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Legislative Assembly

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Wednesday, 11 November 1998

LEGISLATIVE ASSEMBLY

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Mr Speaker (The Hon. John Henry Murray) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

IRRIGATION CORPORATIONS AMENDMENT BILL

Second Reading

Debate resumed from 22 October.

Mr D. L. PAGE (Ballina) [10.00 a.m.]: I lead for the Opposition on this bill, which I indicate at the outset the coalition supports. I should indicate also that the coalition has a very creditable record in relation to providing local ownership for irrigation areas, particularly under the previous Government, which provided local ownership for Murray Irrigation. I will have more to say about that later. The object of the bill is to amend the Irrigation Corporations Act 1994 to provide for the conversion of the Coleambally Irrigation Corporation and the Murrumbidgee Irrigation Corporation, currently both statutory State-owned corporations and class 1 irrigation corporations, to company State-owned corporations and then to class 2 irrigation corporations, under which the shares are held by private irrigators.

There are a number of reasons for the Opposition's support of this legislation, not the least of which is that the legislation will enable greater local ownership and participation in the management of water distribution in those two areas, a consequence of which will be, in our view, improved efficiencies. That certainly was the case with Murray Irrigation upon its privatisation. I know the Minister does not like to use the word privatisation, but one is really engaging in semantics if one seeks to differentiate between privatisation and local ownership in this context, for those two terms have the same meaning. Most people would acknowledge that Murray Irrigation was privatised, so I will continue to use the term in that context.

We do know that Murray Irrigation, since it was privatised in 1994, has reduced its operating costs by 30 per cent. That is a very impressive performance. It has enabled Murray Irrigation to

create financial reserves for infrastructure replacement and drought contingencies. In fact, in the case of Murray Irrigation, irrigators have already set aside \$6 million for future asset replacements and have established another drought reserve fund of \$2.4 million. So, just on the issue of economics, I have no doubt that the benefits that will accrue to Coleambally and Murrumbidgee irrigators will be similar to those that have accrued to Murray irrigators.

As I have already said, this initiative has the full support of the Opposition. Indeed, it is fair to say that it represents coalition policy. We started this process back in 1994 under the ministership of George Souris, who was then Minister for Land and Water Conservation. We have supported this process right through. If I have a criticism of the Government, it is that it has not moved as quickly as the coalition would have liked. I commend the current Minister for his initiative in bringing forward this proposed legislation.

I point out that in a question without notice asked on 27 May 1997 in this House I asked then Minister Yeadon whether he would consider the local ownership and privatisation of Coleambally Irrigation and Murrumbidgee Irrigation. The Minister's response was a flat no. Thus we recognise a turnaround in the attitude of the Government on this particular matter. The Government adhered to the policy of running these two irrigation areas as State-owned corporations. It now recognises the significant benefits in going the extra step and introducing local ownership.

One concern expressed by some people is that by providing for local ownership one may, in some way, be putting the fox in charge of the henhouse when it comes to environmental matters: one would be handing over responsibility for environmental management to a group of people with vested interests. I state categorically that that is not so. Here, we are talking about the privatisation, or local ownership, of the distribution system only. All relevant environmental legislation applies equally to these private companies. In fact, one could argue that stronger environmental requirements are placed on these private companies than are imposed on State-owned corporations. So, far from a relaxation

in the enforcement of environmental legislation, there is even stronger implementation of it. There will be no diminution in the responsibility of the privatised companies in regard to environmental matters. I want to make that quite plain.

Consider the experience of Murray Irrigation. It is subject to the Irrigation Corporations Act. It has its own water licence and must adhere to the conditions of that licence. Murray Irrigation also has an Environment Protection Authority pollution licence and an operating licence. The requirements that apply to private companies do not always apply to State-owned corporations. It is important that I place on the record statements of both the Chairman of Murrumbidgee Irrigation and the Chairman of Coleambally Irrigation, who have been in touch with me indicating their very strong support for this bill. I would read into *Hansard* excerpts from a letter I received from the Chairman of Murrumbidgee Irrigation, Mr Dick Thompson:

... I confirm Murrumbidgee Irrigation's desire to move to local ownership under the present offer from the NSW Government.

He went on in the letter to say:

Shareholders will be the local irrigators. The only way to become a shareholder will be to be an irrigation customer of the company.

Later in the letter he said:

Local ownership and control will demonstrate just how efficiently this area can be run. If COAG cost recovery principles are to be realised and the MIA is to prosper we must have local ownership.

That is a very strong endorsement by Murrumbidgee Irrigation through its chairman, Dick Thompson, who pointed out that that organisation is about to begin negotiation with the Government to fund the implementation of the land and water management plan for its area—a plan that has been in the development phase for seven years. I believe land and water management plans will be easier to implement under local ownership, because the irrigation industry knows that its success is directly related to the successful implementation of those plans. Similar support for the legislation was given by Coleambally Irrigation. In that regard I quote from a letter from Mr Alan Wray, Chairman of Coleambally Irrigation:

Dear Don,

I would like to confirm Coleambally Irrigation Corporation support the objectives of the Irrigation Corporations Amendment Bill 1998. The move to local autonomy is broadly supported by the irrigation community, this being an objective which has been sought since 1989.

Your support for the passage of this Bill through the House will be of benefit to our community.

Those who will be most affected by the legislation, the New South Wales Farmers, strongly support it. I shall put on the record some benefits that have accrued to Murray Irrigation as a result of its local ownership. Murray Irrigation has reduced its annual operating costs by 30 per cent, and this has enabled it to create reserves for drought purposes and asset replacement. It has also developed improved environmental programs. Irrigators have committed themselves to land and water management plans. They are the first integrated plans to be adopted in New South Wales and are a model for natural resource management.

Local ownership refers to local ownership of the distribution system, which is different from the regulator, the Department of Land and Water Conservation. Therefore, the role of the regulator should be separated from the role of the retailer. Another benefit of privatisation is that Murray Irrigation has been able to take advantage of new business opportunities, such as the development of a precast concrete business in Finley. It has provided extension services through partnership agreements with New South Wales Agriculture and industry for the provision of property management and planning, as well as dairy extension services.

A range of benefits have accrued that may not have been obvious at the outset. If the experience of Murray Irrigation is anything to go by, both Coleambally and Murrumbidgee areas have much to look forward to. The Opposition strongly endorses the proposed legislation. Ideally, the Government could have accelerated the introduction of the measure, nevertheless, it is a step in the right direction. The Government has reversed its policy to bring it into line with that of the coalition, something that is always desirable. The Opposition supports the bill.

Mr PRICE (Waratah) [10.12 a.m.]: I speak in support of the Irrigation Corporations Amendment Bill, which will enable irrigators and other water users in the Murrumbidgee and Coleambally irrigation areas and districts to take that last step on the road to self-management. The proposed legislation has been a long time coming. It is much needed and it will be actively endorsed by local communities. Self-management will give businesses in the area greater flexibility to compete and develop in a way that serves the interests of the local community. Irrigators and water users will have a direct input into the management of its water supplier, and productivity savings will be achieved and passed on to customers.

This is another example of the Carr Labor Government listening to the aspirations and wishes of local rural communities, following on the successful arrangements made in the Murray area. The bill will enable shares to be issued to customers in an equitable way. For example, it is intended that shares in the Murrumbidgee company will be divided into three classes, representing high security water users, normal security users and holders of other rights. Shares are to be issued in proportion to the total volumetric entitlement of the irrigators and users within each class. Once in local hands there will be conditions on the sale and ownership of shares in Murrumbidgee Irrigation and Coleambally Irrigation as set out in the memorandum and articles of association adopted by the shareholders.

The bill will provide also that in the proposed constitution of the corporation every existing irrigator will be entitled to surrender or transfer any share at any time after local ownership if the irrigator so chooses. Although negotiations for local ownership have been difficult, the local community will certainly benefit from the proposed new arrangements. The Murrumbidgee Irrigation Area is well known for producing high-quality and valuable agricultural commodities for sale on both the domestic and export markets.

The viability of the agricultural industry relies heavily on a sustainable natural resource base, and I am certain that land and water management plans will go a long way towards achieving better environmental outcomes. Localised decision making is a central platform of the Carr Labor Government's water reforms. In this instance I am sure that the move to local ownership by Murrumbidgee Irrigation and Coleambally Irrigation will also give those entities a much greater incentive to ensure that their long-term financial and environmental sustainability is secure. I support the bill.

Mr SMALL (Murray) [10.15 a.m.]: I am pleased to support the bill. I did not believe that such a measure would be introduced by a Labor government. The Government has done an about-turn, and I am pleased it has. I wish to relate some of the history of this matter. Members of the Southern Riverina Irrigation District Council [SRIDC], of which I am a past member, approached me with a request to have the Murray Irrigation Area privatised so that it could be taken from the control of the State Government. It was not that the Department of Water Resources was at fault; indeed, it was doing an excellent job. It was most helpful to irrigators.

However, it was felt that privatisation would be far more cost-effective. When the SRIDC sought my support in 1986 I invited Wal Murray, the then Leader of the National Party and Deputy Leader of the Opposition, to meet with me and the SRIDC. At that meeting, which I recall clearly was held at a local RSL club, irrigators informed Wal Murray that they wished to privatise the system. Mr Murray promised that if irrigators felt the same way when the coalition won government he would ensure that the system was privatised. When the coalition came to office in 1988 the matter was put in train.

When the Hon. I. R. Causley became the Minister for Natural Resources further discussions were held and steps were taken towards the corporatisation and finally the privatisation of the area—a major project. Local government and the Roads and Traffic Authority were at odds about who should bear the cost of the construction of bridges over channels and the maintenance of facilities and roadways. At that time some councils, in particular Griffith City Council, strongly opposed the privatisation proposal.

Mr Amery: The council was chaired then by Jim McGann.

Mr SMALL: Yes, he was very vocal. After considerable negotiation the interested parties reached an agreed position as between the irrigators and local councils. Eventually the Minister, local councils and irrigators in the Murray area became amenable to privatisation, and irrigators sought long-term financial resources from the Government to replace old structures. Murray Irrigation had the benefit of new facilities, and it was thought that Coleambally would also quickly adopt the privatisation concept. Most of its structures were newer, and fewer needed replacement. The Murrumbidgee area had many older structures—some of them were 70 years old—and, consequently, many more problems.

The greatest problem at the time was getting support for the bill in this House; the coalition Government had to rely on the votes of the Independents. I remember vividly that in 1994 the then Minister for Land and Water Conservation and Deputy Leader of the National Party visited my electorate and spoke to irrigators, solicitors and accountants about the proposed change. It was a big issue. Jeff Angel of the Total Environment Centre opposed the coalition's bill and said that irrigation corporations should never be privatised. He did not support the proposal to increase irrigation licences

for river pumpers from five years to 15 years, after which they would roll over. But I suspect Mr Angel was not telling the whole truth. So I arranged for John Hatton to visit my electorate and I organised a meeting with a number of people including Warren Martin. At that meeting I proved to John Hatton that what he was being told by the Total Environment Centre was incorrect.

At that time Jeff Angel wanted an environmental impact statement to be done on all irrigation areas prior to privatisation. We objected strongly. We said it could not be done because it could drive many people off the land. However, it was agreed that during the first 15-year cycle of the water licence all land and water management plans would proceed. It was agreed further that after 15 years—we are about four years down the track of the 15-year cycle—all farms would be subject to an environmental impact statement, and if it was found that water tables were rising or there were salinity problems, water would be removed from that land. The result was separate water rights and land rights, and that enabled water to be removed from land. With John Hatton's vote in the lower House the coalition managed to get the bill passed.

The coalition Government expected as many as eight entities in New South Wales to go down the track of corporatisation and then privatisation. If I remember correctly, Gumly Gumly Irrigation in the Wagga Wagga electorate was first to be privatised. Jemalong Irrigation was interested in privatisation. The Lower Murray Irrigation was first to come on stream, with the documents being signed just before the election on 25 March 1995. Murray Irrigation then came on stream, closely followed by the Hay settlers. Three irrigation areas in Murray electorate and Gumly Gumly in the Wagga Wagga electorate were converted. Wonderful forces have been at work in the irrigation corporations, the department and local government. At the time many people in the Department of Water Resources had reservations about the conversion, especially with regard to disruption to employment—and that is natural.

I am proud to say that the corporatisation and privatisation of Murray Irrigation and Western Murray Irrigation has been magnificent, and I thank all those who undertook the difficult work throughout the process. Kelvin Baxter, the chairman of Murray Irrigation at the time of corporatisation, and his team of irrigators on the management board did a magnificent job, as has Bill Herrington, who has taken over from Kelvin Baxter. Both men are dedicated to the cause. The chairman of Western Murray Irrigation is Colin Thompson. Coomealla irrigators in lower west Murray have entered into a

joint agreement with the Government to pipe water into a microjet drip and underspray system. They too have done a magnificent job. I am informed that the debt associated with that project will be repaid in full this year, and that is a tremendous effort.

Murray Irrigation has worked hard to secure its water entitlement. Although honourable members agreed to the cap system, it has hurt the irrigators in Murray Irrigation substantially. Murray Irrigation was the first corporation to be developed by the State Government, and it has done a good job. However, the irrigators who took over the corporation have had 8 per cent of their water entitlement stolen—they now receive only 92 per cent of their entitlement. Although they spent a lot of money on developing their land with land-forming reticulation and good management, they have been hurt by the cap imposed by the Government. Overall they have lost 11 per cent of the amount they normally used, although, to be fair, that water was excess to annual allocations. So the irrigators have suffered hard times to secure adequate water supply. Together with people in the rice industry and me, they have fought very hard for their entitlement.

I fully endorse this corporatisation bill. I have advocated for corporatisation since I was first elected to this House in 1985, when I was approached by the irrigators. This legislation would not have been introduced had Wal Murray not joined the irrigators on the Southern Riverina Irrigation District Council in the call for privatisation. The previous Government provided those irrigators with the opportunity to become corporatised and then privatised; with this bill the Minister for Agriculture will give the irrigators of Coleambally and Murrumbidgee the same opportunity. With everyone working together there will be an excellent result for irrigators. I am pleased that today the present Government supports the direction taken by the previous Government. I congratulate the Minister for Agriculture on taking this step forward.

Mr Amery: If the honourable member keeps rubbing it in I might change my mind.

Mr SMALL: I am pleased that members opposite have seen the light. Irrigators are pleased that they are being given the opportunity to manage the resource. I understand that in the past the Minister agreed with corporatisation but disagreed with privatisation. His change in attitude has opened the door further to enable irrigators to go down the track of privatisation. It is great that the Government is taking this step forward to enable irrigators in

Coleambally and Murrumbidgee to manage the resource, a concept that has worked so well in the Murray system.

Ms SEATON (Southern Highlands) [10.29 a.m.]: I am pleased to speak on the Irrigation Corporations Amendment Bill, which is the culmination of the efforts of many Riverina-based farmers to own their own destiny and future, and to create a whole new partnership with the farming community, the environment, government agencies and the towns supported by irrigation. The bill makes it possible at last for Coleambally Irrigation Area and Murrumbidgee Irrigation Area irrigators to join their colleagues in lower Murray and Murray in becoming owners of their own future. The bill is also evidence of a triumph of irrigators and enterprise over the old Labor school of thought that government knows best and individuals cannot be trusted to do things for themselves. At last the Government has had to capitulate to reality and introduce this bill, belatedly, to give irrigators the choices that they have always had under the coalition, and should have had since 1995 but were denied by the then Minister, the Hon. Kim Yeadon.

As an elected member I am privileged to be able to see the fruits of the work I undertook in 1994, prior to my election, as a consultant on behalf of irrigators and members of the Department of Water Resources. Seeing this bill at last debated in this House gives me some satisfaction that not only has the experience of the visionary pioneer in this process, Murray Irrigation, been a positive example to the CIA and the MIA, but the Government has recognised that irrigators should be allowed the choice to take their industry in a direction that will include not only a solid future in agriculture but also a parallel commitment to the environment and the not insignificant problems related to our long history of irrigation.

It is important that when we talk of environmental problems in the irrigation areas of south-western New South Wales we acknowledge the role of successive and well-meaning governments in setting off a chain of events which, with the benefit of hindsight, we might have done differently. But we must deal with the situation we find now, and I congratulate Murray Irrigation on the commitment it has shown to secure its industry for now and into the future. Irrigators understand that they have no future if they refuse to protect the environment. In many ways irrigators, and many farmers, are front-line conservationists, and want to see the indicators of environmental health improve over time, albeit, in many cases, slowly. They are more likely to do so if the irrigation areas are

populated with a robust and engaged population and economy—not a wasteland of deserted irrigation centres. Places such as Deniliquin and Leeton and the diversity of jobs and opportunities they represent depend on irrigation agriculture. If it were to cease, those towns would dramatically depopulate.

Historically, many of these areas were settled via an active, government-sponsored soldier settlement plan in which returned soldiers were encouraged to go to south-western New South Wales and become irrigation farmers. They did this, with the endorsement and assistance of government. So it is fair to say that whatever environmental problems we now attribute to this type of agriculture are shouldered equally by governments and farmers. Infrastructure was built, including canals and dams, and smaller off-take networks. An innovative rice growing industry developed, along with other mixed farming activities.

During the period of the Greiner-Murray Government the prospect of transferring the ownership of Lower Murray, Murray, the Murrumbidgee Irrigation Area and the Coleambally Irrigation Area, along with Gumly Gumly, was explored, with the active encouragement of many of those irrigators who saw that the future of their industry would require investment and decision making that was not the province or expertise of government. Irrigators came to meet with Premier Greiner and put to him that they wanted to manage their affairs, to make environmental improvements, to work in partnership with the Government, and to set a plan and licence regime for the future. They had confidence in the then Premier and Minister Causley, and later Minister Souris, that the coalition would get it right, and they set about negotiating with Minister Causley about what process might be the best to effect the change. It is fair to say that some areas were more enthusiastic than others or at least that the structure and the relative age of some systems made that structure change and transfer more achievable.

I was engaged by the then Department of Water Resources to assist whichever of the irrigation areas wished to take up the opportunity to educate and inform members of the options available to them, to help them to identify the issues they needed to further discuss with government, and to help each member make an informed decision, by vote, as to their own irrigation area's future. I met some fascinating people in the process of travelling around the district and consulted with Alan Wray, the then chairman of the CIA; Wal Hood, the chairman of the MIA; Kelvin Baxter, the chairman of Murray Irrigation; and George Warne, his general manager.

Speaking with them on their farms and in their local offices gave me an opportunity to become aware of the real issues facing their communities, including the interrelationship between irrigation and the life of rural towns, and the importance of a strategic and pro-active approach to environmental remediation.

For a variety of reasons, the MIA and the CIA were not in a position to offer members a choice to move to private ownership at that time, partly because of the age of the infrastructure and attendant replacement issues, a different scale of farming operations, particularly in the MIA, and cultural differences. As we know, all communities are different and are motivated by different priorities, and we as policy makers must never lose sight of that. One size does not always fit all. However, when the new Minister, the Hon. Kim Yeadon, turned back the clock after March 1995, irrigators, especially those in the MIA and the CIA, lost hope—not just because their options were closing but because the new Minister refused to consult.

I was in Leeton at the time, at that stage retained by Murray Irrigation, when the Minister's new water policy was announced. That announcement came hot on the heels of New South Wales Farmers being called in to the Minister's office at short notice and simply told what the new regime would be. The Minister put out a media release claiming that consultation had occurred. That is not what irrigators were saying on that day; a lot of other words were going around and "consultation" was not one of them. I believe that was about the time that the Minister hatched the infamous State environmental planning policy 46, which was a source of a range of other problems.

However, Murray Irrigation was keen to negotiate a settlement with the Government, under Minister Souris, that met both irrigators' needs and government objectives more broadly, representing the taxpayers of New South Wales. A major negotiating point was the funding package that would accompany the transfer to a new private corporation, or co-operative structure, acknowledging that the assets of the new entity were in many cases ageing and in need of major repair or upgrade. Many of the canals had not been renewed since they were built and were leaking at a fast rate, wasting precious water. Many were failing the Government's own environmental standards, and it was clearly unacceptable to hand over an underperforming asset that the Government was prepared to turn a blind eye to, but from which the Environment Protection Authority would expect instant and optimum environmental performance in the hands of a private entity.

The settlement allowed for a new irrigation licence to be negotiated that involved an agreed range of environmental upgrades, a package of compensatory funding that allowed Murray Irrigation to meet its new environmental licensing requirements, and also enabled Murray Irrigation to play its part in the Murray-Darling Basin Commission targets. Another key negotiation point was the total water allocation to the new entity, to be based on the previous levels of allocation and thereafter to be divided between the member or shareholder irrigators. It also provided for clear and more flexible trading arrangements between members within the network.

The process of consultation was complex and lengthy, and required many community meetings with irrigators at Deniliquin, Finley and Wakool. I have the utmost admiration for Kelvin Baxter and George Warne for the way in which they canvassed all the issues with irrigators openly and fairly, ensuring that when a vote was eventually taken in the Deni Soldiers Club all members did so having been fully informed of their options. My colleague the honourable member for Murrumbidgee attended that meeting and represented irrigators' interests admirably throughout the process. The ultimate vote was overwhelmingly in favour of moving to full private ownership, via a brief but interim sojourn within a State-owned corporations structure, launching a new, privately owned entity on 3 March 1995. Murray Irrigation has an annual farm gate production of around \$300 million, and is responsible for producing around 50 per cent of Australia's rice crop and 10 per cent of New South Wales' milk, and supporting a population of around 25,000. It is the largest privately owned irrigation supply and drainage company in Australia.

I commend also the Department of Water Resources and the staff of the Premier's Department who were involved in those discussions, including Tony McGlynn, who took a genuine interest in the future of the families involved in making this important decision. I have since stayed in touch with Murray Irrigation and was asked to help it prepare a very important plan which required local, State and Federal input. Murray Irrigation was a pioneer in New South Wales of land and water management plans. The plans were developed to set out long-term environmental objectives for this sensitive but vital agricultural region, and to achieve over a period of time a sustainable relationship between irrigators and the environment. Again, lengthy consultation was undertaken and, more importantly, irrigators made a commitment of about \$380 million, to be complemented with State Government and Federal Government funds.

Land and water management plans have produced innovative ways to upgrade infrastructure and design, to redesign farming practices to improve the recycling of water through the system, to reduce salt run-off—including salts and phosphorous—and to reduce the leakage and evaporation rate of water from dam to paddock to be as efficient in water use as possible. The land and water management plan, which was part of a compilation of plans from the component regions that make up Murray Irrigation's footprint, was implemented in April 1996 under the chairmanship of Bill Hetherington, and incorporated in the principles of the pollution control licence, which is the key to the ongoing operation of the corporation and the ongoing economic and environmental sustainability of the region.

I recently received a copy of the Murray Irrigation rice growing policy, which is a further attempt to ensure that the rice growing practices are in line with the land and water management plan and the overall sustainable environmental objectives of the company. As a result of this bill the people of the Murrumbidgee Irrigation Area and Coleambally Irrigation Area are able to make the same choice that Murray irrigators made in 1994-95. It is a shame that they were held back for so long by this Government and its ideological straitjacket. Ironically, MIA and CIA irrigators are back to where they would have been in 1995. I wish them well for the future and have confidence that they will exercise a choice that reflects their ambitions for their future as a farming community and as custodians of one of the most important environmental regions of Australia.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.40 a.m.], in reply: I thank the Opposition for supporting the legislation. The Opposition likes to take some ownership of the policy. I thank the honourable member for Ballina, the honourable member for Murray and the honourable member for Southern Highlands for their contributions. I thank also the honourable member for Waratah for his contribution on behalf of the Government. I shall respond to a number of comments that were raised during debate. Before doing so, I foreshadow that I will move an amendment during the Committee stage to effectively make a typographical correction. Notice has been given to the House and to the Opposition that the Government will move the following amendment:

Page 5, schedule 1[10], line 26. Omit "of the same type within". Insert instead "for".

The amendment is not consequential to the bill but is a matter of legality that was brought to our attention through Parliamentary Counsel and Cabinet. Generally speaking the debate from both sides was fair and accurate. I should like first to talk a little about the history of the move to local ownership or, as the honourable member for Ballina and the honourable member for Southern Highlands repeated, the privatisation of the Murrumbidgee and Coleambally irrigation areas. They said that this bill was adopting the policy of the former Government. That is fair comment on any assessment of the history of this legislation.

No doubt privatisation or local ownership of irrigation areas of the Murray and Gumly Gumly, as mentioned by the honourable member for Murray, were carried out by the former coalition Government. Had the coalition been successful at the 1995 election it would have continued with legislation similar to this bill. Of course, the criticism of the Government was that it had a change of heart and was introducing legislation contrary to its policy prior to that election. That is true, but I point out that in 1995 the New South Wales Labor Opposition said its policy would support the corporatisation of the Murrumbidgee and Coleambally irrigation areas. That policy was to end the privatisation push of the former Minister for Land and Water Conservation, George Souris.

We must examine the history of the coalition Government. It was quick to privatise anything in public ownership, such as the Government Insurance Office and the State Bank—which were the big ones—and to close down the Government Printing Office and similar places. Deregulation of everything was high on the coalition's agenda. Under the coalition Government, privatisation and deregulation proceeded at an alarming rate. Outside New South Wales we saw wholesale privatisation of the water system in South Australia, which was virtually sold off lock, stock and barrel to a French company.

Much publicity was given in Australia to the privatisation of water in the United Kingdom under the Thatcher Government. During the period 1991 to 1995 irrigators in the Murrumbidgee and Coleambally areas were deeply concerned about the future direction of water ownership. It was in that environment that the Labor Party put a brake on the rapid move to privatisation in many areas. Some issues raised in debate were answered also during the course of debate. I should like to refer to a few of those issues.

In the Murrumbidgee area particularly, but also in the Murray and Coleambally areas, the concern

was that the coalition Government was moving too rapidly along the privatisation line with the result that local councils would be required to pick up ageing assets, particularly those of the Murrumbidgee Irrigation Area. The honourable member for Ballina was correct when he said that the then Mayor of Griffith, Councillor Jim McGann, chaired a coalition of local government authorities called CAAT—Councils Against Asset Transfer. The major concern in the Riverina area was that this unloaded on the local community assets the responsibility of the State Government or the irrigation industry.

Comment was made in the debate about the welfare and permanency of employees. The only criticism of the Government on this issue by the honourable member for Ballina was that it was too slow in reaching this point. I certainly plead guilty to that. The Government was deliberately cautious and slow throughout the process for one purpose. Despite chairmen of the Coleambally and Murrumbidgee irrigation areas lobbying the Government to proceed with the local ownership transfer, the process would not have my support until there had been total consultation with the union and the work force about job security, wage conditions and superannuation entitlements.

Until those matters were included and negotiations had reached a level acceptable to the trade unions, I was not prepared to introduce the bill. Had those negotiations not been successful the bill would not have emerged. The process took time because I was keen to ensure that the rights and privileges of the work force were negotiated satisfactorily. The Government was cautious regarding environmental issues also. Even today some conservation groups oppose this policy. Again, all honourable members answered those concerns during the debate.

An objective examination of those concerns would reveal clearly that transferring to local ownership will have no impact or will not lessen the responsibility of boards from complying with State regulations. The Government will still have control. Negotiations are still proceeding regarding the so-called privatised irrigation areas like the Murray area about water pricing issues. Through the pricing tribunal the Government will have the say over bulk water prices to those entities. The irrigation allocation policy has been part of a raging argument in that same part of the State. Pricing has not been affected by the fact that some boards are either government or corporatised compared to local ownership boards.

The honourable member for Ballina highlighted that this bill is about privatising the distribution section, to use his words, and is certainly not walking away from environmental controls over which the Government and the community will always have a strong role. There is no evidence that environmental controls and policies of the Murrumbidgee or Coleambally boards are any stronger than those boards that were converted to local ownership. Certainly there is no evidence that it is stronger in government controlled boards as it is in the north-west of the State where all irrigation systems are virtually privately owned.

The honourable member for Ballina raised points about the relationship between local ownership and privatisation. Perhaps another reason for the environmental and cautious approach of the Government during 1995 was for this matter to be worked through. Security and safeguards were outlined in my second reading speech, which included things such as no sale to a third party. It is similar to the privatisation of the State Bank when something like \$550 million was received, which was more like a fire sale when we look back on that issue. This is not that type of privatisation. The Government will get no money at all. Most of the negotiations have been about how much money the Government will pay the new organisations to take over local ownership.

The bill contains a number of other safeguards. It will not be a sale-type privatisation, such as the GIO or State Bank. It is a transfer to the people who have water entitlements in particular regions. The Government appreciates the assistance of everyone who was involved in the process, many of whom have been named by Opposition members, such as Dick Thompson, the Chairman of the Murrumbidgee Irrigation Area, and Alan Wray, the Chairman of Coleambally Irrigation Area.

Dick Thompson, particularly, has worked closely with the Government on negotiations throughout the whole process. He has been a strong supporter of the process the whole way through. Even though he has taken a hard line fighting for his region, he has been responsible and co-operative in getting us to the stage we are at today. The legislation is enabling legislation only. We will not do anything until all the groups and industrial associations are happy. The legislation will enable us to complete the negotiations. If the negotiations are unsuccessful, nothing will happen so far as local government is concerned.

I was not aware that the honourable member for Southern Highlands was a consultant during the process. She gave a run-down of her role in and understanding of the history of the process and talked about her region in particular—the rice industry, the irrigation industry, the impact of regional development and so on. She picked up on a couple of words I used at a catchment management launch in her electorate only the other day when I acknowledged that the blame for many of the environmental problems in the irrigation areas—salinity caused by water allocations and the construction of irrigation areas themselves—cannot be laid at the feet of farmers or water users.

I have made the point in this House and at many venues throughout the State that many of the problems we are grappling with were caused by governments that built irrigation areas. Former governments adopted inappropriate policies for water allocation, land use and so on. We are attempting to redress the science, which, in many cases, was encouraged; sometimes it was financially induced and sometimes it was required by law. Some Opposition members made the point that because I am the Minister for Land and Water Conservation the thinking has changed. They were critical of the former Minister Kim Yeadon.

He came into this job when the Labor Government was elected at the beginning of 1995. The so-called new policy referred to by the Opposition was the policy that we went to the election with. Our policy was not to privatise the Murrumbidgee and Colleambly irrigation areas, but to corporatise them. The criticisms of the former Minister are unfounded. When we came to office we were progressing Labor policy, which I, as the Opposition spokesperson on water resources, penned. Criticism of the former Minister is somewhat unfair and is a rewrite of history.

The general theme of all speakers is that the legislation will improve efficiency. We are here today because the privatisation of Murray Irrigation has been so successful. The problems we have been concerned about in the transfer from a government-run organisation to a private one have been answered by the history and management of Murray Irrigation. Those involved are to be congratulated. In Committee I will move one amendment which, I understand, has the support of the Opposition. I thank honourable members for their support for the bill, and I commend it to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Amendment by Mr Amery agreed to:

Page 5, schedule 1[10], line 26. Omit "of the same type within". Insert instead "for".

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

FOOD PRODUCTION (SAFETY) BILL

MEAT INDUSTRY AMENDMENT BILL

Second Reading

Debate resumed from 28 October.

Mr SLACK-SMITH (Barwon) [10.57 a.m.]: The New South Wales Government established a single food authority task force in 1997 to review the current arrangements for food safety throughout New South Wales. The task force was to ascertain and advise on the feasibility of streamlining responsibility for all food safety regulations under one single authority. The Food Production (Safety) Bill is a result of the recommendations of that task force. It will also facilitate New South Wales responsibilities under national standards. The honourable member for Orange will air the concerns of small businesses in his electorate, such as small butcher shops.

The Opposition will move an amendment in the other place. The intention behind the amendment can be met by providing that food and safety schemes in sectors other than meat, dairy and seafood cannot take effect until expiry of the 15-sitting day period for notice of a disallowance resolution or the outcome of debate on such a resolution. The amendment will ensure that the Parliament has the opportunity to debate the proposed food safety scheme and potentially to disallow it before it can be implemented.

Once fully established, the legislation will be responsible for ensuring the safe production, processing, sale and transport of foods for human consumption from the paddock or ocean to the backdoor of the retail shop. The legislation will also cover retail premises in which raw meat is further processed, such as butcher shops and supermarket meat departments. The New South Wales Farmers Association has raised its concerns about the bill.

However, its concerns are not shared by the Meat Industry Authority. If you eat you are involved in agriculture.

[Debate interrupted.]

REMEMBRANCE DAY

Mr SPEAKER: Order! I remind honourable members that today is Remembrance Day. It being 11.00 a.m., the House shall observe one minute's silence to mark the eightieth anniversary of the signing of the armistice that ended World War I.

Members and officers of the House stood in their places.

FOOD PRODUCTION (SAFETY) BILL

MEAT INDUSTRY AMENDMENT BILL

Second Reading

[Debate resumed.]

Mr SLACK-SMITH: That minute's silence was a very small tribute to pay to the people who made this country as safe and peaceful as it is today. Before debate was interrupted, I was referring to quality assurance associated with food production. I suppose 10 or 15 years ago the term "quality assurance" was not in our vocabulary, but today it is acknowledged in all industries, especially agriculture. I compliment the Australian Grain Legumes Association on being so pro-active in ensuring that grain legumes produced in Australia are the cleanest and safest, and of the world's best standard. The meat industry and other grain industries have taken up the cudgel as well. If Australia is to survive in the world produce market, it must ensure that its produce is of the best quality in the world. That is why our exports have been so successful in past years. Our customers know that if they want quality produce, Australia will provide it.

So far as quality assurance is concerned we still have a long way to go, but industry is driven towards that aim. I would suggest that in 10 years Australia will be acknowledged throughout the world as the finest country from which to purchase produce. New South Wales Health and local government will continue to monitor retail, restaurant and takeaway food sectors until a comprehensive food safety authority is established. That will take probably five years to develop. Under the provisions of this bill Safe Food will develop and implement co-regulatory food safety schemes similar to those operating in the dairy and meat industries.

This really is a template of what the dairy and meat industries, and more recently the oyster industry, have been doing. The bill is based on the successful preventive methodology known as hazard analysis and critical control point, or HACCP. HACCP requires the systematic identification and control of food safety risks at all points in the food supply chain. Food safety schemes will be developed in stages over the next four to five years, beginning with industry sectors involving the highest food safety risk.

The bill has been introduced before the new national food hygiene standards come into force in early 2000. There will be a six-year implementation period, so that New South Wales will be ahead of the eight-ball. The functions of Safe Food Production New South Wales will be to keep under review the construction, hygiene and operating procedures of premises, vehicles, vessels and appliances used to handle primary produce and seafood; to advise or make recommendations to the Minister on the establishment, development or alteration of food safety schemes; to regulate the handling of primary produce and seafood in accordance with established food safety schemes; and to encourage food businesses to minimise food safety risks.

Safe Food will be the responsibility of the Minister for Agriculture. As I said, anyone who eats food is involved in agriculture. The Minister will appoint a chief executive officer agreed to by the Minister for Health and the Minister for Fisheries, who will be responsible for the management of Safe Food. Safe Food will be structured in divisions reflecting the major food industry sectors covered by food safety schemes. A safe food advisory committee, similar to the food advisory committee under the Food Act, will be established to provide expert advice to Safe Food on a range of matters.

The bill will impose no new regulatory requirements on food industries. Co-regulatory food safety regimes, called food safety schemes, will be progressively developed in priority order, based on scientific assessment of food safety needs. Food safety schemes will be developed in consultation with relevant industry sectors and each food safety scheme will be introduced as a regulation under the Act. This will ensure that new regulatory requirements are imposed on food industries only after a regulatory impact statement, which includes a cost-benefit analysis, has been undertaken; after industry and consumer consultation based on the RIS; and after government and parliamentary scrutiny of the regulation.

The existing co-regulatory regimes in the dairy and meat industries will be enacted as food safety schemes under the Act when the Dairy Corporation and Meat Industry Authority are wound up and their functions transferred to Safe Food. It is expected that those bodies will be wound up in February 1999 and mid- to late-2000, respectively. Over the next four years food safety schemes will be developed in the seafood, goat and sheep milk, and horticulture industries.

The powers of Safe Food are based on the food safety powers in the current Dairy Industry Act and Meat Industry Act, and certain powers under the Food Act 1989. Powers that may be exercised under food safety schemes include requiring food businesses to provide safety information; requiring food businesses to establish food safety programs based on HACCP or quality assurance principles; auditing or requiring audit of such programs, where food safety risks warrant licensing persons, businesses, premises, vehicles, vessels and other appliances; and imposing levies to help fund the scheme.

The bill also provides penalties for offences. The penalties are modelled on those contained in the dairy, meat and food Acts. Under this Act inspectors will be able to impose on-the-spot fines for breaches, subject to the right to appeal to the Local Court. The Meat Industry Authority, the National Meat Association and the Dairy Farmers Association were consulted on this bill, as was the Australian Consumers Association, which, incidentally, is the only association that believes this body should be under the jurisdiction of the Minister for Health. I do not agree with that; I believe it should be under the jurisdiction of the Minister for Agriculture. The New South Wales Farmers Association also voiced concern about red meat and horticulture, but I have covered that aspect. Quality assurance is here to stay, and New South Wales Farmers fears are unfounded. The Opposition supports the bills, but foreshadows that amendments will be moved in the other place.

Mr STEWART (Lakemba) [11.10 a.m.]: I strongly support the Food Production (Safety) Bill. This bill establishes an authority to be known as Safe Food Production New South Wales—SFP—which will have responsibility for ensuring the safe production, processing and transport of all food from the ocean or paddock to retail outlets, as the honourable member for Barwon pointed out. In July 1997 the Government established a task force, chaired by the Hon. John Kerin, to review current arrangements for food safety in the State and, importantly, to advise on the feasibility of

streamlining responsibility for all food safety regulations under a single authority.

This bill is the Government's response to the recommendations of the task force report, and anticipates a key recommendation of the August 1998 report of the Blair food regulation review that the Commonwealth, State and Territory governments take urgent steps to reduce the number of food regulatory agencies within their jurisdictions. At present food regulation in this State and throughout the Commonwealth is somewhat of a dog's breakfast. Practical application of the control and enforcement of food regulations is difficult. As a result, the consumer often loses out. Those responsible for providing fresh food produce do not have a coherent focus as regards their enforcement and regulatory requirements. This leads to problems in the market, and, again, the consumer is on the receiving end of the problem.

I have previously raised concerns of this nature in the House. I have spoken particularly about meat sales from retail outlets. Because of a lack of appropriate regulation and the difficulty experienced in enforcing existing regulations, meat retail outlets sometimes sell incorrectly labelled cuts of meat. The old Aussie T-bone steak is great on the barbecue at this time of the year, but often consumers are sold rib steak as T-bone steak. Discrepancies may be reported to the correct authorities, including the Health Department, but the authorities must wade through a labyrinth of regulations and control measures before a retail outlet can be forced to comply with the regulations. Often, because of delays, effective action is not possible. If a retail outlet has received a warning that a concern is being pursued, it may change its labelling practices for a short time and sell that meat as blade steak—incidentally, at about half the price of T-bone steak.

Mr Amery: It makes a great stew, though.

Mr STEWART: Blade steak makes a great stew but it is not terrific on the barbecue. A barbecue expert would know that a T-bone steak must have the T-bone fixture and the fillet attached to the steak; blade steak does not have that bone structure. It is easy for the lay person to fall victim to incorrect labelling practices. The regulatory controls provided under Safe Food Production will help to put the focus on consumer needs. While I recognise that this matter does not come under the jurisdiction of SFP, I point to concerns about the labelling of bread products also. Given that this State is heading towards the implementation of a single food regulatory authority, more attention should be paid to bread control regulations.

