impotence of these existing provisions has become glaringly obvious. There has been no successful prosecution under these provisions since the Act was introduced more than 20 years ago. During that time many items important to the community have been lost through neglect.

New division 5 of part 6 will place the emphasis where it belongs—on the significance of the item. As part of this process new section 118 provides for minimum standards of maintenance and repair in relation to four specified areas: weatherproofing, fire, vandalism and essential maintenance. These standards will be detailed in a

regulation. Owners of items listed on the State Heritage Register will be subject to these minimum maintenance requirements so that their responsibilities as owners are clear. The minimum standards will be designed to prevent the heritage significance of an item on the State Heritage Register from being diminished particularly through active neglect by that very small group of irresponsible owners who try to circumvent the existing conservation provisions in the Act relating to permanent and interim conservation orders.

A new orders regime has been introduced in this division, replacing sections 119 and 120 of the Act. It gives the Heritage Council power to order repairs to be carried out to an item on the State Heritage Register. This is possible only when an owner fails to meet the minimum standards of maintenance under new section 118. The orders regime for neglect of items on the State Heritage Register has been modelled on the existing provisions introduced in the Environmental Planning and Assessment Amendment Act 1997. Except in an emergency, an order can be made only after consultation with an owner, who will get an opportunity to put his or her case before any order is made. New section 120L provides for a right of appeal to the Land and Environment Court against the Heritage Council's order. New section 120K permits the Heritage Council to carry out the repairs itself and to recover the cost.

These provisions will enable the Heritage Council to contact the owner when it has evidence that heritage significance of an item is being diminished and to negotiate remedial action. The Heritage Council will also be able to negotiate remedial actions with the owner, taking into account the capacity to fund those remedial actions. Let me make it absolutely clear that there will be no obligation for owners of items on the State Heritage Register to restore their properties but simply to protect them against the type of permanent damage or deterioration that will reduce the heritage significance of that property irretrievably. When the owner does not have the financial capacity to meet even these basic maintenance standards, there remains provision under the Act for grants or loans from the Heritage Council.

However, as a last resort the Heritage Council, with the consent of the Minister, may prosecute an owner for failure to maintain a property to the minimum standards required by the regulation under new section 119. New section 119 replaces the old wilful neglect offence in section 117, which required the owner to neglect the item for the purpose of

demolishing the property or allowing its redevelopment. This was an impossible matter to prove. Consequently, the offence did not act as a deterrent to those few owners who attempted to circumvent their obligations. The new offence is a strict liability offence linked to the minimum standards for maintenance that will be specified under new section 118. I envisage that prosecutions under this provision will be made only in respect of those most recalcitrant owners who reject the Heritage Council's co-operative approach to the conservation of items on the State Heritage Register.

The Act requires the Heritage Council to issue permits for the disturbance of archaeological relics more than 50 years old. The current provision requires a permit only if the developer's intention in excavating is to discover, expose or move relics. This is rarely a developer's intention, except incidentally. This leads to the ridiculous situation that the current provisions do not cover those excavations and developments when the owner or developer has no intention of exposing such relics but because of the location of the site nevertheless is likely to do so. The amendment to section 139 makes it clear that a permit will be required if a developer knows or has reasonable cause to suspect that the excavation will uncover archaeological relics on site. The amendments also give the Heritage Council the discretion to except certain classes of relics, locations, and types of excavation from the need for a permit where it has reasonable confidence that there are no significant relics on the site.

The amendments to sections 146 and 146B widen the requirement to notify the Heritage Council if a relic is uncovered and provide for a range of options to ensure the continued conservation of excavated relics. An excavation permit is not required when an approval is also required under section 57 if the site is listed on the State Heritage Register, so that no double approval will be required. The Government has responsibility for the management of the largest heritage property portfolio in the State. This heritage property is diverse both in its type and relative levels of significance. It includes all aspects of the State's heritage including items of Aboriginal, built, natural, landscape and movable heritage items. The important point to make, however, is that all the heritage assets are managed in trust by government agencies for the community. They are the community's heritage assets. It is, therefore, important that there is parity between the standards of conservation and management expected of the private sector and those expected of the public sector.