In this House and in other places I have raised the concern that major bread manufacturers do not label their bread effectively. Consumers are often not advised of the date on which bread is baked. Bread sold by major manufacturers is stamped with a use-by date only. In many instances the bread can be several days old at point of purchase, and the consumer is simply not being sold fresh bread. After I raised this matter in the House previously I received a letter from a large New South Wales bread manufacturing company advising me that I had no business informing consumers that they should demand fresh bread. In the future a regulatory body such as SFP could focus on such matters. As I have said, that is not the intention of this bill, but it is a cause of concern for many consumers.

When I previously raised the matter of bread labelling I received a tremendous response from consumers in the electorate of Lakemba and surrounding areas, and from other parts of New South Wales. Consumers wrote and phoned to express their pleasure that government was examining ways of controlling bread companies—that was my focus at least. Importantly, the focus was on getting bread manufacturers to be honest about when their bread is baked. It is important that someone who purchases a loaf of bread on a Monday knows that it was baked that same day.

Mr Phillips: You can't accuse the bread manufacturers of dishonesty. They are just following the current laws. Introduce a private member's bill.

Mr STEWART: The Deputy Leader of the Opposition may not understand that I am referring to a regulatory control measure that would help to provide a much more effective means by which companies can be held responsible and accountable. It is important that we draw a line and say what is and what is not acceptable to consumers.

Mr Phillips: Don't blame the bread companies.

Mr STEWART: In my opinion, the bread companies have been dishonest in the way that they label their products.

Mr Phillips: They label the bread the way they are regulated to label it.

Mr STEWART: Bread manufacturers label their products to suit their marketing needs. I know of instances in which bread has been delivered in bulk to a supermarket on a Tuesday, kept in storage and not sold until the Thursday. That is not fresh

bread. Today I merely point out that this bill heralds a focus on identifying consumer concerns and providing proper regulatory functions to deal with those concerns effectively. Safe Food Production will operate within the Agriculture portfolio. When it is set up, in February 1999, it will initially incorporate the New South Wales Dairy Corporation, which will then be wound up. By agreement between the Minister for Agriculture and the meat industry, the New South Wales Meat Industry Authority will be wound up and incorporated into SFP no later than August 2000, all going well.

The Health Department will continue to monitor the retail and restaurant sectors until the structure and form of a comprehensive food safety authority are determined. As the honourable member for Barwon said, that should be in three to five years. The only exception will be retail meat premises, which will move to the Meat Industry Authority—and later the SFP—no later than mid-1999. The SFP will develop and implement co-regulatory food safety regimes, to be known as food safety schemes, covering specific food industries or sectors. The schemes will be based on a preventative methodology known as hazard analysis and critical control point—HACCP. This requires food businesses to systematically identify and control food safety risks in their processes. It puts responsibility and accountability back onto outlets.

The Government's role is to ensure that the food safety plans are in place and to audit compliance. The established co-regulatory regimes in the dairy and meat industries are based on HACCP, which is also the important cornerstone of the proposed national food hygiene standard. This bill will enable Safe Food Production New South Wales to develop and implement food safety schemes in stages, beginning with high-risk areas such as seafood, goat and sheep milk, and some horticultural sectors.

The food safety schemes will be introduced by regulation, so that new requirements are subject to regulatory impact statements, including cost-benefit analysis; industry and consumer consultation; and government scrutiny, including signing off by the Minister for Health. In summary, this bill consolidates the existing fragmented coverage of those sectors by the Health Department, the Department of Agriculture, the Department of Fisheries, the Dairy Corporation and the Meat Industry Authority. Those sectors are brought under one umbrella, providing the opportunity for accountability and effective control. The bill extends preventative food safety programs to high-risk areas not adequately covered at present.

The bill will also enable New South Wales to comply with the new national food hygiene standard through an approved industry partnership approach pioneered by the Dairy Corporation and the Meat Industry Authority. I support this most important bill. I thank the Minister for Agriculture for his diligence and commitment to food safety, control, regulation and the focus that is now being pursued on a national basis. The real winners are the families, who will get accountability and proper food regulatory controls.

Mr R. W. TURNER (Orange) [11.20 a.m.]: The Opposition does not oppose the Food Production (Safety) Bill and its cognate bill, the Meat Industry Amendment Bill. I will highlight some of the concerns of the Opposition. One of the objects of the Food Production (Safety) Bill is to constitute a body called Safe Food Production New South Wales as a major step toward the ultimate goal of a single New South Wales agency responsible for food safety. The functions of Safe Food Production will be related to ensuring the safe handling of primary produce and seafood during the production, processing or transportation stages. Honourable members will probably not have a problem embracing improvements and better safety standards that do not go overboard with unnecessary stages and costs.

Another object of the Food Production (Safety) Bill is to dissolve the New South Wales Dairy Corporation and the New South Wales Meat Industry Authority and to transfer their staff, assets and liabilities to Safe Food, whereas object (b) of the Meat Industry Amendment Bill is to expand the functions of the Meat Industry Authority. The role of the Meat Industry Authority will be expanded to bring other meats under the umbrella of Safe Food. Other objects of the Food Production (Safety) Bill are as follows:

- (d) to establish a Safe Food Production Advisory Committee, and
- (e) to enable regulations to be made establishing food safety schemes, and
- (f) to provide for related matters.

Whilst the Opposition advocates the establishment of a fresh food authority in New South Wales to bring together the food safety requirements of the Dairy Corporation and the Meat Industry Authority it has some concerns. This bill is enabling legislation which will allow a staged bringing together of the Dairy Corporation to come into effect in about February 1999 and the Meat Industry Authority to come into effect in about mid- to late-2000. Food

safety controls will be introduced at a later stage to cover seafood, goat and sheep milk, and other small and more exotic meats such as pheasant, quail, deer and crocodile. They are becoming increasingly popular but do not have the standards envisaged under Safe Food. I hope that the amendment that will be moved in the upper House will allow enough time for consultation with those emerging smaller industries.

I understand that the Meat Industry Amendment Bill will enable poultry to be included for the first time under Safe Food. That is long overdue because poultry is an important part of our food chain and is one of the most popular meats. The general public is being encouraged to eat more and more poultry. It is sold in various ways—as "fast" food, in pieces or the whole chicken, and fresh or frozen. The industry has adapted to demand and is supplying a product that consumers want. Eventually eggs may also be included. Until recently I was involved in the egg industry and I know that we are moving towards more safety standards. A poultry and egg producer who supplies McDonald's already has in place its own quality assurance programs. Supermarkets are also introducing more quality assurance controls for eggs and many other food products. In a letter to Mr Craig Sahlin of the Cabinet Office, Garry Parker, the manager of the Orange Fruitgrowers Co-operative Cool Stores Ltd, said:

We note your intention to set up Safe Food, and, in general, applaud the aims of this organisation.

We are currently, like many others in the apple industry, about to implement a food safety program called SQF 2000. This program is HACCP [hazard analysis and critical control point] based and does involve considerable expense to establish and the ongoing cost of independent external audits.

The pressure for the apple industry to develop quality management programs has come from the retail sector.

Honourable members will recall that I referred to the retail sector with regard to the poultry and egg industries. The letter continued:

We query the need for the government to duplicate the implementation and regulation of such schemes in which horticultural industries are already involved.

A further point to note is that the imposition of additional levies will be occurring at a time when the viability of the apple industry is already in question.

That is an ideal example of an industry that will require further consultation when it becomes involved in Safe Food. When that occurs they will be more comfortable with the direction in which they are going at the least cost to industry as

possible. All industries are under enormous pressures at the moment. As has been pointed out, the Meat Industry Authority has already been involved and has canvassed the retail trade to a certain extent. Small retail butcher shops, especially in country areas, have considerable concerns, not so much about coming under the umbrella of Safe Food but about how much that will cost. I have not spoken to the relevant butchers personally but, for example, in the small town of Canowindra there are three reasonably marginal retail butcher shops. They are inspected twice annually by the council under contract to an authorised inspector at a cost of \$120 per annum each. Those costs will rise to approximately \$500 each per annum making a total cost for the three butcher shops of \$1,500 compared with \$360 now. I do not know whether the cost will be maintained at \$500 once it has been implemented, but I seek an assurance from the Minister it will be maintained at \$500 or, if possible, reduced.

The small butcher shops in Canowindra meet all present requirements, but their profits are so marginal that any costs incurred in meeting additional requirements may result in the closure of two or three shops. It would be a shame if more small shops in struggling small towns closed and gathered dust. The industry has raised some concerns about unknown costs that may be involved in meeting the requirements of the draft standard for safe food. Those concerns include the requirement to construct and maintain traffic ways for vehicular traffic so as to not create dust or environmental contamination which jeopardise the wholesomeness of the product. That sounds fine and in most places that requirement could be complied with. However, small shops that do not have bitumen driveways beside them would find it hard to comply with that requirement in extreme summer conditions.

The industry is also concerned about the requirement that door openings and passageways shall be of such a size so as to ensure that the product does not come into contact with door jambs or walls. One would hope that the inspectors would extend a certain degree of leniency in some circumstances. Many old butcher shops would not comply with that requirement, because the doors would not be wide enough to ensure that a carcass would not touch the jamb as it was being carried in. Another requirement, which would be more appropriate for Orange Base Hospital, is that premises shall have hand-washing facilities that are equipped with taps which are thigh, foot or sensor operated. I doubt whether any small butcher shops in country towns have taps that are operated in that way.

The draft standard also states that the shops shall be provided with hand-drying facilities. I have no problem with that; small hand dryers are cheap to install. The draft standard provides further that where sterilisers for knives and other equipment are used they shall be provided with potable water of not less than 82 degrees celsius. That requirement is open to different interpretations by different inspectors. How will a butcher make sure that he cleans his saw, his sausage filler, or his mincer with water which is at 82 degrees celsius? That would be almost impossible unless he had a steam cleaner, and that would be an extra cost. Virtually every little country butcher shop where the butcher processes meat will have to be airconditioned to maintain the shop at less than 10 degrees.

I hope the concerns I have referred to are unfounded, because some of the provisions in the bills may lead to the closure of some smaller shops. The Opposition supports the bills; they are a move in the right direction. However, many matters of detail have not been dealt with. I hope the Government will consult fully with representatives of the industries I have mentioned. As businesses start to comply with the safe food regulations they must be allowed a reasonable time to consult with the Government and to become used to the new regulations and the costs involved. Ultimately the general public will be better off as a result of the bills, which I am sure they will support, because in the past there have been many instances of the general public not being aware of deficiencies in the way food was produced.

Many of those deficiencies have been addressed, but we still have some way to go. We must not go to unnecessary extremes. Such measures will add to business costs. That in turn will lead to the demise of many small butcher shops in both country towns and in the Sydney metropolitan area and to the expansion of the large supermarkets which have the capacity to install the necessary equipment to comply with the safe food regulations. I do not want another small butcher shop in a country town or in the Sydney metropolitan area to close. Small businesses are needed and supermarkets should not be permitted to expand at the expense of small businesses.

Mr MARKHAM (Keira) [11.35 a.m.]: I support the initiative taken by the Carr Labor Government to introduce this bill. In September-October the Government distributed an exposure draft of the Food Production (Safety) Bill and consulted with the industry and consumer stakeholders. Some consumer advocates have criticised the decision to allow the agriculture

portfolio to have control of the legislation. They have argued that food safety is a public health issue and that the health portfolio must be accountable for it. Some weeks ago I held a meeting in my Wollongong office with Heather Yeatman, a senior lecturer in the Department of Public Health and Nutrition at the University of Wollongong. Heather indicated to me her concerns about the draft bill.

I will place her concerns on the record so that honourable members are aware of them and of what the Government has done about them. Heather is a public health professional with a background in public health nutrition issues, particularly food regulations and food law. She expressed deep concern regarding some aspects of the bill and her support of other aspects. In a letter to me Heather stated:

Aspects of the draft bill which I strongly support:

1. The intent of the bill reinforces the government's commitment to food safety issues and emphasises importance of establishing food safety schemes. This is consistent with the draft National Food Hygiene Program which will go to the Australia New Zealand Food Standing Committee (State and Territory Health Ministers) at their December meeting.
2. The bill provides for members of the Advisory committee to have expertise in nutrition; food technology; epidemiology; design, implementation or management of food safety programs; and one to have a background in the "interests of the public as consumers of food". This will ensure a broad spectrum of expertise and knowledge of the issues.
3. The bill clearly delineates the powers of the inspectors, and
4. The bill incorporates a 3 year review period.

When Heather came to see me I contacted the Minister's office, because I was not able to answer her questions. Bob Whan, the Chief of Staff in the Minister's office, was extremely helpful and spoke with Heather on the telephone for about 30 minutes. He tried to alleviate some of her fears. Her letter stated her concerns as follows:

1. The Minister of Agriculture is designated as the responsible minister. Protection of public health and safety may not be fully understood or adequately represented by this Minister. Nor would this Minister be fully aware of the public health regulations or activities which relate to or impact on the activities of safe food.
2. While the area of jurisdiction of Safe Food currently designates meat and dairy production and sale, mention is made of expanding the areas of responsibilities to incorporate the retail, restaurant and takeaway sectors in the future. This directly overlaps with the responsibilities covered under the Food Standards Code and which are the responsibility of the Minister of Health.

3. Splitting of responsibility for food safety related matters between agriculture and health will lead to fragmentation in regulatory and monitoring processes, adding costs to the food industries and jeopardising public health and safety.
4. Development of food safety schemes and monitoring and surveillance activities may duplicate (or be inconsistent with) activities in the public health field, eg no mention is made of the ANZFA revised standards for *Food Safety Programs and General Requirements and the Development of Food Hygiene Standards for Australia*.

Heather's recommendation to the Minister was that the Minister for Health should be responsible for food safety. She further wrote:

5. Accountability requirements are not clearly spelt out within the proposed legislation. Issues such as the independence and competence of the auditors and the transparency and public accountability of policy processes require greater detail in the Act. The Public Health Association strongly supports the national coordination, consistency and transparency in food hygiene regulatory mechanisms.

Recommendation: Greater levels of detail regarding the auditing process (eg. training, independence and competence of auditors) and the transparency of the policy development and review processes to be provided in the bill.

The New South Wales Government would demonstrate its strong commitment to food safety and the protection of public health by placing all food safety issues within the responsibility of the Minister of Health, as was done in Victoria earlier this year... The interests of the agricultural sector and food processing industries are best served by building public confidence in the safety of food products. Enormous losses are incurred by these industries every time a breakdown in the food safety net occurs. In addition, such outbreaks of food poisoning result in massive costs to the health sector due to hospitalisation (an estimated \$60,000 per food poisoning hospital admission), not to mention personal ill-health and sometimes death.

I thus urge you to support initiatives of the NSW government to promote food safety, but with the following amendments:

- the placing of the responsibility for food safety within the Health portfolio and
- ensuring consistency with national standards for food hygiene currently being developed by the Australia New Zealand Food Authority.

That was the contribution of Heather Yeatman to this debate. As I said earlier, Bob Whan answered many of the questions raised by Heather Yeatman. I place on record that the Government has taken on board the concerns expressed by Heather Yeatman. The Government acknowledges that food safety is a public health issue and believes that prevention is better than cure. For this reason, the Government strongly supports the development of national food safety standards focused on prevention, in particular

the ANZFA national food hygiene standard based on home and community care program principles.

Twenty years ago the Wran Labor Government established the current Dairy Corporation and the Meat Industry Authority in recognition of the significant food safety risks in those industries. Those organisations have an enviable record in ensuring the safety of dairy and meat products. In recent years they have worked with the dairy and meat industries to ensure that health and community care based preventative programs are implemented and maintained. Those organisations are accountable to the Minister for Agriculture. When food standards are breached public health is the paramount consideration. Inspectors can and do seize unsafe food, order rectification of faulty equipment, and close production or processing plants where that is necessary to protect public health.

The focus on risk prevention at all stages of production also increases the likelihood that unsafe food will be detected before it reaches the public in a shop or restaurant. Interagency protocols ensure that New South Wales Health is notified in every case where unsafe food might potentially reach the public. The major role of Safe Food is to ensure the development and implementation of the preventative programs that will be required by national standards. The Government wants to build on the success of the Dairy Corporation and the Meat Industry Authority. It wants to use their expertise and experience to forge similar partnerships in other primary and seafood industries. Those partnerships will be the key to effective implementation of the preventative programs required by national standards.

The bill provides for significant input by the Minister for Health in three ways. First, clause 6 ensures the primacy of the Food Act and the Public Health Act, both of which are administered by the health Minister, if there is inconsistency with this bill or its regulations. Second, clauses 11, 12 and 16 require the health Minister's agreement to the appointment or removal of the Safe Food chief executive officer, acting chief executive officer and advisory committee members. Third, clause 19(4) requires the health Minister's approval of all food safety schemes before their introduction. In that sense some of the questions raised by Heather Yeatman have been answered.

New South Wales Health remains responsible for surveillance and monitoring of food-borne illness, including food recalls and response to outbreaks of illness. If an outbreak occurs the preventative systems that Safe Food will establish

will be the key to tracing back to the source of the problem. The Safe Food initiative will improve food safety by building on existing expertise and industry relationships developed within the agriculture portfolio. It will do so without compromising the Government's accountability for ensuring that public health remains the paramount consideration. I assure the House that the Minister for Agriculture, and Minister for Land and Water Conservation would do nothing under any circumstances to bring about a situation that could cause problems for the good health of consumers. I commend the Minister for the initiative that he has taken and for introducing this bill. I totally support this measure.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [11.45 a.m.]: The need for the Food Production (Safety) Bill is highlighted by the experiences of a small local food manufacturer in the Sutherland shire. His problems were brought to my attention by my son David, a young man in his mid-twenties who runs a smallgoods delivery business. The manufacturer to whom I will be referring is a supplier to that delivery business. The manager of this small processing business is another young man, Mr Rossbridge, who decided to set up a plant to provide food to the growing convenience food market. This small factory purchases bulk cheese, slices and packages it, and delivers the packaged product to corner stores, restaurants and other outlets. Mr Rossbridge's factory has a similar process for meat products. He buys meat, slices and vacuum packages it, and distributes that product to the community.

That is a fairly simple process. One would think that the bureaucracy he must deal with in respect of that process would not be too burdensome. But this small food processor clearly is excessively burdened with bureaucracy regarding current health control systems in his factory. Mr Rossbridge must deal with officers of the New South Wales Dairy Corporation, the New South Wales Meat Industry Authority, local government, and occupational health and safety agencies. Those are just some of the bureaucracies with which he deals. In reference to the bill, I want to talk about the Dairy Corporation and the Meat Industry Authority. Mr Rossbridge's cheese manufacturing process is quite simple. He buys many types of cheeses for processing in his factory. He must undergo regular inspection by the Dairy Corporation, and must test every one of the cheeses, some of them 12 times a year and some of them 26 times a year.

One might say that is fair enough, because we must make sure that the cheese is safe. However,

this food processor buys cheese that has already been tested by the Dairy Corporation at the manufacturing plant from which he buys the cheese. I understand that the food packaging plant and its processing systems must be clean and healthy, but why must the cheese be tested so often in the process? I put to the Minister that these testing procedures do not improve the quality of the product that ends up in the hands of the consumer. To emphasise the stupidity of some bureaucratic requirements I point out that the product is inspected before it leaves the plant and is transported on wooden pallets that have been appropriately authorised by the Dairy Corporation.

However, this processor is not allowed to store the product on wooden pallets; he must place it on plastic pallets in his plant. I wonder about the contradiction in those types of regulations and how they help to maintain the quality of food that is produced. I could give a whole range of examples to demonstrate the unnecessary burdens of useless bureaucracy, and of regulations and controls that are duplicated time and again. Dairy Corporation officers walk into this manufacturer's office and provide him with wads of regulations that he must follow. Meat Industry Authority officers also walk in and provide him with wads of information. Local government people come into his factory and also give him wads of information and regulations that he must comply with. All of those requirements are the subject of regular inspection.

I commend the Government, which is not usual for me, for finally bringing this bill into the Parliament, first, to improve the safety standard of food in New South Wales and, second, to acknowledge that food quality is not contingent on the number of regulations, the number of inspections and the size of the bureaucracy to manage it. Hopefully, this legislation will be a breakthrough not only in making food safer but also in making the process less complex. The test of this legislation will be, first, the success of Safe Food and, second, making the system less complex for those who must comply with it and removing some of the burden from manufacturers as they provide safe food for our community.

Mr ANDERSON (St Marys) [11.51 a.m.]: I shall address the cognate bill, the Meat Industry Amendment Bill. Presently, the hygiene, inspection and regulation of butcher shops is the responsibility of New South Wales Health and local government. The Meat Industry Amendment Bill will extend the coverage of those premises to the Meat Industry Authority. As explained in the Minister's second reading speech, that extended coverage will not

commence until an agreement has been reached with local government on withdrawal of its activities. That is wholly and solely to avoid duplication.

Extended coverage was recommended by the national competition policy review of the Meat Industry Act. During the review the National Meat Association submitted a strong case for this change, which it had been advocating for many years. The association is concerned about duplication and inconsistent enforcement under the current arrangements. The Retail Traders Association and the Supermarket Institute also support these changes. The national meat hygiene standards for retail premises are now being developed by the Agricultural Resource Management Council of Australia and New Zealand in consultation with the meat industry.

The standards will be based on hazard analysis critical control point principles and will require individual retail meat premises to develop their own hygiene plans. Comfort can be taken from the fact that those hygiene plans will be audited by the Meat Industry Authority two or three times a year. The ARMCANZ national standard will satisfy requirements for the proposed Australia and New Zealand national food hygiene standard. The standard will also dovetail with the NMA'S self-regulation initiative known as the Q-award. In taking this initiative, New South Wales will be in harmony with the national trend. The Queensland Meat and Livestock Authority has regulated its retail meat sector for many years, the Victorian Meat Authority will take over butcher shops in January of 1999, and South Australia is heading in the same direction.

The Government will not be heavy handed. Butcher shops that do not meet the new standards will be given at least two years to comply. Shops that are well below the hygiene standards, which will ensure that meat is safe for human consumption, do not belong in this business. The Meat Industry Authority has worked closely with the meat industry for the past 20 years or so to ensure that new legislation and standards are introduced smoothly and effectively, and that approach will continue under this new initiative. I commend the bill.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [11.54 a.m.], in reply: I thank honourable members who contributed to the debate, and I thank the Opposition for supporting this legislation. I will not answer every point raised in the debate because, as happened in the previous debate, many of the concerns and criticisms of

various individuals and companies have already been answered by honourable members. Indeed, the honourable member for Keira read a submission that raised many concerns and then, as a result of his research, responded to virtually all the criticisms or concerns raised in that submission. That is true of all honourable members who spoke in the debate.

On Monday this week I attended a round-table discussion of women in agriculture following a convention in Washington in the United States of America to which Australia sent a delegation. At the convention some 900 female delegates from rural areas and agricultural backgrounds talked about the many issues affecting agriculture. On Monday one presenter made a point that is worth putting on the record. She said that the delegates at the convention in America raised concerns about the plight of agriculture internationally, including commodity prices, the power of the marketplace and so on. She made the positive point that the Australian delegation had concluded that Australia's image overseas as a producer of clean and green produce is well recognised.

The Australian delegates at the conference learned a great deal about experiences in agriculture overseas. The presenter on Monday said that at the conference Australia was recognised as a producer of clean and green produce and other countries were learning from our experiences. That is probably a testament not only to our agricultural system, including farmers, producers, distributors, retailers and so on, but to the high emphasis that we place on producing products in a clean environment and producing a healthy product that is monitored closely by consumers at home. It has often been said that Australia produces the healthiest produce in the world and that it probably has the best food safety record in the world.

I am pleased that New South Wales can hold its head up as a producer of clean and green produce and that it has one of the best food safety records. We do not boast or brag about food safety too often. Although we have the best intentions and regulations in place, in many cases producers, distributors and others say that food contamination or food poisoning results from practices in the home. Recently on several television programs hidden cameras and the like have been used to show how food is prepared in the home or left unattended in circumstances that would not meet any guidelines or codes of practice. From the farmer's paddock to the plate at home, we must all be conscious of how we produce and prepare our food.

The honourable member for Lakemba raised several issues that are outside the goal of this legislation and the authority. He referred to the labelling of food, especially bread. Honourable members would know that many industries have been deregulated in recent years, and bread labelling is now under the control of various fair trading or consumer organisations. I shall refer the matter to the Minister for Fair Trading to ascertain whether the labels on bread need to be improved. The honourable member's main argument was that bread producers have moved away from the practice, no doubt under former regulations, of printing the date of manufacture on the bread bag and have moved to the practice of printing a use-by date on the bag. With the emphasis on having fresh product daily, consumers are not advised of the production date of the product. I will have that matter referred to the Minister for Fair Trading to determine whether the regulations should be tightened up.

The honourable member for Barwon referred to various aspects of the legislation and I thank him for his support. As pointed out during debate, no new system has been put in place on the various industries that will alleviate or ease tension. New South Wales has good food safety, particularly in the dairy industry under the New South Wales Dairy Corporation and prior organisations, and under the Meat Industry Authority. Those two organisations have such a commendable record that through the formulation of this legislation I was keen to ensure that those standards were not diminished. Therefore, I am pleased that the new authority will incorporate the systems and administration that have been the hallmark of success of those organisations.

In the preparation of this legislation we conducted a number of reviews, particularly of the dairy organisation and the Meat Industry Authority. From a number of those reviews we considered expanding the responsibilities particularly of the Meat Industry Authority. The honourable member for Orange raised concerns about poultry. Only in recent times, certainly during the term of this Government, has the Meat Industry Authority moved into white meat production. The honourable member for Orange referred also to the demise of butcher shops. The honourable member for St Marys answered those concerns when he said that a review of the Meat Industry Authority was being conducted under competition policy guidelines.

I believe a number of other reviews, not necessarily in accordance with competition policy guidelines, recommended an improvement in

inspection standards of butcher shops. As was highlighted in the debate by a number of honourable members, butcher shops have operated under the administration of the Health Department and local government. One problem with local government administration is that in some areas the inspection record is good and in other areas the standards may not be so high. Local government inspection of butcher shops has been inconsistent. The idea behind the bill was to bring all butcher shops under the control of one organisation, and this will be incorporated in the legislation.

The National Meat Authority has lobbied for this change for some time. To give it credit, irrespective of what the Government will do with regulations, I commend the National Meat Authority on the implementation of its quality assurance program, which is referred to as the Q-award. The Premier and I have presented many certificates to butcher shop proprietors who have been keen to come on board to meet the standards. They have been keen also to receive those awards as they become a marketing tool that will protect their businesses against increasing competition in the retail sector.

The honourable member for Orange talked about the plight of some country butcher shops, particularly in Canowindra. He said he did not want to see any more butcher shops closing down. The Government cannot guarantee the future of butcher shops in any town. The pressure on the butcher shop industry sector is not from health regulations but from consumer buying practices and habits, and also from the strength of large retail outlets, such as Woolworths and Coles, that have now included the sale of meat products in their stores. Those outlets have introduced a standard to entice consumers to shop with them.

I saw the result of that approach first hand in Cootamundra, a town I visit regularly. Cootamundra had approximately eight butcher shops until the mid-1980s. A large Woolworths store opened that had a meat section within it. Over a period of time the number of butcher shops reduced to three or four. The marketplace has faced strong competition in the butcher shop sector. Regulations have not caused shops to close down; they have had to compete with aggressive marketing from stores that provide quality products at reasonable prices. Consumers are voting with their feet! The National Meat Authority is not taking this change lying down.

The Q-award strategy of making butcher shops more modern, user friendly and more attractive to consumers is the industry's way of fighting the push

by large supermarket chains to encroach on their business. The implementation of regulations and new standards nationally and throughout State forums will help butcher shops remain in business and not hinder them in the way the honourable member for Orange highlighted. Perhaps in towns butcher shops without strong competition will stay in business. Over a period of time those shops will be asked to meet the minimum public health standards required of a retailer of meat and other products.

It must be borne in mind that many butcher shops also manufacture a number of different meat products. I appreciate the concerns of the honourable member for Orange, but I believe the honourable member for St Marys addressed those concerns in his contribution. For butcher shops to remain in business for the long term they must first meet at least minimum public health standards—I am sure they will—and take part in the marketing strategy of the National Meat Authority to compete against those applying most pressure to small businesses. I commend all honourable members for raising many issues during the debate.

The Deputy Leader of the Opposition took the House through the process of his son's business and businesses of his son's associates. He referred to regulations of local government, the Health Department, the Dairy Corporation and the Meat Industry Authority. He referred also to occupational health and safety. Although the Deputy Leader of the Opposition highlighted criticisms of some regulations—he said overregulation—that is what the bill is about. It will remove the duplication of the Meat Industry Authority being responsible for some parts of the State, local government responsible for other parts, the Health Department responsible for other parts and in some places everyone walking through the door.

The Deputy Leader of the Opposition correctly highlighted this duplication as unnecessary red tape. He commended the Government for the legislation because its provisions remove the duplication and improve the health aspects. Many of his concerns were answered by the introduction of this bill. The Deputy Leader of the Opposition asked questions about wooden and plastics pallets and raised the duplication of inspections, especially concerning the manufacture of cheese. I will forward a copy of his speech to the Dairy Corporation, which may respond to his many concerns. I thank all honourable members for their support. I trust the bill will proceed through the upper House and that over a period of time the standards of food production, distribution, sale, transport, et cetera, will gradually improve.

It is to be hoped that in future years all of our food industries will look back and say they too now have the proud record that was the hallmark of the Dairy Corporation and the Meat Industry Authority of this State. The process will involve a gradual transition. With all national standards to be implemented, this legislation will mean that New South Wales will be the best equipped to meet those standards. The strong work and the excellent history of the Meat Industry Authority and the Dairy Corporation will be incorporated in the new authority. With that background we can have only a successful future in the production, distribution, transportation and consumption of safe food in New South Wales.

Motion agreed to.

Bills read a second time and passed through remaining stages.

**WASTE MINIMISATION AND
MANAGEMENT AMENDMENT BILL**

Second Reading

Debate resumed from 29 October.

Mrs CHIKAROVSKI (Lane Cove) [12.11 p.m.]: The Opposition will not oppose the bill. However, I shall outline its concerns later in the debate. The principal object of the bill is to prevent illegal waste dumping by making it an offence to transport waste to a place that cannot lawfully be used as a waste facility for that waste. I will refer to other provisions later. The legislation has arisen in some measure out of the Environment Protection Authority's failure to prosecute successfully Mr Henry Anning. The bill does not arise entirely from that case but the case did provide the EPA with some impetus to bring forward this legislation.

Honourable members will recall that Mr Henry Anning was charged with operating an illegal tyre dump, but the charges were dismissed. The action brought by the EPA was unsuccessful as it was unable to prove the tyres did not comply with the definition of "waste" in the Act. This was the biggest case ever launched by the Environment Protection Authority, which had carried out a month-long surveillance operation of the defendant and which culminated in a dawn raid of the property. It was extremely disappointing, after so much time and taxpayers' money had been spent pursuing the case, to learn that proper laws were not in place to prosecute the matter. This legislation will in some way address that concern. That case was not the entire reason for introducing the bill. The Minister's

and the EPA's concern about the inadequacy of the existing Act has led to the legislation to provide the EPA with more ability to prosecute.

Under existing legislation people who transport waste and dump it on land with the permission of the land-holder are culpable for their action but not guilty of any offence. In her second reading speech the Minister cited examples of how unscrupulous operators are using unsuspecting land-holders. These operators, quite disingenuously, offer waste to be used as landfill by these landowners to help them out. I understand the Disabled Riders Association was asked by a transporter who wanted to dispose of demolition and construction waste if it would like its fields raised above flood level. The problem that obviously arises is that these operators, who have no integrity, are able to dispose of hazardous waste in this way. The recipient of the waste could find himself with a land site contaminated by substances such as asbestos, which could cause ongoing problems.

The bill seeks to impose responsibility on both the owner and the transporter of waste for the proper disposal of material. It will be illegal for transporters and owners to transport waste to a place that cannot lawfully be used as a waste facility. The bill also proposes measures to ensure that transporters and owners of waste who unscrupulously obtain land-holder consent to dump waste on that land can be prosecuted. The bill seeks to improve the powers of the EPA by allowing a notice to be given to stop people accepting waste; to clarify that a notice can be given after the waste has been dumped and also that a failure to comply with a notice is a continuing offence. These provisions go some way towards the pro-active approach that was advocated by my former colleague, the previous member for Pittwater, Jim Longley. In the second reading debate on the original waste management bill he stated:

Recently there has been considerable hype in the media about dumping, particularly the dumping of tyres. The Opposition is concerned that the Minister will focus on high profile raids that gain significant publicity but that represent a minute proportion of offenders.

He continued:

This legislation will encourage an increase in small- to medium-size dumping. In other words, it will target only high-profile dumping such as semitrailer loads of tyres being dumped on the central coast.

That is the sort of situation illustrated by the Anning case. Mr Longley further stated:

Small quantities of tyres, of the order of 20 or 30 at a time, will be dumped in bushland around metropolitan Sydney.

Dumping by such operators will increase to the detriment of metropolitan bushland areas in particular.

This bill is all about penalising people; it does not provide positive incentives. At the end of the day that means the legislation at best will be only half effective. Outcomes to minimise waste cannot be achieved with only a penalty regime. One might as well kiss goodbye to at least half the possible outcomes. Human nature dictates that commercial and community activities are built as much on incentive as on penalties. If incentives are not built into this and other environmental legislation, requisite environmental outcomes will not be achieved.

Those concerns were well expressed by the former member for Pittwater, and they remain today. To ensure that waste minimisation is effective the Government needs to ensure the system encourages proper disposal and, where appropriate, recycling. It is all well and good to set a 60 per cent reduction target, but it is hopeless if there is no drive or determination to achieve that target. The establishment of waste boards is seen by the Government as the primary driver to achieve that target, a target the Minister has now admitted is not achievable. The Government must play a greater leadership role in the management of the State's waste.

When the Government introduced the waste minimisation target in the Act, and for the first few years after that was proclaimed, the target was the mantra of the Government's waste policy. In more recent times the rhetoric has changed. The Government has come to realise that there is no possibility of that target being reached. The language has changed because a healthy dose of reality has hit the Minister for the Environment, who has been forced to acknowledge that despite spending \$130 million on waste there has been only an 11 per cent reduction of the 1990 levels of waste going to landfills. There is nothing to suggest that there will be a rapid increase in the rate of reduction either. On the contrary, the strategies announced by the Government to reduce the rate of landfill have failed to materialise, including the most recent commitment to the green waste strategy.

Green waste—garden refuse and food waste—accounts for 48 per cent of domestic waste in New South Wales. Since almost all green waste can be reprocessed into compost, mulches and soil improvers, it provides an excellent opportunity for reducing the amount of waste going to landfill. The Government announced that all garden refuse collected after January 1 1997 was to be banned from going to landfill. What happened? To be precise, absolutely nothing. The plan has been deferred indefinitely because the Government was forced to admit that collecting the waste was one

thing but doing something with it was quite another. That is why I have serious concerns about the Government's ability to effectively manage the waste stream in this State.

Let me make it absolutely clear. We recognise that local government, as the principal deliverer of waste services, has an absolute and pivotal role in waste management. However, it is the Opposition's view that in order to deliver effective waste management which will reduce the reliance on landfill and which will foster and promote an efficient recycling system there needs to be both leadership and commitment at the State Government level—a commitment which, I suggest, is lacking at present. While this bill addresses a particular problem in the waste management system, much larger problems are looming. As yet, little strategy has been shown by the Government in relation to how it will address a number of these issues. That is a position that the coalition will redress in March 1999, when it takes office.

The bill goes some way towards providing the ability to prosecute waste dumping issues. The Opposition recognises that dumping is an ongoing community concern. Opposition members support initiatives to reduce dumping, although, as I said a few minutes ago, it is recognised that that can be only part of an entire system. There is a need for incentives to ensure that people are not encouraged to dump in that they find it difficult to dispose of waste in other ways. Opposition members have contacted the Waste Contractors and Recyclers Association of New South Wales and the New South Wales Farmers Association, which have indicated that they have no problems with the bill. We have also been in contact with Green groups. It is my understanding that Green groups have concerns, which will be raised in the upper House.

Whilst this bill addresses one part of the waste stream, the community at large recognises that there are increasing ongoing difficulties with the management of waste in New South Wales. The community is yet to see a visionary, committed government address those issues. If we are to ensure a safe, secure and clean future for the community, that issue will need to be addressed with courage, commitment and conviction. The coalition looks forward to having that opportunity next year.

Mr WATKINS (Gladesville) [12.21 p.m.]: Few public offences as serious and as upsetting as those perpetrated by persons dumping waste illegally occur in my community. Normally, such acts are carried out in public places, often in the waterways and at times in pristine bushland, under the cloak of

darkness. At other times sewerage and stormwater systems are used. Such acts also occur on private land when the landowner is perhaps unaware of the nature of the waste being dumped, even after permission has been granted. Results are often devastating to the environment, causing long-term and at times irreparable damage. Public health is often put at risk by this irresponsible and criminal behaviour.

Those of us who care for the environment and recognise that we have a duty to protect our commonly owned property as well as our privately owned land find it very difficult if not impossible to understand how anyone could so ignore our community responsibility by dumping waste inappropriately. But illegal dumpers are with us, and action is required by the wider community to do its utmost to stop them. This bill attempts to prevent their actions. In essence, the Waste Minimisation and Management Amendment Bill does two things. First, it provides new offences that create a strong legal deterrent to waste dumping and allow the community to prosecute environmental offenders. Second, it introduces greater fairness in assigning responsibility for management of the waste stream.

The bill makes it an offence for a transporter to take waste anywhere that is not a lawful waste facility. It is for transporters to prove that the place to which they take waste can lawfully receive it. Transporters have a responsibility that they cannot ignore. The bill encourages transporters to undertake their responsibility. It also creates an offence for owners of waste who fail in their duty to ensure that their waste is properly disposed of. The owner of the waste must show that steps have been taken to meet what is required of him or her in the disposal of the waste. No longer is it good enough for owners to wave goodbye to their waste at the front gate and at the same time wave goodbye to their responsibility to ensure that the waste is disposed of properly.

The new offences clearly put the responsibility for proper waste disposal on transporters and owners of waste. The person who produces the waste and the person who carts the waste are responsible for it. The seriousness of the offences sends a clear message from the people of New South Wales that dumping waste is never okay. Fairness is an essential feature of the bill. In the past landowners unwittingly committed offences by consenting to dumping on their land. The new offences for transporters and waste owners ensure that they cannot avoid their own responsibility for proper waste disposal by blaming the landowner. In each case a decision can be made about who is really

culpable for waste dumping, and the transporter, waste owner or landowner can be prosecuted accordingly. That is only just.

The bill achieves fairness by making it harder for irresponsible people to avoid waste levy payments. The payments should be shared by all in the industry. It is not acceptable for people to be at a disadvantage merely because they try to do the right thing by recycling and reprocessing waste. The provisions that make everyone pay the levy aim to reduce the level of waste that we as a society produce. That is a component of ecologically sustainable development. Finally, the bill attains greater fairness by improving notice powers so that it can be ensured that when waste is dumped it is the polluter who pays. By way of notice a transporter or owner of waste can be directed to bear the cost of rectifying damage that has been created. Why should the wider community pay for the cost of damage created by a polluter?

The stiffening of the penalties for failure to comply with these notices is a further indication of the Government's commitment to ensure that people who damage our environment meet the costs associated with their irresponsible behaviour. This bill is another plank in the raft of environmental protection legislation that characterises this Government and this Minister in particular as real champions of environmental protection in New South Wales.

Mr SMALL (Murray) [12.26 p.m.]: I recall that the first bill introduced by this Minister in 1995 concerned the reduction of waste by some 60 per cent by 2000—a tremendous challenge, but we are heading in the right direction. The bill is titled the Waste Minimisation and Management Amendment Bill, and it covers an extremely large subject. I am disappointed that many who travel through country areas do not acknowledge the need to control their waste. Today most people are very conscious of their responsibilities with regard to waste. Recycling systems are very popular. Unfortunately, the recycling services in many country areas are failing because they are unable to generate sufficient income. Local government bodies try to prop up and subsidise those services, but even so they are often not economically viable.

Waste minimisation and management is an extremely difficult problem. I am concerned, as are many of my constituents, that people travelling in the country are careless and litter the sides of our roads. Of particular concern are drink containers, bottles, cartons and plastic bags. In time of drought, when there is little grass, the sight of litter on our

roadways is an ugly influence on the environment. Motorists and the general public must act with more responsibility. I am very disappointed that this difficulty never seems to be corrected.

The tidy towns programs are excellent for keeping Australia beautiful. Many people volunteer to collect waste from the sides of our roads, and I commend them for doing that. I commend also the keep Australia beautiful campaign. The bill identifies a scheme for the management of waste. It is hard to understand how people can be negligent and neglectful. This bill may not relate directly to the matters to which I have referred. South Australia has a program that identifies a deposit system for containers. It is obvious to anyone driving through South Australia that the program works extremely well.

Country people have always canvassed for measures to control litter. Litter has been identified as a definite problem, but apparently large food companies and manufacturers are not keen on a container deposit system. I support the actions taken under this bill to impose greater penalties on those who do not care for our environment. Anything to do with the management of waste is extremely important. Many councils find it difficult to maintain an area that can be subscribed on behalf of ratepayers. There are many management areas that could be used by a number of councils in conjunction. I support that suggestion. Until a few years ago a lot of waste was being placed in one area and burned. That is no longer allowed because dumped waste that is burned could ignite a bushfire. Energy can be produced from waste products and material. Waste could be confined and used as methane gas, with potential benefits for the State.

Peter Easdown of Oaklands in the electorate of Murray, has been keen to utilise waste. Material has been taken out of a kaolin mine. Kaolin would help to contain and conceal loads of waste coming in on a daily, twice-weekly or weekly basis, and the resource could be tapped into in the future to produce methane gas. Methane gas could provide electricity through the utilisation of generators. There are so many ways in which it could prove beneficial. I am disappointed that it has not been possible to get the project at Oaklands off the ground because of difficulties and objections.

The Urana shire is keen to have a waste management program and Corowa shire would like to be able to manage waste resources in that area. The rice industry is concerned about disease resulting from waste. If waste could be contained in a quarantined area and rice products were not allowed into that area, waste management would be possible. The Minister is trying to overcome the

problem of untidy waste by directing it to sites where it is constructively managed. I look forward to seeing a greatly enhanced environment in the future, with no waste by the roadside, and with appropriate penalties for those who dump waste there.

Mr HUMPHERSON (Davidson) [12.32 p.m.]: I support any provisions which involve heavier penalties for offenders and place greater onus on those who illegally transport and dump waste on property without the consent of the owner. In recent times there have been numerous examples of building rubble and waste being deposited on arterial roads in my electorate—the Wakehurst Parkway, Warringah Road, Forest Way and Mona Vale Road. It is an eyesore, detracts from the visual amenity of those roads and places the onus on the community, through the local council, to remove it. I support any attempt to stiffen the penalties that apply to cowboys who dump waste. I am totally supportive of, and keen to see, firm action being taken against them.

Having recently acquired a block of land, I have had the personal experience of building waste and relatively clean fill being illegally dumped on that land without my consent. I appreciate the frustration experienced by a landowner when the perpetrators are identified and the only redress available is to take civil action against them. The initiatives in this bill are long overdue. I hope they will go some way towards removing the incentive for people to dump waste illegally.

Mr ROGAN (East Hills) [12.33 p.m.]: I want to be associated with this legislation because I have had an experience similar to that of other honourable members. The Georges River National Park within my electorate has been a dumping ground for illegal waste. I recall that I made recommendations to the Minister on an occasion when half of a house was dumped at the national park. It was only through the good detective work of Bankstown City Council that the person responsible was tracked down. A building demolisher had contracted a man to remove the material and dump it in a properly designated dumping area but the contractor decided to save money. He pulled off the Henry Lawson Drive, drove into the Georges River National Park and dumped all the material there.

This legislation will control the operation from the time of demolition to the time a person is given the responsibility for taking the material away. Every step of the way will be tracked. The Waste Minimisation Management Amendment Bill will allow for the proper control of the problems experienced in the Georges River National Park and any other electorate with fairly significant tracts of land on which material can be dumped. I am

delighted to associate my electorate with the legislation, given the problems that have been experienced there. I speak on behalf of my constituents and those who give dedicated service to the Georges River National Park by doing their best to make it a lovely park only to have waste material dumped there. I am sure they would want me to express the support of the electorate of East Hills. I commend the Minister for the legislation.

Ms ALLAN (Blacktown—Minister for the Environment) [12.36 p.m.], in reply: Surprisingly, the Waste Minimisation Management Amendment Bill generated considerable discussion within the Labor caucus, and perhaps that was mirrored in the coalition meetings. The dumping of rubbish is of grave concern to the community at large. The fact that members on both sides of the House have articulated those concerns demonstrates the importance of controlling the illegal dumping of waste. The bill amends the Government's major program on waste minimisation management. It is another relatively small but significant component of the Government's process and campaign to effectively manage and minimise waste in this State. The dumping of waste affects all local communities.

The honourable member for Murray appropriately highlighted the problems in regional and rural New South Wales resulting from the flagrant misuse of community spirit by people who illegally dump waste on the roads in those regions. I am pleased to be a member of the Government that is empowering the relevant authorities with the expertise and the legal force to address this long-overdue problem. As the honourable member for East Hills said, not even national parks and other types of public reserves are free from this ongoing abuse of the environment by people who persist in dumping illegally. I reiterate that this legislation will not identify a problem but will identify a solution to a problem that has proved to be intransigent in the past.

Community education alone cannot be relied on to stop people from dumping illegal waste. Sometimes people in our society prefer not to comply with the rule of law and pay disposal fees. They solve their problems by dumping waste illegally. This legislation will target those offenders rather than those poor people who are caught up in the loop. I appreciate the support of honourable members on both sides of the Chamber and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ANZAC BRIDGE

Mr SPEAKER: Order! It being 12.40 p.m., by agreement, I will leave the chair so that members can attend the official ceremony for the renaming of Glebe Island Bridge as Anzac Bridge. The House will reconvene after the ringing of one long bell at 4.45 p.m.

[Mr Speaker left the chair at 12.40 p.m. The House resumed at 4.50 p.m.]

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, received from **Mr Hartcher, Mr Phillips and Mr Schipp**.

Wee Waa Relief Doctor

Petition praying that a locum be provided to relieve Wee Waa's only doctor, until a full-time replacement doctor is appointed, received from **Mr Slack-Smith**.

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 Collins and Mr Phillips**.

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**.

Riverwood Police Station

Petition praying that Riverwood Police Station not be downgraded, received from **Ms Ficarra**.

Hurstville Policing

Petition praying that increased police presence be provided in the Hurstville Local Area Command, received from **Ms Ficarra**.

GyMEA TAFE Carpentry and Joinery Relocation

Petition praying that relocation of carpentry and joinery classes from GyMEA TAFE to Chullora TAFE be opposed, received from **Mr Phillips**.

Regional Forest Agreement

Petition praying that the regional forest agreement process be returned to, received from **Mr Blackmore** and **Mr Smith**.

Hurstville Youth Centre and Commuter Parking

Petition praying that State Rail Authority land adjacent to Hurstville CBD be used for a multipurpose youth centre and a commuter parking facility, received from **Ms Ficarra**.

Cooranbong F3 Noise Reduction Barriers

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

QUESTIONS WITHOUT NOTICE**ELECTRICITY INDUSTRY PRIVATISATION**

Mr COLLINS: My question is to the Premier. In view of the Premier's denial yesterday, will he now table the latest Treasury advice on electricity privatisation confirming that his Government has assured the ratings agencies that the Government will sell the industry if it wins the March State elections?

Mr CARR: No such assurance was given.

DRUG TREATMENT SERVICES

Mr NAGLE: My question without notice is to the Minister for Health. What is the Government doing to further improve drug treatment services?

Dr REFSHAUGE: I commend the honourable member for his continuing interest in health matters, particularly in regard to the difficult problem of drug addiction. The Carr Government has significantly increased funding for the fight against drugs. Greater funding means that new innovative strategies are now being employed in the fight against drugs.

[Interruption]

I remind the members of the Opposition who are seeking to interrupt me that the coalition in its last year in government spent \$62 million on the fight against drugs. The present Government is spending almost \$70 million, and that is a significant increase. I realise that coalition members, particularly the honourable member for Lane Cove,

have difficulties with numbers, but in anyone's language an increase of \$10 million in spending is significant.

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

Dr REFSHAUGE: This increase in funding will give new hope to those who are addicted to drugs, their families and the entire community. The Government does not pretend to have all the answers: anyone who claims to have all the answers is simply fooling the community. Some suggestions have been put up by the other side.

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

Dr REFSHAUGE: Recently the Leader of the National Party was reported in his local newspaper as saying that he is opposed to the needle syringe exchange program. He was reported as saying, quite clearly, that he has driven through the National Party a policy to stop the needle syringe exchange program.

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

Dr REFSHAUGE: He said that a coalition government would stop the needle syringe program. Those who believe they have the answers are simply fooling themselves and the community. The Leader of the National Party is sitting beside the man who signed into law the needle syringe exchange program.

Mr SPEAKER: Order! I call the honourable member for North Shore.

Dr REFSHAUGE: The Leader of the National Party and the Leader of the Opposition should start talking to each other to work out who is running the policies of the coalition, which I have no doubt will not make any difference anyway.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

Dr REFSHAUGE: Today funding for the fight against drugs has been increased again. I am pleased to inform the House that an additional \$5.9 million is to be spent over two years on the expansion of drug services, reinforcing the Government's strong commitment to the trial of a Drug Court.

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

Dr REFSHAUGE: This means extra drug treatment services to meet increased demands. Expanded facilities will be developed in the greater west and south-west of Sydney, including increased residential rehabilitation facilities, detoxification services, methadone programs and counselling and other services.

Mrs Skinner: It does not even restore the funding that you have cut.

Dr REFSHAUGE: The honourable member for North Shore thinks that \$60 million is more than \$70 million. No wonder the Opposition is in trouble! I cannot understand why members of the press attend conferences called by the member, although I realise that many turn up because in a spirit of democracy they feel obliged to do so. We really should give medals to those who have to listen to her peddling her lies.

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

Dr REFSHAUGE: It is obvious from what is said on the radio and written in the newspaper that the honourable member has been nowhere. She tells the press gallery that \$60 million is more than \$70 million. The former Government put up \$60 million and this Government is putting up \$70 million, yet the Opposition is suggesting that we have cut funding.

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

Dr REFSHAUGE: This is a very simple arithmetic calculation. I am sure the Minister for Education and Training could find an adult education program to improve the honourable member's numeracy skills, despite the objections of the honourable member for Ku-ring-gai to such numeracy testing by the Government. All members of the press gallery regard the member for North Shore as a joke, and I am sure that the community does not want her sitting on this side of the House.

Negotiations are already under way with the area health services and non-government organisations to ensure that additional services are placed where they are needed most. The Government's initiatives to combat the scourge of substance abuse are substantial and wide ranging. Of course, the single biggest fear of parents is that their children will be drawn into illicit drug use. Education is certainly our best weapon, and that is

why the Government is spending \$5 million in schools on drug education so that young people can say no to drugs. The Government is working with parents through parent education nights, which are held across the State. We are helping parents talk to their children openly and honestly about drugs and the dangers associated with their use. We are building real community partnerships between government and families. Our drug treatment services are amongst the most innovative in Australia. New services under the Government include a 20-bed detoxification unit at Fairfield hospital, at a cost of \$3.3 million.

Mr Scully: A big tick.

Dr REFSHAUGE: Yes, a big tick. Further new services include the drug intervention service at Cabramatta, which will provide counselling; a 20-bed, \$2.6 million detoxification unit at Lismore, planning for which is under way; and a youth treatment service in western Sydney to be built at a cost of almost \$1 million. New South Wales Health provides funds to almost 60 non-government organisations around the State for drug and alcohol services. In addition the Carr Government has allocated \$150,000 over two years to develop a treatment package for youth with cannabis abuse problems. New South Wales was the first State to launch public hospital pilot programs of new drug treatments including rapid detoxification with naltrexone and the use of buprenorphine at a cost of almost \$1 million.

As well as these significant expansions of services the Government has undertaken a number of measures aimed at improving current levels of service provision. The Government has allocated \$500,000 for a review of the western Sydney methadone program, aimed at improving the delivery of those services. Recent changes to the needle-syringe exchange program and the methadone dosing policy demonstrate the effectiveness of those reviews. Further, New South Wales Health is currently developing guidelines for the accreditation of methadone dispensers as a means of further reforming drug treatment services. The Government and the community have joined forces to tackle one of our most pressing social issues. Our initiatives and our funding increases are delivering new hope, real hope, to those afflicted by drugs as well as their families and friends. The Government is protecting the community by putting families first.

OLYMPIC GAMES PUBLIC SECTOR VOLUNTEERS

Mr ARMSTRONG: My question is to the Minister for the Olympics. Of the people who have

registered to become Olympic Games volunteers how many are New South Wales public servants who will receive full pay for their volunteer service?

Mr KNIGHT: The short answer to the question is none, because no-one from the New South Wales public service, as the Leader of the National Party knows, gets full pay for volunteering for the Olympic Games. The arrangement that the Government put into place, which he opposed, is that when a public servant offers to contribute five days of his or her own time, five days of his or her own leave, that will be matched by five days of special leave.

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

CROP DAMAGE ASSISTANCE

Mr PRICE: My question without notice is to the Minister for Agriculture, and Minister for Land and Water Conservation. What is the latest information on crop damage in the State's north-west?

Mr AMERY: I note that in the last couple of weeks of this session of Parliament New South Wales Agriculture has been widely complimented on its dealing with floods, fodder drops, the ovine Johne's disease program, the avian influenza outbreak, and the poultry disease outbreak. Complimentary comments have been received from many farming organisations. However, one country Liberal member has given notice of a motion of no confidence in New South Wales Agriculture. Hers is a lone voice in regional New South Wales attacking New South Wales Agriculture. As that action has come from a country Liberal, we might deduce that it is endorsed by the National Party in New South Wales. That is an appalling situation. By the way, I would welcome a debate on ovine Johne's disease.

The honourable member for Waratah asked a question in pursuit of a matter raised in this House following my establishment of a task force to tour the north-western parts of New South Wales and report on severe crop damage in that part of the State. The task force comprised Dr Lindsay Cook, of New South Wales Agriculture's chief of plant industry division; Mr Martin May, who is New South Wales Agriculture's serial program manager; and Mr Xavier Martin, senior vice-president of the New South Wales Farmers Association. The task force conducted an extensive survey of both wheat and barley crops in northern New South Wales.

In addition, every New South Wales Agriculture district agronomist between Forbes and the Queensland border was mobilised to examine crops in the districts. They reported back on potential crop quality and yield, and the level and nature of crop disease infection. Head samples have been collected and tested. The areas of Walgett, Moree, Narrabri, Coonamble and Gunnedah were worst affected, having suffered the most from flooding and prolonged waterlogging.

Cereal crops in the Inverell, Coonabarabran, Tamworth and Nyngan areas also have suffered from diseases, but not to the same extent as crops in some areas on the Liverpool Plains. The survey has revealed that the likely result of the excessively wet conditions is that barley production will be down by about 15 per cent and wheat production by 8 per cent. The reason for the differential is that wheat is more tolerant to waterlogging.

Mr Armstrong: It is 7.5 per cent, to be accurate.

Mr AMERY: The Leader of the National Party suggests it is 7.5 per cent; I will have that checked. The main problems have been nitrogen deficiency, leaf and root diseases, weed contamination and grain discolouration. The most significant impact is the high levels of grain screening—which is where grain does not fill adequately and is subsequently of lesser size, weight and quality.

Mr Hazzard: You should listen to the bushies.

Mr AMERY: Are you putting in a bid for shadow minister for mental health? You should, because you are eminently qualified.

Mr O'Doherty: On a point of order. To put us out of our misery, Mr Speaker, I encourage you to ask the Minister to stop responding to interjections.

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

Mr AMERY: The simple solution is for Opposition members not to interject. The task force has organised for early, harvested samples of wheat to be forwarded to the Bread Research Institute Australia Ltd for a detailed quality analysis. Hopefully, before the session is ended, I will be able to give a detailed answer to an appropriate question on the results of that analysis. It is possible that some of the downgraded grain may have a high protein content and may be suitable for other uses.

The task force has planned a workshop for next month. It will involve representatives of all grain industry bodies. The workshop will look at best options for the 1999 season.

Those options will be published in an advisory document that will offer information on crop management procedures for next year. The document will be sent out to all grain growers for their information. If I am flooded with requests from honourable members, I will ensure that a copy of that publication is sent to honourable members who request it. It is important to note that the findings of the task force have reinforced the Carr Government's bid for exceptional circumstances for the north-west region. With the help of the New South Wales Farmers Association, we lodged the application with the Federal Government a few weeks ago. I hope that the Federal Minister for Agriculture, Mark Vaile, will look favourably on it.

I shall wind up by referring to the issue of frost damage, a matter that has been raised in this House by the Leader of the National Party following my announcement recently of the establishment of the task force. I must remind the Leader of the National Party that isolated instances of frost damage, and heat damage for that matter, have never been included in the natural disaster relief program, although it is fair to say that those sorts of problems, if encountered over a widespread area, can be a component of an application for exceptional circumstances assistance.

The assistance criteria—which are set jointly by the State and Federal governments and administered through the Rural Assistance Authority—are damage caused by bushfires, cyclones, earthquakes, floods and storms, not frost and not heat. I note that the Leader of the National Party did not change the criteria when as Minister for Agriculture he administered the Rural Assistance Authority and these relief programs. Yet he continues to make statements in rural New South Wales, falsely building up the hopes of some farmers whose crops have been affected by heat and frost.

Mr Armstrong: So you are not going to help them?

Mr AMERY: I am sure the Leader of the National Party knows what I am talking about. I repeat: assistance under the natural disaster relief program is governed by criteria that restrict the assistance to damage caused by bushfires, cyclones, earthquakes, floods and storms—not heat, not frost,

not rivers running with blood, or curses on the first-born son; just bushfires, cyclones, earthquakes, floods and storms. It is not in the best interests of regional New South Wales that the Leader of the National Party is going round saying that an isolated case of frost damage or heat damage could qualify for this assistance. Such a case cannot qualify unless it is part of a general application for exceptional circumstances. The question arises: What is the Leader of the National Party saying? Is he promising, in the lead-up to the next elections, to include frost and heat damage in the natural disaster relief program?

Mr Hazzard: What are you doing? Will you assist them, yes or no?

Mr AMERY: I have explained what I am doing.

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

Mr AMERY: I have outlined to the House what the situation is. Because this debate has been going on in regional New South Wales, we should ask this question about the Leader of the National Party: is he promising farmers whose crops have been damaged by frost and heat that he will provide funding assistance through the Rural Assistance Authority and that you will change the criteria? If he is not saying that, he is being blatantly dishonest with the farmers whom he purports to represent in regional parts of this State.

In conclusion, I remind the House that the Carr Government already has given out about \$1 million in fodder drops for stranded livestock in the north west and an additional \$1 million in natural disaster relief funds. Following a tour of the area, the Government has responded to a call by the New South Wales Farmers Association and reduced interest rates paid on loans to farmers affected by these floods. The Carr Government is very supportive of the primary producers in this State and will do everything possible to help them through this difficult time. I am sure all honourable members of this House would congratulate New South Wales Agriculture for the role it has been playing following the disasters of the past couple of months. That flies in the face of the views being espoused by a country Liberal from the southern highlands who is standing alone in proposing a vote of no confidence in New South Wales Agriculture. During a very interesting time for New South Wales Agriculture there is one fly in the ointment.

LIQUOR LEGISLATION AMENDMENT

Mr PHILLIPS: My question without notice is addressed to the Premier. Did the Premier's office confidentially brief the public relations firm Walker-Britton on amendments to the Liquor Act before Cabinet considered the issue, and did it give the firm access to confidential Cabinet advice on major planning issues, such as the yet to be announced four-year master plan for Sydney?

Mr CARR: No.

HIGHER SCHOOL CERTIFICATE MARKING

Mr NEILLY: My question is directed to the Minister for Education and Training.

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

Mr NEILLY: What is the Government doing to give teachers in rural and regional New South Wales experience in higher school certificate marking?

Mr Carr: A lot!

Mr AQUILINA: As the Premier has so kindly suggested, the Government is doing a lot to help rural teachers. The higher school certificate is the pinnacle of secondary education in this State. Honourable members know the intense and sustained effort it requires of teachers and students.

Mr SPEAKER: Order! I call the honourable member for Ermington to order for the third time.

Mr AQUILINA: Organising the exams is a major logistical exercise. This year a record 65,667 candidates are doing 345 different examinations. That means there will be more than 350,000 individual student examination papers to be marked, along with numerous practical and oral tests. That massive marking task requires about 7,000 teachers. This week higher school certificate marking is taking place in Sydney and in six major regional centres. For the very first time country teachers from the Armidale region are taking part in marking. Once again, teachers in Bathurst, Coffs Harbour, Newcastle, Wollongong and Wagga Wagga have the opportunity to take part in this important activity.

This is the third consecutive year that the Government has set up new marking centres in the country. As many as 760 teachers from regional

New South Wales are marking papers completed by students from across the State. They are gaining new insights into the HSC process and an appreciation of the standards achieved by the full range of candidates. Country teachers want this experience, and country students need their teachers to gain this expertise. The feedback from country teachers has been outstanding. They say that being markers helps them as teachers; it helps them in their lesson planning and in their daily classroom activities. They say that they can pass on this knowledge to other teachers to help them improve their skills, and that they can now give their students better advice in preparing for the HSC examinations.

I emphasise that these are not inexperienced teachers; they are skilled teachers chosen according to strict criteria. Merely because they live and teach outside Sydney they should not be excluded from this important professional experience. It is significant that in 1998 more than 10 per cent of all HSC markers are based in centres outside Sydney. That is in stark contrast to the situation under the previous Government, which established no centres outside Sydney. Teachers from schools remote from Sydney basically missed out, and as a result their students missed out. Their exposure to the HSC marking process and standards was second hand.

In 1996 I honoured a pre-election commitment by establishing a new marking centre in Coffs Harbour. In 1997 new centres were established in Bathurst and Lismore and the opportunity to mark additional exam papers at Wagga Wagga was widened. This year a new centre has been established in Armidale. On Saturday about 40 teachers from the Armidale region will start marking English exam papers. Establishing those new centres has brought major benefits to education in rural and regional New South Wales.

The Government has established not just one new marking centre—it has established five in three years. That is in addition to other activities, such as the touring Art-Express exhibition of HSC artworks to seven regional galleries over the next year. DesignTech comprises the outstanding major design projects by HSC design and technology students and will tour Wollongong, Newcastle, Coffs Harbour and other regional centres. They are not simply art shows. Experienced teachers and markers travel with the works and conduct seminars for students and other teachers explaining the merits of each piece. Helping country teachers to improve their expertise is another priority being addressed by the Government. In a range of very practical ways, the Government is improving education in country New South Wales.

WESTERN SUBURBS HOSPITAL SITE

Mr MacCARTHY: My question is addressed to the Minister for Health. Given claims by Burwood Council that the Minister has earmarked the western suburbs hospital site at Croydon for private residential development, can the Minister give the people of the inner west an assurance that the entire site will be retained for health purposes and outline when construction plans will be announced?

Dr REFSHAUGE: I thank the temporary member for Strathfield for his question.

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

Dr REFSHAUGE: I think the honourable member for Strathfield has asked only one question since he has been in the Parliament, and it will be his last. Members opposite wanted to close, demolish and never rebuild Canterbury Hospital. Indeed, they were so keen to do so that they challenged me time and again when I visited Canterbury and said that people of the inner west needed a hospital in Canterbury. Early this week we had the great pride and pleasure of formally opening the hospital at Canterbury.

Mrs Skinner: With no children's beds.

Dr REFSHAUGE: The honourable member for North Shore interjects again—I think one would call it an interjection.

Mrs Skinner: No, it was a fake.

Dr REFSHAUGE: I know that toastmasters teach the honourable member how to project her voice but they should also teach her that content matters as well.

Mr SPEAKER: Order! I call the honourable member for North Shore to order for the third time.

Dr REFSHAUGE: While I was inspecting this state-of-the-art, \$80 million hospital—as Kevin Stewart said, it is the biggest thing to happen to Canterbury since the railway went in—I took the opportunity to visit the sick children in the children's ward. The honourable member for North Shore said that the children's ward was bare, but there were sick kids in the ward. One child with asthma was wearing an oxygen mask. She was a very nice young kid and had been in the hospital for a couple of days. There was a Korean child who was dehydrated after two days of severe diarrhoea and

vomiting—the gastrointestinal problems were severe. According to the honourable member for North Shore, these children do not exist because there is no children's ward. I chatted with the parents there; they were delighted with the first-class quality of care being delivered by the staff at Canterbury Hospital.

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

Dr REFSHAUGE: Guess who bulldozed the western suburbs hospital? The coalition razed the western suburbs hospital to the ground; they destroyed it. Members opposite do not like it, but this Government is rebuilding a health facility in the western suburbs. A Labor Government is rebuilding health services in the inner west.

GOLD PRODUCTION

Mr CLOUGH: My question without notice is to the Minister for Mineral Resources, and Minister for Fisheries. How does New South Wales compare its gold production in Australia with that overseas?

[Interruption]

Mr MARTIN: It is obvious that those sitting opposite are anti-mining. It is timely and fitting that the honourable member for Bathurst asked this important question.

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

Mr MARTIN: The Cadia goldmine was officially opened by the Premier on 23 October. That mine has provided 300 jobs, as well as more than 200 additional flow-on jobs. It is estimated that the mine will have a minimum life of 12 years and that it will produce 3.53 million ounces of gold and 273,000 tonnes of copper worth about \$3 billion.

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

Mr MARTIN: At that opening the Premier said that but for the mining industry Australia would be a Third World country. The Premier's comment summed up things so well. Adjoining the Cadia Hill mine is the Ridgeway deposit.

Mr SPEAKER: Order! I place the honourable member for Ku-ring-gai on two calls to order.

Mr MARTIN: The development of the Timbarra mine provided 60 jobs, involved a cost of \$17 million and is forecast to produce 55,000 ounces of gold a year. The Northparkes mine development provided 350 jobs, involved a development cost of \$255 million and is forecast to produce 89,000 ounces of gold and 54,000 tonnes of copper a year. The Lake Cowal proposal, which is currently the subject of a commission of inquiry—

Mr Armstrong: Mark II.

Mr MARTIN: The Leader of the National Party may rest assured that it will be better than the last one. The Lake Cowal development cost \$210 million, provided 200 jobs, and is forecast to produce 200,000 ounces of gold a year.

Mr SPEAKER: Order! I call the honourable member for Baulkham Hills to order for the third time.

Mr MARTIN: The prospectivity of the Lachlan Fold belt remains outstanding and despite continuing low gold prices, gold production in New South Wales has increased 11 per cent to 12.38 tonnes. Cadia will add 20 tonnes to that figure.

Mr Humpherson: How many ounces?

Mr MARTIN: If the honourable member for Davidson wants to know, it is 500,000 ounces a year. That is heartening news for jobs and investment. The royalties will be used to provide schools, hospitals, roads and more police on the streets. That is also welcome news.

Mr SPEAKER: Order! There is far too much interjection from members of the Opposition. Those members who have been called to order are now deemed to be on three calls.

Mr MARTIN: The climate for gold exploration and investment opportunities fostered by the Government has continued to hold firm during difficult world conditions. I am pleased to inform the House that the latest report from the Department of Mineral Resources shows that it is cheaper to establish and run a goldmine in New South Wales than it is in any other State or in any major competitor country. The New South Wales goldmining industry is forecast to expand significantly during the next five years due to the commissioning of large projects like Cadia and expanding exploration activity in the State.

Forecasts are that continued industry expansion should result in total State gold production of 34

tonnes by the year 2002. That is almost three times the present level. That climate has been provided by the Carr Government and has given New South Wales the lowest costs in both discovery and production. That is welcome news for a State that has the longest goldmining history in Australia and which, until the late twentieth century development, lagged behind the strong production growth in Western Australia and the Northern Territory. Discovery costs are estimated at around \$A10 per discovered ounce compared to the Australian industry average of \$A19.

New South Wales has also the lowest allocated capital cost per ounce of annual capacity compared to the world average. It has also the lowest operating cost in Australia per ounce of gold extracted. In layman's terms, those figures indicate that it is much cheaper to establish goldmines in New South Wales than in any other State. For instance, a medium-size gold project producing about 250,000 ounces of gold a year on average would incur capital costs of around \$50 million lower than those incurred in other areas of the world. In addition, the average allocated capital cost per ounce of annual capacity in New South Wales is around \$A834, compared with a world average of \$A1050.

Mr SPEAKER: Order! I remind the Deputy Leader of the Opposition that he is on three calls to order.

Mr MARTIN: In 1997 the New South Wales gold industry had an average cash operating cost of \$A278 per ounce, which is more than 20 per cent lower than the Australian average of \$A336 per ounce, and more than 40 per cent lower than that in the Queensland gold industry. New South Wales goldmines also have lower operating costs than both the United States of America, at \$A291 per ounce, and South Africa at \$A405 per ounce. Why is that so? The answer is simple. The Government has provided the right climate for investment. It has done some brave things. In the past two years the price of electricity under the Government has fallen by as much as 40 per cent. That is 5¢ per kilowatt hour. That means that New South Wales has the cheapest electricity of any industrialised area of the world.

Japan's industrial electricity tariff is around 20¢ per kilowatt hour, which is 400 per cent higher than New South Wales. Canada's electricity rate is 5.7¢ per kilowatt hour. Electricity may account for as much as 20 per cent of plant operating costs in larger goldmines. New South Wales has reduced that figure to around 12 per cent. New South Wales has lower transport costs than other States. The average

distance from a New South Wales goldmine to a centre with a population exceeding 5000 people is 45 kilometres, compared to many hundreds of kilometres in Western Australia. That puts New South Wales way ahead. So far as labour is concerned New South Wales has the lowest costs. New South Wales has a good rail system that is able to deliver, despite the coalition having cut 19,000 jobs in seven years when it was in the business of cutting railway employee numbers.

This Government has been fair dinkum and transparent about water reforms, which speak for themselves. The Government has dealt with the reform process in a mature way, something that those on the other side of the House could not do. In New South Wales other metals are being found with gold. As I said earlier, Cadia will produce 273,000 tonnes of copper. New South Wales has impressive growth rates. The Government is proud of the Discovery 2000 program, which it will continue. The Carr Government is doing many good things for the goldmining industry. But let me compare this side of the House with the Opposition side of the House. What is the coalition doing? It is asking the Minerals Council for donations. Who is the shadow minister? Where is the former drug squad detective from Gosford who is always campaigning against mining on the central coast? Who is campaigning against mining?

Mr Hartcher: Who is the drug squad detective?

Mr MARTIN: The honourable member for Gosford is playing a vicious game. Where does the Deputy Leader of the National Party stand on the Airly mine? Where does he stand when it comes to Scone? I could go through members of the Opposition one after the other and pick where they stand. They anti-jobs. They are political opportunists and they are a disgrace.

DISTRICT COURT COUNTRY SITTINGS

Mr CHAPPELL: My question without notice is to the Minister for Regional Development. In line with his responsibilities to regional development, what representations did the Minister make to the Premier and the Attorney General to dissuade them from downgrading justice in Cobar, Cooma, Hay, Mudgee and Muswellbrook by terminating district court hearings in those important New South Wales towns?

Mr WOODS: As I have told the Opposition on many occasions, the Government has a huge commitment to regional development in New South Wales—and what is more, it has been successful.

Mr SPEAKER: Order! I remind honourable members that a number of them are on three calls to order. The tolerance of the Chair is at an end.

Mr WOODS: Employment growth in New South Wales outside of Sydney, Newcastle, Wollongong, Gosford and Wyong is greater than it is in those areas. The New South Wales gross domestic product is now above the national average. Under the coalition it was less than the national average.

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

Mr Hartcher: On a point of order. The issue is relevance. The question was about courthouses in country New South Wales.

Mr WOODS: Many issues affect regional development. One of them is transport. The honourable member for Northern Tablelands is vitally concerned about the New England Highway and the regional development it generates. In recent times the Federal Government, which is inspired by the National Party, has cut the funding to the New England Highway.

Mr SPEAKER: Order! I place the Deputy Leader of the National Party on three calls to order.

Mr WOODS: Has any bleating at all been heard from the honourable member for Northern Tablelands about the New England Highway? Absolutely nothing has been heard from him.

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

Mr WOODS: I can advise the House in relation to court sittings that the Attorney General, the Hon. J. W. Shaw, said today that Opposition claims that country sittings of the District Court would be cut by 25 per cent next year are absolute nonsense. That is nothing new. Yesterday, when I was speaking about issues affecting country New South Wales and regional development, the honourable member for Gosford told me it was nonsense. That is the sort of interest Opposition has in regional development—absolutely none! The grinning Leader of the National Party can offer nothing, he is an absolute policy development void. The claim made by the honourable member in his question is, as the Attorney General says, absolute nonsense.

Mr CHAPPELL: I ask a supplementary question. In view of the Minister's answer, can he give an assurance to this House that the Attorney

General will insist on continuing court sittings in each of the towns I asked about?

Mr WOODS: I have already answered the question. The answer was that the claim was nonsense.

Questions without notice concluded.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Marine Safety Bill
Police Service Amendment (Complaints and Management Reform) Bill

The following bills were returned from the Legislative Council with amendments:

Rural Lands Protection Bill
Weapons Prohibition Bill

WORLD WAR I AND ANZAC HISTORY STUDY

Ministerial Statement

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [5.46 p.m.]: It is appropriate that today, Remembrance Day and the day of the naming of Anzac Bridge, I set the record straight in relation to the teaching of history, the study of World War I and Australia's important role in that war. The study of World War I will not be removed from the compulsory part of the higher school certificate syllabus. Claims that it will be so removed are completely false. I have specifically stated that publicly. The Premier has publicly reaffirmed that on at least three occasions, the latest being in the *Daily Telegraph* today. In fact, the reforms the Government is implementing for the new year 10 school certificate and the new higher school certificate will result in more students than ever before studying, and being examined on, history in general, and Australia and World War I in particular.

For the first time that study and examination will deal specifically with Australia's involvement in World War I from an Australian perspective, including Gallipoli and the Anzac legend, and it will be mandatory for all students. The new year 7 to year 10 history syllabus will require all students to study World War I through the mandatory study of the Gallipoli campaign, the Anzac legend and the home front. In addition, all year 10 students will be examined for the first time through a statewide

compulsory external test in Australian history, geography, civics and citizenship. That test will obviously cover Australian history and may include aspects of World War I.

The Opposition tried to stop the introduction of that test. Because of the Government's reforms it will, therefore, not be possible for students to complete their secondary education, even to school certificate level, without the study of Australian history and World War I. In relation to the HSC the draft writing brief for the new modern history syllabus does not remove the study of World War I. As part of the mandatory study "Major World Events circa 1850—1950" in the preliminary year, that is year 11, students will study World War I. In addition, the draft writing brief for the new modern history syllabus proposes that a separate study area, "World War I 1914—1919" continue to be available for students to study. If the Leader of the Opposition has taken the time to read the document, he would know that.

Mr Nagle: And he would not be wasting the time of Parliament.

Mr COLLINS (Willoughby—Leader of the Opposition) [5.49 p.m.]: To respond to the interjection from the honourable member for Auburn, the urgent motion of which I have given notice is hardly wasting the time of Parliament. Remembrance Day 1998 should be a day on which there is an unequivocal commitment from the Government.

Mr Aquilina: It has always been there.

Mr COLLINS: I listened to the Minister in silence. He may wish to drown me out, but the point is that after listening carefully to what the Minister said one finds that there is no assurance about the proposals by the Board of Studies, over which he should exercise authority. The Board of Studies came up with a new-look higher school certificate history proposal that effectively downgrades the study of Anzac, marginalises Anzac, because—in the words of the Board of Studies, for which the Minister for Education and Training is responsible—Anzac is too European a concept for school students studying for the HSC to study in the detail they have since Anzac.

Honourable members on this side of the House say that that is not good enough. Until the Minister gives the House an assurance that he will completely overrule the Board of Studies and abandon the board's proposal to marginalise and downgrade the study of Anzac in the HSC syllabus Opposition

members will not accept any assurance from him—nor will the people of Australia accept any assurance from him—because we know that it is weasel words coming from a Minister who only a week ago supported the Board of Studies. It was only when public opinion turned that the Minister started to look for those weasel words.

CONSIDERATION OF URGENT MOTION

Mr AQUILINA: The Government does not oppose the motion of which the Leader of the Opposition has given notice being dealt with.

Question—That the motion for urgent consideration of the honourable member for Willoughby be proceeded with—agreed to.

WORLD WAR I AND ANZAC HISTORY STUDY

Urgent Motion

Mr COLLINS (Willoughby—Leader of the Opposition) [5.51 p.m.]: I move:

That this House:

- (1) reaffirms the core values and pivotal role of Anzac in Australia's twentieth century history;
- (2) calls on the Minister for Education and Training to reject any Board of Studies proposal to drop World War I as a compulsory part of higher school certificate modern history courses; and
- (3) calls on the Minister to direct the Board of Studies to redraft its proposed modern history syllabus to retain World War I and the Anzac story as compulsory, not-negotiable components.

I thank honourable members for their indulgence in agreeing to debate this motion. The terms of the motion are worth reiterating, because, given what the Minister for Education and Training has just said in his ministerial statement, it is important that we understand precisely where this debate is going. The Minister's statement had so many holes in it that one could drive a semitrailer through it. This is an opportunity for the House to reaffirm the core values and pivotal role of Anzac in Australia's twentieth century history. Opposition members call on the Minister for Education and Training to reject any Board of Studies proposal to drop World War I as a compulsory part of HSC modern history courses. The Opposition calls on the Minister to direct the Board of Studies to redraft its modern history syllabus to retain World War I and the Anzac story as compulsory, not-negotiable components.

The motion is moved today for a specific reason. Today the Government very appropriately renamed the Glebe Island Bridge the Anzac Bridge. Opposition members say that action should be mirrored by an unequivocal, unanimous determination on the part of the Parliament to maintain Anzac as a core part of the history syllabus, unchanged and undiluted. Anzac should be a core part of the history syllabus studied all the way through to the HSC in an undiluted fashion. We all know that the Board of Studies has more than one way to kill off a subject that falls into its disapproval. The Minister for Education and Training knows full well that a department determined to circumvent the will of the Parliament can do so, and the Board of Studies needs to be led firmly by the Premier and the Minister following a unanimous resolution in support of this motion.

Today we remember the end of World War I, 80 years ago. We remember the battles fought by Australians half a world away in places such as Gallipoli, where the Anzac legend was born. Today we said, "Lest we forget". That is another way of saying that we remember those who made their sacrifices for our country. It is a way of saying that we resist any attempt to dim their memory or to lessen the knowledge of successive generations of Australians of their sacrifice. That is precisely what could happen if World War I were dropped as a compulsory component of the HSC modern history syllabus.