At the same time it must be acknowledged that State agencies have obligations to provide essential services to the community—health, education, transport and social support services. There is finite funding available to the Government to provide those services which the community rightfully expects. Clearly what is required is an appropriate balance in terms of conserving the State's heritage for future generations and the provision of other services by the Government. I intend to achieve this by clearly articulating the heritage conservation initiatives that must be undertaken by government instrumentalities, including State-owned corporations, to identify and manage heritage assets under their care and control under Section 170 of the Act. In addition to listing these key community assets, government instrumentalities will lead by example in heritage protection by adopting sound conservation and management strategies and practices to maintain the heritage significance of these community assets in a diligent manner.

Heritage protection of these assets will mean taking the long view and planning for conservation and asset management or asset disposal in such a way that the heritage significance of the asset can be retained through its future adaptive or continuing use. These heritage asset management principles will ensure that the State's publicly owned heritage assets are better protected and managed by requiring that agencies integrate heritage considerations in their asset management decision making. Under the Act, State agencies will be required to comply with the Heritage Council's guidelines. The Heritage Council will consult government agencies and relevant community peak bodies to ensure that the guidelines are effective, practical and comprehensive. In addition, agencies will notify the Heritage Council when items are removed from registers and report on their compliance with the Act in their annual reports. This will include a statement of condition of items listed on the State Heritage Register which are under their care and control.

The Heritage Act was passed two years before the Environmental Planning and Assessment Act. This had the unintended effect of divorcing heritage considerations from other key aspects of environmental management at the local government level. The use of the planning system by local councils to protect heritage has a number of important advantages: heritage items can only be protected by local environmental plans following extensive community consultation; and heritage considerations are integrated with planning and development decisions made by local councils, thereby reducing ad hoc decision-making. There are presently over 100 local councils managing heritage

items in local environmental plans. It is desirable to maintain and support this role of local government in heritage protection. It is impractical, in fact undesirable, for a single State agency to have sole responsibility for protection of the entire State's heritage.

Long-term conservation will only be successful when it is driven by the community and when the community actively participates in and supports the process of nominating and protecting the heritage items which are valued. Local councils are best placed to continue to undertake this fundamental principle on the broad scale. New section 84 includes a statement of a local council's obligation to protect the heritage through the planning system. It is considered important to make this clear statement in the Heritage Act to clarify in the eyes of the community the respective and complementary roles of the two levels of government in heritage management. It is emphasised that this amendment will not add to the current workload of local councils as it is simply the restatement of the role established in 1985.

Nevertheless, I am sensitive to the need to provide local councils with assistance and support to identify and protect heritage. The Government will give local councils the necessary tools in interim protection, direct funding and in the form of practical guidelines and advice. To date, however, there is a basic problem in that local environmental plans can take a number of months to prepare and councils have not had the ability to temporarily protect sites under threat. This has led to councils requesting my intervention to protect sites of local significance.

As stated earlier, as a result of the amendments I will be able to authorise councils to make interim heritage orders under the Heritage Act, when the council believes that an item has local heritage significance and may be harmed, to allow for time for LEPs to be made. The effect of the order is that local council approval for works will be needed for the life of the order, which may be up to 12 months. Applicants dissatisfied with a council's determination will be able to appeal to the court. There will be strict limits to the use of these new powers by councils. I will only authorise councils which have a proven record in heritage management. I will also be able to place conditions on the making of orders and can remove the power of councils to make orders should there be an abuse of the powers. Local council interim heritage orders cannot be placed on sites deemed by me to be of significance to the State in accordance with the Environmental Planning and Assessment Act, nor for development carried out by the Crown.

The Heritage Council will monitor the making of the interim heritage orders as the councils will be required to notify the Heritage Council of each one made. I will retain the power to intervene and make an interim heritage order. In addition, as provided by the amendments I will instruct the Heritage Council to prepare the guidelines in consultation with local government and peak community interest groups to ensure that the guidelines are practical and reflect the broad range of community interests in urban and rural New South Wales. In the New South Wales Government heritage policy I previously foreshadowed the need to assist councils in their heritage management responsibilities. As outlined in the policy, the Heritage Office has prepared a model heritage local environmental plan which councils will be able to utilise as a template, adapting it to local conditions.

This will save councils considerable time and expense in having to reinvent the wheel. I believe that these initiatives will greatly assist councils and the general community in heritage conservation in their areas and provide clarity and certainty to owners and developers for future development proposals. The amendments will encourage councils to continue to take a more comprehensive approach to heritage protection. More upfront planning by councils will improve certainty for the community and developers with heritage sites being identified early through a consultative process, reducing continual disputation over individual development sites over heritage issues.