This proposal is part of Labor's change-for-the-sake-of-change overhaul of the HSC. The Premier has defended the change, saying that it is enough that students learn about World War I and the Anzac legend until year 10. Opposition members say that it is not enough. We say that our students should learn about World War I and Anzac from the day they start school until the day they leave school. We must recognise our history as other nations recognise their history. Would American leaders tell their nation's children that the American Civil War did not really matter, that it should not be considered a core part of their history studies? Would French leaders say that the Bastille was a quaint memory not worth teaching and not really relevant to France in the modern world? The answer to those questions is, of course, no.

The answer is no because specific events helped to shape those nations and their people and made them what they are today. So, too, Anzac makes Australia what it is today. Anzac makes New Zealand what it is today. The Anzac legend, the

proud Anzac history, must never be forgotten in our schools, in the minds of our young people or in the minds of successive generations. It is part of the glue that holds this country together, it is part of our nationhood and it is a proud story that must be told. The Minister must, on the record of this debate, reject unequivocally and disown publicly any Board of Studies plan to drop World War I as a compulsory part of the HSC modern history course.

It is important that the Minister assure every member of the Parliament and every citizen of this State that he and the Board of Studies will not decide that Anzac is too European for New South Wales HSC students to study. The Board of Studies wanted to forget about Anzac, have Anzac pushed back in people's memories, have Anzac recede into the past. It took the view that Anzac should become part of Europe's history and be forgotten as part of Australia's history, with us turning instead to World War II, the war in the Pacific and revolutionary war since World War II. The Board of Studies proposed that the syllabus turn towards people such as Ho Chi Minh, Fidel Castro and others who have extremely marginal relevance for Australians living in this country, Australians who should be proud of their heritage.

Australia's heritage was forged in war, in battles such as the Battle of Gallipoli and battles on the Western Front, which we commemorate today. Only days ago the Minister for Education and Training was pleased to welcome the Board of Studies' comments. He defended the Board of Studies and said that New South Wales needed a more jazzed-up history course, it needed to be local. He took the position that our students did not really need to study all those battles that happened in Europe, "What were they again? Gallipoli and the Western Front." A week ago the Minister defended a position that was prepared to have the deaths of 60,000 Australians on the Western Front slip back in history, become marginalised and become part of the history of Europe. The position taken was that those deaths belonged more to the history of Europe and less to the history of Australia.

The Minister for Education and Training took an unforgivable decision. If he wants to set the record straight, he must in this debate denounce and disassociate himself from his earlier comments. He must admit the error that he made in first accepting the recommendations of the Board of Studies, recommendations that would have Anzac marginalised in the future study of history for the higher school certificate. The Minister must convince the House that he is absolutely determined to completely overrule the Board of Studies on this

matter. He must ensure that the board does not subvert what he may tell this House in this debate when this motion is carried, I trust, unanimously by the House at a later hour of this day. The Minister told the public of New South Wales only in the last few days of welcome changes and a more modern approach to Australian history. To paraphrase him, he said that World War I was a long time ago and a long way away, that those things happened in Europe and not on our shores, not in our immediate region.

The Board of Studies essentially said that it was half a world away and that we should get back to the Asia-Pacific region, and the Minister accepted its recommendation. Today the Minister must fully convince honourable members that he can be trusted and that the Premier—who is far more obsessed with the history of the civil war in the United States of America, with the blue and the grey, than with the slouch hat and what happened on the shores of Gallipoli—can be trusted. Were the assurances given this day by the Premier and the Minister, recommitting themselves to Anzac, any more than getting them through this solemn day of remembrance or were they another bandaid? What steps has the Minister already taken to reverse the decision of the Board of Studies? This motion requires the unanimous resolution of this House.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.01 p.m.]: As I indicated in my ministerial statement, the remarks made by the Leader of the Opposition and the claims he has been making for almost a week are completely wrong. He does not know the facts. Obviously, he has not even bothered to read the writing brief. If he had he would not have made that speech today. Everything the Leader of the Opposition has said is completely at odds with the writing brief and with what the Premier and I have been saying since last Thursday. Claims that World War I is being removed from the modern history syllabus for the new higher school certificate and will not be studied by New South Wales students are completely incorrect.

In reality, the reforms I am introducing and which the Government is implementing for the new year 10 school certificate and the new higher school certificate will see more students studying and being examined on history in general and on Australia and World War I in particular than ever before. While honourable members were debating the amendments to the Education Reform Act and the issue of introducing compulsory tests for Australian history, Australian geography, civics and citizenship, the

shadow minister for education and training moved that the compulsory test be deferred by one year—to 2002—so the Government could introduce this aspect of Australian history, including a study of World War I.

The shadow minister knows that that aspect is not there now—it was never there while the coalition was in Government—and that this Government has made the step to introduce a compulsory component of Australian history, including World War I. The study and the examination will, for the first time, deal specifically with Australia's involvement in World War I from an Australian perspective, including Gallipoli and the Anzac legend, and will be mandatory for all students. The new history syllabus for years 7 to 10 will require all students to study World War I through the mandatory study of the Gallipoli campaign and the Anzac legend, and also the home front. I have a copy of the history stages 4 and 5 amended syllabus.

Mr O'Doherty: We are talking about the higher school certificate.

Mr AQUILINA: I will get to the higher school certificate but I will also rub the nose of the honourable member for Ku-ring-gai in what is happening now with the school certificate.

Mr O'Doherty: On a point of order.

Mr SPEAKER: Order! The honourable member for Ku-ring-gai has now interjected several times. That is contrary to the standing orders, and I will not give him the opportunity to interrupt the Minister by taking a point of order. The honourable member will resume his seat.

Mr AQUILINA: Under the Gallipoli campaign and the Anzac legend the syllabus states—

Mr O'Doherty: On a point of order. The Minister is addressing his remarks to stages 4 and 5 of the syllabus. The motion refers to the stage 6 syllabus.

Mr SPEAKER: Order! There is no point of order. The honourable member for Ku-ring-gai will resume his seat.

Mr AQUILINA: That has got nothing to do with it. The motion moved by the Leader of the Opposition deals with all history, and that is precisely what I am saying. The questions specifically referred to in the syllabus are: why did Australia become involved in World War I, what

were the main aspects of Australia's involvement in the Gallipoli campaign, and how did events at Gallipoli create the Anzac legend? Under the current years 7 to 10 syllabus students can study World War I, including Gallipoli and the Anzac tradition, but it is not mandated. The Government is making it mandatory. Under the new syllabus students will be spending 200 hours studying history—twice the current time of 100 hours.

Under the new school certificate all year 10 students will be examined for the first time through a statewide external test in Australian history, geography, civics and citizenship, which will obviously cover Australian history and may include aspects of World War I. Therefore, it will not be possible for a student to complete his or her secondary education to school certificate level without the study of Australia and World War I. The current draft writing brief for the higher school certificate has been developed after statewide consultation with history teachers, academic historians and professional teaching associations. The brief is now being distributed to all high schools and teachers for wider consultation and feedback before the new modern history syllabus is finalised.

The Leader of the Opposition does not even know the process. Paragraph (3) of the motion refers to the proposed modern history syllabus. It is not a proposed modern history syllabus; it is a writing brief sent out to teachers to give them guidance for the writing of the syllabus. The syllabus has not yet been written for years 11 and 12. Approximately 10,000 year 11 and year 12 students are currently studying modern history—about 17 per cent of the candidature. Those students study World War I as part of the core study in both preliminary and higher school certificate courses. The draft writing brief for the new modern history syllabus does not remove the study of World War I. As part of the mandatory study of major world events circa 1850-1950 in the preliminary year 11 students must study World War I. Through this study, students will gain an understanding of the forces and events that have shaped the modern world.

In addition, the draft writing brief for the new modern history syllabus proposes that a separate study of World War I 1914-1919 continue to be available for students to study. The draft writing brief proposes that the modern history syllabus, which has not been rewritten since 1987, be updated to include other significant world events, including the Cold War, the Arab-Israeli conflict, Indochina and the Pacific war, and there is nothing wrong with that. It needs to be remembered and to be made

perfectly clear that under the writing brief World War I is not being removed from the year 11 and year 12 history syllabus. Just because the media makes a comment to that effect does not mean that it is a fact, and there is no way that anyone can interpret that as being the case. Page 22 of the writing brief specifically points that out under the title "Structure of the preliminary course". It states:

The three components of the Preliminary course are:—

not "may be" or "perhaps could be", but "are"—

1. Industrialisation . . .

2. Major World Events, *circa* 1850-1950—the major events of the late modern world.

Under a separate section major world events refers to, among other things, a study of World War I. There it is. I shall move that the motion of the Leader of the Opposition be amended to delete all words after "Reaffirms the core values and pivotal role of ANZAC and Australia's twentieth century history." I move:

That the motion be amended by leaving out paragraphs (2) and (3).

Once again honourable members will be able to understand only too well that: yes, the House does reaffirm the core values and pivotal role of Anzac in Australia's twentieth century history; yes, it will be studied compulsorily from year 7 to year 10 and mandatorily examined at the end of year 10; and, yes, it will be studied compulsorily in years 11 and 12. It is there in the "Draft Syllabus Writing Brief", not the syllabus as the Leader of the Opposition indicated in his motion. This is a draft writing brief to assist in the writing of the syllabus. I am quite certain it will be there when the syllabus is written.

I have been incessantly emphasising this point since Thursday, when it was reported that, supposedly, studies of World War I would be deleted from the syllabus. Also, the Premier has stated that time and again in various reports on the electronic media. In this morning's *Daily Telegraph* under the heading "Spanning the gap to a history we will not forget" the Premier reasserted that the study of World War I would continue to be a compulsory component of the year 11 and year 12 syllabus. Clearly the Leader of the Opposition is wrong: World War I history is here to stay.

Mr O'DOHERTY (Ku-ring-gai) [6.11 p.m.]: The amendment is completely unacceptable to the Opposition, because it indicates that the Minister is

not prepared to give the assurances that are sought in the motion moved by the Leader of the Opposition. The purpose of bringing this matter before the House today is to get those assurances from the Minister. He is not prepared to give them and therefore moved a weasel-worded amendment that allows him to squib out of answering the question. When the Minister was speaking I interjected by asking, "What about model 2?". He knew precisely what I was talking about, but refused to acknowledge my interjection. I refer honourable members to page 42 of the "Draft Syllabus Writing Brief", on which three models are spelled out. Model 2, as part of the core curriculum to be studied by every higher school certificate student—and that is the purpose that the Leader of the Opposition had in bringing on this motion—has no reference to World War I.

If model 2 is adopted, students will not study Gallipoli, Anzac, World War I, the core elements of the Australian character being forged on the battlefields of World War I. The Minister cannot show that they will because in model 2 they are removed from the syllabus. There is a reference to World War I in model 1 and model 3, but let us look at the quality of the reference. The whole point of the draft syllabus, as the Minister pointed out in his press release and in his statements last week, is to move students away from studying Australian history, to studying a less Eurocentric view of history.

Students will study World War I, but the emphasis will not be on the battle of Gallipoli, the forging of the Anzac myth, the role Australia played in World War II or the role Australia played on the world stage between the wars. It will be the themes and ideologies that emerged in the World War I period. Students will not study what Anzac means to Australia, what it means to be an Australian or what it means to grow up in a country in which the Anzac myth—the idea of sacrificing for one's mates—has absolutely infused every core value of the Australian society since that day. Year 12 students will not study that and the Minister cannot pretend that they will. Page 44 of the "Draft Syllabus Writing Brief" suggests ways that students should study World War I. It proves the point so well made by the Leader of the Opposition. It states, in part, that the following principles could be addressed:

- encourage or mandate a less Eurocentric choice of topics
- allow students to gain a broad understanding of the forces that have shaped the modern world: the impact of war, decolonisation, ideologies, international relations.

Nowhere does it say "understand the way the Anzac myth has infused the Australian national character". It does not say that, because that is not the aim of the syllabus. The entire aim of the syllabus is to move students away from Australian studies to develop a more world-centred view. Who said that history studies should be a more world-centred form of studies? It was Bob Carr, as Leader of the Opposition, who said that we should be studying world history. Even then he was downgrading the role of Australian history and what Australians want their children to learn as they go through the school system. On page 44 option C of model 1 for the proposed HSC states:

Retain World War One as the core—

and this is the point made by the Leader of the Opposition—

with its focus changed to the causes and effects of the War.

That is not the same as studying Gallipoli, the Anzac myth and the other matters mentioned by the Leader of the Opposition in his motion. This clear evidence from the "Draft Syllabus Writing Brief" supports exactly what the Minister said when he delivered this policy so badly last week. The syllabus takes students in years 11 and 12 away from studying Anzac and its central role in developing the core of the Australian nationhood. The New South Wales Opposition believes that this matter has to be widely debated, that there needs to be full discussion amongst historians, teachers, students and people in public life, such as members of this Parliament, about the implications of this syllabus. There needs to be more time than the Government will allow, because it has botched this process so badly that no-one is sure that the Government will get it right. At the core of our policy is the belief that in year 12 every student should compulsorily study the Anzac myth and its role in infusing values into the Australian community. [*Time expired.*]

Mr NAGLE (Auburn) [6.16 p.m.]: The honourable member for Ku-ring-gai spoke about assurances. One assurance to be given to this House is the bona fides and mala fides of the Leader of the Opposition and the Opposition. There are no bona fides in regard to this matter; there are only mala fides. More than 1,000 submissions were made in this review, but the Opposition spokesman on education did not make a submission. The Opposition said it would release its policy on the higher school certificate last year. It is now more than 12 months on and it still has not done that. Yet on this great day, this day of remembrance of the

Diggers who gave up their lives at Gallipoli and Lone Pine, the Opposition has introduced this matter which was first raised last Thursday. I would bet that the shadow minister for education has probably never been to Gallipoli and probably would not even waste his time going there. But I have been there on a number of occasions and I have attended the dawn service.

Mr O'Doherty: On a point of order.

Mr NAGLE: You are good at dishing it out, but you haven't got the guts to take it.

Mr O'Doherty: The honourable member's statements are highly offensive and I ask you to direct him to withdraw them and apologise.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Ku-ring-gai has asked the honourable member for Auburn to withdraw his offensive remarks. Pursuant to the standing orders I ask him to do so.

Mr NAGLE: What were the offensive remarks?

Mr ACTING-SPEAKER: I ask the honourable member for Ku-ring-gai to specify the remarks he found offensive.

Mr O'Doherty: What was offensive was that as a member of this Parliament and as a citizen of Australia I would not care about Anzac Day or Gallipoli. That is grossly offensive. The standing orders simply require me to ask you, Mr Acting-Speaker, to ask the honourable member to withdraw the remark.

Mr NAGLE: First of all, that is not my remark. But to get on with it, I withdraw any implication to be drawn from that statement by the honourable member. Yesterday we witnessed the grubby politics of the Opposition, with the Leader of the Opposition saying that I support drug addicts. Of course, he did not withdraw that statement, but he would not have the guts to repeat it outside the Parliament. The important issue for the House today is Remembrance Day. This motion could have been moved last Thursday or yesterday but the Leader of the Opposition, in a desperate bid for publicity, chose to raise the issue on Remembrance Day.

Honourable members would know that the first soldier to give up his life in Malaya during the Second World War was my uncle, on 14 January 1942. My son is in the gallery this evening. That soldier was his great-uncle. My son, who is a

midshipman in the navy, understands the position. The Minister for Education and Training approved a grant to publish a book about the men of the 2/30th Battalion, and their miseries and deprivation in the Second World War. That shows what a good man the Minister is when dealing with these issues.

The fact is that the honourable member for Ku-ring-gai had his opportunity to make a submission about the issue the subject of the motion, and he failed to do so. What he failed to tell the House is that the current syllabus, which was created under a coalition Government, talks about European history and has less than a paragraph on Gallipoli. Claims that the subject of World War I is to be removed from the modern history syllabus for the new higher school certificate and that that war will not be studied by New South Wales students are completely wrong.

In reality, the reforms that the Government is implementing for the new year 10 school certificate and the new higher school certificate will result in more students than ever before studying and being examined on history in general, and on Australia and World War I in particular. This study and examination will deal, for the first time, specifically with Australia's involvement in World War I from an Australian perspective, including Gallipoli and the Anzac legend, and it will be mandatory for all students. Nothing could be clearer than that. In years 11 and 12 the study of modern history is undertaken by approximately 10,000 students at present, or about 17 per cent of the candidature. Those students study World War I as part of the core study in both preliminary and higher school certificate courses.

The grubby politics of the Leader of the Opposition in bringing on this motion on this fine day could only be regarded as one of the most disgraceful and opportunistic actions that I have witnessed in my 11 years as a member of this House. If there is a problem, this important point could have been dealt with by mediation and by discussing the matter with the Minister for Education and Training and those responsible for it, instead of raising the matter in this House today in order to grab petty headlines that will get neither him nor anyone else anywhere. I commend the amendment to the House.

Dr KERNOHAN (Camden) [6.21 p.m.]: I was absolutely appalled when I read in the paper that the Board of Studies planned to drop the study of World War I from the higher school certificate. I did not believe that anything like that could have been contemplated. I do not believe everything I read in the papers, but certain other statements that have

been made seem to reinforce the newspaper quotations attributed to the Minister and the Premier.

We have been told in this debate that the Gallipoli campaign and the Anzac legend will be studied in years 7 to 10. That is fine. But I wonder about the depth of those studies. We have also been told that it is only a draft writing brief for the syllabus that is under discussion and that World War I will be included as part of the studies of the years 1850 to 1950. I wonder how much time students will spend studying the Gallipoli campaign and the Anzac legend. After all, Gallipoli and Anzac are part of our lives. They are events that made Australia the country it is today.

Australia, unlike America, did not have any revolutions that marked its emergence as a nation. It was our efforts, along with those of New Zealand, in World War I that established our standing in the world community and gave us something to look back on and be proud of. In no way should the Gallipoli campaign and the Anzac legend be denigrated in their teaching to our students. Given the increasing number of people who have chosen to live in Australia and who do not know anything about our history, it is even more important, if not imperative, that the children of those people learn about our history and what made us a nation.

The Minister's amendment purports to reaffirm the core value and pivotal role of World War I in Australia's history. But why did the Minister not say that studies of World War I will be included in the syllabus and that the events of World War I will be taught to year 12 students? Why could he not say that, especially on this day, Remembrance Day? What is wrong with coming straight out and saying, "Yes, World War I is included in the syllabus and we will ensure that it is taught to students"? Could it be that there is some doubt that that will be part of the syllabus? Or will history be a matter of teaching philosophies rather than the study of facts?

Last Christmas I was given a book called *Anzacs, Empires and Israel's Restoration—1798-1948*, by Kelvin Crombie. I must admit that that was the first history book that I had read in years. I was amazed by stories in the book about the Anzacs—the campaigns and the men involved. I would urge everyone to read that book to find out more about the Anzac tradition. It is an excellent publication. I want every child who goes through our schools and studies history to be properly taught so that they may appreciate the full value of the Anzac tradition. Study of the subject would not only be credited for the purposes of the higher school certificate, but it would give students a wonderful understanding of our history.

Mr COLLINS (Willoughby—Leader of the Opposition) [6.26 p.m.], in reply: The amendment that has been moved by the Government is completely unacceptable—for obvious reasons. The sad thing is that the Minister had a marvellous opportunity in the debate on this historic day to establish, once and for all, the Government's intention and the Parliament's resolve on this issue. He declined that opportunity. Instead, he has moved an amendment that is based purely on semantics.

I have the document that has been referred to by honourable members. It is entitled "Board of Studies New South Wales: Modern History, Stage 6: Draft Syllabus Writing Brief, 1998". Model 2, which was referred to by the honourable member for Ku-ring-gai, spells out what is in the proposed syllabus, game, set and match. The Board of Studies wants to delete Gallipoli from model 2. Anyone who looks at the list will note that there is no mention of Gallipoli at all. Have no doubt that the Minister, by moving his amendment, is seeking to give the Board of Studies latitude to do precisely what it wants to do—remove the Anzac legend and the Gallipoli campaign from the model.

If the Minister were to seize this opportunity—and it is still his to take by withdrawing the amendment—this will be a motion that members on both sides of the House will be able to agree on now. The Minister has the opportunity here and now to resolve the issue. He could make the Government's position clear to every honourable member, every citizen of this State, every member of the Board of Studies and every history teacher in New South Wales. This is his opportunity to make an unequivocal commitment to the continuation of studies as they are, without diluting, downgrading or marginalising the importance and significance of the Anzac campaign or the Gallipoli legend—because the Board of Studies, which the Minister controls as Minister for Education and Training, does want to marginalise that important part of our history. In other words, the Board of Studies has said that Gallipoli and the deeds of the Anzacs happened too long ago and that these Eurocentric issues simply do not fit into model 2, which states:

CORE CONFLICT/MODERN WORLD STUDY

One of:

Pacific War 1937-1951
 Revolutionary Wars 1776-1815
 The Cold War 1945-1990
 Arab-Israeli 1945-1993
 Indo-China 1940-1980

The Minister did not mention model 2 because there is no reference to World War I, the Australian and New Zealand Army Corps or Gallipoli. On the walls of this Chamber is evidence of the sacrifice made by members of this Parliament, one of whom was my

predecessor as member for Willoughby. This issue affects us all. It is part of our heritage, even as members of this Parliament. It is part of my heritage as member for Willoughby and that is why I raised it. I plead with the Minister to withdraw the amendment. He can make an unequivocal statement. He can clear the record for himself and for the Premier. The record as it now stands is as muddy as he could ever have made it.

One week ago the Minister supported the Board of Studies. However, after being attacked by Alan Jones and Col Allan in the *Daily Telegraph* he has suddenly slammed on the brakes and gone into reverse, but not quite because the Government is not prepared to give an unequivocal commitment. The Opposition's motion will enable the Minister to clarify the record. If the Minister withdraws the amendment, Opposition members will understand where the Government stands. We will understand that the Minister is disassociating himself from the Board of Studies, saying that this is the wrong way to go and overruling the Board of Studies.

It is right for Parliament to enshrine the Anzac spirit. It is right for us to enshrine this part of our culture in this debate on this particular day, 11 November 1998. All members of this House must support the original motion. The amendment simply runs up the white flag. If the Minister pushes ahead with his amendment he will be subject to the Board of Studies and abrogating his responsibility.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 44

Ms Allan	Mr Mills
Mr Amery	Mr Moss
Mr Anderson	Mr Nagle
Ms Andrews	Mr Neilly
Mr Aquilina	Ms Nori
Mrs Beamer	Mr E. T. Page
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 Langton	Mr Watkins
Mrs Lo Po'	Mr Whelan
Mr Lynch	Mr Woods
Mr McBride	Mr Yeadon
Mr McManus	
Mr Markham	<i>Tellers,</i>
Mr Martin	Mr Beckroge
Ms Meagher	Mr Thompson

Noes, 41

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

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Beck
Mr Iemma	Mr Cruickshank
Mr Knight	Mr Peacocke
Mr Knowles	Mr Rozzoli

Question so resolved in the affirmative.

Amendment agreed to.

Motion as amended agreed to.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Mines Legislation Amendment (Mines Safety) Bill

PRIVATE MEMBERS' STATEMENTS

**MAITLAND TRANSPORT AND
DISTRIBUTION CENTRE**

Mr BLACKMORE (Maitland) [6.45 p.m.]:
On Tuesday, 11 August, in Maitland an announcement was made about a proposed feasibility study into the establishment in Maitland of a transport and distribution centre. Two sites were mentioned, Beresfield and Thornton. The proposal to

build the transport and distribution centre was put forward by Blue Ribbon Coaches, a company that commenced operations in the Hunter region in 1927 and that now has approximately 150 coaches and 250 employees. On 11 August it was announced that the Federal Government would contribute \$1.5 million in funding towards the cost of the proposed transport and distribution centre for the region.

This exciting proposal for the Hunter region will provide a much sought after facility that will streamline the operations of Blue Ribbon Coaches. The facility will include resource sharing in the form of an administration centre and services, and make available on-site professional services, such as human resource management; business management and development; and professional training services in the fields of heavy vehicle driving, heavy vehicle industry, occupational health and safety, environmental management, quality assurance, team building and team working. In addition, the centre will contain a petrol, diesel and gas fuelling station, in goods, out goods, short-term storage, cold storage, freezer storage, container storage, a container transfer depot, a B-double depot, and rail access on the Thornton site, which is very important.

The potential activities and services include an interstate and long-distance bus and coach terminal; parking facilities for heavy vehicles; depot storage for buses, plant and equipment; a truck hire centre; mechanical maintenance for the servicing and repair of vehicles; electrical maintenance servicing and repair; hiring of basic equipment; space to enable drivers and operators to carry out minor maintenance and adjustment work on vehicles; brake testing and shaker facilities; a much-needed skid pan facility for driver training; paint and body repairing with spray booths; detailing and cleaning services; a bus and truck wash bay; heavy vehicle reconditioning facilities; a tyre distribution centre; and outlets for various heavy transport industry supplies and services.

I was pleased to learn this week that one of the world's leading heavy vehicle distributors has signified its interest in the proposal and will soon make an announcement. The facilities will also include driver amenities; 24-hour access; fast foods; restaurants providing meals and refreshments; driver accommodation; a gymnasium; convenience goods and services; an authorised inspection station for heavy vehicles and cars; an RTA checking station, and the possible inclusion of a local RTA service office. The proposal is unique. Blue Ribbon Coaches will be assisted in the venture by Maitland City Council, and I congratulate the council on showing such initiative. Many honourable members would be

only too well aware that large articulated vehicles parking in residential streets do cause problems.

Unless councils can provide truck parking areas there is little that residents can do to alleviate the disturbances they experience when vehicles move in and out of residential streets. If the Maitland facility is successfully established in Thornton it will provide a world-class facility at the end of the F3 freeway. I congratulate the Mordue family, the founders of Blue Ribbon Coaches. I hope that the State Government will demonstrate its sincerity and encourage the project by making available financial assistance in the form of State and regional development and Hunter Advantage funding. If the Federal Government is prepared to provide \$1.5 million, I believe the State Government should also contribute.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.50 p.m.]: The matter raised by the honourable member for Maitland is exciting. I was briefed on the preliminary stage of this project some months ago, and early last week I was again briefed in considerable detail about the facility. Approximately \$1.5 million was obtained from the Federal fund that was established to help with replacement of BHP jobs, and this exciting project will bring about many jobs, which is the purpose of all advantage funds.

The other interesting aspect is that this facility now proves what I and the Hunter Beyond 2000 Committee have said for some time: the Hunter port facility is coming of age. This facility will enable fully assembled trucks to roll off ships into the port of Newcastle. Newcastle and the Hunter Valley will be viewed as the drop-off point for the Sydney metropolitan area. Those port corridors and the accessibility to get freight on and off ships are a major win for the region from this exciting concept.

Amos Mordue is the grandson of Mr Fogg, who was injured while working in the mines and then established a bus business that at one stage was the largest privately owned bus company in New South Wales. Therefore I am in the loop together with the original co-ordinator. The fund will consider providing assistance for any worthy project. The Port Authority has already provided some valuable work in bringing the project to this stage. I look forward to the jobs it will bring to the Hunter region. [*Time expired.*]

Mr KEN BAILEY FATHER OF THE YEAR RECOMMENDATION

Mr GIBSON (Londonderry) [6.52 p.m.]: I should like to enlighten the House about the Baileys

of Bidwill and also about Australia's annual Father of the Year award, which is a fitting and just award. But I believe that the person who receives it should really be the father of the year. The award should be given to a person to whom the community can look and say, "What a good choice this year for that person to be given such an award." This year Kamahl was named Father of the Year. He is a successful entertainer and a family man. He is a good Australian, but is he really the father of the year? I have nothing against Kamahl, but I believe the community believes that giving such an important award to someone who is highly successful with a grown-up family is to treat the award as mere tokenism.

Good luck to Kamahl. I congratulate him on receiving the award, but I should like someone in my electorate to be considered for the award. A gentleman in my electorate named Ken Bailey lives at Bidwill. The family is known as the Baileys of Bidwill. Ken and Gwen Bailey were married at Parramatta in 1971. Gwen was unable to have children so the couple decided to adopt children. The first adopted child was Ken, who is now 30 years of age, and the second child is Michael, who is now 25 years of age. Both children were adopted very shortly after birth.

The family moved to Mount Druitt in 1975. Ken and Gwen saw a newspaper article about foster carers for handicapped children. They responded to the advertisement and were invited to attend meetings associated with those children. They were told of the various handicaps children suffered, but Ken and Gwen fell in love with these kids from the first day. After several meetings they were granted permission to be carers of Scott Neilson, who was 10-months-old. Scott has Down syndrome and a major heart problem and had been given only a few years to live.

Gwen and Ken spent many long hours alongside Scott in hospital during the early years. After serious bouts of illness Scott would amaze doctors by recovering time and again. Scott will turn 21 in April. Ken and Gwen fought long and hard over the years to adopt him. Their efforts have proved successful and finally they will be able to adopt him. Ken and Gwen currently are also the foster parents of Norma Ricketts, who has been with them since she was one year old and is now 13 years of age. She has a challenging disposition and displays behavioural patterns that are controlled by medication, and she has impaired vision and a hearing defect. Over the years Norma has undergone several operations on her eyes and ears.

Ken is actively involved in the daily operations of Halinda Special School in Whalan. He drives the

school bus and takes many handicapped adults and children on bus excursions. He works very hard organising school excursions for the students. Approximately 108 children attend Halinda Special School, which is staffed by 30 teachers and aides. As Ken explains, there are carers and there are carers. Unfortunately, some people take on the role of carer purely for the money rather than with a view to providing love, affection and daily care for the children, which is a vital role for anyone carrying out the 24-hour duties of a carer. I put to the House and to the people of this State that someone like Ken Bailey is more deserving of the Father of the Year award. He has devoted his life not only to adopting children but to adopting handicapped children, whom most people would not adopt because they could not meet the challenge.

The Baileys of Bidwill took up that challenge and devoted their lives to looking after kids who had had terrible starts in life. Young Scott helps in my electorate office on many occasions and it is always a pleasure to see him. Scott's and Norma's lives have been fulfilled by the Bailey family. My life too has been made better just through knowing Ken Bailey. I congratulate Kamahl and all the Kamahls of the world but let us consider the Ken Baileys of the world. If there is a more deserving father of the year than Ken Bailey, I have yet to meet him.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [6.57 p.m.]: I thank the honourable member for Londonderry for bringing this matter to the attention of the House. I do not know Ken Bailey personally, but I know of his good work. Foster carers are remarkable people, to say the least. They take on the care of children whom, quite frankly, nobody else wants. During my time as chairman of the police-citizens youth club movement I met many foster carers who brought the children under their care to partake in activities when it was accepted that disabled and mentally handicapped children should participate in mainstream programs. Foster carers undertake the task for the love, affection and rewards. Of course, it also brings heartaches because the life expectancy of many of these children is short. I agree with the honourable member for Londonderry that no-one would be a more deserving recipient of the Father of the Year award than Ken Bailey.

TAREE MENTAL HEALTH SERVICES

Mr J. H. TURNER (Myall Lakes) [6.58 p.m.]: I bring to the attention of the House the provision of mental health treatment and services within my electorate. I have attended ongoing

meetings with ARAFMI—the Association of Relatives and Friends of the Mentally ill—through its Taree branch about the need for Taree Hospital mental health services. It was understood that when Taree Hospital was upgraded full psychiatric services would be available. However, we are not so sure that those services will now be provided, although, to his credit, the Minister has not closed the door on the topic.

People have come to see me to reinforce the need for such a service. At present these services are available at Coffs Harbour, but they are so run down that my colleague the honourable member for Coffs Harbour tells me that the facility is not a desirable place to attend. It takes 3½ hours to travel from Forster to Coffs Harbour, and 5½ hours from Tea Gardens and Hawks Nest.

Patients could go the other way to Newcastle but there are real problems at the James Fletcher and John Hunter hospitals. The answer is to provide the service at Manning Base Hospital in conjunction with the Manning Base Hospital upgrade. That is verified by a report from the southern sector of the Mid North Coast Area Health Service headed "The Need for In-Patient Psychiatric Services in the Southern Sector of the Mid North Coast Health Service". The report was presented by Dr Owen Spencer on 16 February. In relation to the proposal the report states:

This relates only to acute psychiatric beds. Tertiary and long stay amenities will need to be considered in the next stage.

The Southern Sector believes that the establishment of a psychiatric unit in Taree is long overdue and that a 30, 20 or 15 bed gazetted unit should be approved for construction as soon as Mental Health Funds are available, because:

1. There is a demonstrable need for a 15-bed unit for the sector's population, now.

In each of the last five years 150 patients have been scheduled and sent to Hunter hospitals and the sector's case management is over 200. The report continues:

2. A substantial and creditable service infrastructure is already in place and has proved its capability and commitment.
3. Contrary to conventional wisdom, the Sector has not encountered difficulty recruiting or replacing suitable staff. Staff are recruitable where the service is rewarding and the management supportive.

The report gives three options. The first is the one that appeals to me and the people from ARAFMI. It reads:

It is therefore recommended as first priority that a 15-20 bed gazetted unit be constructed on the campus of the Manning Base Hospital to become the focus for a fully integrated service, providing a full spectrum of mental health services which range from adolescence to senescence and from prevention, counselling, active and involuntary treatment to rehabilitation and maintenance, for the Southern Sector.

The unit would be located and organised to promote and maintain an optimal level of integration with the clinical services of Manning Base Hospital. Ongoing involvement of clinicians in the co-management of patients is seen as essential to the effectiveness of the unit.

I commend the report and I thank the people who worked so hard on it. Now we need the will to implement its recommendations. I return to some of the difficulties faced by people who need the services in my electorate, on the mid north coast, and within the southern sector of the Mid North Coast Area Health Service. I have already mentioned the tyranny of distance. When people have to move to Newcastle, Coffs Harbour or Maitland they are removed from their loved ones, their carers and their helpers. When they are discharged there is no follow-up. They are isolated back in their previous area. There is a need for the integrated care that could be provided by the service.

The proposal would also free up accommodation. The patient has to be scheduled. Two police officers have to attend the admitting centre for that purpose. If a lady is involved a policewoman has to be located to attend. That is but a minor matter but it is taking resources away from the electorate, and that would not be necessary if the unit were at Manning Base Hospital. There is public support for the proposal. The Port Macquarie Action Group, which is no friend of my electorate, supports Taree getting the unit. I urge the Minister to look at the report I have quoted from and to make funds available while the rehabilitation of Manning Base Hospital is being undertaken so that there can be a fully integrated mental health service at the hospital.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [7.03 p.m.]: I take on board what the honourable member for Myall Lakes has said about mental health in the Taree-Manning area and about ARAFMI. I will refer the matter to the Minister for Health.

CENTRAL COAST NETBALL

Mr McBRIDE (The Entrance) [7.04 p.m.]: I advise the House of the joint initiative that is a partnership on the central coast between the 41 registered clubs and netball on the central coast, in particular the Gosford and Wyong netball

associations. At a club managers' association meeting of the central coast zone held in November 1997 the Chairman of Woy Woy Bowling Club, Mr John Gardner, and the Director of Ettalong War Memorial Club, Mr Col Ford, were elected to the positions of chairman and secretary respectively of the central coast club awareness campaign. The purpose of the campaign is to assist in providing financial aid to organisations on the central coast which will support the quality of life of members of the community, particularly those in the younger community.

Past recipients of such campaigns on the central coast have been surf life saving, CareFlight and the like. After much consideration this year it was decided to support central coast netball. I point out that it was a unanimous decision. The committee negotiated with a local Mazda dealership to provide a motor vehicle, a Mazda 121 Metro, at a subsidised cost for the purpose of a fundraising raffle. It was my honour to launch the project by buying the first ticket, No. 00001, at Mingara Sport and Recreation Club, the club of the year, last Wednesday, 4 November.

The Registered Clubs Association has also provided \$10,000 to be used for advertising and printing in relation to the promotion. It is expected that the Gosford and Wyong netball associations will receive \$40,000 each, which will be the greatest boost to those organisations in their history. The drawing of the raffle will be on Monday, 14 June 1999 at the State netball championships in Gosford. Netball is probably the largest participation sport on the central coast, with more than 5,200 registered players in three separate associations—2,200 players in the Wyong association, 2,198 in the Gosford association and 793 in the Woy Woy association.

Netball is an example to other sporting codes on the coast in its management and organisation. I am delighted as the husband of a player and the father of two player daughters that the local registered clubs have decided to give central coast netball their support. I also congratulate the Wyong and Gosford netball associations for combining to back this fundraising project, especially their executive led by Wyong association president Ray Davidson and secretary Chris Miles and Gosford association president Pat Court and secretary Pat Craig. I am sure that this new level of co-operation will lead to further expansion and successes for netball on the central coast. Too often progress in many areas of endeavour has been stymied by rivalries between the north and the south, Wyong and Gosford. This new level of co-operation should be seen as an example by other organisations.

Turning to a related matter, I congratulate Gosford Netball Association on its successful bid for the June 1999 State championships, to be held at Adcock Park, Gosford. Special recognition should be given to Pat Courts and Joan Brooks of Gosford Netball Association for securing the championships. They will be held over the three days of the June 1999 long weekend and will involve 40 associations, with Australian and New South Wales representative players participating as representative of their associations. This is the second time that the Gosford Netball Association has been successful in being selected to host a State championship. The last time was nearly two decades ago, in 1979, when the championships were also held at Adcock Park. Gosford Netball Association has a long and successful history since its establishment in 1962, 36 years ago, and this recent success is an endorsement at the highest level of the strength and capability of Gosford Netball Association.

Through my position as a member of Parliament I have had the opportunity to attend a number of State, national and international netball games. I can attest that netball is a world-class game. It has all the athleticism, discipline, courage, skill, competitiveness, commitment and determination of any other world-class sport. And its sporting etiquette is without peer. We, as Australians, have tended to underacknowledge the accomplishments of netballers on the national scene. We lionise representatives of other sports but probably because these sportspersons are women we have totally undervalued their successes. I urge the local central coast community to get behind this major fundraising campaign and give central coast netball the support and encouragement it deserves. I also congratulate the entire club movement on the central coast on supporting this important sport.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [7.09 p.m.]: I thank the honourable member for The Entrance for bringing this matter to the notice of the Parliament. He was a major player during negotiations with the registered clubs of New South Wales which finely crafted the innovative three-year binding contract with the club industry that is now known as the community partnership package. The Government and I wanted to replace the old rebate scheme with something innovative that could be used in the way that the package is now being used by the 41 central coast registered clubs to provide much-needed funds to the Gosford and Wyong netball associations. Netball is by far the largest participant sport for females in this country. It is played throughout the British Commonwealth and it is now included in the Commonwealth Games.

Australia has been at the forefront of the development of this sport. Netball is wonderful and exciting. The duals in recent years between Australia and New Zealand have been especially so. Before the community package was introduced the Registered Clubs Association was not backward in coming forward with its club awareness campaign on the central coast. Gosford and Wyong racing clubs have organised wonderful charity days and have donated money to worthwhile causes, such as the central coast branch of Surf Lifesaving Australia Ltd. I congratulate the winners of the 1998 State age championship. The win was a great boost for netball and for tourism in the region. People travel long distances to the central coast and the Hunter to watch netball being played. Only last week Charlestown was once again awarded the year 2000 State age championships, which are to be held in June. The championships will be held in Gosford in 1999 and in Charlestown in the year 2000.

BAULKHAM HILLS PUBLIC SCHOOL CLOSURE

Mr MERTON (Baulkham Hills) [7.11 p.m.]: For more than eight years I have fought successive governments in an endeavour to keep Baulkham Hills Public School open. Although student numbers had dropped Baulkham Hills Public School provided a particular style of education required by a number of parents in my electorate. The former Minister for School Education and Youth Affairs, the Hon. Virginia Chadwick, agreed that the school should remain open. However, due to falling enrolments and concern for students' safety when crossing the Windsor Road-M2 intersection, the present Minister and the Department of Education and Training decided in their wisdom that the school should close at the end of this school year.

I joined parents, teachers and the parents and citizens association in appealing against the closure through the School Closures Review Board but the appeal was unsuccessful. Baulkham Hills Public School has a long history: residents from the nearby Willows Retirement Village attended that school as children. My sister also attended the school. Last Saturday former students returned to the school for what could only be described as a bittersweet celebration. They celebrated the school's 130th anniversary and, sadly, its impending closure. More than 1,000 people attended, with many arriving from far and wide to say goodbye to a school that held so many happy memories for them. Today I received a notification from the Minister for Education and Training as follows:

I wish to advise that I have approved of disposal action proceeding in relation to Baulkham Hills Public School as it is

considered surplus to the requirements of the Department of Education and Training.

The revenue realised from the sale will be placed in a pool which will be invested in capital works and maintenance programs to improve the standard of accommodation in schools on a statewide priority basis.

I urge the Minister to ensure that his department consults with The Hills Historical Society, another interested organisation, before any action is taken to dispose of the site. The heritage buildings on the site must be protected and unsuitable development must not be allowed to encroach on areas surrounding the heritage buildings. Baulkham Hills residents do not want high-rise apartment buildings constructed on the grounds of this wonderful school and any proposed development must be sympathetic to the current environment of the school and heritage buildings.

I am concerned about the Minister's comments that revenue from the sale will be placed in a pool, because pools become bottomless pits. The funds should be specifically allocated to other schools in the region. I suggest the funds could be used for the construction of the desperately needed school hall at Baulkham Hills High School about which I have spoken in this Parliament on numerous occasions. As recently as this week parents have complained to me that students sitting for the higher school certificate are in cramped classrooms because the accommodation is adequate. More than 1,200 students attend Baulkham Hills High School and it is unacceptable and disgraceful that the school does not have a school hall.

The community has genuine fears that the revenue raised from the sale of Baulkham Hills Public School will disappear into government coffers. They will have lost a wonderful community school and will receive nothing in return. That is simply not good enough. Once again a great community asset has been lost. Ironically, only a few days after the wake last weekend I received a letter from the Minister informing me that the school site is to be disposed of. Again I ask the Minister to ensure that the heritage buildings are retained and that any development is sympathetic to them. I urge him to ensure that the people of Baulkham Hills are not burdened once again with another apartment building. I ask him to ensure that money raised from the sale is used to provide a community hall for Baulkham Hills High School or is spent elsewhere in the Baulkham Hills electorate.

ETHNIC COMMUNITY CONSULTATION

Mr MOSS (Canterbury) [7.16 p.m.]: For some time now the Premier has been visiting suburbs in Sydney and around the State to meet personally with

members of ethnic communities. Though it is not unusual for Premiers to meet with members of ethnic communities, particularly their leaders, the practice has been for groups to visit the Premier in rather awesome surroundings. I congratulate Premier Carr on his initiative of meeting with representatives of ethnic communities on their own turf. People are more relaxed in their own surroundings and the Premier has been able to see firsthand some of their problems. Last month a highly successful meeting took place in Campsie. The Canterbury municipality has the largest ethnic mix in this nation and the suburb of Campsie epitomises that mix. Approximately 180 to 200 different nationalities are represented in my electorate. Indeed, I often refer to the suburb of Campsie as the League of Nations. Some 40 per cent of the population were born overseas in non-English speaking countries and 70 per cent are from non-English speaking backgrounds, including first generation Australians.

The meeting had representatives from 15 different nationalities including Italians, Greeks, Chinese, Vietnamese, Samoans, Lebanese, Koreans, Filipinos, Tongans and Hungarians. It took the form of a working breakfast. However, unlike meetings in the past where the Premier or I had talked to or at people, on this occasion we picked their brains and listened to their concerns. Although some of the issues raised related directly to their communities, invariably their concerns were about educational opportunities, safety in the workplace, security in retirement, adequate health care and reliable public transport. Those matters are relevant to all of us, and the meetings demonstrate that we all have the same aspirations and goals.

At the conclusion of the meeting I pointed out that the Premier's visit did not have a political motive. There is no question that the people of Campsie vote Labor. The Premier attended the meeting because of the multicultural ethnic mix in the area. The meeting was highly successful. Similar meetings have been held in the past, and I am sure more will be held in the future. The Premier met with shopkeepers and finished off his visit by having morning tea at the Chinese Australian Services Society, one of the most outstanding welfare organisations in my electorate.

I refer to the event today because of the recent shooting at Lakemba police station and the fatal stabbing of a youth at Punchbowl, who, incidentally, resided in my electorate. At this time it is appropriate to talk about the positive inroads that the Government is making in the promotion of a multicultural society. I emphasise that the Premier's visit to Campsie was not a response to the recent tragic and lawless events, as the visit took place before the incidents occurred. Despite what has

occurred in the region since then, the Premier's breakfast with representatives of the major ethnic groups was indeed successful. [*Time expired.*]

WINDAMINGLE STATION ELECTRICITY SUPPLY

Mr SMALL (Murray) [7.21 p.m.]: I raise a matter of concern to Mrs Lanfranchi and her son, Allan, who reside on a property named Windamingle Station, which is situated between Broken Hill and Wentworth on an anabranch of the Darling River. The property does not receive energy from Australian Inland Energy. The Lanfranchis applied to have electricity connected to their property, went through all the necessary procedures, and were provided with quotes by Australian Inland Energy. They were told that they would be required to pay a total fee of \$35,252. They paid the fee, for which they received a receipt on 10 March. However, some eight months later, power has still not been connected to the property.

At the time of supplying the quote Australian Inland Energy was apparently unaware that it would be necessary for an archaeologist to inspect the site where the powerline would cross the anabranch of the Darling River. That inspection would incur an additional fee of \$3,777, which is totally excessive. One can understand why Mrs Lanfranchi has contacted my office on several occasions to ensure that power is connected to the property. She is not a well woman. Naturally, a person in her position living in such isolation would want to enjoy the comforts that would result from the connection of electricity.

I have been in touch with Mr Eddie Morris, the Chief Executive Officer of the Broken Hill office of Australian Inland Energy, who has endeavoured to assist. Mr Norris agreed with me that the \$3,777 fee for an inspection by an archaeologist of the trees where the electricity line would cross the anabranch is totally ridiculous. I have also made contact with an Aboriginal elder who lives in the area in the hope that she may be able to undertake an assessment and provide a report on whether the trees and other vegetation are completely free of Aboriginal artefacts, as I understand they are. However, unfortunately, the Aboriginal elder was not accepted as being able to conduct the inspection, and it was decided that an archaeologist who is acknowledged in the region should be paid to perform the task.

It is important to remember that the cost of connecting power to a town house is probably no more than several hundred dollars. Yet because the

Lanfranchis live in an isolated area a huge cost has been imposed upon them. They are now required to pay an additional fee of almost \$4,000 before the powerline is connected to their buildings and their home. They have naturally objected, and so have I. As I have said, even Inland Energy agrees that the cost is excessive. I am anxious to learn whether the Minister for the Environment is able to intervene in the matter and assist the Lanfranchi family with the problem they face at this time. I hope that the matter can be resolved, given that \$35,000 was paid more than eight months ago and at this time the power still has not been connected. I know that electricity is the responsibility of the Minister for Energy, but the Minister for the Environment may be able to assist in having the connection approved at a much more reasonable cost or even free of charge.

Ms ALLAN (Blacktown—Minister for the Environment) [7.26 p.m.]: I thank the honourable member for Murray for indicating to me that he intended to raise this matter in the House tonight. It is unfortunate that Australian Inland Energy has chosen to charge its customers for an archaeologist to survey the property of the honourable member's constituents before installing powerlines across the property. Because of the likelihood of Aboriginal relics or remains being found on the property I appreciate the sense of responsibility that Inland Energy feels. Nevertheless, the suggested fee is a severe impost.

I have asked the National Parks and Wildlife Service to provide me with a full report on this matter. I would be more than happy for officers of that service to inspect the Lanfranchis' property. I cannot guarantee whether there will or will not be any Aboriginal relics on the property. Perhaps Inland Energy expected too much when it asked a woman who is unwell to fund the services of an archaeologist. Inland Energy would normally take the advice of the National Parks and Wildlife Service in relation to providing general advice on how these issues should be dealt with. It is normally a matter for the consent authorities whether they wish to act upon the advice of the service. Therefore I do not seek to prevent Inland Energy, or the Western Lands Commission, or whichever body is the consent authority, from exercising its proper responsibilities. However, I undertake to ensure that officers of the National Parks and Wildlife Service will inspect the property and seek to put Mrs Lanfranchi's mind at rest about the possibility of relics being found on the site.

ARCADIA VALE PUBLIC SCHOOL

Mr HUNTER (Lake Macquarie) [7.28 p.m.]: On Monday this week I had the great honour of

officially opening new classrooms at my former primary school, Arcadia Vale Public School. The day was made even more special by the fact that this year the school is celebrating its fortieth anniversary. Official guests on the day included the retiring principal, Mr Lloyd Roberts; the relieving principal, Candy Connors; Mrs Robin Mason, the president of the parents and citizens association; Mrs Kerry Whittall, the president of the school council; Mr Ian Frith, the principal of Charlestown South Public School, who was formerly a teacher at Arcadia Vale Public School and was much loved there; my parents, Merv and Bette Hunter; the teachers and staff of the school; parents, family and friends of students; community representatives; and the students of Arcadia Vale Public School. It was an extremely enjoyable day. I should like to highlight the day's program. The front page of the program displays a small drawing of the school and contains the following:

Arcadia Vale Public School

Opening of the New Classrooms

9th November 1998

Celebrating being a part of our community for 40 years

The school has been serving its local community for 40 years, from 1958 to 1998. I attended the school from 1965 to 1971, and I have great memories of my time there. During the official program the national anthem was ably led by the concert band. The school captains and student leaders, Elyce Hitchcock and William Beverley, welcomed the assembled gathering. Years 1 and 2 talked about "our new room", and there was a performance by the choral group and a presentation by senior student representatives entitled "Then and Now—life in 1958 and in 1998", which highlighted the changes that have taken place over 40 years. After the official opening the whole school sang *Put a Little Love in Your Heart*, a fantastic performance which everyone enjoyed.

My family has been closely involved with the school and I was pleased that my parents were able to attend. My brothers, Alan and Les, transferred from Rathmines school when Arcadia Vale Public School opened in 1958. My brother Alan and his wife, Annette, and their children, Samantha, Paul and Brad, attended the school. I told the assembled gathering that the disabled access ramp had been constructed for my nephew Paul, who suffers from spina bifida. That facility is now available for any disabled child who attends the school in future.

My parents had a lot to do with the parents and citizens association. My mother was a teacher at

the Peter Pan pre-school at Wangi Wangi, and prepared many preschoolers who moved on to Arcadia Vale Public School. When my parents were involved with the parents and citizens association they performed many duties around the school, and on that day they reminisced with other community members about their experiences and about the work that had been achieved by the school over the 40 years.

There are a number of issues that the school would like addressed. It would like a school hall and a covered outdoor learning area. I am working with the school on those issues. I have recently worked with the school, through the Department of Education and Training, to alleviate some drainage problems. On Monday it was great to celebrate the school's fortieth anniversary and the opening of the new classrooms, which cost \$272,000 and replaced demountable buildings that have been on the site for years. The new classrooms provide extra comfort for teachers and students, but they also enhance the image of an established community school like Arcadia Vale. The permanent classrooms have been built to the latest design. They feature a wet area for craft activity, and the incorporation of computer access points enhances the availability of technology to students.

I remember commenting about the sole black and white television that was available at the school in 1969. Many of us students had to leave the school to watch the landing of the first man on the moon. Things have certainly changed. Schools are not just bricks and mortar; they are part of our local community, a learning environment that is dependent on the excellent skills of our teachers. Those teaching skills will help students to develop skills as independent learners. As a former student of Arcadia Vale Public School I congratulate the school and I hope the next 40 years are as successful as the last 40 years. *[Time expired.]*

BOUNDARY ROAD TRAFFIC LIGHTS

Mr RICHARDSON (The Hills) [7.33 p.m.]: Last Saturday I visited the Woodlands Nursing Home in Kitchener Road, Cherrybrook at the invitation of the director of nursing, Gillian Kane. The Kitchener Road precinct has been added to my electorate of The Hills in the redistribution. Kitchener Road runs off Boundary Road, on the border between Cherrybrook and Pennant Hills. The 62-bed nursing home, which is run by the Churches of Christ, is located at the rear of the 80-unit Woodlands Retirement Village, which was opened in 1984. Down the street is another retirement village, the Pennant Hills Retirement Village, which is

currently building a nursing home on some of its land. That makes two nursing homes and two retirement villages in the one street, as well as a substantial number of homes in four culs-de-sac off Kitchener Road.

The Kitchener Road precinct is an island, surrounded on three sides by the Berowra Valley Bushland Park and on the fourth side by Boundary Road. There is only one road in and out, one intersection, one access point for those hundreds of elderly people, residents, carers, visitors and nursing staff. That access point is unsafe for anyone. For an elderly person with slower reflexes, whose eyesight is perhaps not as acute as it once was, and who would be singularly unlikely to accelerate off the mark like a boy racer, it is downright dangerous. Boundary Road west of the intersection goes into a sweeping off-camber bend. Sight distance is very restricted. Nothing has been done to fix the problem, despite numerous representations from both the honourable member for Northcott and Hornsby shire council.

This morning I spoke to Garry Kennedy, Hornsby council's manager of traffic and parking, who told me that there have been some serious accidents at the intersection. He said there are only two possible solutions: restrict traffic using Kitchener Road to left in, left out, or install traffic signals. The former is a clayton's solution—the solution you have when you are not having a solution; it would seriously inconvenience those wanting to access Kitchener Road. It would still not protect elderly motorists turning left into Boundary Road as they would still run the gauntlet of a tail-end collision when they pulled out into Boundary Road. The only real solution is traffic lights. The Roads and Traffic Authority may not like that suggestion and may mumble about priorities and the allocation of scarce resources. The question is, how long will it take before something is done? Will it take a fatality, or two or three fatalities, before something is done?

Another related issue is pedestrian safety. Harris Park Transport used to run a bus service along Kitchener Road to service the villagers but stopped doing so because of the problems associated with turning the buses around. It now runs a direct service along Boundary Road to Pennant Hills railway station. That service picks up on the Kitchener Road side of Boundary Road but drops off on the other side of the road. Elderly residents alighting from the bus have to run the gauntlet of speeding traffic on Boundary road to get home. There is no pedestrian crossing or traffic signals to assist them. The honourable member for Northcott

wrote to the Minister for Roads in February last year about this issue on behalf of retirement home resident Mrs Ida Allen. He obtained the following response from the Parliamentary Secretary for Roads, the honourable member for The Entrance:

The safety of pedestrians generally is of concern to the Minister and in light of Mrs Allen's request he asked that these issues be investigated.

The Roads and Traffic Authority (RTA) carried out morning and afternoon observations of pedestrian movements to assess conditions for pedestrians when traffic volumes are greatest.

Pedestrian volumes were found to be low and observations showed that there is good sight distance for both motorists and pedestrians in both directions along Boundary Road and that there is a wide median, which allows those pedestrians wishing to cross the road, to do so in two stages.

In assessing the many road safety projects worthy of support, you would appreciate that the Government must base its decisions on an objective priority basis. Having regard to safety and traffic flow conditions generally, the Minister is not in a position to allocate funding for signals at Kitchener Road at this stage . . .

Mrs Allen may be assured that the RTA will continue to monitor conditions at Kitchener Road.

I suppose the honourable member for The Entrance was attempting to carry out his master's bidding, but there are at least three anomalies in this letter. The first is the claim that sight distances are good; one has only to visit the site to see that this claim is absurd. The second is the assurance that the RTA will continue to monitor the conditions. Does that mean it will wait until there is a fatality and only then will take positive action? The third—and this is really ludicrous—is the observation that pedestrian volumes are low. Of course they are low; the local residents are too fearful to cross the road. When Woodlands Retirement Village was built in 1984 the volume of traffic along Boundary Road would have been a fraction of what it is today. The situation is getting worse; it has changed dramatically from 1984, when Woodlands was built. I ask the Minister to take another look at this issue, which affects the safety of so many elderly Australians. I repeat, the reflexes of these people are slower than those of younger people, their eyesight might not be as good as it was, and they are disadvantaged by the fact that there is no signalised pedestrian crossing or signalised intersection at this point. [*Time expired.*]

Mr E. T. PAGE (Coogee—Minister for Local Government) [7.38 p.m.]: This is another one of those cases where a Liberal Party or National Party member bleats about a problem. The honourable member admitted that the problem began in 1984. The coalition parties were in government from 1988 to 1995. What did members of the coalition do to

solve the problem that is now causing such tremendous difficulty? Absolutely nothing. It is the old story. When members opposite have a chance to solve a problem they do not do a thing; but then they whinge and moan until the cows come home. They could have solved the problem when they were in government, but they did nothing. It is absolutely hypocritical for the honourable member to say now that something should be done about the problem.

GRETLEY MINE SHAFTS SAFETY

Mr MILLS (Wallsend) [7.39 p.m.]: I refer to the adverse impact on some of my constituents in Edgeworth of collapsed Gretley colliery mine shafts. On 28 July Lynne Russell contacted my office to report that outside her home is a mine shaft that collapsed in the Gretley disaster of November 1996. In mid-February Ms Russell was told that the shaft would be filled in the week after the Easter school holidays. By July nothing had been done and she felt that she was being fobbed off. According to the mine manager there was a dispute between Oakbridge and the Department of Mineral Resources about who would pay to carry out the work.

The shaft is inconvenient and dangerous. Because of barricades that have been erected, Ms Russell cannot park in her driveway and it is difficult to gain access to her property. One of her relatives scraped the side of her car trying to drive in. Last Saturday morning I visited two cul-de-sacs with barricades in Karwyn Close and Argyle Close, Edgeworth. Barriers were erected on top of raised concrete rectangles four to 10 inches above the road surface, next to the kerb. In early August I made representations to the Minister for Mineral Resources, and Minister for Fisheries. I thank him for being present in this Chamber tonight to hear this statement. I expressed concern about the safety of the collapsed mine shaft, which carries a sign stating "Dangerous Gases".

The barricades over the top of the collapsed shaft blow over in strong winds, and at considerable inconvenience local residents have to put the barricades on the road so they can get in and out of their properties. On my inspection in August the delay was the biggest concern to affected residents. I spoke with them about the possibility of cutting back protruding concrete so that the barriers could be removed and they could have better access to their properties in the event of a protracted delay. A few days later an article written by Ian Kirkwood on 20 August appeared in the *Newcastle Herald*. That article referred to:

... problems experienced by residents on a subdivision off Main Rd, Edgeworth, built on top of the Young Wallsend workings.

A spokesman for the Department of Mineral Resources said yesterday that the subdivision was built over two entry shafts now found to be leaking potentially explosive methane gas.

He said there was no danger to residents despite government signs on their streets warning of "dangerous gases" . . .

He said the problems started after "plugs" sealing the vertical shafts out of Young Wallsend had "slumped".

The department had met yesterday with mining company Oakbridge, which had agreed to produce a plan of action for the site by lunchtime today.

The same departmental officer told me that the company would start work before the end of August, as the newspaper article stated. My constituents thank him. The Minister advised me that the department had approached the company and certain guarantees had been given. One can understand my concern last weekend when I discovered that the barricades were still there and that on the surface at least there was no apparent change. I am aware that in meetings between company officers and department inspectors the company was requested to place concrete plugs in each shaft on top of the remaining fill, then fill the shafts to the top. I understand that it might take eight or nine weeks to fill them up and that the company is responsible for carrying out the work.

It will be difficult for the two families who are most affected to have their families visit during the Christmas festive season because of the difficult access. Also, the warning signs about dangerous gases tend to scare off guests. I can only imagine the effect on the children if Santa's helpers are scared away. I ask the Minister if steps can be taken to ensure that this nuisance to residents in Edgeworth can be overcome as quickly as possibly, and preferably before the Christmas holidays.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [7.44 p.m.]: Work has commenced on the filling of the Gretley shafts. The smaller diameter shaft of 3.5 metres had sagged to a depth of 90 metres. In October a five-metre concrete plug was put in the bottom of the shaft and the remainder of the shaft was filled to the top with a coarse fly ash material. The process was completed by the first week in November. The hole at the top of the shaft has been left open and barricaded to enable Gretley management to assess if there was any sagging of the fill which was recently placed in the shaft. This assessment will take another week, after which the shaft will then be filled to the top.

The cul-de-sac in which the shaft is located will then be resealed, the barricades that are now in place will be removed, and the cul-de-sac will be returned to normal. To ensure that the shaft was being filled as advised, the District Inspector of Coal Mines, Mr Frank van Dijk, made three unannounced inspections of the area during the process. The concrete used in the plug at the bottom of the shaft is dropped from the surface. The concrete requires a special ingredient to prevent separation of the mixture before it reaches the bottom of the shaft. The concrete company had sufficient ingredient for the first shaft, but not for the second. My department has informed me that the ingredient has been ordered from overseas and it is anticipated that the material will be available by 17 November.

Subject to availability of this material, it is anticipated that the filling of the second shaft will commence on that date and will take approximately two weeks. The job should be completed by the end of November or early December. There should be no reason why the area cannot be returned to normal well before the commencement of the school holidays. I can assure honourable members that the Department of Mineral Resources will continue to pursue this matter to ensure that it is brought to completion at the earliest possible date. In addition, the upper House today passed mine safety legislation which contains a component relating to filling old mine shafts. I thank all those who contributed positively to that debate.

QUAKERS HILL EAST SCHOOL

Mr SLACK-SMITH (Barwon) [7.46 p.m.]: I acknowledge and thank the principal, the staff and especially the students of Quakers Hill East School in the electorate of Riverstone in western Sydney for the kindness they showed to the tiny Pilliga school in my electorate. Water has formed a bond between schoolchildren at Pilliga and Quakers Hill East schools. When Sydney was in the grip of its water scare children at the western Sydney school suddenly realised that other communities and other children were in a far more desperate situation than they were when they heard that Pilliga had been flooded eight times in eight weeks. The children of Quakers Hill East School set out to learn where Pilliga was and sent faxes to each other.

A number of classes became involved, and Pilliga students painted a word picture of their school and what happened to their community when it was flooded. Pilliga School comprises mainly Aboriginal students and the multi-ethnic mix of Quakers Hill East School encouraged them to learn more about the cultures of the Israeli and Indian

students. Learning about the different backgrounds would have been an education in itself, but it did not end there. At first the Sydney children found it difficult to believe a school could have fewer students than a single class in their own school. Touched by the plight of the Pilliga students, the students of Quakers Hill East School began raising funds, and within a short time they had raised \$2,000, and a load of groceries and books for the library was ready to send to Pilliga.

The local member of Parliament, the Minister for Education and Training, was so impressed that he contributed a further \$1,000. After the floods students of Quakers Hill East School set off in a convoy to Pilliga, where they took their gifts and their money and met the students, staff and parents, and many friendships were formed. I understand that a return visit is planned for Pilliga students to visit Quakers Hill East School. I congratulate the students, the principal and especially the deputy principal of Quakers Hill East School, Gordon Daley, and the principal of Pilliga school, Christine Clarke, for their co-operation and thoughts for the children. The principals have given their students a chance to meet children from other cultures, and those students will become richer and will form everlasting friendships.

Mr E. T. PAGE (Coogee—Minister for Local Government) [7.49 p.m.]: I congratulate the honourable member for Barwon on his positive contribution, which shows that he is a great representative for schoolchildren in his area. He knows what is happening in his schools. He has articulated the problems that beset his electorate as a result of the massive floods, and he has acknowledged that children in other schools have read about it and done something positive about it. More presentations should be made to this House like that of the honourable member for Barwon. I congratulate him and ask him to extend my congratulations to the children at Pilliga school. They have put up with a lot, but they have also learned a lot and have not lost their spirit.

Ms NARELLE DEAN EX GRATIA PAYMENT

Mr LYNCH (Liverpool) [7.50 p.m.]: I draw to the attention of the House and the Minister for Transport the disturbing and distressing case of Narelle Dean, formerly known as Narelle Huser. My purpose in raising the matter in this forum is to request that the Minister for Transport consider the granting of an ex gratia payment to her for medical and psychological counselling. On 18 January 1977 Ms Huser, as she then was, started her usual journey

to work by train. She worked as a switchboard operator at Telecom Australia in the city. She joined a fast train at Penrith and boarded, as she almost always did, the second-last carriage and sat facing the rear of the train.

Narelle remembers the day as beautiful and sunny. The train proceeded normally; nothing untoward occurred until it approached Granville. At that stage she heard the screeching of wheels on the track and was thrown from her seat onto the empty seat opposite. She was jolted again and thrown back to her original seat. She was, of course, a victim of the Granville train disaster. The horrifying incident I have described was made worse by the fact that at that time she was four months pregnant. She looked out of the window and saw live wires dangling nearby. She eventually managed to escape from the carriage, but had sustained injuries to her head and knees which necessitated appropriate physiotherapy, X-rays, specialists and the like. She also experienced an understandable nervous shock reaction and a psychological reaction to the horror she had experienced.

Narelle consulted lawyers and instituted proceedings. The case was settled for a modest, but appropriate, amount at that time. She accepted the settlement and got on with her life, which she seemed to have done fairly successfully until earlier this year. In June she noticed in the *Daily Telegraph* information about a miniseries called *The Day of the Roses*. She was exposed to other publicity that followed the article. Regrettably, the publicity caused a complete recurrence of all the psychological symptoms that she thought she had put behind her many years ago.

Narelle now suffers from a number of disturbing conditions. She has an inability to concentrate properly, which is particularly difficult for her as she is in the final year of a bachelor of education course. She suffers acute forgetfulness, which on a couple of occasions led her to forget to turn up for work. Narelle is ill-tempered and irritable, and suffers depression, fits of crying, and agoraphobia. She has other physical symptoms which may or may not be related to that condition. She has been forced to seek psychological counselling. My reason for raising this matter is set out in a letter I received from her solicitors, which states:

Ms Dean has seen her counsellor on 4 separate occasions but requires many more counselling sessions and therapy. We have advised her that the settlement of her common law claim against the State Rail Authority means that she is barred from seeking any further compensation of any nature from them. What she says (and we consider she has some reasonable

argument in this regard) is that there has been a significant development in the understanding of psychological illnesses and symptoms that arise from major human tragedies so that it would not have been possible some 20 years ago to foresee the extent of psychological trauma that persons like herself might suffer. Accordingly, we are wondering whether some representations can be made to the Minister for Transport for an ex-gratia payment to be made to Ms Dean to cover further psychological counselling sessions. We should add that Ms Dean is adamant that she is not seeking any further lump sum compensation for any further pain and suffering.

This is a difficult area; there are compelling public policy reasons which require that once litigation is completed it cannot be reopened. Likewise it is hard to see how one could ban the *Daily Telegraph* from advertising a miniseries that is to be broadcast or the fact that the miniseries was being made. On the other hand, a similar case was settled many years ago in good faith. Through no fault of her own Ms Dean has been exposed to further psychological trauma which has caused a recurrence of all the symptoms she thought she had put behind her. She thought she was going to be able to get on with the rest of her life—until this occurred. I emphasise the fact that she is not seeking a massive pot of gold. She is seeking reimbursement for the many psychological counselling sessions she will need. I ask the Minister for Local Government to convey this request to the Minister for Transport.

REMEMBRANCE DAY

Ms FICARRA (Georges River) [7.54 p.m.]: I wish to commemorate Remembrance Day, on which one minute's silence is observed throughout the country—in Houses of Parliament, at shrines and memorials, on radio and television, and in schools, offices and businesses. One minute's silence is held to commemorate all the Australians who gave their lives and served in the Australian armed forces. Last Sunday I was privileged to be part of a march that was held outside the Miranda RSL, at which more than 500 local residents attended with local State and Federal politicians and former Australian war force members who took time out to celebrate the eightieth anniversary of the end of World War I—the first war to involve Australian troops. Former members of the Australian war forces came from 20 RSL sub-branches in the St George and Sutherland shire areas.

From my electorate representatives from the RSL clubs at Hurstville, South Hurstville, Mortdale, Oatley, Penshurst and Kingsgrove attended the march. This annual event is hosted by the Southern Metropolitan District Council of RSL sub-branches. The march was led by its State councillor, Barry Glover, and the event was organised by the secretary of the district council, Michael Paris. Remembrance

Day is a pledge to remember all those who have been lost to war and to demonstrate the value we place in those freedoms so selflessly forged; our independent nationhood which gives us the freedom to think, to move, to speak, to worship, to have a say in the election of governments, to be afforded the proper privileges of our legal system, to own and dispose of property, to raise a family, and to educate our children.

The freedoms won left an Australia "where the individual is paramount and where the family unit is the cornerstone of our nation; where our patriotism is quiet but deep, and where we stand a united people irrespective of whether Australia is the nation of our birth or of our choice". Those were the words of the Prime Minister in commemorating Remembrance Day in 1997. Remembrance Day commemorates the fact that at 11.00 a.m. on 11 November 1918 the guns fell silent as hostilities ceased on the western front, ending four years of death and destruction. At 5.00 a.m. on that day the Germans signed an Armistice in a railway carriage at Compiègne, and the following year the Treaty of Versailles was signed with the cease-fire becoming permanent. Since that day people around the world have celebrated the signing of the Armistice.

It is the responsibility of tomorrow's adults to ensure that society continues to remember those who have fallen or been maimed and those who are left to live alone with the scars of wars—whether World War I, World War II, the Korean War, the Vietnam War or the United Nations peacekeeping missions. I am pleased that today the Minister for Education and Training changed his mind about the teaching of World War I history and placed an emphasis on the Anzacs as a compulsory part of the higher school certificate curriculum, not just the junior high school.

The red poppy commemorates the poppies that grew on the fields of Flanders, where a lot of fighting took place during World War I. Every spring the soldiers who lived and fought in the trenches noticed the red flowers blooming all over the battlefield. As time went on and the war continued soldiers noticed that the poppies were blooming in the graves of their fallen friends. The greatest commemoration is the ode, *For the Fallen*, written by Laurence Binyon, who was a Red Cross orderly during World War I. It reads:

They shall grow not old, as we that are left grow old:
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

Lest we forget.

LED BUILDERS PTY LTD

Mr ROGAN (East Hills) [7.59 p.m.]: I wish to speak about a problem that is of concern to two of my constituents, Mr and Mrs Cassar of Revesby. Their problems commenced following construction work carried out by LED Builders Pty Ltd, a company that constructed a Beechwood Homes house on the site where Mr and Mrs Cassar now live. Before I make my general remarks might I say that I have regarded Beechwood Homes as having a high standard of work. Therefore I am rather disappointed that I must raise this matter in the House this evening on behalf of Mr and Mrs Cassar. As honourable members of this House would appreciate, we have a duty and obligation, if constituents are encountering problems, to speak out in this place on their behalf.

I made representations to the Minister for Fair Trading on 22 May about the problems that concern Mr and Mrs Cassar. Those problems are considerable, otherwise I would not be raising them in the House this evening. To indicate the seriousness of the problem, I record some of the information contained in a report. The concrete slab on which the dwelling was constructed by or on behalf of Beechwood Homes has extensive cracking. Those cracks began to appear before the completion of the house. The cracks are still travelling and increasing in length and width. New cracks are still appearing.

There is extensive cracking in gyprock, with cracks in every room in the house. Cracks are in cornices, walls, coves, around bulkheads, around door openings, and now in the ceiling. The cracks vary in width from hairline to two millimetres. The report noted cracks around tiles in both bathrooms, shower recesses and the kitchen; three metal wall joiners were cracked and lifting in the dining room; the slab floor was not level; and there were cracks in the brick wall in the garage. I could use the entire time available to me to outline the problems, but that would not allow me sufficient time to make the main point of my speaking in the House.

At great expense, Mr and Mrs Cassar employed consultants to assess and report on the extent of the damage. The report cost the Cassars well in excess of \$1,000. It clearly identified severe problems. Indeed, it is the view of Mr and Mrs Cassar, supported by the consultant, that the house will have to be demolished and cannot be rectified. The findings set out in the report have been confirmed by 12 builders of whom Mr and Mrs Cassar requested a quote for remedial work. All of those builders indicated that they would not quote

for repair work because they thought there would be further cracking in the dwelling and consequently they themselves might subsequently be held accountable.

I must express my dissatisfaction with the Department of Fair Trading. I have related that dissatisfaction to the Minister. I will now read from a statutory declaration made by my constituents following inspections and tests carried out by Mr Geoff Young of Douglas Partners Pty Ltd, geotechnical engineers. In May 1998 my constituents received the geotechnical report from Douglas Partners. I quote from the statutory declaration:

This report states that the fill placed beneath the concrete slab of the house was not compacted properly, fill was higher than it was supposed to be, the fill measured 0.5m thick in bore 2 . . .

The report then states, based on the findings, the site in its present condition should be classed as a class "P" site because of the uncontrolled filling.

I am concerned that the Department of Fair Trading seems to have put pressure on the consultant to change his report. The altered report would indicate that the building may not need to be demolished when in fact it should be. This is a very serious matter. I urge the Minister to take it up with the department. [*Time expired.*]

PUBLIC SECTOR REDUNDANCY PROVISIONS

Mr HARTCHER (Gosford) [8.04 p.m.]: I speak on behalf of Ms Karen Bassett of Greystanes, a former employee of the Department of Housing who in July 1998 accepted redundancy. Ms Bassett was quite happy to accept redundancy as she had always intended to train as a nurse and work in a hospital. After taking redundancy, Karen sought a post with the Department of Health, and found one at Westmead Hospital. Subsequently she was told that because she had accepted redundancy from a State government agency she could not be employed by another government department or agency until a period of 39 weeks had expired.

It is extraordinary that people who are made redundant would be cast into the outer darkness for a period of 39 weeks. Had Karen Bassett sought and found employment in either the private sector or the Commonwealth public service, she could have commenced work immediately. An extraordinary rule of the State public service precludes those who take voluntary redundancy from State departments from accepting work in any other State department for a lengthy period of time. Karen Bassett points out:

Since taking the redundancy I have lost my family allowance, parenting allowance and child care assistance and we are still left with a single income, 2 children and a mortgage. I feel I am being penalised for a long and loyal 13 years with the service.

On top of this you are prepared to pay for any training, text books etc I may incur in training for any new career in the medical field. I do not need thousands of dollars spent in retraining; all I want to do is work and eventually fulfil my goals.

Other people who have taken redundancy have commenced their new careers, as they were lucky their careers were not in the Public Service of NSW.

It would appear that rules laid down by the Premier's Department work an injustice against redundant State public servants in that they are precluded from employment by State agencies for a period of 39 weeks. The only way that Ms Bassett and other public servants similarly affected can attain a job again in the State public service is if they repay some of the redundancy payment back to the State. That too is extraordinary, because the redundancy payment is meant to compensate people for loss of employment and future loss of earnings with the department. A person who works for a private company and is made redundant is paid out by the company. If the person wants to take another job in the private sector, he or she is not expected to repay any moneys to the original employer. Yet in the State public service those in a similar situation are, for some reason, expected to repay some of the redundancy money to a State government agency. As Ms Bassett wrote:

Your policy appears unfair and discriminates against me because of my chosen field.

She requested that the policy be reviewed and that she be given the opportunity to take work within the State health system without penalty. I urge the responsible Minister to bring this to the attention of the Minister for Industrial Relations and the Premier, and ask that the redundancy rules of the New South Wales public sector be revised. Those who take voluntary redundancy, as Ms Bassett did, should be entitled to seek and start work immediately, if they are lucky enough to find work in a country that now has 8 per cent unemployment.

What point is there in a State public servant taking redundancy if the redundant person is discriminated against when subsequently seeking employment in the public sector? Ms Bassett is anxious to be re-employed. She clearly has the ability to be re-employed; she was offered a position in the Department of Health at Westmead Hospital, but that employment subsequently was denied her. I urge the Minister to bring this matter to the attention

of the Minister for Fair Trading and the Premier with a view to having these extraordinary rules revised. Otherwise, people would be ill-advised to take redundancy from the New South Wales public sector.

Mr E. T. PAGE (Coogee—Minister for Local Government) [8.09 p.m.]: I shall accede to the honourable member's request to draw this matter to the attention of the Minister for Fair Trading. However, I suggest that Ms Bassett ask the honourable member why his coalition Government introduced the 39-week rule about which he is now complaining. I recall that the rule was introduced in 1989, after the redundancies at the Government Printing Office. Although the honourable member has bleated on behalf of his constituent, I suggest that he has not told her that it is his fault that the problem has arisen, and that if the coalition Government had not introduced the rule in 1989 he would not be complaining about it now. He should look at history to see where the responsibility lies. He should tell his constituent that it is his fault, not the fault of this Government.

AUBURN BUS SERVICES

Mr NAGLE (Auburn) [8.10 p.m.]: I am pleased that the Minister for Police is in the Chamber as I raised this important matter with him earlier today. I received a letter from Westway Bus and Coach Service about a problem with buses in my electorate. The letter states:

As with every other transport operator conveying school children, the operator is required to bear the reasonable cost of damage to vehicle fittings, disruption to services, assaults and misbehaviour directed to staff.

We believe that exceptional circumstances—

I emphasise the words "exceptional circumstances"—

exist which affect our Auburn operation. As with the worrying campaign against Bankstown Police, Westway services, customers and staff are being subjected to terror and intimidation by a core of violent, irresponsible youths looking for trouble and notoriety. It would appear that unless additional attention can be directed to the problem, Police will continue to be directed onto our buses to intervene in inappropriate and frightening situations.

Based on our exceptional circumstances and to assist Police, we seek assistance from the Government to fit additional video cameras to our vehicles.

That proposal has some merit. On 19 October on the bus to Cumberland Road, Auburn students predominantly from a particular boys high school deliberately removed rear glass window from the

vehicle and threw approximately seven seat swabs out of the bus onto Cumberland Road as the bus was in motion. The students were also using offensive language and not respecting the needs and comforts of other passengers on the bus. On that occasion the damages amounted to \$343.

On 21 October students from the same high school deliberately cracked the rear glass window of the bus, and were using offensive language and not respecting the needs and comforts of other passengers on the bus. On 22 October the same students from the same high school again deliberately removed rear glass window from the vehicle, and again used offensive language and did not respect the needs and comforts of other passengers on the bus. I say to Mohamed and Ahmed: I know who you are, I know your parents and we will deal with the issue. On that occasion damages amounted to \$343.

The next incident is of concern. On 23 October an officer at City of Sydney police radio contacted the Westway office at Chester Hill and informed management that there had been a bomb threat. A male had called to say that there was a bomb on the bus going to Auburn and asked what the police would do. On 30 October students from the same high school were involved in a fight at the rear of a bus. Again, they were using offensive language and not respecting the needs and comforts of other passengers on the bus. They have been arrested. That is not a minor incident.

In relation to one school in the Auburn electorate, the matter has been rectified by Westway bus company. Ray Hall and Peter are doing their best to resolve the problem in my electorate. The problem we face is fundamental. As Peter said in his letter, it is youths looking for trouble and notoriety because they cannot get a job. Although they may be school students, unfortunately they do not have a great future in my electorate. At one stage Big W and Woolworths proposed to build a store in my electorate. Woolworths told me that it could have employed up to 800 young people on a job scheme. However, the project has been obstructed by two or three local councillors. Incidentally, those councillors abstained from voting for the then mayor of Auburn, Pat Curtin, who was defeated. The lack of support from the council may result in the electorate losing a \$10 million development in Auburn Road. That development is now in the hands of pro-developers and real estate agents.