A key element of the proposed changes to the Act is the introduction of the capacity for the Minister to enter into heritage agreements with owners of heritage items of State significance. These agreements are legally binding agreements which set out agreed undertakings between an owner and the Minister, such as conservation works to be carried out in return for funding incentives or exemptions from statutory approvals agreed by the government. Heritage agreements have been successfully working in other States for a number of years. Their major attraction is to allow for a negotiated approach, ensuring good heritage outcomes to major heritage projects—a much needed alternative to the traditional and somewhat inflexible statutory approvals approach. As heritage agreements are to be registered with the Land Titles Office and attached to the land title, it will be possible for owners to on-sell properties with the negotiated undertakings as to development potential and conservation works clearly spelt out—a potential enhancement to the value of the property due to the added certainty.

This co-operative approach will also enable the Minister to address any financial considerations and any other incentives which the Heritage Council believes will assist in the conservation of the item concerned. As with such measures the agreement relies on the co-operation of both parties and hence can be terminated or varied by the Minister when circumstances change. The wide range of heritage properties and items means that it is important to have an effective range of penalties to provide sufficient disincentive for offences against the Act. It will be clear to my colleagues in the House that the disincentive for someone causing damage to a heritage property in the Sydney central business district must be quite different to that for someone in Corowa. It would also differ for damage to a building compared to a precious object. Clearly, the penalties available should reflect these considerations in order to create an effective deterrent.

The amendments will increase both the amount and the range of penalties to provide a more realistic disincentive for non-compliance with the Act. The current maximum penalty of a \$20,000 fine or six months in gaol is inadequate, particularly where the item in question is property within a major CBD. There will in future be a maximum penalty of 10,000 units. In today's dollars this means \$1.12 million. This is in line with provisions in recent heritage legislation in other States. Two new penalties reflect the emphasis of the amendments on the management of the heritage significance of places. In the case of major damage to or destruction of a heritage item, the future development of the site may, at the discretion of the Minister, be restricted to the same building envelope as the heritage item or the Land and Environment Court will also be able to require the reconstruction of an item where this is a feasible alternative.

The objective of these changes is to limit the appeal of wanton damage or destruction to owners of heritage items by limiting the financial benefits they can derive from such actions. The amendments will also make a number of other minor changes to the Act. The Act presently allows for heritage valuations to be made by the Valuer-General on properties subject to permanent and interim conservation orders. Heritage valuations benefit the owner in terms of rating and land tax obligations by ensuring the value of the land reflects highest and best use, which can be achieved assuming that the heritage significance of the item is retained.

The amendments recognise the value of this incentive for owners, allowing for the continuation

of heritage valuations for properties listed on the State Heritage Register. The concession currently operates by requiring that each property listed with a permanent conservation order under the Heritage Act be assessed separately for land tax as if it were the only land owned by the owner. This concession thereby has the effect of granting, to certain owners, a potentially greater additional discount to land tax than would otherwise have been the case.

As such, the concession benefited only a small proportion of the community—those with multiple land-holdings. Under these amendments this secondary benefit under section 128 will be phased out over five years. This is in relation to properties already subject to a permanent conservation order. A five-year sunset clause was carefully chosen to give owners sufficient notice of the change. No properties added to the new State Heritage Register will be eligible for the section 128 land tax benefit. However, they will still attract the heritage valuation benefit in terms of other property imposts.

Legislative protection for heritage resources of the community is very important, but I am convinced that wider community education about and community understanding of heritage will be a major tool for heritage conservation in the future. The present range of functions of the Heritage Council established under the Act will specifically underline the educational and promotional emphasis of the Government's heritage policy. Various minor revisions to definitions in the Act will be made to improve their workability and to reflect current heritage practice.

The annual reports of the Heritage Council and Heritage Office will be combined into one comprehensive report. This will remove the unnecessary and artificial separation in the reporting of the achievements of the council and the office. The amendments will enable the community to gain a single and more coherent picture of conservation management achievements made by the Government. The bill will provide a more effective basis for the identification and protection of the community's environmental heritage in New South Wales. It will also provide certainty and consistency in terms of the responsibilities for management of heritage by the State Government, the Heritage Council and local government.

The revised Act will enable the Heritage Council and the Heritage Office to undertake the necessary reform of the heritage system so that government agencies, owners, developers and the public can have greater confidence that the system is working for the good of the community as a whole.