Be that as it may, the problem still remains. A public meeting was held in my electorate last week, at which I heard that a young man known to me was

at Bankstown Square when a knife was put to his throat. He was taken in his car to Bankstown airport, where his keys and wallet were stolen; he was forced to provide his personal identification number and \$600 was stolen from him. A passing female motorist, to her credit, stopped and rang an ambulance to assist him. The crucial point is that these incidents are not caused by people from one ethnic group only; Mohamed and Ahmed are from different ethnic groups. I thought that the people who broke into my house belonged to one ethnic group but after identifying them at the police station I discovered that they were from New Zealand. Enough is enough! The people of Auburn have had enough. To today's youths I say: If you want a fight, we will give you a fight and you will lose. [*Time expired.*]

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [8.15 p.m.]: I will ensure that the Minister for Police is apprised of the matters raised by the honourable member for Auburn and that the seriousness of the matter is properly taken into account by the Minister.

Private members' statements noted.

**PERIODIC DETENTION OF PRISONERS
FURTHER AMENDMENT BILL**

Second Reading

Debate resumed from 28 October.

Mr FRASER (Coffs Harbour) [8.16 p.m.]: It gives me great delight to lead for the coalition on this bill following my recent promotion to the frontbench as the opposition spokesman on corrective services and emergency services. I have a sense of *deja vu* about this bill. The Opposition thought that the problem with non-attendance of periodic detainees was solved when the Minister introduced the Periodic Detention of Prisoners Amendment Bill on 26 May this year. At that time the Minister said:

The Periodic Detention of Prisoners Amendment Act 1996 made a series of amendments which, when added together, considerably tightened the scheme. For example, the Act trebled penalties for non-attendance and enabled more rigorous scrutiny of dubious claims for leave on medical grounds. However, non-attendance by detainees remains a concern.

That legislation was supposed to fix the problem but it failed. Basically, this bill is a repeat of that legislation, because over the past 12 months between

600 and 800 periodic detainees have failed to turn up. As the Minister explained in his second reading speeches on this bill and the previous bill, prisoners who fail to attend periodic detention rely on it taking six to eight months for an application for revocation of the periodic detention order to come before the court, which could impose a custodial sentence. Item [5] in schedule 1 provides for the Parole Board to sentence these people in absentia and to impose custodial sentences. The Opposition welcomes that. It is disgraceful that that did not happen in the first place.

The savings and transitional provisions mean that any person who fails to turn up for periodic detention can be referred to the Parole Board and under details set out in the Act can be given a custodial sentence. However, it is too little too late. I draw the attention of the House to a case widely covered by the media in October this year. A headline in the *Sydney Morning Herald* of 16 October stating "Killer driver on run after 2 days' custody" related to the well-publicised case of Shane Mangan who, following sentencing, had attended for periodic attention on only two days in 12 months. An order was issued in February but because of delays in the court system it was not until 3 August that a court could take action. The *Sydney Morning Herald* of 16 October, after questioning the Minister, reported:

However, he admitted that the legislation was yet to become law because "drafting problems" had been discovered which would require further amendments.

"Cases such as this one illustrate exactly why I introduced these substantial improvements to the act," he said.

The process of revoking orders through the courts is too slow, so in future offenders who fail to turn up for detention three times without permission will be dealt with immediately."

The Minister gave that assurance to the House in May, yet he failed to take action until the Mangan case was headlined on the front page of the *Sydney Morning Herald* and until the people in Lismore and the northern rivers who were directly involved in the case screamed out. The front page of the *Northern Star* of 15 October read:

It's a joke

Life for North Coast crash victims becomes a nightmare

A Department of Corrective Services spokesman said that after Mangan's third non-appearance the Department began court proceedings to have the weekend jail order revoked and put Mangan behind bars.

But it wasn't until last August, eight months later, that the matter finally came before the Lismore District court.

Mangan didn't appear and a judge issued a warrant for his arrest.

The Minister was forced to act by that article, the article in the *Sydney Morning Herald* and the *Northern Star* editorial of 16 October, which read:

How many other Shane Mangans are out there? How many other men and women have literally walked away from the justice system without a trace?

It is one thing to have these new tough laws that will make the sentence fit the crime but it seems the area of implementing these sentences still needs to be tightened up.

The people out in the community have been using those words for years. No more words please, we need action.

That action it appears has now been taken. The Minister in a letter published in the *Northern Star* on 20 October in reply to the editorial of 16 October said:

This application was lodged with the Lismore District Court on February 26, including details of the offence for which Mangan had been convicted. The court, however, did not list the case until August 3.

Under this Government's reforms, the power to revoke Periodic Detention Orders will be transferred from the courts to the Parole Board. It is envisaged that the board will be able to act within a matter of days in most cases and immediately in urgent cases to put the offender in jail.

The public was given that assurance in May. It amazes me that it took the Minister from 8 September, when the Parliament commenced sitting, until 28 October to bring in this legislation. I believe that the Minister knew that the legislation passed by the Parliament in May was deficient because it has not been proclaimed. This bill should have been one of the Government's first priorities having regard to the noises it makes on law and order and the messages it sends to the community that the Parliament is tough on crime. I do not believe, however, that the Government has been tough on crime.

It is a shame that the Minister did not act immediately when this Parliament resumed after the recess of four or five months. He had the opportunity to ensure that that legislation was ready but did not do so. Honourable members should ask why that was not done and they can answer themselves why it has been done at two minutes to midnight. The headlines in the Mangan case brought it forward. The coalition intends to support the legislation, and I hope it passes through this House tonight before going to the upper House, where it will be passed immediately. The Parliament will then be able to assure the people of New South Wales that people who are sentenced to periodic

detention will appreciate that if they do not turn up for periodic detention they will be slapped in gaol for an extensive period. While supporting the legislation, I reiterate the Opposition's disappointment at the chain of events that has led the Government to correct a piece of legislation put through in March. I commend the bill.

Mr MERTON (Baulkham Hills) [8.20 p.m.]: I support the Periodic Detention of Prisoners Further Amendment Bill. Periodic detention in New South Wales has had an interesting history. The legislation was introduced in 1981 to deal with the detention of prisoners. Since the legislation was originally introduced there has been a constant struggle to monitor the conduct of prisoners. Periodic detention is a worthwhile way of imposing a penal sentence while allowing prisoners to earn their keep, support their families and otherwise, apart from the weekend detention, lead a normal life.

The economics of periodic detention are obvious. The family unit is allowed to stay together and, of course, periodic detention saves the taxpayers of New South Wales a considerable amount in the maintenance and upkeep of prisoners. Unfortunately, the system has been plagued since its inception with many problems of enforceability. Periodic detainees lead a normal life from Monday to Friday but come Friday night they are required to book in for a regular weekend commitment. Often the people involved are not the strongest in the community.

Over the years it has been found that many prisoners do not honour their responsibilities in adhering to weekend or periodic detention. There have been other cases like the one the honourable member for Coffs Harbour spoke about of people deliberately, flagrantly and without apology abusing their periodic detention conditions. The alternative is a full-time custodial sentence, a real gaol sentence, in which the prisoner is deprived of his liberty for 24 hours a day seven days a week, and that is a big difference. I am the first to concede, and the Opposition accepts, that the provision within the judicial and correctional systems for the periodic detention of prisoners serves a worthwhile purpose. The problem is the abuse of the system and prisoners not honouring their commitments.

It is not acceptable that the department, the Minister and the government of the day become a laughing stock at the whim of a criminal. The community wants prisoners to serve periodic detention sentences properly and adequately and to honour the law. Over the years many amendments have been made to the legislation in an attempt to

tighten it. I recall when I was Minister for Corrective Services some years ago introducing the three strikes and you are out legislation, or, more appropriately, three strikes and you are in. I was informed, on those occasions, that if a person did not turn up to serve his or her periodic detention, very little could be done about it. The coalition introduced legislation to correct that anomaly and the process has been ongoing.

The Minister for Corrective Services has battled with a difficult portfolio since his appointment to that post. No Minister would find the corrective services portfolio easy to administer. Prisoners who do not serve their sentences of periodic detention must be brought before the court. That takes time and it permits criminals to remain at large. The bill provides that the procedures that follow the cancellation of an order for periodic detention by the Parole Board are to be the same as those that follow the revocation of a parole order or home detention order. In other words, the matter will go before the Parole Board and not before the court. That is a step in the right direction.

The community expects swift and decisive justice when a person sentenced to periodic detention in lieu of a full-time custodial sentence abuses that privilege. This bill sets out the procedures to be followed in the event of such a breach. After the Parole Board cancels an order for periodic detention it must send a notice to the periodic detainee fixing a date, not earlier than 14 days and not later than 28 days after the date of service of the notice, on which the Parole Board will meet to reconsider the cancellation of the order for periodic detention.

The notice requires the periodic detainee to notify the Parole Board, not later than seven days before the date so fixed, if the detainee intends to make representations to the Parole Board in relation to the cancellation of the order. The notice must be in a certain prescribed form and may be accompanied in most circumstances by a copy of the order that cancelled the order for periodic detention; and copies of the reports and other documents that the Parole Board used in making the decision to cancel the periodic detention. However, the Parole Board is not required to provide a periodic detainee with a copy of a report or document that may endanger or inappropriately identify any other person.

If a periodic detainee on whom a notice has been served duly notifies the Secretary of the Parole Board of his intention to make representations to the Parole Board, the board is required to convene a

meeting on the date set by the notice for the purpose of reconsidering the cancellation of the order for periodic detention. At the Parole Board meeting convened pursuant to the notice the periodic detainee may make submissions to the Parole Board about the cancellation of the order for periodic detention. After reviewing all reports, documents and other information placed before it, the Parole Board must decide whether it should rescind the cancellation of the order for periodic detention. If the periodic detainee does not agree with the decision of the Parole Board, an appeal may be lodged with the Court of Appeal under the provisions of section 41(1) of the Sentencing Act.

The process is perfectly fair and the mechanism is simple. I hope the Minister and the department will be allowed to enforce this procedure. At the end of the day the Government and the Opposition agree that it is essential that prisoners serve the sentences imposed by the court. However, as the honourable member for Coffs Harbour said, this bill was introduced only after pressure was exerted on the Government. Members of the public finally said, "We have had enough. We are tired of prisoners flagrantly breaching the conditions of their sentences of periodic detention, parole, work release, et cetera. We want them to serve the sentences imposed by the court." That is also what the Opposition wants. Its determination, conviction and commitment seem to be somewhat greater than that of the Government. New clause 25C of schedule 2 states:

Any person who, at any time after the commencement of this clause, becomes liable to serve full-term imprisonment as a consequence of the cancellation by the Parole Board of an order for periodic detention made before that commencement is eligible for parole under section 25 of the *Sentencing Act 1989* as if the unexpired portion of the sentence to which the order applied (within the meaning of section 27 of this Act) were an additional term of imprisonment.

That means that if a prisoner received 12 months periodic detention and after three months the order was cancelled, the remaining nine months would become a full-term prison sentence and during that nine months the prisoner would be eligible for parole. I do not know if that is the intention of the bill, but I am concerned that it does not represent truth in sentencing. If it undermines the original sentence imposed by the court, it is not the right procedure. I ask the Minister in reply to clarify the meaning of new clause 25C of schedule 2. If that provision is an attempt to dilute the sentence it should not be available. The Opposition believes in truth in sentencing. It believes the community expects it and that the judiciary intends it.

Mr Fraser: The community demands it.

Mr MERTON: The community demands it. I congratulate the honourable member for Coffs Harbour on his appointment as shadow minister for corrective services. I know he will do an excellent job. The citizens of New South Wales demand truth in sentencing. They demand the right to walk in the streets and the right to take their children to school in the knowledge that the law is there to be obeyed and is not at the whim of criminals who have little concern for the people of New South Wales. I ask the Minister to examine the clause to which I referred because it may be that the principle of truth in sentencing can be diluted to allow people to be paroled during the period converted from a periodic detention order to a full-term custodial sentence. I commend the bill to the House. I suppose it is but one of many steps to tighten the rules relating to periodic detention. Perhaps one day we will get to the stage when prisoners will comply with the terms of their sentences or orders for periodic detention.

Mr DEBUS (Blue Mountains—Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts) [8.38 p.m.], in reply: I thank Opposition members for their contribution to this relatively brief debate. I particularly acknowledge the passion of the honourable member for Baulkham Hills, who understands that the Ministers for corrective services, past and present, must stick together to some degree. I draw the attention of honourable members to the history of the administration of periodic detention during my term of office. I particularly point out that throughout the past several years there has been a series of changes to periodic detention, all of those changes directed towards tightening its administration and lowering the rate of non-attendance.

Previously I introduced new fingerprint tests and more serious punishments by way of full-time detention for those who had breached their periodic detention orders. The Government has instituted a large number of administrative changes, all of them directed towards improving the operation of the Act. In the first half of this year a new computer system came into operation and it will make a considerable difference to the administration of the scheme. It will overcome what has been a major problem in the history of periodic detention: the ability to keep track of those serving detention at centres all around the State. It is now possible, through the use of the computer, to automatically identify those who have missed attendance on three successive periods of detention without due excuse. It is now possible for

that to occur quickly and the existence of the computer and everything that goes with it represents a significant change.

I am not sure that the newly promoted shadow minister for corrective services is familiar with measures introduced last May. In particular, I announced that regulations would be introduced to set eligibility criteria so that courts could better screen out offenders who were unlikely to comply with the strict requirements of a periodic detention order. Those factors would include whether an offender had a major drug or alcohol problem; whether the offender had a major psychiatric or medical problem; whether an offender's employment or personal circumstances would make regular attendance impractical; or whether the offender had a serious criminal record. As I said at the time, it was designed to ensure that detainees would be left in no doubt that if they failed to comply with the requirements of the detention order they would find themselves back in prison serving the remainder of their sentences in full-time custody.

At that time I indicated that the courts would be required to set a specific sentence before considering whether an offender was suitable for periodic detention. That meant that offenders would know from the outset what term they would serve in prison if they failed to attend periodic detention. At the same time we indicated that offenders would have to sign, before sentencing, an undertaking to comply with the conditions of periodic detention so that later they would not be able to claim they did not know what was involved and use such ignorance—feigned or otherwise—to try to gain leave of absence.

The honourable member for Coffs Harbour does not seem to have grasped the fact that the passage of the bill in May necessitated the drafting of some very complicated regulations. It was also necessary to reorganise the administration of the Parole Board so that it could deal with the administration of the considerable new body of activity that had been introduced. As a consequence, it is only in recent weeks that the regulations have been completed. This bill clears up several ambiguities in the original bill. It makes two substantial changes: one of them may not really be necessary, but it is better to include it. This bill will now be matched with the regulations and we shall be able to introduce the new system more or less at the time I imagined we would introduce it. It is important to point out for the edification of the new shadow spokesman for corrective services that the Mangan case to which he referred at some length has nothing to do with the bill introduced last May or with this bill—nothing whatsoever.

Mr Fraser: Why did you write to the newspaper?

Mr DEBUS: The honourable member is a little ignorant of the details of this bill. He does not seem to understand that the bill introduced last May could not be finally implemented until now. He does not seem to understand that the cancellation of Mangan's periodic detention order was applied for in February 1998, long before my bill was introduced. The bill I introduced in May anticipated a recommendation of the Judicial Commission, which had been considering the whole matter of periodic detention and came to the conclusion that it would be a good idea to make the changes that I proposed—changes that no previous Minister for Corrective Services, no matter how distinguished, ever introduced. Mangan's case is no more than an illustration of the kind of thing we worked to overcome, but Mangan's case could not be affected by the bill of last May or by this bill.

Mr Fraser: You are shutting the gate after the horse has bolted.

Mr DEBUS: What an idiotic remark. Hundreds and hundreds of periodic detainees have breached their detention orders with some degree of impunity over the past 21 years. I introduced this bill; no-one else did. The coalition was in Government for seven years, but did not introduce such a bill. Now the honourable member is telling me I am closing the gate after the horse has bolted. I am closing the gate so that no more horses will bolt. I respond to the more serious propositions raised by the honourable member for Baulkham Hills by reminding him that the bill is not retrospective in its operation.

The bill provides that an offender who is serving a sentence of imprisonment by way of periodic detention as at the commencement of the new cancellation procedure will be subject to the new procedure unless cancellation action in respect of that detainee is already part heard by the court. The fact that the bill provides for a new cancellation procedure for existing as well as new detainees does not mean that it operates retrospectively so far as the existing detainees are concerned. The test for cancellation remains the same, namely, failure to comply with the obligations imposed by the Act on a periodic detainee. The length of a detainee's sentence will remain the same.

For example, if a detainee was serving a sentence of 18 months prior to commencement of the new cancellation procedure, the detainee will still be serving a sentence of 18 months after the

commencement of the new cancellation procedure. Offenders currently in the periodic detention scheme were not given minimum and additional terms or fixed terms by the court when they were sentenced to periodic detention. If a court cancels the order of such a periodic detainee, then the court sets a minimum and additional term or a fixed term at the time of cancellation. Offenders entering the periodic detention scheme after the commencement of the Periodic Detention of Prisoners Amendment Act 1998 will be given minimum and additional terms or fixed terms by the sentencing court.

This goes to the legitimate question that the honourable member asked about whether this bill is consistent with the principle of truth in sentencing. It is. Under the new cancellation procedure the Parole Board will not set a minimum and additional term or a fixed term when it cancels the periodic detention order of an existing detainee. The bill provides a better and simpler solution. It provides that the unexpired portion of the original sentence of periodic detention of an existing detainee will, upon cancellation of the order, become an additional term. The Parole Board may subsequently exercise its normal powers to release the periodic detainee to parole when it considers it is appropriate to do so. It means the Parole Board is not required to exercise the judicial function of setting a minimum and additional term or a fixed term. Having answered that serious question of the honourable member for Baulkham Hills, I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

IRRIGATION CORPORATIONS AMENDMENT BILL

Bill read a third time.

WORKERS COMPENSATION LEGISLATION AMENDMENT (DUST DISEASES AND OTHER MATTERS) BILL

Second Reading

Debate resumed from 29 October.

Mr HARTCHER (Gosford) [8.51 p.m.]: I lead for the Opposition on this important legislation. I thank the Attorney General for providing me with a briefing by members of his staff and the General Manager of WorkCover, Mr John Grayson. I acknowledge the representations I received from various employer organisations—The Employers

Federation, Australian Business Ltd, James Hardie Industries Ltd and CSR Ltd. I also acknowledge the meaningful representations made to me by Ms Ella Sweeney and various people from the asbestos support group who came to see me this morning. I acknowledge the courtesy of the Leader of the House in arranging for this debate to be brought on tonight at my request.

Honourable members are familiar with the tragic occurrence of plaintiffs having to initiate court actions in their final days. There are few people in our society who would not feel sympathetic to the plight of victims of dust diseases. The former Liberal Government, under the then Attorney General, John Dowd, established the Dust Diseases Tribunal in 1989. The specific aim of the tribunal was to ensure the humane disposal of claims for those who were suffering from mesothelioma and like illnesses. The tragedy is that mesothelioma is a terminal illness. I was made particularly aware of the significance of that today when Ms Sweeney and members of the Asbestos Diseases Foundation of Australia came to see me, accompanied by a 37-year-old man who is suffering from mesothelioma. He contracted the disease at the age of 17 when he worked in the building industry and was exposed to asbestos.

He has now developed mesothelioma, is in the final stages of the illness and has months not years to live. He is a person of great dignity and courage and is to be admired by all Australians. My heartfelt sympathy is extended to him. The former coalition Government introduced legislation to establish the Dust Diseases Tribunal. The former Attorney General in his second reading speech said that the Government was committed to dealing with such claims expeditiously by the creation of a separate tribunal that would provide a fast track mechanism. No other parliament in Australia or the world has created such a tribunal. Since 1989 the tribunal has put procedures into place that have enabled matters not capable of being dealt with by any other court to be heard expeditiously.

The procedures include allowing expert evidence given in one matter to be used in other matters, therefore obviating the need to call numerous expert witnesses in every case. Procedures at the tribunal have resulted in a shortening of court time and consequently fewer costs to the parties to the litigation. I particularly acknowledge the role of the court and the members of the Dust Diseases Tribunal. I have a personal acquaintanceship with two of the judges, men of absolute integrity whom I hold in the highest regard. They have devoted their

lives to the service of the law. Law must serve society; it is not an abstract principle. It can only be understood in the service of the community in which it operates. The members of the tribunal that I know, and I am sure all other members of the tribunal, share a special mission to ensure that justice is done to plaintiffs and defendants, and that the aim of the dust diseases legislation is achieved—that is, expeditious and fair hearings for those lodging claims, within the context of human dignity.

The members of the tribunal discharge their judicial duties admirably when travelling throughout New South Wales. One judge I know travels to hospitals to take evidence. He is not so much an authoritarian as a dignified servant of the law. Members of the tribunal are anxious to ensure that claims are dealt with expeditiously and fairly. In 1990 the then Attorney General also introduced an amendment to the Limitation Act 1969 to provide an amnesty period of three years in which those suffering from latent injuries could lodge claims. That was a particularly humanitarian gesture because it meant that some 500 people who would otherwise have been statute barred became eligible to lodge a claim and receive justice from the court.

As I said earlier, it is because of this legislation that New South Wales now has a unique jurisdiction where victims, often in the last stages of their lives, have the opportunity to have their claims finalised in an efficient and cost-effective way. The Opposition welcomes legislation which will end the deathbed hearings that honourable members are no doubt familiar with, even if only from the television. I practised law for 17 years. I had extensive experience in the workers compensation jurisdiction but I did not have any matters in the Dust Diseases Tribunal so I am not personally familiar with those tragic cases. Lawyers experienced in them have told me how heart-rending they are and how dignified and appropriate the mechanism of the court is in dealing with them.

Nonetheless, if it is possible to introduce reasonable measures that abolish the need for those hearings we are obliged to follow that path. The coalition certainly supports any reasonable legislation that abolishes the need for death-bed hearings. I acknowledge the representations of senior members of the legal profession who practise mostly in this jurisdiction. Out of respect for them I will not name them, but I have indicated previously that I hold them in high regard. Politics may appear churlish but it is a difficult art, and it is appropriate that political matters be ventilated in a political forum such as Parliament.

I do not intend to be pejorative about this legislation, but the Parliament needs to be aware of certain matters if it is to understand the Opposition's approach to the bill. First, the advisory council was established to deal with workers compensation legislation. It was put to me—I have not questioned the advice I received because it came from a reputable source—that technically the advisory council may not have jurisdiction over dust diseases. I accept that, but the fact remains that the advisory council was established to deal with workers compensation matters. In an attempt to establish a mechanism whereby the community acknowledged workers compensation problems and worked to resolve them through the stakeholders—employers, employees, the insurance industry, the Government and the Opposition—the advisory council was established earlier this year. On 22 June the Attorney General in his second reading speech said:

The Council will have a key advisory role in relation to the ongoing policy direction and review of the scheme and further recommendations for change. All legislative amendment proposals, including regulation making proposals, will be formulated by the advisory council and recommended to the Government.

It is worth repeating those words: all legislative amendment proposals will be formulated by the advisory council and recommended to the Government. The Opposition is concerned that the advisory council's role is not the same as that foreshadowed by the Attorney General on 22 June. I am grateful that the Attorney General's senior officers have made available to me the minutes of the extraordinary meeting of the New South Wales Workers Compensation Advisory Council held on 4 November, which state:

Dust Diseases legislation

Mr Brack tabled a written summary of the matters discussed by a number of members of the Advisory Council on the dust diseases legislation.

Ian West indicated that the summary provided a fair and reasonable report of those discussions.

The Council **AGREED** that the attached document, as tabled, be recommended to the Minister for consideration. It was also agreed that the issues of concern (identified by both sides) should be the subject of on-going monitoring and review by the Advisory Council.

**CONFIRMED BY WORKERS COMPENSATION
ADVISORY COUNCIL AT MEETING OF 11
NOVEMBER 1998**

People have put different interpretations on that decision of the advisory council. It is not for me to tell the council what it has determined; it makes its own decisions. Concern has been expressed that the

council has not had the opportunity to give a full and considered opinion of this legislation. It has been suggested that the advisory council should be invited to give the Parliament a full opinion on the legislation. In saying that, I realise that some people may accuse me of seeking to delay implementation of this legislation, but the advisory council may need only a few days to consider the legislation and to report back to the Parliament before it rises for the Christmas break. This is the last sitting before the election on 27 March 1999.

The Opposition is not concerned that the legislation is delayed; it is concerned that it should be properly understood by all stakeholders and be properly assessed by the advisory council. I make no further comment on that. I am not qualified to pass an opinion on the deliberations of the advisory council, but I am qualified to say what the Opposition regards as the role of the council. We regard the council as an enormously important mechanism. The Opposition, the Leader of the Opposition in the Legislative Council, and I have indicated that we would seek to have all matters relating to legislative reform and amendment to workers compensation regulations first processed through the advisory council. That was the clear intention of the Attorney on 22 June 1998.

The Opposition is concerned that that process may not have been followed. I place on record another matter that puts this debate into a political context. Those who are not political may resile from this matter, but as I said earlier, Parliament is a political forum. The Opposition acknowledges that the Attorney is well respected in the community, and he is entitled to that respect. Nonetheless, in recent months there have been machinations within the Australian Labor Party relating to his endorsement for the 1999 election.

Mr Moss: Who is this?

Mr HARTCHER: I am talking about the Attorney General, and Minister for Industrial Relations, the Hon. J. W. Shaw.

Mr Moss: Don't worry, he will be back.

Mr HARTCHER: We all know that the honourable member for Canterbury may not be back, but I am quite sure that the Attorney General will be back. I will return to the leave of the bill and not be interrupted by the bleatings of the honourable member for Canterbury. He is concerned that his administrative committee will dump him in a couple of weeks time, just as the Attorney General was dropped from the left-wing ticket for the Legislative Council in 1999.

Mr Markham: Be fair dinkum and get on with it. This is important legislation.

Mr HARTCHER: It is important legislation and the Attorney General and his left-wing factional mates are aware that the Amalgamated Metal Workers Union was not prepared to endorse George Campbell for the Legislative Council ticket. That debate continues.

Mr Yeadon: On a point of order. The bill under discussion is the Workers Compensation Legislation Amendment (Dust Diseases and Other Matters) Bill. The debate is not about the internal machinations or anything else in the Labor Party. I ask you to direct the honourable member for Gosford to return to the leave of the bill.

Mr DEPUTY-SPEAKER: Order! The point of order taken by the Minister is not unreasonable. The honourable member for Gosford will return to the leave of the bill.

Mr HARTCHER: I do return to the leave of the bill, because I am addressing the motivation for it. This is a most relevant point in discussing the bill. I did not intend to dwell on it, but if the Minister continues to provoke me I will do so. The Metal Workers Union, under George Campbell, dropped the Attorney General from the ticket. That is a well-known fact. The Metal Workers Union, more than any other union, has been pushing for this legislation. The other aspect relevant to consideration of this legislation—left-wing faction notwithstanding—is the role of certain law firms which, it has been put to me, have been pressing for this legislation. Those law firms are also linked to the left-wing of the Labor Party, including the major law firm of Turner Freeman, which, relevantly, conducts two-thirds of the cases brought before the Dust Diseases Tribunal. That law firm has been heavily involved in the preparation of this legislation.

Government members may not like the fact that I am ventilating these matters, but these issues are relevant to any assessment of this legislation. I repeat that two-thirds of the cases brought before the Dust Diseases Tribunal are brought by one law firm, and that law firm is believed to have received, in profit costs alone in the last financial year, something like \$7.5 million from Dust Diseases Tribunal matters. It is therefore extremely important to examine and consider the role of that law firm. That issue may be addressed by others who speak in this debate, but I put it on record because honourable members should know the political history of this bill—not the legal history or

administrative history, but the political history behind this legislation. I am not surprised that the left-wing faction is anxious that these matters not be ventilated before the Parliament.

Amendments made to the legislation subsequent to the creation of the tribunal have always received bipartisan support. It is important to maintain that bipartisan approach to the legislation and that it be understood that the tribunal has a significant community role. Accordingly, the State Opposition indicated that it supports the principle of the abolition of deathbed hearings. The State Opposition, through me, now indicates its support for the changes to the law relating from the Newton case, in which the Court of Appeal held in 1997 that prepayments for income loss should be deducted from the totality of damages awarded to the successful plaintiff.

The purpose of the legislation is to ensure that the principle in Newton's case no longer applies and that there be no deduction for damages in respect of prepayments where those prepayments were in the nature of social support. Those who receive prepayments or pensions from the Dust Diseases Tribunal are ineligible to receive social security payments, and social security payments would not be deducted from a plaintiff's total damages award. Those two significant and important matters have the support of the coalition parties. They go to the heart of what the legislation seeks to achieve.

The Opposition has queries about other aspects of the legislation. I will shortly draw attention to those matters. It is important to place on the record of this House a number of important points. I am informed—I believe reliably informed, because the basis of the information is the annual report of the Attorney General's Department for 1996-97—that the Dust Diseases Tribunal receives about 200 new claims each year and that it has about 400 claims awaiting resolution. The tribunal has not resolved some 600 cross-claims between defendants. The number of those unresolved cross-claims continues to grow. That is, at the very least, unfortunate.

The main priority of the tribunal, it is not denied, must be the expeditious hearing of cases, because every plaintiff in these matters has a disease that is terminal, however long it may take to reach that terminal point. It is unfortunate that the tribunal has put cross-claims—which are essentially apportioning claims between insurers—on the back burner, or so I am informed. The statistics that have been given to me suggest that that figure is being allowed to increase. I urge the tribunal to seek the resources necessary to address that issue.

The Dust Diseases Tribunal, I am informed, takes three to six months from commencement of proceedings to determine a mesothelioma claim, and about 11 months to determine a non-mesothelioma claim. That compares favourably with the time taken to resolve a matter in the New South Wales District Court. There, it takes about 12.5 months to achieve resolution of a claim. One victim of mesothelioma spoke with me this morning. His case had commenced earlier this year and had been resolved within a few months. I would not wish to verbal him, but he was supportive of the legislation, and that is why he came to see me. The fact remains that it took only a short period from lodgment of his claim to have the matter resolved.

In addition, the Dust Diseases Tribunal accords urgent priority to plaintiffs who have mesothelioma and lung cancer that is in an advanced stage. These cases are brought on as matters of urgency, sometimes with only several days notice. Nonetheless it was put to me quite cogently this morning that even that degree of urgency on the hearing of a matter is not always satisfactory. For instance, one person who came to see me is a widow whose husband had been granted urgency but had died before the appointed day of the commencement of his case. That sort of tragedy cannot be overlooked or ignored.

I am advised that some 60 per cent of claims are settled prior to or on the first day of hearing. About 95 per cent are settled prior to judgment. So about 5 per cent of claims proceed to judgment, and no more than 1 per cent of claims proceed to appeal. In the case of the two major defendants in these actions, James Hardie and CSR, about 10 per cent of claims involve bedside hearings. I am not sure of the actual tribunal figures, but there is every reason to believe that is a reasonably accurate summary of the number of bedside hearings. Nonetheless, each one of those 10 per cent is a human being in the last hours of life, and each of them is entitled to be addressed with dignity.

Another figure that is important to the assessment of this legislation relates to the fact that non New South Wales claims have been brought before the New South Wales Dust Diseases Tribunal against one particular defendant. Since the Act commenced 31 claims have been lodged by New Zealand residents, with 11 claims being lodged in relation to products that were produced in Queensland. Those figures will be of significance to matters that I shall address later in my speech.

Average settlements are much higher in New South Wales than they are in Victoria and Western

Australia. For example, the average figure given to me for a mesothelioma condition is \$300,000 in New South Wales, \$200,000 in Victoria, and \$125,000 in Western Australia. For asbestosis, the figures are \$175,000 in New South Wales, and \$100,000 in both Victoria and Western Australia. One can understand why lawyers encourage plaintiffs, where possible, to commence their actions in New South Wales.

It is estimated that about 80 per cent of claims lodged against the two major defendants, James Hardie and CSR and their subsidiaries, are handled by one law firm, and one law firm alone, that being Turner Freeman. As I said earlier, other information given to me indicates that about 66 per cent of all claims lodged with the tribunal are lodged by that firm. On average, the plaintiff's law firm receives about \$40,000 in legal costs for one claim. Honourable members can understand the enormous interest of that law firm in legislation which changes considerably the law relating to dust diseases.

Several employer groups have expressed concern about aspects of this bill. First, corporate involvement in asbestos has long ceased. Neither CSR nor James Hardie has any involvement in asbestos, yet both those companies continue to pay out large sums of money each year on asbestos-related claims. No-one can deny the legal liability of those companies in that respect. However, it must be acknowledged that the process is ongoing and an ongoing cost is being imposed on corporations in this State. Therefore, justice demands that the interests of those companies be recognised, as the interests of any other interested parties are recognised.

One cannot simply walk away from the impact that changes to the law may have on corporations lawfully established in New South Wales and going about their business, whose shareholders include ordinary people and whose employees are the citizens of New South Wales. Those two major companies are not necessarily the only companies involved in the costs of any change to the structure of dust diseases legislation. Other major companies such as Alcon, Pacific Power, State Rail, the New South Wales Land and Housing Commission, the New South Wales Government, Sydney Water and the Water Board also face additional costs as a consequence of changes to the dust diseases legislation. Accordingly, the economic impact of changes needs to be carefully assessed, as do the interests of potential plaintiffs in terms of equity and fairness.

I will not go through the detail of various matters, except to say that a large number of matters

come before the court. The median delay in court matters relating to dust diseases is much less than that in other New South Wales courts. That is a tribute to the expedition and fairness of the judges. Not only that, it suggests that there is not much wrong that needs to be corrected other than those items to which I referred earlier relating to the survival of actions for the benefit of a plaintiff's estate. While the payment of compensation may not solve the problem of the plaintiff's condition being terminal, it is important for plaintiffs to face their final days with peace of mind, knowing that their legal action will be resolved and that their family and estate will not be burdened with an ongoing legal claim that was not resolved in their lifetime. That would provide considerable peace of mind to plaintiffs.

I turn now to specific items in the bill. The Opposition is concerned about several aspects of the legislation. First, the coalition believes that some aspects deserve further consideration. In saying that I am not in any way denying the cogent presentation made to me on the Attorney's behalf, but I am required to express the Opposition's views. The first matter of concern to the Opposition which should be assessed in greater detail by the advisory council relates to the abolition of the Limitation Act for dust disease claims. The Opposition believes that the principle of the Limitation Act that litigants must act within a reasonable time and that the defendants have the opportunity to order their business affairs, which has been enshrined since the first Limitation Act was passed in the seventeenth century, should be maintained in most circumstances and should not be altered lightly.

In this case those seeking a change in the law point out that there has been only one known instance in the past 10 years at least of the Limitation Act being successfully pleaded. Plaintiffs routinely face objection by defendants of the Limitation Act, and often defendants do not rely on the Limitation Act defence but simply plead it as one of a number of defences. I accept that advice. Nonetheless, the Opposition believes that any change to the Limitation Act is fraught with problems. It has the potential to create difficulties for companies seeking to order their affairs, and to place an unfair burden on defendants. Any change must be carefully assessed and a detailed statement given to the Parliament as to why the change should be permitted, because no injustice is being caused to plaintiffs at present.

However, I acknowledge that costs for plaintiffs increase as a consequence of having to overcome a defence based on the Limitation Act.

One would hope that the advisory council, when dealing with these matters, can bring both defendants and plaintiffs to the table in understanding that the Limitation Act should be pleaded only in appropriate cases and not as a matter of routine. After all, people who contract a dust disease have three years from the time they become aware that they have the disease or such further time as the court may allow. People only become aware of their condition once their medical condition is established and certified; they do not become aware of it simply by being exposed to asbestos.

Knowing the gravity of the situation, one would hope that people in that situation would be able to take appropriate legal advice. If they do not take appropriate legal advice for specific reasons, such as lack of education, lack of understanding of English or misrepresentations made to them by defendants or employers, they are entitled to seek the licence of the court to bring their claim out of time. When they have a reasonable case the court will always grant them that latitude. So the New South Wales Opposition does not support the abolition of the Limitation Act at this time but seeks to have the advisory council consider the matter more carefully.

The Opposition is concerned about relitigation. It is a fundamental principle of law that defendants have the right to put their defence to the court to the best of their ability. Concern has been expressed that the restriction on relitigation may mean that the exercise of that right by defendants will be jeopardised. As I said, Opposition members have the highest opinion of members of the Dust Diseases Tribunal. However, the law should stand in black and white for all persons and not be subject to community feeling about the judge at the time. All persons should know the law and should be entitled to approach a tribunal on the basis of law, not on the basis of their assessment of the judge hearing the case. We must be governed by laws, not by men.

The relitigation changes to the existing legal system have the potential to place defendants in jeopardy. This does not reflect upon the integrity or the ability of the existing judiciary; it acknowledges the principle that the law should be clear and positive to all. Accordingly, at this time the coalition parties do not agree to the relitigation provisions and, once again, seek to have these matters referred to and properly assessed by the advisory council. The coalition parties also are concerned about the reuse of evidence provision, which relates to interrogatories and discovery and to other technical matters concerned with the conduct of court cases.

In many cases, of course, the same interrogatories are asked and the same information is made available. However, often such legal procedures are used simply as an excuse to delay hearings or to try to entrap plaintiffs, not to gain necessary information.

On the other hand, interrogatories filed by plaintiffs may seek from defendants information that is already on record and, therefore, the burden is placed on the defendants as much as on the plaintiffs. Nonetheless, it still relates to the principle of law under which defendants, as much as plaintiffs, are allowed to conduct cases in accordance with the law. When a defendant is placed in a situation in which interrogatories and documents from one case are to be used in another case, the defendant may be denied the right to contest each case on its own merits. After all, a judicial tribunal is bound to act judicially. I will not at this point go to the sections, but it has been put to me that judges exercising discretion, as is allowed under the Act, are bound to do so judicially. I do not dispute that. It is also fundamental, though, that each defendant be allowed to present his case to the court to the best of his ability.

The major defendants in this case—the employer groups, the insurer groups, the Minerals Council and the Insurance Council—believe that legislation of this type jeopardises the right of every litigant in our society to put his full case to the court. Accordingly, the New South Wales coalition parties believe that the reuse of evidence should be properly assessed before it is presented to the Parliament by way of legislation to take away that legal right. A further matter relates to the settlement bar rule. I am no longer qualified legally and I do not pretend to have a full understanding of how the settlement bar rule operates, but it has been put to me that it is not a fair change to the law. I was informed this morning that all interested groups support the rule. However, insurers especially have told me that it may result in some jeopardy to their position and be unfair to them and that any change to this aspect of the law must be properly assessed.

Another aspect of the bill with which I wish to deal is funding to support groups. I earlier acknowledged the work of the Asbestos Disease Foundation—although I earlier gave it an incorrect title—under the presidency of Mrs Ella Sweeney and acknowledge that the New South Wales coalition parties support the funding of such organisations. So long as such funding is provided in a responsible manner the coalition parties see no reason for the tribunal not having legislative power to grant them the necessary assistance in their humanitarian and

social work. The Government has foreshadowed a number of amendments and the Opposition also has amendments it wishes the House to consider.

Mr Yeadon: Thanks for the notice.

Mr HARTCHER: The Opposition received the same notice some hours ago from the Minister. I acknowledge the Minister's remark, "Thanks for the notice." The Government has not had notice on the Opposition's proposed amendments, but as I will not move them in this House and they will be moved in the Legislative Council the Government will have appropriate notice. The 10 amendments to be moved by the Government are quite extensive and cover three pages. The Opposition has had 2½ hours to look at the Government's amendments but has not been able to assess them properly in the time. If the Government wants to move them tonight, it will do so at its own risk because the Opposition cannot take the advice of the various parties with an interest in the legislation as they have seen them for the first time only in the last couple of hours.

One would hope that the Government would treat such important legislation more seriously and give the Opposition notice of any amendments or, alternatively, delay debate until tomorrow to give the Opposition time to consider them. I, therefore, cannot inform the House of the Opposition's position on the amendments because the Opposition cannot finally deliberate on them, nor can the Government be expected to indicate its position on the Opposition's amendments because the Government has not had the same courtesy from the Opposition. However, I move:

That the question be amended by leaving out the word "now" with a view to adding at the end "after receipt by the House of the report of the Advisory Committee on Workers Compensation".

The motion would therefore read:

That this bill be read a second time after receipt by the House of the report of the Advisory Committee on Workers Compensation.

In moving that amendment I make it clear that the coalition parties have no interest in delaying this legislation. The Opposition believes that it should be deliberated on by the House and that the fundamental principle laid down by the Attorney in his speech on 22 June, that legislative reform to workers compensation should be put through the advisory council, should be upheld. For whatever reason—and I alluded earlier in my somewhat lengthy speech to some of the political reasons—that has not been put by the Minister, though it should

be. I am grateful for the minutes of the advisory council meeting. However, the Opposition does not believe that the advisory council has given full consideration to this legislation. I conclude by commending once again all those who work in this important area of law that addresses human suffering.

Since before 1989 the coalition has shown its commitment to the resolution of human suffering in a dignified way. Major stakeholders in the advisory council, employers, employees and insurance groups are interested also in a humane resolution of these matters, but it is appropriate that they be dealt with according to law and the proper processes so that there is a full evaluation of the consequences and of the potential impact on our society. The coalition parties intend also to address in amendments to be moved in another place the issue of forum shopping. The Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney is probably familiar with an advertisement that appears in New Zealand newspapers inserted by solicitors McLaughlin and Riordan under the headline "New Zealanders with Rights to Claim Compensation in Australia". The advertisement contains the following extraordinary statements:

If you . . .

worked in the manufacture of asbestos cement building products in New Zealand:

[come] into contact with asbestos or asbestos products, including building materials, either imported from Australia or manufactured in New Zealand;

you may have rights to seek damages in the New South Wales Dust Diseases Tribunal.

It is a disgrace for Australian companies and Australian courts to become simple goldmines for non-Australians to milk our system to their advantage. I am surprised at the attitude of the Minister for Information Technology, who is not supporting action to limit forum shopping. Chief Justice Spigelman has condemned that process, as has the President of the Court of Appeal, Justice Mason. I expect and have every reason to believe that the Attorney General, who is represented in this Chamber by the Minister for Information Technology, would take the necessary measures.

Nonetheless, the New South Wales coalition will move amendments to the bill. The coalition supports a fair and humane resolution to dust diseases matters. The coalition supports the abolition of deathbed hearings but believes the matters should be dealt with appropriately and fairly. It is important

that the advisory council be asked to advise generally on this legislation and particularly on the matters I have summarised. If the coalition is unsuccessful on this matter it will move amendments in the appropriate forum in the Legislative Council. Despite the impatience of the Minister, legislation like this should be properly debated.

Mr Yeadon: Not by tedious repetition.

Mr HARTCHER: It is the Minister's prerogative to interrupt. The coalition has addressed the issues that should be addressed. It intends to see the matter properly debated and come to a humane resolution.

Mr MARKHAM (Keira) [9.43 p.m.]: What a load of drivel! It is easy to see the honourable member for Gosford has never been employed outside an office. I speak to the Workers Compensation Legislation Amendment (Dust Diseases and Other Matters) Bill as someone with first-hand knowledge of asbestos and its potentially fatal consequences. When I left school at the age of 15 years I obtained an apprenticeship with the then Electricity Commission at the old Port Kembla power station and then at Tallawarra power station. I was an indentured apprentice electrician.

I served my apprenticeship at Tallawarra and worked with probably 500 other men. Asbestos was used in every aspect of insulation at Tallawarra and Port Kembla. It was used to insulate turbines, boilers and steam pipes. It was impossible to work at either power station without being exposed to asbestos. As a young apprentice I remember fighting with workmates using lagging from steampipes. We used to throw it at each other. I have no doubt that in those days if the company had known—and I believe it did know—how deadly asbestos was and could be, that behaviour might not have been tolerated. However, the behaviour was regarded as a joke and viewed as a bit of fun.

Mr Windsor: If you believe that you believe anything.

Mr MARKHAM: I assure the honourable member for Tamworth that the behaviour was regarded as a joke. Every day that I worked at those power stations I was exposed to asbestos. All of my workmates were exposed to asbestos throughout their working lives at both power stations. In the late 1980s Tallawarra power station underwent a major asbestos removal program and has now been demolished. However, the legacy of Tallawarra lives on. Constituents in my electorate are diagnosed regularly with asbestos diseases, including the fatal

asbestosis. Tallawarra workers and their families will face the legacy of asbestos for another 20 to 30 years.

When I left Tallawarra power station I obtained work in the southern coalmines. For 26 years I worked in the coal industry as an electrician. Dust was a problem when I arrived in the coalmines. Water had not been used in coalmining operations for many decades. Many of my fellow workmates were dusted. I saw first hand the effects of lung disease caused by dust, which was called black lung. It was written on the faces of dusted workers who struggled for breath after exerting themselves on a particular task on which they were engaged.

Fortunately, regulations enforcing dust control programs became commonplace in mines and consequently coalminers pneumoconiosis is a disease associated with a past era. I should like to quote from a book that has just been launched entitled *The Human Face of Coalminers and their Communities—An Oral History of the Early Days*. The book was written by Fred Moore, Paddy Gorman and Ray Harrison, who were all coalminers from the southern district. The book contains a number of statements, and the two I shall quote are pertinent to this debate. Of Walter Smart, known as Pincher Smart, from the Corrimal Lodge on the southern coalfields the book commented:

The compensation awards (made by Judge Rainbow) were intolerable. For example, if a miner unable to work was assessed by the medical board as being only 25 per cent dusted the compensation paid would be 25 per cent of his wages. The deaths of three miners at Corrimal brought matters to a head. Two of the miners were executive officers, the third was a previous lodge secretary. In one week they all died with dust on the lungs. In 1946, Pincher, as lodge secretary, organised a protest march, the first official demonstration in Wollongong over the dust hazard.

The book's comment about Bob Cramm from the same lodge was as follows:

Three of the men from Corrimal Lodge played a very active part in the dust dispute of 1947. These three men later became full-time district officials. In 1954 Walter Smart (Pincher) was the district president. Arthur Marshall was the district secretary and Bob was the district vice-president. This was quite an achievement and Corrimal Lodge played a very active part in the dust dispute.

Statistics prove that, due to the dusty nature of the seams, conditions on the south coast were much worse than in other areas. The medical practice of certifying men as partially incapacitated (with subsequent reductions in the rate of compensation) and suspicions about the doctors' attitudes being in the interest of the insurance companies, added to the concern over the question of compensation. In January 1947, two ex-officials of the Corrimal Lodge had died within hours of each other from dust on the lungs and it was claimed that,

in that year, 10 per cent of the membership of the federation had been certified as suffering from dust. This represented 607 cases.

Unfortunately, the same cannot be said of asbestosis. Regulations were not enacted in New South Wales until 1977, by which time the damage had been done. By 1983 the use of asbestos in building boards had been phased out. Most insulation materials that were used to insulate boilers, turbines and steam pipes were becoming asbestos-free, and the use of asbestos as an acoustic or insulation material had largely ceased. However, the problem has never gone away and can never go away, because of the amount of asbestos that was used up until 1983 by industry and in domestic dwellings throughout New South Wales.

There would not be an industry in New South Wales that has not used asbestos as an insulation agent. I have referred already to the Tallawarra power station. In Wollongong the steelworks used asbestos as an insulation agent and, unfortunately, a steady number of asbestos claims have arisen out of the steelworks, including mesothelioma claims. This experience is not unique. Asbestos was used widely in dockyards as insulation on ships, in power stations, in chemical plants, in refineries and even in dry-cleaning shops and laundries. As well as its industrial application, asbestos was widely used in the building industry. Tens of thousands of homes in New South Wales were constructed of fibro. Thousands of building workers were exposed to fibro over the years.

Two asbestos mines operated in New South Wales—at Baryulgil and Barraba. The effects of asbestos mining on the Aboriginal community at Baryulgil have been well documented. I will relate some of the history of that mine and what happened to the Aboriginal people at that mine. In 1918 Billy Little, a local Aborigine, found asbestos in Baryulgil. The picturesque landscape harboured a poison which was the wonder material for the Australian building industry during the postwar construction boom. In 1934 the mining of asbestos began. The Aboriginal community was almost exclusively the source of labour for the mining and milling operations set on ancestral land. More than 500 people worked at the mine until it closed in 1975.

The asbestos mining at Baryulgil has attracted considerable public scrutiny and concern, much of which has been based on the apparent disregard of mine operators for the safety and health of their predominantly Aboriginal workforce and the Baryulgil Aboriginal community. The ground under the houses was contaminated with asbestos, as were

the sandpits in which the community's children played, as was the running water and, at times, the air. Hundreds of people are at risk of dying from dust-related illnesses, such as asbestosis—scarring of the lungs—and lung cancer next century. Asbestos has seriously affected the lives of one family at Baryulgil. The father has pleural plague in his lungs, shortness of breath and respiratory problems. His eldest son has chest problems and almost chokes every time he eats. The men who worked at the Baryulgil mine were exposed to levels of airborne asbestos dust that can properly be described as unconscionable.

Throughout the 1960s and the first half of the 1970s the acceptable standard for airborne asbestos dust was four fibres per cubic centimetre. Yet miners describe quarrying in a dense cloud of dust, being unable to see the wall inside the mill from a distance of a few yards, shovelling asbestos dust into sacks and being unable to see the man holding the bag. Periodic dust counts in September 1970 at one site around the mine showed the airborne asbestos dust reading was 1,760 fibres per cubic centimetre. Miners worked with their bare hands and bare feet. Face masks were useless because they clogged up with dust within minutes. Nobody monitors the miners' wives and children who were also at risk of developing several serious and sometimes fatal diseases from exposure to asbestos. The symptoms do not appear until almost 25 or 30 years after exposure.

Baryulgil's history during the days of asbestos mining has been and continues to be a topic of general concern since revelations that serious health risks may be a consequence of exposure to asbestos fibres. Following closure of the mine in 1979 rehabilitation was carried out to the satisfaction of authorities and landowners. Those efforts, and subsequent rehabilitation in 1986, were unsuccessful. The former Aboriginal reserve was put in the too-hard basket because of the community's Aboriginality and its relative isolation. The powdery and migratory nature of asbestos tailings material due to its fibre content, the steepness of the dump's batters, difficulties in sustaining adequate vegetation cover and the site's topography also caused problems in securing the mine. The rehabilitation needs of the mine were only part of a very complex ongoing public health, social and human rights issue of high political profile and sensitivity at Baryulgil. *[Extension of time agreed to.]*

Numerous workers have also been affected by silica. Many of those workers were involved in extremely important public projects that were to the benefit of all the people of New South Wales. These

projects included the construction of dams, the construction of trenches for the laying of water pipes and sewer lines in cities, the construction of trenches for the laying of gas lines in cities, the construction of roads and, of course, foundations for our modern city buildings. These workers were all exposed to sandstone dust which, when inhaled in sufficient quantity, is just as dangerous as asbestos.

I place on record my support for the bill. I congratulate the Minister on introducing it. The bill contains a series of reforms that will provide significant benefits to working people and their families for many years to come. The part of the bill that deals with the survival of general damages in the event that a worker dies before completing legal proceedings commenced by the worker is a most important reform. It will remove the lottery that currently exists in the awarding of general damages by the Dust Diseases Tribunal of New South Wales. It is inappropriate in the world in which we live for there to be two categories of claimants who suffer from these types of disease. One claimant may manage to finish his or her case before dying and is fully compensated. In another case death may intervene prior to the completion of the claimant's case and that case is demolished under the existing law. This is a clear injustice, and the bill rectifies that injustice.

Moreover, the other important aspect of the bill is that it will remove the need for deathbed hearings when a complainant is in the final stages of his or her life. The Dust Diseases Tribunal of New South Wales has carried out its functions with distinction. The tribunal has done everything possible to complete all claims that come before it. There will always be the odd claim where nothing the tribunal can do will result in an award being made, where the disease overcomes the plaintiff more rapidly than usual and the claimant dies. I believe that most working people faced with terminal disease will always have as their prime objective the completion of any legal action they are involved in before they die. There is a natural and normal desire amongst people to ensure that their loved ones are cared for after their death.

The bill ensures that anyone who commences a claim and takes all necessary steps to achieve compensation will, in the event of premature death, be compensated and that person's relatives and dependents will not lose out because of the premature death. Another important part of the bill is that which seeks to abolish the provisions of the Limitation Act. Many workers who are affected by diseases caused by asbestos and silica are people with limited education, usually having not more than

trade qualifications, and in many instances they are migrant workers with poor English. Ordinarily these people are not aware of their legal rights. Most working people have no appreciation at all of the statute of limitations. They are not aware that if they do not commence a claim within a certain specified period set down by the law they are prevented from making a claim forever.

Many of the diseases caught by the bill are known as diseases of gradual onset. They are insidious in their nature and come on slowly over a period of time. The men I worked with in the coalmines continued working long after they were first dusted. The men were obliged to work because they needed an income. To this day many people continue to work after they have been dusted. The statute of limitations, however, starts to run against workers from the time they are first diagnosed with a disease, even though it may not disable them to any great extent at that stage. Their ignorance of their legal rights does not help them when, in due course, they come before the court. The bill seeks to abolish those types of arbitrary considerations. It will ensure that all workers will be justly compensated on the real merits and justice of their case, instead of having their legal rights determined on technical, arbitrary grounds.

The additional feature of the bill that I applaud is that part that provides funding for research and support groups. The bill deals almost exclusively with the manner in which victims of asbestos and other dust diseases are to be compensated. The bill seeks to achieve proper and just compensation for the claimant, in a way that is efficient and cost-effective for the community generally. The part of the bill that deals with the provision of funding for research into the causes of asbestos diseases and the support for victims is a recognition by the Minister of the need to move beyond the role of compensating victims into providing them and their families with support and ancillary services.

The bill recognises the need for research to be carried out in relation to the causes of asbestos diseases. Australia has the highest rate of mesothelioma in the world per capita. Despite the magnitude of the problem, very little research has been carried out in an organised and structured way in relation to the causes of asbestos diseases. Minor research programs exist, to my knowledge, in Western Australia, South Australia and in New South Wales. The bill will provide for proper funding of research in New South Wales into asbestos diseases so that there can be a better understanding of the diseases, their causes and the methods of treating them.

For those who unfortunately will continue to be affected by asbestos, and their families, the bill recognises the need for support groups such as the Asbestos Diseases Foundation of Australia and the important role that it plays in providing personal assistance and counselling to victims and their families. I congratulate the Attorney General, and Minister for Industrial Relations on this bill. The bill contains reforms that will benefit people for many years to come.

Again the Labor Government is looking after the working people of this State. A Labor Government has recognised the need for legislation to make sure that working-class people, who contribute to the wealth of this State and the wealth of this nation, are properly looked after. People who work in heavy industry every day of their lives are likely to be exposed to a dust disease. I have a shadow on my lung. I have been told on numerous occasions after having had lung X-rays that I could easily have asbestosis, but that is something that I am not going to find out for some years to come. Earlier when the shadow minister ranted and raved it was obvious he had no understanding of the fear of workers who might find themselves in a similar position to that which I and my supportive family find ourselves in. This bill is great Labor legislation, and I totally support it.

Debate adjourned on motion by Mr Lynch.

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr Whelan agreed to:

That the sitting be extended beyond 10.30 p.m.

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) BILL

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT (GAMING) BILL

SUPERANNUATION LEGISLATION FURTHER AMENDMENT BILL

Suspension of standing orders agreed to.

BILL RETURNED

The following bill was returned from the Legislative Council with an amendment:

Carbon Rights Legislation Amendment Bill

**LIQUOR AND REGISTERED CLUBS
LEGISLATION AMENDMENT (GAMING)
BILL**

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.05 p.m.]: I move:

That this bill be now read a second time.

The primary aim of this bill is to ensure that machine gaming operations do not predominate over the services and facilities offered by hotels. Honourable members will recall that the introduction of poker machines in hotels was accompanied by specific provisions which sought to ensure that the services and facilities traditionally offered by hotels were not eroded in pursuit of the gaming dollar. One of the requirements introduced in 1997 was that a separate gaming room must be established to accommodate more than 10 machines. That measure was introduced to ensure that the main area of the hotel was not overwhelmed with gaming facilities, and to encourage the retention of traditional hotel services and facilities.

Unfortunately, some operators have disregarded the intention of those controls. In other words, some operators have defied the spirit of the legislation passed by this House and in another place. Some operators have established gaming rooms which, to all intents and purposes, constitute separate premises predominantly for the conduct of gaming. That is alarming because honourable members, regardless of political persuasion, regard this place as the House of the people and equal to the highest court in the State. Some people have chosen to circumvent the law in their own interests. Recent amendments to the Liquor Act have permitted hoteliers to operate up to 15 poker machines without having to operate a matching number of draw poker machines, and provided access to additional poker machines over 15 through the recent poker machine permit process.

The increased access to poker machines has provided hoteliers with an opportunity to enhance their gaming machine operations and increase their overall profitability. That is something that the industry sought and obtained from the Government. The Australian Hotels Association has operated honourably and deprecates the situation in which I find myself of having to introduce legislation in

haste to surmount what people have done to circumvent the spirit of the legislation. The majority of participants in the hotel industry have used the opportunity to enhance their overall facilities to the benefit of their customers throughout New South Wales. There are, however, some opportunists—spivs, not the mainstream hoteliers we know—who have sought to gain the privilege of operating gaming machines by obtaining a hotel licence with the sole intention of personal gain with little regard to the public interest. They are doing so by seeking to establish what are, in effect, businesses solely for the conduct of gaming. That was not in conformity with the spirit of the legislation.

The grant of a hotelier's licence under the Liquor Act is not the grant of a licence to operate a gaming business. Rather, it is the grant of a licence to operate a hotel to which the operation of gaming machines is an ancillary privilege. The Australian Hotels Association fully supports the provisions of this bill. The bill proposes that a primary purpose of the business conducted in a hotel is spelled out and reinforced. Hoteliers will have to ensure that their businesses accord with that primary purpose. I am introducing that provision in the same way that I recently introduced wine-and-dine licences for restaurateurs. There will be a specific primary purpose. Under the Act, a hotelier's licence authorises the retail sale of liquor, whether or not for consumption on the premises. Most people would understand that a hotel is a place where people can go to have a drink; a place that has facilities designed primarily for that purpose. Unfortunately, it appears that that understanding is not clear enough to prevent hoteliers' licences being used to establish gaming dens. The primary purpose of a hotel must be reiterated and enforced.

The bill proposes measures to ensure that hoteliers operate their business as hotels and not as gaming dens. The bill also spells out the principle that the operation of gaming machines is subsidiary to the business of a hotel. As I said earlier, that is the primary purpose. The operation of gaming machines must not, under the proposals in this bill, "detract unduly from the character of the premises or from the enjoyment of persons ordinarily resorting to the premises". We go to hotels for enjoyment and to have a drink or a meal. Operating the business as a hotel for the sale of liquor will be a condition of a hotelier's licence, and it will be the hotelier's responsibility to ensure that the gaming operations do not detract from the character of the premises or the enjoyment of patrons.

I said earlier a minority of entrepreneurs are involved in the liquor and hospitality industries. The

activities of that minority were identified by the royal commission. They have forced me to introduce legislation to regulate for compliance. Restaurant licences should not be a cover for de facto hotels or clubs. These supposed entrepreneurs have obtained a hotelier's licence primarily to operate poker machines. It is critical that appropriate checks be established prior to the grant of such a licence. The Licensing Court should be able to refuse an application for a hotelier's licence, or the transfer of an existing hotelier's licence, in cases where there are sufficient grounds to believe that the new business will not be operated as a hotel, as we know it, but as a gaming venue.

Accordingly, the bill requires the Licensing Court to be satisfied, prior to the grant of an application for a hotelier's licence or transfer of a hotelier's licence, that the business will be operated as a bona fide hotel. The same entrepreneurs bought hotelier's licences in small towns, depriving them of various facilities in an attempt to circumvent the law. An objection to an application can be lodged if it is believed that the business will not be operated as a bona fide hotel. The court will not be restricted in the matters it can consider when determining whether the proposed hotel will meet its primary purpose, and in satisfying itself that gaming operations on the premises will not dominate the character of the premises or interfere with the enjoyment of patrons.

The bill does, however, suggest three initial areas for consideration to which the court may have regard, including the physical layout of facilities on the premises, the manner in which the gaming is to be conducted, and the promotion of gaming on the premises, which, of course, came under criticism in the media this week and created some concern within the community. If the court is not satisfied that the proposed hotel will be conducted in the spirit of the legislation as spelled out by these provisions, an application for a hotelier's licence or transfer of a hotelier's licence will be refused. As I said, it will curtail the market in transferred or dormant licences. The bill will also ensure that, once an application has been granted, gaming machine operations remain subsidiary to the business conducted as a bona fide hotel.

The bill provides for the grant of an application for definition or redefinition of premises to be subject to the satisfaction of the Liquor Administration Board. That definition or redefinition will not undermine the primary purpose of a hotel and will not lead to the gaming operations unduly detracting from the character of the hotel or the enjoyment of its patrons. Further, the director of

Liquor and Gaming will be empowered to issue directions to licensees where the director has cause to believe that remedial action is required to ensure that the primary purpose of the business is a bona fide hotel and that the gaming machine operations are not suffocating that primary purpose. Should a licensee fail to comply with a direction, the director may initiate complaint action against the licensee. This two-tiered approach should encourage compliance by hoteliers while providing an arena for the matter to be heard, should a dispute arise which cannot be otherwise resolved.

The measures in this bill will not prevent hotels, such as five-star hotels, from continuing to provide substantial accommodation. The provisions are clear that the primary purpose test is to be applied to the business conducted under the licence. On the whole, a five-star hotel is predominantly a facility for accommodation, but the part of the business which is conducted under a hotelier's licence is the retail sale of liquor and—to a lesser extent—the conduct of gaming. I would also like to take this opportunity to make it clear that it is not intended to curtail the establishment of innovative, or significant, gaming areas in hotels. For example, a substantial gaming area in a hotel is not, of itself, at cross-purposes with the intent of the Act. So long as the primary purpose of the hotel is significantly catered for by the hotelier, the requirements of the Act may be considered sufficiently fulfilled.

Some have taken it upon themselves to circumvent the will of this Parliament. I give clear warning to those involved in licensing that if this legislation is found to be deficient and unable to deal with such misbehaviour, I or the Minister of the day will introduce further legislation to address that behaviour. The bill also amends the Act to ensure that it is clear that no person may let or sublet any part of licensed premises to any person other than the licensee of those premises. I emphasise that point, for that is yet another loophole that could exist.

If this measure does not work, I will seek further amendment of the Act. This amendment extends the current restriction on licensees letting or subletting premises to capture business owners, freehold owners or any other person within the scope of the restriction. The purpose of this extension is to ensure that the actual level of control of gaming operations expected of a licensee is not undermined by leasing arrangements entered into by any other person in relation to the premises on which the licensee is responsible for conducting the business under the licence.

The bill provides also for the imposition of fees determined by the Licensing Court when the conditions on a licence are relaxed. When a licence is granted initially—that is, either a hotelier's licence or an off-licence, which is retail—a fee is determined by the Liquor Administration Board in relation to that grant. In determining an appropriate fee, the board takes into account a range of considerations, including whether any restrictive conditions are imposed upon the licence.

In determining an application for a licence, the Licensing Court often will impose conditions that limit the manner in which the business may be conducted under the licence. This is usually done at the request of the applicant or as a result of a settlement reached with objectors. There may be, for example, a restriction on the licence preventing the operation of gaming machines. A licence with restrictive conditions is not as valuable as an unrestricted licence. It is also common for an application to be made at a later date to have the restrictive conditions revoked. If that occurs the licence may greatly increase in value.

The board does not at present have the power to impose an additional fee that reflects the increased value of the licence. That is a matter that I have taken into consideration in regard to the withdrawal of licences. Under the provisions of the bill, in future an appropriate fee will be able to be set in such cases. The honourable member for Wagga Wagga recently wrote to me citing a good instance of that in a country town. The amendments relating to function liquor licences are minor measures that are largely consequential to the function licence legislation passed by the Parliament in December 1997. The amendments do not in any way change the content, spirit or intent of that legislation. The function licence provisions of the 1997 Act have not yet been commenced, and the proposed consequential amendments will facilitate and enable the commencement of those provisions.

The amendments to the Registered Clubs Act include minor modifications to various provisions, including amendments recently inserted by the Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act of 1998, which has been extremely effective with regard to the issue of clubs making contributions to the community. These amendments, which are of statute law or similar nature, primarily relate to transitional provisions, and they bring the legislation into line with the intention of the Parliament at the time that the original amendments were considered.

I conclude with this statement. The Australian Hotels Association was appalled by the conduct of

some people in the hotel industry. The Registered Clubs Association of New South Wales has every reason to be appalled also. That association knows that the behaviour to which I refer was not in accordance with the intention of the Government, even though the association was not happy about the introduction of poker machines into hotels. Having said that, I note that the Registered Clubs Association is equally determined to support the Government in its introduction of this measure to address a circumvention of the legislation. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

TEACHING STANDARDS BILL

Bill introduced and read a first time.

Second Reading

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [10.25 p.m.]: I move:

That this bill be now read a second time.

The tabling of this bill today is the initial step towards formally establishing teaching as a profession in New South Wales. It represents a major reform of the Carr Government. The Government has delivered key reforms to the school certificate and the higher school certificate. It has delivered important gains through the State literacy strategy. It has implemented the leading computers in schools program in the world and it has given parents more information than ever before about the performance of our schools.

The introduction of explicit teaching standards complements and reinforces those reforms. It also fulfils another of the Government's 1995 key pre-election commitments. It has taken the decision to establish a Teaching Standards Board following extensive discussions with the profession on ways of enhancing its status and of providing assurance of the quality of teaching in New South Wales schools. Professional recognition according to agreed and acknowledged standards has long been a right and a responsibility of other professions. It has been an anomaly that school teachers have not been accorded similar status. Where would the doctors, engineers, architects and lawyers of today be if it were not for the school teachers who gave them their start? Everyone knows a good teacher. We all know that good teachers make a difference. Quality teachers leave an impression on people that endures throughout their lives.

Despite the immense social benefits that flow from teachers and schools, the status of teaching has arguably fallen over the last few decades. Teachers of today are not just transmitters of subject matter. They must be able to teach their specific subject matter to an increasingly diverse range of students, to be able to manage a range of learning environments and the complex range of social interactions that occur both within and outside the classroom. Teachers need to feel that the complexity of the multiple roles they are required to undertake is understood and is valued by the community. Teachers realise also that, in order to gain this recognition, they must be able to provide the community with specific assurance of the quality and standard of their work, their ethics and fitness to work with children in our schools.

The establishment of the Teaching Standards Board is clearly aimed at the goals of clarifying what it means to be a teacher, providing fair and valid assurances as to the quality of school teachers in which the community can have confidence and raising the status of teachers. The mechanisms outlined in this bill have benefited from a long process of consultation. I specifically want to acknowledge the co-operation and frank advice of the New South Wales Teachers Federation, the Independent Education Union, the Joint Council of Professional Teachers Associations, the Catholic Education Commission, the Association of Independent Schools, principals organisations and parents organisations. Those organisations have given us an opportunity to celebrate the nature of teaching and the importance of teachers. I am confident that what we have proposed in this legislation reinforces the nature of the continuing commitment and achievements of school teachers. I am also confident that the proposals continue to place New South Wales at the cutting edge of policy development in teaching standards.

The bill provides for the formal recognition of the professional status of teaching through the establishment of the New South Wales Teaching Standards Board. Some of the definitions in clause 4 deserve comment. An employer means a government or non-government school authority. It is clear that this bill applies equally to the government and non-government school sectors. The Government will monitor the introduction of the Act and give further consideration to whether its application should be extended in future, but for the present will confine its application to teachers as defined in the bill.

A teacher is defined as a person who is employed or, having regard to the professional teaching standards, is eligible to be employed in a

school to provide curriculum education in accordance with the Education Act 1990. It is the intent of this section to acknowledge that there may be persons involved from time to time in school activities who are not teachers. For example, a music tutor, a sports coach or a person providing special religious education, who comes into the school on an occasional basis, would not be considered a teacher. The definition of "employ" as including "engage under a contract for services" is also important to note, given that some teachers, such as religious staff in some Catholic schools, are "engaged" by the school rather than employed.

Clause 5 of the bill provides that the board will be established as a body corporate and recognised for the purposes of any Act as a statutory body representing the Crown. Clause 6 outlines the functions of the board. It is clear from the clause that the board's functions do not extend to matters of an industrial character. The legal framework surrounding industrial relations is unaffected. Matters of employment are outside the board's jurisdiction and will continue to be the responsibility of employers and unions.

Teachers' industrial rights will be protected and preserved. Employment and registration are entirely different and separate issues. There are to be 12 part-time directors, the majority of whom must be eligible to be registered as teachers. Clearly, board directors must be able to grapple with issues that confront teachers in their day-to-day working lives. Directors will be appointed by the Minister for a period not exceeding three years, although the Minister will have the right to remove members from the board at any time.

The board will consist of a chairperson, a nominee of each of the Director-General of the Department of Education and Training, the Catholic Education Commission of New South Wales, the Association of Independent Schools of New South Wales, the New South Wales Teachers Federation, the Independent Education Union of New South Wales, the Joint Council of New South Wales Professional Teachers Associations and three teachers, nominated by the Minister, bearing in mind the balance of the rest of the board.

I can give a guarantee as Minister that these nominees would appropriately reflect the relative proportion of students enrolled in the government and non-government sectors. I can also provide a guarantee that I would request each of the above groups representing teachers to put forward the names of outstanding teachers, together with a statement outlining their qualities and achievements,

so that I may choose the teachers most capable of making an excellent contribution. The board will also consist of one person who is a joint nominee of the New South Wales Vice-Chancellors Conference, and the New South Wales Teacher Education Council; and one person chosen by the Minister from nominations provided by each of the Council of Federation of Parents and Citizens' Associations of New South Wales, the Federation of School Community Organisations of New South Wales, the New South Wales Parents Council and the Council of Catholic School Parents.

In making these appointments I will ensure there is an appropriate balance between people representing the government and non-government sectors, bearing in mind the size of those sectors. Clause 8 of the bill defines the functions of the directors. It is clear that their role is to recommend questions of standards to the board. They have the role of determining the board's policies in relation to its functions. Clause 9 provides that the day-to-day affairs of the board are to be managed by a general manager.

The primary purpose of the Teaching Standards Board is to recommend the standards for the teaching profession. This means that for the first time the teaching profession in New South Wales will have a major role through this new board in saying what it will or will not accept as appropriate standards of teaching. Registration of teachers according to such standards will provide the community with a level of assurance of quality not presently available.

Clause 13 of the bill identifies five areas in which the board will develop standards: requirements for quality teaching; the skills, experience and knowledge required of teachers; conditions and requirements for continuing registration, including requirements for maintaining and updating professional teaching skills; accreditation of teacher education programs; and, induction guidelines for teachers entering the teaching profession for the first time. Such standards will be subject to approval by the Minister. They will be made available to all teachers and to the public. The board will identify also the skills, experience and knowledge which teachers must demonstrate in order to be registered.

Many professions call for the demonstration of continuous development as part of their registration requirements. Teaching, like other professions, is not static. It is continuously evolving, with new challenges and new demands being made on teachers. All good teachers strive to develop and

improve their practice over time. Consistent with other professions, the board as part of the development of its standards will be able to set out conditions and criteria for teachers to maintain their registration. These criteria may include requirements for upholding and updating professional teaching skills.

The board will also be able to develop standards for initial teacher education programs in New South Wales. This initiative is consistent with the recommendation of the Australian Council of Deans of Education. The standards and guidelines for initial teacher education developed by the deans recommended the introduction of nationally consistent procedures for the accreditation of initial teacher education. The report of the Commonwealth Senate Employment, Education and Training References Committee on the inquiry into the status of the teaching profession contained a similar recommendation. Accordingly, the new Teaching Standards Board will develop standards, in consultation with universities generally and the New South Wales Teacher Education Council specifically, for the accreditation of initial teacher education programs and the arrangements necessary to accredit such courses.

The board will also be empowered to develop guidelines for teachers entering the profession for the first time. These would be expected to cover teacher induction, the level of practical classroom experience required of teachers and attributes of beginning teachers, for example, skills relating to new information technology. Teachers generally, and employers specifically, have a responsibility to ensure that teachers who are beginning are supported and nurtured so that they are able to meet the standards required for registration.

As part of the teaching standards, clause 14 provides that the board will develop a code of ethics for the teaching profession. The process of developing such a code will allow the profession to clearly articulate what represents ethical professional behaviour for teachers. Such a code of ethics would be expected to mirror similar codes for other professions, subject to particular content relevant to education and the special role of teachers in caring for children and young people in their charge. This will provide much-needed advice to teachers about acceptable behaviour for themselves and other members of their profession, and a necessary adjunct to developments arising out of the royal commission.

In relation to the development of standards, the Government's expectation is that the board will be able to commission research and expert advice to

inform its work. A good starting point is the paper developed by the Department of Education and Training entitled "Towards Identifying Professional Teaching Standards for New South Wales Schools", which was warmly received by members of the profession at the recent ministerial advisory council on the quality of teaching conference.

It is also the expectation of the Government that the board will consult widely with the teaching profession in the development of standards and that the standards will be grounded in the work of practising teachers. Clauses 15 and 16 make it clear that teachers will be required to meet these standards and that their employers will have an onus to ensure they are being complied with. The amendments to the Education Act in schedule 2 make clear that non-government schools would have to ensure that teachers are complying with the standards as part of the requirements for registration as a school. Under clause 16(1) it will be the duty of principals in government schools to ensure compliance with standards.

Clause 17 of the bill require all teachers in New South Wales schools to be registered. That is not to say that schools will no longer be able to bring in outside experts to work in schools. It means, however, that people employed in schools to provide curriculum education in accordance with the Education Act 1990 would be required to be registered.

The definition of teachers in clause 4 of the bill also provides for a class of persons to be considered teachers for the purposes of the Act. This is necessary to allow flexibility, as from time to time the exact boundaries of the profession may change. For example, school counsellors in government schools are presently considered to be teachers and have teaching qualifications, even though they would not meet the strict definition of providing curriculum education. Also, a range of other people, such as teachers seconded to the Department of Education and Training, Catholic education offices, other non-government education bodies, the office of the Board of Studies, distance education centres, or people who work for teacher unions or professional associations, could be included in such classes of prescribed persons. It might also include persons who have decided to take a break from teaching for a period of time. This list is not intended to limit such classes of persons.

Once registered, teachers will be required to continue to meet the professional standards identified by the board. The process of registration will be distinct from the process of screening, which

will be the specific responsibility of employing authorities as required by the Commission for Children Young People Bill (No 2). The board will develop a register of teachers consisting of the names of all persons deemed to be registered under the provisions of this Act. The board may also refuse to register a person who does not meet professional standards. People refused registration may appeal against the decision through the Administrative Decisions Tribunal. The scheme of registration also allows for reregistration, both in relation to persons whose registration has lapsed and, subject to the conditions for registration, any limitations imposed in a decision to deregister such a person.

Clause 21 of the bill provides that all people who are currently teaching will be automatically registered if they hold a tertiary qualification. It is not the Government's intention to create an artificial barrier of entry to the teaching profession. The Government is certainly not saying that teachers must have a particular class of tertiary qualifications or that people with higher degrees such as PhDs should not be teachers if they do not hold a teaching degree, provided they meet the teaching standards. This bill is about lifting standards, not merely acknowledging qualifications.

Clause 19(2) of the bill states that a person is eligible to be registered as a teacher even though the person does not hold a particular qualification or class of qualification if, in the opinion of the Board, the person meets the professional teaching standards. But this clause is subject to clause 21, which provides that the person must hold a tertiary qualification, although not necessarily a teaching qualification, for full registration. The Government does not believe that it should retrospectively change the conditions of employment of those who have entered employment consistent with the requirements at the time. For those who do not hold a tertiary qualification at present, provisional registration is still available. This would enable such persons to gain such qualifications or otherwise demonstrate to the satisfaction of the board that they meet the professional teaching standards.

Clause 21(2) provides that an existing teacher subject to a disciplinary action would not be automatically registered, pending the outcome of that action. Disciplinary action is to be construed so as to mean a procedure relating to a teacher's failure to meet the professional teaching standards, no matter how it is described. The provisions relating to existing teachers also apply to casual teachers who have been employed for a period over the last 12 months.

The Government is mindful of the fact that as the profession develops there may well be multiple pathways into teaching. For example, as schools move increasingly to embrace vocational education and training, people who have developed training skills in various industries may enter the profession. Provisional registration is intended to allow someone to be registered under particular conditions. This would be expected to be for a particular period of time, although the amount of time may depend on the case or class of case in question. Provisional registration may be a way in which the teaching profession can benefit from cross-fertilisation from other professions, while at the same time asserting the standards required of the profession.

Clause 22 of the Bill provides that the board will have the capacity to provisionally register people who have applied for a teaching position, subject to particular conditions. Subject to the advice of the board, provisional registration may play a role in ensuring that beginning teachers have an appropriate level of practical teaching experience and skills to justify registration. The fact that a person is provisionally registered does not, of itself, confer a right to be registered.

The Government wants to minimise the cost of registration to teachers. A tax-deductible fee of \$25 per annum will apply to registration. An additional fee of \$20 for initial placement on the register will apply to new interstate applicants and beginning teachers. The placement fee will be waived in the initial year for existing permanent and approved casual teachers. This low cost structure has been achieved by requiring employers to provide resources for the employment screening and for the support and, if necessary, removal of teachers performing below standard. It also acknowledges that many professional teachers will also be members of other bodies such as subject associations, unions and the Australian College of Education.

The board is not concerned solely with identifying professional standards and registering teachers. It has also to play a role in raising expectations and maintaining standards of practice. The board will be able to assist principals who have to respond to the very small number of teachers who do not meet the professional teaching standards. As I said previously, the public needs assurance about the quality of teaching in schools, and so does the profession. While it may be difficult for parents to accept unsatisfactory and unprofessional teaching, it is even more difficult for the members of the profession to defend unprofessional or ineffective colleagues.

The Government recognises the need to clarify and simplify procedures for the dismissal of unsatisfactory teachers. It will, however, quarantine the professional responsibilities of the new board from the industrial responsibilities of teacher employers. The bill recognises that it is the responsibility of the school principal to ensure that each teacher at the school complies with the professional teaching standards that apply to that teacher.

Clause 27 of the bill provides that the board will be empowered to provide an independent review service to teacher employers about whether teachers are meeting professional standards. The board will establish a panel of independent expert teachers to provide such advice. Such a panel would be composed of registered teachers. A teacher chosen from this panel would be available to provide such advice. The advice will be provided to employing authorities on a cost recovery basis. A member of this panel will be appointed by the board to respond to a request from an employing authority or a person delegated by that authority for advice on a teacher's efficiency. The member of the panel will advise the employing authority whether the employer would be justified in reaching a finding that the teacher has failed to comply with professional standards.

It should be understood that the advisory role of teachers on the panel is not limited to determining whether a teacher is failing to meet standards but could also include advice as to steps that could be taken to improve a teacher's performance. While dismissal does not require this process, it is an option which employers and employees may agree is helpful in regard to maintaining professional teaching standards. In relation to government schools it is a condition of the passage of this bill that an agreement to this effect is made between the Department of Education and Training and the New South Wales Teachers Federation. These parties have been negotiating such an agreement, and I am advised that this agreement is near completion.