The proposed changes reflect current community and industry views and the proposed amendments have received strong support from major community groups such as the National Trust. I commend the bill to the House.

Debate adjourned on motion by Mr Smith.

FAIR TRADING TRIBUNAL BILL

CONSUMER CLAIMS BILL

Bills introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police), on behalf of Mrs Lo Po' [11.23 p.m.]: I move:

That these bills be now read a second time.

The Fair Trading Tribunal Bill is cognate with the Consumer Claims Bill. Together these bills will simplify and improve dispute resolution for parties involved in consumer and general marketplace disputes. In 1997 an independent review was commissioned of all the tribunals in the fair trading portfolio. Those bodies reviewed were the Commercial Tribunal, consumer claims tribunals, building disputes tribunals, the Motor Vehicle Repairs Disputes Committee and the Residential Tenancies Tribunal. The review was prompted by the Government's concern to ensure that all the tribunals within the portfolio were operating both fairly and efficiently, and were providing a system of dispute resolution that was meeting its objectives.

The review's aim was to evaluate the tribunals' operations and recommend possible improvements to their effectiveness, public utility, accessibility and efficiency. During the review a wide variety of stakeholders and interested parties were consulted. Those stakeholders included individuals or organisations that regularly represented parties before the tribunals, and community, business or industry groups which have an interest in the operation of the tribunals. The review concluded that there were significant advantages in amalgamating the Commercial Tribunal, consumer claims tribunals, building disputes tribunals and the Motor Vehicle Repairs Disputes Committee into a new Fair Trading Tribunal.

Increased efficiency and effectiveness will be achieved through a common membership structure, elimination of duplicated registry services, an improved capacity to co-ordinate proceedings and

the potential to better utilise resources. In addition, this positive change will avoid overlap between jurisdictions and reduce artificial distinctions and confusion for the community where a number of forums have concurrent jurisdiction, such as the Consumer Claims Tribunal with the Motor Vehicle Repair Disputes Committee. The review recommended that the Residential Tenancies Tribunal not be amalgamated into the Fair Trading Tribunal but instead be restructured and renamed the Residential Tribunal.

The volume and nature of disputes in the residential area are such that the maintenance of a separate tribunal was justified. The establishment of the Residential Tribunal is the subject of a separate bill. In examining all facets of the operation of the tribunals the review presented an extensive range of recommendations that form the basis of many of the provisions in the bill. I will now deal with jurisdiction. The Fair Trading Tribunal Bill establishes the framework of the tribunal. The actual jurisdiction is conferred by other legislation, for example, the Fair Trading Act 1987 or the Home Building Act. The Fair Trading Tribunal will have the jurisdiction of the merged tribunals. In addition, the opportunity has been taken to examine any statutory adjudicative powers exercised under fair trading legislation that do not at present reside within an existing tribunal.

The Government considers it important that all parties to disputes are treated consistently and have access to the same forum and procedures for dispute resolution irrespective of the nature of the individual dispute in question. Consequently, the Fair Trading Tribunal's jurisdiction will include a number of stand-alone adjudicative functions currently carried out within the fair trading portfolio: for instance, the jurisdiction of the Director-General of the Department of Fair Trading and the Motor Vehicle Repair Disputes Committee to deal with disputes between consumers and motor dealers; the jurisdiction conferred on the Director-General of the Department of Fair Trading by the Property, Stock and Business Agents Act 1941 to review commissions and fees rendered by licensees; and consumer claims for compensation rejected by the travel compensation fund trustees which are currently reviewed by a specially convened committee appointed by the Minister.

This change makes for a more streamlined administration within the portfolio and clearer channels for consumers to travel in the event of bringing a disputed matter to the attention of the Department of Fair Trading or to the registry of the tribunal itself. To accommodate the Fair Trading

Tribunal's wide and varied jurisdiction, the tribunal will operate in four divisions: the commercial division, home building division, motor vehicles division and general claims division. The commercial division will specialise in consumer credit and other such matters and have jurisdiction in relation to disputes between consumers and property, stock and business agents, and between consumers and the Travel Compensation Fund.