Clause 28 requires employers to notify the board in writing of the dismissal of any teacher on the grounds of failure to comply with the professional teaching standards, including the code of ethics. This does not necessarily apply to all teachers who are dismissed. They may be dismissed because a school authority has closed down and no longer requires their services. There are a range of other conceivable circumstances where a teacher is dismissed for reasons other than complying with standards. If a teacher is dismissed, then the Board

may apply to the tribunal to have the teacher's registration suspended or cancelled. If the tribunal is satisfied that grounds exist for suspending or cancelling the teacher's registration, it may make an order putting this decision into effect.

If the tribunal orders that the registration of a teacher be cancelled, then it may also order that the teacher cannot reapply for registration within a set period, which might include within the person's lifetime. Teachers whose registration is deemed to be cancelled by the tribunal have their names removed from the register. In addition, teachers facing disciplinary action will no longer be given the opportunity to change schools. Employers will be required to notify the board of the name of any person who has resigned, retired or taken leave from his or her teaching position pending disciplinary action. The board may maintain a list of all such people, and it will be my requirement as Minister that it does so.

The proposed Act contains also a number of standard miscellaneous provisions to enable the effective operation of the board. These include penalties for making false representation concerning the registered status of any person. The board has authority to delegate part or any of its functions and limitations to personal liability of members of the board or employees of the board. Board staff will be employed under the provisions of the Public Sector Management Act 1998. Staff may be seconded from other agencies, such as the Department of Education and Training, TAFE New South Wales or the Office of the Board of Studies.

When this bill is passed the Government will move swiftly to establish the Teaching Standards Board. It will be a key priority to establish the teaching standards. In order to carry out this work, I propose that the three ministerial appointed teachers, who would exemplify excellent teaching practice, would form an ad hoc committee of the board and be seconded to play a leading role in the development of these standards. The introduction of this bill was widely foreshadowed and supported by almost all educational interest groups. It represents a quantum leap forward in enabling self-determination by the teaching profession, but in ways that neither impose rigid barriers to entry to the profession nor deny teachers fundamental legal rights.

However, the consequences of deregistration will be significant. Deregistration will take away teachers' rights to work in schools. If deregistered, teachers will not easily be able to be registered again. This Government has made significant improvements to educational standards during its

first term of office. It has returned rigour to the education system. Curriculum standards have been raised through the reviews of school syllabuses and the higher school certificate. School standards are being enhanced through the provision of annual school reports in government schools. Teaching standards will now be raised by the introduction of professional standards and new requirements for teacher registration. I commend the bill to the House.

Debate adjourned on motion by Mr O'Doherty.

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.53 p.m.]: I move:

That this bill be now read a second time.

This bill represents a further step in the Government's legislation program to assist the State's primary producers. Earlier this year I introduced the Agricultural Industry Services Bill, which allows primary producers to form associations for the co-operative provision of services to the agricultural sector. The Agricultural Industry Services Act 1998 allows an association to impose a compulsory levy on those who benefit from the services the association provides. In order to permit the imposition of this levy, a majority of those who will pay the levy must agree.

The Government recognises that in some circumstances, whether because of the nature of the agricultural industry concerned or the type of service to be provided, it will not be appropriate for the provisions of the Agricultural Industry Services Act 1998 to be used to form an association to provide the service in question. The Government recognises also that, unfortunately, circumstances will present when not all industry members will voluntarily bear their fair share of the burden of providing a service from which they benefit.

The aim of this bill is to provide a mechanism to allow agricultural industry to help itself in circumstances when it might otherwise be unable to do so. The bill is complimentary to the Agricultural Industry Services Act 1998 and provides an alternative means by which such services may be

provided and funded. The object of the bill is to enact a general scheme to assist agricultural industry to provide and fund agricultural services to control diseases in livestock. The heart of the scheme is the approval by the Minister, after consultation with the relevant industry sector, of the funding of a disease control service.

A disease control service is approved in respect of a designated disease and is applicable to producers of livestock liable to be affected by the disease. Once a disease control service is approved the Minister is required to establish an industry advisory committee. The primary function of an industry advisory committee is to advise the Minister on the funding of the designated disease control service, including the expenditure of money in the relevant disease control funds, although a committee may have such other functions as the Minister may direct.

The majority of the members of an industry advisory committee are required to be producers of livestock liable to be affected by the disease in respect of which the committee is established. For each designated disease control service the Director-General of New South Wales Agriculture is required to establish an industry contribution fund to which producers of livestock liable to be affected by the designated disease, and others having an interest in control of the disease, may contribute. Contributions to the industry contribution fund will be entirely voluntary.

The Minister will be authorised also, but not required, in respect of each designated disease control service to approve the imposition of an industry levy. The purpose of the industry levy will be to assist in the funding of the designated disease control service. The most likely circumstances in which the Minister will authorise an industry levy is if it appears that voluntary contributions to an industry contribution fund will be insufficient to fund the designated disease control service.

An industry levy might be used to ensure that all beneficiaries of a designated disease control service bear their fair share of the cost of providing the service. However, I must emphasise that a compulsory industry levy will be subsidiary to the voluntary industry contribution fund; the levy is intended only to top up voluntary contributions. This is as it should be given that the basis of the scheme of the bill is to encourage and facilitate voluntary industry initiatives in disease control.

The object of the bill is not to impose a government scheme for disease control. An industry

supported scheme is required in order for the bill to be able to assist in disease control. An industry levy will be a special rate levied by rural lands protection boards on designated livestock producers according to the assessed carrying capacity of their land. In effect, the levy is the same as an animal health rate levied by boards under the Rural Lands Protection Act 1989 except that instead of being paid by all livestock producers it will be paid only by those producers who it has been determined will benefit by the designated disease control service.

Boards will be required to collect the levy, which will be at a rate determined by the Minister on the advice of the industry advisory committee, and to remit the proceeds to the director-general to be deposited in the industry levy fund. Money in the industry levy fund will be spent following advice for the relevant industry advisory committee. The bill ensures also that those producers who do the right thing and voluntarily contribute their fair share of the cost of a disease control scheme through the relevant industry contribution fund are not disadvantaged by being required to pay again through the industry levy.

This is achieved by exempting a producer who has made an adequate voluntary contribution from payment of the levy, or refunding any levy paid by the producer in the year a levy is imposed. I must emphasise that the bill provides a general scheme which can be used in respect of any livestock disease. It is not directed to any particular disease. Under the bill there may be many designated disease control services each of which will have its own advisory committee and industry contribution fund. Each may, but will not necessarily, have an associated industry levy and industry levy fund. Notwithstanding that the bill will be of general application, it is no secret, however, that the need for the bill has been prompted by the industry disease control program proposed in respect of ovine Johne's disease. It will be to this disease that the scheme proposed in the bill is likely to be first applied.

Ovine Johne's disease is a fatal wasting disease of sheep and goats which is spread when uninfected stock ingest fodder or water contaminated by the faeces of infected stock. The disease exists in New South Wales, Victoria, South Australia and on King Island off Tasmania. All other States and Territories have imposed movement restrictions on sheep and goats from known infected areas in an effort to contain the disease. Ovine Johne's disease was first diagnosed in sheep in New South Wales in 1980. As at 31 October 1998 320 flocks in New South Wales were infected. In addition, a further 333 flocks were suspected of being infected.

The great majority of these flocks are located within the central and southern tablelands area, with some infected flocks in the south-west slopes area and isolated cases elsewhere. There have been ongoing discussions at a national level to try to develop a national approach to the control and eradication of the disease. The Australian Animal Health Council Ltd appointed the National Ovine Johne's Disease Committee in March 1998 to prepare a detailed six-year operational plan for a national ovine Johne's disease control and evaluation program. This program aims to investigate the feasibility of eventual eradication of the disease in Australia and to deliver a solid basis for a future decision on the most appropriate course for dealing with the disease.

At the same time the national program aims to maintain control of the disease nationally and complement State control programs. In addition, an interim surveillance program was implemented to further clarify the distribution and prevalence of the disease. The six-year national program is based on the principles of the Hussey-Morris report, which was commissioned by the Commonwealth Minister for Primary Industries and Energy and adopted by the Agriculture and Resource Management Council of Australia and New Zealand—ARMCANZ—and sheep industry peak councils in early 1998 as the basis for developing a national approach to the disease.

The report identified knowledge deficits which required resolution if effective decisions were to be made with regard to managing and eventually eradicating the disease, and outlined potential strategies to resolve these knowledge deficits and facilitate effective disease management. The national program aims to provide, by 2003, sufficient information to allow an informed decision on the national management of the disease, especially on the feasibility and cost-effectiveness of eradication, and to control the disease during the research evaluation period.

On 31 July ARMCANZ at Broome approved the business plan for the six-year national program. The business plan provides for expenditure of \$40.1 million over six years and includes continued monitoring and surveillance, research and development, restocking incentives and flock assurance programs. It is now very important that funding mechanisms are put in place to allow New South Wales industry to collect its share of the funds required to implement the national program. In addition to its financial commitment to the national program, the Government has pledged

\$750,000 for three years for a State financial assistance scheme for producers in New South Wales.

This money will be made available on condition that industry also contribute to this scheme. The funding scheme proposed in the bill will be used to raise industry contributions to the national and State programs from sheep and goat producers. Arrangements are being put in place which will allow the scheme to be administered efficiently and at minimal cost. Producers need not be concerned that those who choose to make their contribution to a disease control scheme through the voluntary contribution fund will be disadvantaged. They will not. The bill has been dictated partly by forces outside the Government's control but largely it has been designed to complement the Agricultural Industry Services Act.

The bill emphasises the Government's commitment to assisting those livestock industries which take responsibility for disease control and ensures that industry contributions to a disease control scheme are equitably spread among those who will benefit from the scheme. The Government regards livestock disease control, indeed all disease control in agricultural industries, as a partnership between Government and industry. The Government is prepared to ensure that its part of the partnership is met to the extent of not only providing, in appropriate cases, substantial funds to assist in disease control programs, but also ensuring that industry is provided with efficient legislative tools to enable it to effectively carry out its part of the partnership. The purpose of the bill is to further advance the partnership between the Government and industry in livestock disease control. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) BILL

CHILDREN AND YOUNG PERSONS LEGISLATION (REPEAL AND AMENDMENT) BILL

Bills introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [11.05 p.m.]: I move:

That these bills be now read a second time.

I am proud to propose these bills which contain vital and fundamental reforms to child protection within this State. These bills continue to demonstrate the commitment of this Government to the safety and well being of children of this State. These bills have arisen from four years of intensive, and extensive, consultation. Individual members of our society and myriad groups have all contributed to, or been consulted in, the preparation of the report which laid the foundation for these bills. That report was released in March of this year and at the time I expressed my thanks to Associate Professor Parkinson and the members of the review team who worked so hard in producing it.

As Professor Parkinson recommended, further work is still taking place on matters surrounding child employment. That is an area which is not just limited to questions of child abuse but raises significant issues of microeconomic reform, industrial practice, educational and training concerns and occupational health and safety. All of these areas will now be considered together and a cross government approach made to improve conditions affecting our children. Likewise recommendations in the review concerning licensed children's services, which includes preschools and other child care services, are receiving further consideration by the new Office of Child Care, recently established by this Government. This office will work with all providers of children's services to ensure a uniformly high standard of care for our children. These standards will be set only after consultation with the sectors concerned.

I am proud to propose a bill which contains the most vital and fundamental reforms of the child protection system within this State. These bills make the needs of children, young people and their families the central focus of the legislation. These bills are about them and they are for them. They also emphasise a whole of government approach to child protection. Although my department will continue to have major responsibility for ensuring the safety, welfare and wellbeing of children, young people and their families, it will need to do so in co-operation not only with other government departments but also with community agencies. This is an important feature of the bill. Our children, our young people and our families need the support of us all.

The bill contains statements of objects and principles to apply to the entire bill. The lack of such statements in the Children (Care and Protection) Act 1987 was consistently raised in consultations as a major concern. A statement of objects and principles will guide actions taken, and

services provided, under the Act. The objects and principles will also assist the understanding of the legislation by the diverse range of people who work with, or are directly affected by it. These include, but are not limited to, the children and young people and their families who may be supported or assisted under the legislation, district officers and other government workers, the broad range of community organisations providing support and assistance under the provisions of the legislation, the Administrative Decisions Tribunal and persons working in the Children's Court. They provide vision and purpose for both workers and clients in the child protection arena.

Part 2 of chapter 2 contains some very important provisions relating to Aboriginal and Torres Strait Islander children, young people and their families. Clauses 11 and 12 articulate some fundamental principles relating to Aboriginal and Torres Strait Islander participation in decision making and self-determination. The application of the Aboriginal and Torres Strait Islander child placement principle has been extended and now includes voluntary placements of Aboriginal and Torres Strait Islander children, and placement pending final orders, although there is an exception for emergency placements made to protect a child or young person from the serious risk of immediate harm, and other placements required for less than two weeks.

Principles are also established for the placement of children and young people with parents from different Aboriginal and Torres Strait Islander communities, and for those with one Aboriginal or Torres Strait Islander parent and one non-Aboriginal or Torres Strait Islander parent. Clause 32 of the bill requires prompt action by the department to determine if a child or young person who is the subject of a report is Aboriginal or Torres Strait Islander. Other provisions relate to self-identification and the wishes of an Aboriginal or Torres Strait Islander child or young person, and the keeping of records.

Clause 21 of the bill states in very simple form that either a parent or child may seek the assistance of the department and the department must do what it can to support and assist the family to obtain the services which will enable the child or young person to remain in, or return to, family care. This is a small but simple reform. So often the first time that the department becomes aware of a family in crisis is when there is a report, and if they ask for help, it has often in the past been treated as if it were a notification of abuse and neglect. We want to encourage parents to come forward and seek

assistance in the knowledge that they will not be treated as abusive parents but will be treated with respect as parents who need external support to assist them in their difficult parenting tasks. This will not be taken as a sign of failure, but instead is a realistic assessment of where help is needed to assist them and strengthen their ability to care for their family.

The aim of these reforms is to allow my department to work co-operatively with parents and reach agreements with them on plans for the care of the children. Even where it is necessary for a child to be taken into out-of-home care, the bill makes provision for parents to continue to have some parental responsibility for the wellbeing of their children. The child is of paramount importance and these provisions do not focus on any alleged criminal activity but solely on the needs of the child or young person. The majority of the problems coming to the attention of the department will still no doubt occur through reporting by members of the community. The bill sets out five grounds on which a child may be deemed to be at risk of harm and requires all professionals who are working with children in specified services to report reasonable suspicions that the child is at risk of harm.

The bill only requires people to report where there is presently a risk of harm to the child. There have been concerns in the past that counsellors and others involved with children and families were legally obliged to report past abuse even there was no present risk to the child. This bill makes it clear that this is not the case and the child must presently be at risk of harm as the result of abuse or other circumstances. Intervention by my department will not be required in these cases unless there is a risk of harm. The bill makes clear what my department's responsibility will be when it receives a report or when it assesses that a child is at risk of harm. It must make whatever investigation and assessment the director-general considers necessary. The bill also requires the department to give priority to those cases where the child is at greatest risk of harm. Where the child's safety is adequately assured by other means or the department's assessment is that there is no risk of harm, the department need take no further action beyond noting the details of the matter.

Reporting to the department does not mean necessarily that the department needs to intervene. However, reporting will be a means by which the department is made aware that concerns exist. Just as there are changes to the ways in which children, young people and their families can receive

assistance and support, so there are major changes proposed to the work of the Children's Court. In making these changes the Government is committed to resolving the many concerns identified by the review report about the conduct and management of care applications and proceedings in the Children's Court.

The proposed improvements will have a significant impact on the experiences of children and their families when required to attend the Children's Court. They will spend less time waiting around the court, list days will be abolished, there will less often be a need for a hearing, there will be less delay until a hearing can take place and the hearings themselves will be more clearly focused on outstanding issues. The reforms should also promote more meaningful involvement of children, young people and their families in a way which will be more beneficial for the children.

It is fundamental to these reforms that an application to the Children's Court for a care order is a step of last resort and my department will have to justify why that step has been taken rather than another less severe intervention and must show what options they have attempted or were considered not appropriate to the circumstances. The bill states some fundamental principles for the way in which all those working in the child protection system are expected to go about their tasks. One of these principles stresses the importance of child participation in decision making. The bill recognises the rights of children and young people to participate in decision making and imposes some specific obligations on the department to give practical effect to this principle.

I turn now to some specific sections of the bill. Chapter 3 introduces the term "reports" to refer to information given to the department that a child or young person is at risk of harm. There will be no requirement in law to investigate all reports as may exist under the current Act. The information received may be sufficient for the department to conduct an assessment and if the report does not disclose any grounds for believing that the child is at risk of harm, then the department may choose to take no further action beyond recording that the report was made. Alternatively, clause 35 of the bill provides that even where the director-general considers the child or young person to be at risk of harm, she may decide to take no further action if the director-general considers that proper arrangements are being made for the child or young person. These decisions will, therefore, be openly made and will be transparent.

The basis for persons making reports generally and for mandated reporters is now the same, that is, they must have reasonable grounds to suspect that the child or young person is at risk of harm. There is a provision for reporting before the birth of a child, that the child may be at risk of harm after his or her birth. This has been introduced in order to provide assistance and support for the mother. It does not give rise to any right for the department to intervene in the life of the pregnant woman or to interfere with her rights in any way, nor does it put any onus on the woman to accept the assistance and support offered by the department. This provision is designed to minimise the likelihood that the child, when born, will need to be placed in out-of-home care. It is a preventative measure to prevent abuse and to try and keep children with their parents.

Consistent with the recommendations of the police royal commission, this bill significantly expands the range of professionals required to report circumstances where a child is at risk of harm. These will now include all those who in the course of their professional work or other paid employment deliver health care, welfare, education, children's services, residential or law enforcement services to children. The requirement also includes managers and supervisors in these areas. The proposed reforms reflected in clause 27 will have the benefit of providing much greater clarity to the law on mandatory reporting. This reform will allow for a consistent approach and also make a clear statement to the community about the high expectations placed on those who are in the privileged position of working with children and young people.

The effect of this reform is to require mandatory reporters to notify in all circumstances in which a child or young person is at risk of harm. From a child or young person's perspective, there is no logical reason to differentiate between the forms of harm for reporting purposes. Each has the potential to cause significant physical and/or emotional harm to the child or young person and protective intervention should be readily available in all circumstances. The Government has not acted on the review recommendation that mandatory reporting should be extended to include young people aged 16 to 18 years. There were significant differences of opinion in submissions and the consultations about whether mandatory reporting should apply to all those under 18 years and we are of the view that mandatory reporting of 16 to 18 year olds is not appropriate. However, the services of the department will, of course, be available to any young person who wishes to access appropriate support and assistance.

Honourable members would be well aware of the tragic consequences which can flow when members of the community fail to report to the department circumstances when children, particularly very young children, are at risk of serious harm. The unfortunate reality is that for many people concern that they may be identified as the reporter is a strong impediment to their reporting such children. Clause 29 of this bill significantly extends the protections offered to people making reports. People who notify someone who has the responsibility to make a report will receive protection as if they had made the report themselves. Thus, for example, a teacher who reports his or her concerns to the principal, who then makes a report to the department, will enjoy the same protections under the law as the principal who made the report.

A court or other body will be restricted in disclosing the identity of the reporter to those circumstances where it is satisfied that the evidence is of critical importance to the proceedings. Where the court does disclose details of the reporter it must state the reasons why and take steps to let the reporter know. A report will be an exempt document under the Freedom of Information Act. However, the various protections offered will only apply where a report has been made in good faith. A person who knowingly makes a false report with the intent of causing injury or harm to the reputation of another person will not be protected from legal liability for defamation or other legal actions. The proposals in chapter 4 of the bill provide a framework for the department to provide support services, to work co-operatively with parents in developing care plans to meet the needs of the child or young person, and, if necessary, to seek orders from the court. It establishes principles of intervention that specify the department's responsibilities to take action and when it need not take any action.

These principles give paramount consideration to ensuring the immediate safety, welfare and wellbeing of the child or young person in their usual residential setting and provide that removal may only occur where it is necessary to protect the child or young person from the risk of serious harm. While the provisions provide greater flexibility to the director-general they are balanced by provisions for greater accountability to the Children's Court. The director-general, in considering what action should be taken, must have regard to whether an application for an apprehended violence order to remove an alleged offender from the home would be likely to secure the safety of the child or young person. The director-general may also have regard to a number of other factors including what action another agency might already be taking or proposing to take.

Once again the child becomes central to decision making; and if it is in the best interests of the child to remain in the home and others be removed, then this bill will require this. Chapter 5 of this bill proposes major reforms to the conduct of care proceedings in the Children's Court. Procedures under the current Act often operate to force parents into defensive positions arising from the lack of a clear indication of what evidence the department has in the case and what orders the department may be seeking. This gives rise to long delays, as often parents, quite understandably, resist proposals because they are unsure of the possible outcomes and often assume the worst.

This bill proposes that where a child or young person has been removed the matter must be immediately brought before the court, that is, no later than the next sitting day. The court will then be able to make a range of interim orders which will allow for a full assessment of the circumstances. It will allow the department to gather reports and evidence, and allow the department to decide whether a care application is needed and what final orders will be sought. During this time the department, working with the family, may be able to put in place a plan for the care of the child which does not require a care application to proceed. Alternatively, if the department does decide to file for a care application, the parties will be aware of all the evidence and the final orders sought.

The bill provides for new grounds for bringing an application for the care and protection of a child or young person. A real distinction is made between the circumstances in which a child or young person may be reported as being at risk of harm, and the circumstances in which an application may be made to the Children's Court because the child or young person is in need of care and protection. The powers of the Children's Court to order intervention in the lives of families and, in some cases to order the removal of a child or young person from his or her parents should only be invoked where absolutely necessary. The grounds for care proceedings have been drafted in such a way that the circumstances in which the court's powers may be exercised are clearly stated and are no wider than is necessary to protect a child from serious harm.

In line with the reforms to the Family Law Act this bill will do away with the terms custody, access, residence, guardianship and wardship. Instead, it will refer to contact, residence and parental responsibility. Thus the concept of wardship will be abolished and will be replaced by reference to a child or young person for whom the Minister has parental responsibility, and access will be

referred to as contact. The effect of a wardship order is to operate like a temporary adoption order. The Government does not believe this is appropriate in modern child protection work where it is expected that most children will eventually return to their parents. We want to ensure as much ongoing parental contact with the child as is reasonable in the circumstances, in order to increase the potential eventual restoration with parents.

Included in the broader and more flexible range of final orders are orders for contact and the provision of services with the consent of the service provider. This will provide for a much greater level of certainty about the specific services which will be provided to the child or family. Clause 86 allows the court to make contact orders. This provision is not in any way intended to be an alternative to Family Court action. An important prerequisite to the Children's Court making a contact order is that the child or young person must be the subject of care and protection proceedings before the court which can only be initiated by the director-general.

The ability of the court to vary or rescind orders it has made in response to changed circumstances is an important feature of the court's work. However, this does have the potential to greatly expand the work of the court. A criticism of the current Act was that, regardless of the merits of the case or changed circumstances, there was no limit on the number of applications a party could file for rescission or variation. This generated significant work for the court and for the department and was often very unsettling for the child or young person. Clause 90 of this bill now provides that an application for rescission or variation of an order may only be made with leave of the court.

Many parents of children who come into care have not been malicious to their children or have not intended to cause them serious harm. Often they are suffering problems in their own lives whether they be with drugs, alcohol, or a mental illness and are simply unable for the time being to care for their own children. We do not think the law should deprive such parents of all parental responsibilities and involvement in these children's lives. In many cases, although primary responsibility for the care of the child must necessarily rest with the Minister and the foster care system, parents will still have some involvement in the life of their children. For example, the right to be involved in decision making about their education and training, attend parent-teacher meetings, make medical treatment decisions, not of an urgent nature and the right of contact as long as it is in the best interests of the child. When the department applies to the Children's Court for

orders which involve the Minister having parental responsibility, the department must provide a care plan which, as far as is possible, will have been developed with the agreement of the parents.

A care plan for the reallocation of parental responsibility is more than simply draft orders of the court. It is a detailed plan of how it is proposed the child should be cared for while in out-of-home care. The department may be asked to specify the kind of placement which it is proposed to be sought for the child. Clause 82 of the bill contains safeguards for this by providing that a magistrate can require a written report on the placement within six months and if not satisfied that proper arrangements have been made may review the existing orders. This bill also contains provisions relating to the important area of restoration of children to their families. The requirements for restoration plans contained in clauses 83 to 85 recognise the reality that most children who come into care do not stay in care for a long time.

Of course there will be some children for whom there is no realistic possibility of restoration in the immediate future given the extent of the abuse they have suffered or because of the parents incapacity to care for the child. For these children it is important that there be planning for long term care from the beginning to minimise the disruption and uncertainty in the child's life. However there will be many others where there is a realistic possibility of restoration if the parents can resolve some of the problems in their own lives or make changes which will make it safe once again for the child to return to their care. For these children there will be a restoration plan which will set out not only the minimum outcomes the parents need to achieve but the services which will be provided to assist them to achieve these outcomes.

Necessarily, such active restoration planning must have time limits. Children can not live in uncertainty and lack of permanency merely in the hope that they will, sooner or later, be reunited with their families. Another important provision is that for an order to attend a therapeutic or treatment program. There are, unfortunately, a small number of children who sexually offend against other children. However, many parents and others fail to appreciate the potentially serious consequences if these behaviours are not addressed. Under this bill, the court will be able to make an order requiring a child under 14 years of age to attend a therapeutic program. Beyond 14 years it is appropriate that the offending behaviours be addressed in the criminal courts.

This bill will allow for the behaviours of children between the ages of 10 and 14 to be addressed in either the care and protection context or the criminal court. The administration of this provision will require the development of detailed protocols between all the relevant agencies to ensure that a child receives a comprehensive assessment to determine the nature of his or her behaviours and to identify the forum in which they can be most appropriately addressed.

Another major reform of this bill is to introduce less adversarial processes into the Children's Court. This will be achieved through a range of provisions which will have the effect of doing away with list days in the Children's Court. These days can only be described as humiliating, overcrowded, uncomfortable and emotion-charged. It is not the practice in the specialist Children's Court to indicate a time at which the matter will be heard. On an average list day there may be up to 35 matters listed. Parties are expected to be in attendance from 10.00 a.m., even though the court may not sit at that time, and then wait for their matter to be called.

Children, young people, families and support workers may wait up to five or six hours. I am pleased to announce a raft of proposals is included in this bill to address the issues and considerably improve the way we treat children, young people and their families who are involved with Children's Court matters. Collectively these proposals will do away with list days and provide for a more supportive environment which will promote the resolution of matters by consent or, where that can not be achieved, by speedy progress toward a hearing before specialist Children's Court magistrates.

This bill makes it very clear that Children's Court care proceedings are not to be conducted in an adversarial manner; that proceedings are to be conducted with minimal formality and legal technicality; and that the court is not bound by the rules of evidence. In determining matters in the Children's Court the best interests of the child are of paramount importance. It is proper that the court should inform itself on any matter in whatever way it considers appropriate to ensure that it has before it all the relevant information on which to base a decision. This can include applying the rules of evidence where appropriate. It is appropriate that the court be permitted to take a proactive approach and the bill makes it clear that the court has the power to manage hearings and to examine and cross-examine a witness.

Specialist Children's Registrars will facilitate preliminary conferences, held on an appointment basis, which will identify areas of agreement between parties, identify issues in dispute, refer cases to alternative dispute resolution where appropriate, and refer matters to hearing where no agreement can be reached. These facilities will be available in rural as well as metropolitan areas—unlike the situation in the Commonwealth Family Law Courts. The bill promotes the use of alternative dispute resolution mechanisms as an early intervention strategy, as an alternative to a care application or during the course of a care application.

It is anticipated that through the use of these processes children, young people, parents and other family members may feel more able to participate in a more informal process. They will also have an opportunity to develop creative solutions to difficulties, have more control over the outcome and are more likely to be committed to a solution that they have contributed to. It is anticipated the use of alternative dispute resolution will also result in cost savings if care concerns can be resolved without the need for court hearings. Alternative dispute resolution will not be appropriate or useful where there is a dispute about whether the child or young person has been abused or is for some other reason in need of protection.

The purpose of conferencing or mediation is to develop plans for the care of the child once it is recognised that some form of intervention is needed. Alternative dispute resolution is most likely to work where people are clear about the concerns for the child and are focused on finding practical solutions that are in the best interests of the child. An advantage of alternative dispute resolution is that it allows families to acknowledge the concerns about their child and the possible need for alteration to parental responsibilities without having to resort to a court hearing.

The bill also recognises that there is no one model of alternative dispute resolution which can or should be universally applied. Communities vary in many ways and the provisions of the bill will allow for different models to be developed to meet the unique requirements of each community. In the more serious cases where the department has made an application under chapter 5, it will be important that there is a recognised level of impartiality in the alternative dispute resolution process and funding will be made available to allow for facilitation by persons who are not employed within the department. The use of authorised magistrates will be phased out and all cases throughout the State will

be heard by specially appointed Children's Court magistrates. Along with this, the Senior Children's Magistrate will be the head of the Children's Court jurisdiction, with the same status as a Deputy Chief Magistrate.

A Children's Court Advisory Committee chaired by the Senior Children's Magistrate will be established. A Children's Court clinic will be established to provide the court with high quality clinical psychological assessment reports, prepared by recognised and independent professionals. This will be of considerable assistance in rural areas where the means of obtaining such reports has often proved difficult and has been a cause of many delays in dealing with particular issues. Chapter 7 of the bill deals with the very difficult area of conflict between older children and young people and their families. The bill makes a very clear statement that parents should have responsibility for a child unless it is not in the best interests of the child. This is the principle to be applied in the administration of this part of the bill.

A number of measures are proposed which will facilitate early intervention in situations of serious conflict between adolescents and their parents where, as a result of these conflicts, the wellbeing of the child or young person is in jeopardy. Currently, the ability of the Children's Court to assist in cases of serious conflict is very limited. This bill proposes a more active role which will allow the court to assist in resolving the matter through the development of alternative parenting plans. These plans may not work in all situations, for adolescence is a difficult time for many young people and their families. However, we will now have a system to assist in resolving issues in an orderly, cooperative and supportive approach which will allow for the practical things to be done if the child or young person is insistent that they are not going to live at home.

Under clause 120 the director-general may provide a range of services to a child whose homelessness has been reported to her. If it is appropriate that accommodation be provided, this may occur. However, in many cases some other form of assistance, such as transport assistance to allow the child to return to its family, may be more appropriate. The consultation process revealed a great deal of confusion among those caring for children and young people in out-of-home care about when it is lawful to restrain a child or young person from doing serious harm to themselves, others or property. Clause 158 of the bill will provide clarity in the law so that those with parental responsibility or the care of children and young

people under this Act are clear about when restraint of a child or young person is lawful. Such clarity is essential in dangerous situations such as where a young person has a knife and is threatening to attack a worker or another child, or where a young person is behaving in such a way that, unless reasonable restraint is used, he or she may be seriously injured.

Clause 158(2) makes it clear that where a person has parental responsibility or the care of a child or young person under this Act the person can not restrain a child or young person, but only on a temporary basis, and to the extent necessary to prevent the child or young person from causing serious harm to themselves, others or property. Restraint can only occur for as long as is necessary to deal with the immediate crisis situation and the force used can be no more than is reasonable in the circumstances. The bill also makes it clear that where restraint of this kind is carried out in the circumstances described in the bill, there is immunity from any civil or criminal liability that arises as a consequence.

It is an unfortunate reality that there are within our communities a small number of children and young people who are a serious danger to themselves but who do not fall within the definitions of a mentally ill person. These children and young people invariably display complex and extremely difficult behaviours which mean that no one service or government agency can adequately meet their needs. Typically these children and young people have a long history of abuse and disrupted placements, and complex emotional, social, mental health needs including suicidal tendencies. For these children and young people, the review report recommended that the Children's Court should be able to make orders for protective supervision.

This recommendation was made to provide powers to protect a child or young person from suicide or other serious self injury. The order would provide round-the-clock supervision for limited periods, with further review by the Children's Court built in. The need which has been identified by these recommendations is accepted as a real need for those who deal with a small subset of children and young persons who require intensive supervision. The recommendations made in the review have not been accepted in full due to a concern that the order could encourage the creation of new centralised care units. This Government has played a vital and reforming role in removing the blight of institutions for young people and it is not about to reverse this process. Under part 3 of chapter 7 it is proposed that the need identified by the review should be dealt with by permitting the Children's Court to make

compulsory assistance orders for children or young persons.

These orders will only be made upon the personal application of the Director-General of the Department of Community Services, and where the court is satisfied that it is required as a last resort and as a life-saving measure or to prevent serious harm to the child or young person. Because of the serious implications of these orders, a number of prerequisites are to be met before the court can make an order. These prerequisites offer safeguards against abuse of this program and include a comprehensive mental health assessment prior to admission, the preparation of a therapeutic program designed for the individual child or young person, the identification of a service provider able to deliver the program in an appropriate environment, and the allocation of resources necessary for the program.

A compulsory assistance order will not have effect for longer than three months without a further order of the court. Because of the importance of continuous therapeutic support, the making of a compulsory assistance order will allow the child or young person who leaves the premises specified in the order to be returned to the specified premises. The order will permit the specified providers of assistance to act in accordance with the approved service plan; and where they, or their staff, did so in good faith no personal liability would be incurred. The above prerequisites and oversight by both the Children's Court and the Children's Guardian will mitigate against inappropriate or overuse of this program.

Chapter 8 of the bill provides for the much-needed reform of the out-of-home care system. Outdated terms such as substitute, alternate and residential care are no longer used. The bill introduces the concepts of designated agencies which will have supervisory responsibility for children and young people placed in out-of-home care with authorised carers. This is a much more simplified approach under which care responsibility can be allocated to the authorised carers to allow them to make the decisions required in the day-to-day care of issues such as consenting to school excursions or medical and dental treatment not involving surgery. It also allows authorised carers to correct and manage the behaviour of a child or young person subject to the regulations.

Designated agencies will have supervisory responsibility for the authorised carers which will include the power to place a child or young person with, and give directions to, an authorised carer.

Some powers relating to the child or young person will remain with the Children's Guardian and these will include the power to apply for a passport or to consent to the marriage of a young person. Designated agencies, be they the Department of Community Services, another government department or a community-based organisation will all account to the Children's Guardian, will all have the same responsibilities and will all be required to meet the same standards for accreditation. I am very pleased to refer clauses 155 and 156 which are detailed provisions relating to the monitoring and review of children in voluntary out-of-home care.

The origins of these provisions lie in the concerns for the needs of children with disabilities who are not living with their families. These provisions will ensure that even when children are voluntarily placed in care they will still have adequate safeguards for their welfare and planning for their care. Unfortunately it does sometimes occur that parents of children with an intellectual disability place the child in long term care and lose active involvement in their children's lives. The goal of these provision is to ensure proper care planning and, if necessary, a care application when it appears appropriate that parental responsibility for the child or young person should be reallocated.

The bill also contains important provisions for authorised carers to have access to relevant information, and for the maintenance of and access to personal information by children and young people when they leave care. Clause 173 of the bill clarifies what was considered by some to be an unclear provision in the current Act relating to medical examinations of children. Where there are concerns that a child may be in need of protection a medical practitioner may be requested to conduct a medical examination. For some children, especially the very young, it is vitally important that this examination be as thorough as the medical practitioner considers appropriate to determine whether the child has been subject of injury or abuse.

Some significant changes have been made to the provisions relating to special medical treatment. The first has been to amend the definition of special medical treatment to exclude from the definition a medical treatment where sterilisation is an unwanted consequence of a treatment intended to achieve another essential goal. Under the current Act, section 20B applies to any treatment that is, *inter alia*, "reasonably likely to have the effect of rendering permanently infertile the person on whom it is carried out". Some treatments for cancer, and possibly other life-threatening conditions, have the

effect of rendering the child on whom they are carried out permanently infertile. This is the unfortunate price of saving the child's life.

The current Act requires that the child, the parents and the treating doctor go through the ordeal of a Supreme Court hearing in order to obtain a valid consent for such treatment. We believe that such action is unnecessary where sterilisation is an unwanted consequence of a treatment intended to achieve another essential goal, and clause 175(5)(a) reflects this position. Clause 175(2)(b) provides that consent to the carrying out of some forms of special medical treatment on a child will be determined by the Guardianship Board and that the child is entitled to have legal representation during such proceedings. Under the current Act a person shall not carry out a sterilising operation on a child under 16 years of age without the consent of the Supreme Court. Applications of this kind are seldom made, and where they are they are usually made in relation to a person with an intellectual disability.

Supreme Court judges have no particular expertise in this matter and, whilst they are clearly skilled in assessing evidence and analysing the law, these are not issues in which those skills are required to the degree available to the Supreme Court. We are of the view that the sterilisation of children or young people who lack capacity to decide for themselves is a matter more appropriately placed within the jurisdiction of the Guardianship Tribunal. The tribunal currently deals with 10 or more applications for sterilising treatment for adults each year. Its members have expertise in the medical and practical issues raised by this matter as well as expertise in the relevant statutory and case law.

Chapter 10 of the bill contains an important initiative—the establishment of the position of the Children's Guardian. The Children's Guardian will play a vital role in exercising the parental responsibilities of the Minister for a child or young person; in promoting the best interests of all children and young people in out-of-home care; in ensuring that the rights of children and young people in out of home care are safeguarded and protected; in reviewing case plans for such children and young people; and in accrediting designated agencies and monitoring their responsibilities under this Act.

It is important that I emphasise at this point that the Children's Guardian is not a watchdog and does not have investigatory, complaints handling or general advocacy functions. Rather, it is the ultimate safeguard to ensure that children and young people are not lost in the system, that regular review occurs and that they are cared for in accordance with

agreed guidelines and standards. It is anticipated that the Children's Guardian will be supported by approximately 30 specialist workers and an annual budget in excess of \$2 million. Clause 216 in chapter 12, Children's services, is an important provision which will allow the director-general to issue an exclusion notice on a person whose continuing presence at a children's service would, in the opinion of the director-general, constitute an unacceptable risk to the safety, welfare or wellbeing of children at the service. This provision is necessary to allow for the removal of such persons during the 28-day period which the licensee has to respond to a notice that it is intended to impose a condition on the licence or to revoke the licence.

Chapter 15 contains provisions that enable the removal of children and young people under the authority of a search warrant. There are also provisions which allow for the entry and inspection of premises, either under the authority granted by a specific provision or a search warrant. Under clause 233 a search warrant will not necessarily have to specify a particular premises. One of the difficulties for the director-general in exercising her responsibilities to investigate reports and responding to concerns that a child or young person is in

immediate risk of serious harm is knowing precisely where the child or young person is at any point in time. In such circumstances those responsible for a child will often be on the move and this provision will allow the director-general greater flexibility to enter premises when searching for a child or young person and also to remove a child or young person.

Finally, I would like to acknowledge the work of Associate Professor Patrick Parkinson and Dr Judy Cashmore and the members of the advisory reference group and thank them for their invaluable contributions to this bill. My thanks also go to the many organisations, agencies and individuals who have contributed to the extensive review process. I would also like to acknowledge the work of the officers of the Department of Community Services who have managed the legislation unit, Mr Gary Rogers, Ms Kerry Lannoy and Ms Maggie Smythe, as well as their staff for their vital contributions. These bills are deserving of bipartisan support, and the Government trusts that they will receive it. I commend the bills to the House.

Debate adjourned on motion by Mr Fraser.

House adjourned at 11.51 p.m.