This division will also hear applications under part 7 of the Fair Trading Act to enforce codes of practice. This division incorporates much of the jurisdiction of the Commercial Tribunal. The monetary limit is set by the legislation conferring jurisdiction, but in most instances is unlimited. The home building division will specialise in all Home Building Act and building insurance matters. This division will consolidate into one division the jurisdiction currently exercised by the Building Disputes Tribunal and Commercial Tribunal. The Home Building Act sets no monetary limits for disputes arising under it. The motor vehicles division will specialise in all motor vehicle disputes. The jurisdiction to deal with motor vehicle disputes currently shared between the Consumer Claims Tribunal, the Motor Vehicle Repairs Disputes Committee and the Department of Fair Trading Motor Dealers Disputes Committee will be consolidated into the motor vehicles division.

In line with the current maximum jurisdictional limits, the monetary limit for this division will be \$25,000. The general claims division will reflect the remainder of the current jurisdiction of the Consumer Claims Tribunal. In line with current jurisdictional limits, the monetary limit will remain at \$25,000. The Consumer Claims Bill preserves the remedies available to consumers in relation to disputes arising from the supply of goods or services currently established by the Consumer Claims Tribunals Act 1987 and confers jurisdiction to deal with these disputes upon the Fair Trading Tribunal.

The key feature of the procedures in the Fair Trading Tribunal will be flexibility. The jurisdiction of the tribunal will encompass disputes that vary significantly in value and degree of difficulty. To ensure that disputes are dealt with appropriately in each case, the tribunal will have flexibility in its composition, allowing disputes to be dealt with by one, two or three member panels depending on the subject matter and degree of public importance involved. Overall, the tribunal will have the discretion to adapt its procedures to fit the dispute before it. In line with the approach of the merged tribunals and with the procedures of the recently established Administrative Decisions Tribunal, the

Fair Trading Tribunal will conduct proceedings with as little formality and technicality and with as much expedition as the requirements of the matter in question permit. The Fair Trading Tribunal will not be bound by the rules of evidence and will have the discretion to inform itself as it thinks fit.

The tribunal hearings will generally be open to the public except in cases in which a member has ruled the matter be heard in private. The proceedings before the tribunal will be taped and notice of decisions will be served on the parties to a dispute. Written reasons for decisions will also be provided to parties upon request, if they have not already been supplied in the course of the proceedings. Alternative dispute resolution will be an important component of the tribunal's operations and an integral component of its case management strategy. Upon receipt of an application the tribunal will, where appropriate, attempt to resolve the dispute via a range of means other than a formal hearing. These means include mediation, conciliation or the use of preliminary conferences. Where parties reach an agreement, that agreement may be ratified by the tribunal.

A party to a dispute will have the carriage of his or her own case. However, the tribunal will have the discretion to allow representation where, in its view, it is appropriate. Factors such as the value of the matters, the complexity or capacity of parties to present their own case will be considered when deciding whether representation should be allowed. In developing its procedures the tribunal will consult with the community and stakeholders concerned with the operation of dispute resolution in the fair trading area. This approach has been successfully adopted by the Residential Tenancies Tribunal, which has established committees on either a divisional or a whole-of-tribunal basis, to comment on procedural issues such as the information provided to parties, listing arrangements and venues, and associated registry functions.

In addition to appeal rights to the Supreme Court, the Fair Trading Tribunal Bill provides that parties may, in certain classes of cases, seek the leave of the tribunal for an internal rehearing. The rehearing provisions are targeted to the lower level disputes, of a value of \$25,000 or less, in which appeal rights to the courts are limited to the grounds of jurisdiction and natural justice. The cost and delay involved in taking an appeal to a superior court operates to dissuade parties from pursuing their rights. These factors are exacerbated where the matter in dispute is of a relatively low value. This new tier of appeal provides an accessible option for parties to pursue their rights. The grounds for seeking a rehearing are that the decision made was not fair and equitable or was against the weight of evidence, or that there is fresh evidence.

In addition, in all instances a party must show that substantial injustice has resulted from the decision. The grounds are not legalistic and enable a party to seek leave to be reheard without the need to seek legal assistance as a matter of course. The rehearing provisions do not amount to open season for disgruntled litigants who may wish to drag out a dispute and clog up the tribunal. The leave procedures ensure only meritorious claims are allowed to be pursued. Where leave to be reheard is granted the matter is dealt with afresh, and may be heard before a panel of members. The normal procedures of the tribunal apply to such rehearings. I have outlined here the major features of the Fair Trading Tribunal which gives a feel for what this important initiative will achieve when enacted. I believe that the Fair Trading Tribunal will provide an improved regime for the resolution of consumer and marketplace disputes. I commend the bills to the House.

Debate adjourned on motion by Mr Smith.

House adjourned at 11.35 p.m.
