PROOF

New South Wales

Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

FIFTY-SECOND PARLIAMENT
SECOND SESSION

WEDNESDAY 5 APRIL 2000

———

Authorised by the
Parliament of New South Wales

* * *

PARLIMENTARY DEBATES

Corrections to Daily Proof

To ensure the early publication of the *Hansard* pamphlet, members' suggested corrections to debate held on Monday, Tuesday, Wednesday and Thursday will be accepted only until 2 p.m. on the day following the debate; and to debate on Friday, only until 2 p.m. on the following Monday.

Corrections may be marked on a photocopy of the daily proof page and lodged at the Office of the Editor of Debates, Level 8, Parliament House.

Corrections faxed to 9230 2921 should be authorised by signature and contain the name, office and telephone number of the person transmitting the correction.

Corrections sent by e-mail to the Acting Editor of Debates, hpci35@parliament.nsw.gov.au, must show the date and time of the contribution requiring correction to allow identification of the debate in which it occurred.

Amendments cannot be accepted over the telephone.

Corrections should relate only to inaccuracies. New matter may not be introduced.

Mark Faulkner
Acting Editor of Debates

* * *

CONTENTS **PAGE NO.**

<1>

LEGISLATIVE ASSEMBY

Wednesday 5 April 2000

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

Mr Speaker offered the Prayer.

MURRAY-DARLING BASIN WATER MANAGEMENT AGREEMENTS

Matter Of Public Importance

Mr AMERY (Mount Druitt-Minister for Agriculture, and Minister for Land and Water Conservation) [10.00 a.m.]: I ask the House to note as a matter of public importance New South Wales' compliance with the Murray-Darling Basin Water Management Agreements. Honourable members may be aware that the twenty-eighth Murray-Darling Basin Ministerial Council meeting was held in Canberra about two weeks ago. The meeting comprised ministerial representation from Queensland, New South Wales, Victoria, the Australian Capital Territory, South Australia and, of course, the Commonwealth Government. The Minister for the Environment and I attended the meeting as representatives of New South Wales.

The Murray-Darling Basin meetings are always what might be referred to as interesting occasions, but last month's meeting was particularly interesting. The main point of focus in the lead-up to the meeting was what could be described as New South Wales bashing by the Federal environment Minister, Senator Robert Hill, and the South Australian Premier, Mr John Olsen. Both of them decided to blame New South Wales and Queensland for what they considered to be poor water quality in South Australia. By contrast—and to be fair to some of the other participants—the new South Australian Minister for Water Resources, Mark Brindal, took a different tack. In the weeks before the meeting he wrote to me with a much more conciliatory approach; he acknowledged the work already being done in New South Wales in relation to implementation of the Murray-Darling cap.

However, Mr Brindal’s fellow South Australians continued with their blinkered view. They even went so far as to suggest that New South Wales was not taking enough responsibility for water management. That view contrasts greatly with the debate in rural New South Wales, to which the New South Wales Opposition is a contributor, which suggests, in effect, that New South Wales is too tough in its water reform process. The critics also suggested that New South Wales must lift its game and should ensure its river systems operate within the Murray-Darling cap. Senator Hill claimed that New South Wales had breached the cap in several of its river valleys. I think he made that statement when he addressed the water conference in Melbourne during the same weekend.

The independent audit from the Murray-Darling Basin Commission and ministerial council clearly shows that Senator Hill's statement has no substance. No doubt he knew about the audit findings at the time he made the statement to the water forum and that his statement was incorrect. Senator Hill even went so far as to claim that the Commonwealth would withhold national competition policy tranche payments from those States that do not comply with the cap and are not committed to managing their water resources sustainably. That is another issue that is worthy of a separate debate.

While some arguments were drawn out in the media both before and after the ministerial meeting, the bully-boy tactics were not raised during the meeting itself, much to the surprise of many observers and participants at the meeting. Indeed, when the issue of New South Wales compliance with the Murray-Darling Basin cap was raised at the meeting I explained our position very clearly. There were no requests for further clarification. In fact, I received not one question either from Senator Hill or from any of the other Ministers who had been making comments in the lead-up to this meeting of the Murray-Darling ministerial council.

The facts that I set out at that meeting, and which I relate to the House today, are these: New South Wales has 57 per cent of the land mass of the Murray-Darling Basin. So any criticisms about New South Wales by those States that play a much smaller role should be put in perspective. I recall a criticism that 56 per cent of all water extraction from the Murray-Darling Basin is in New South Wales. That should not be surprising because, as I said, 57 per cent of the whole basin is within New South Wales and one would expect New South Wales to have the highest amount of water extraction.

Within that vast area we have nine catchments to oversee. That is, we have nine catchments to manage to ensure that we meet the Murray-Darling Basin requirements—unlike the other States which each have one, two or as many as four catchments to manage. So in terms of compliance with the Murray-Darling Basin cap, New South Wales has at least double the task of the other States, given the number of catchments it has to manage. Therefore, the task in New South Wales is much more complex than elsewhere. Yet New South Wales is complying with the Murray-Darling Basin cap in eight of the nine catchments that have been audited. An objective assessment of the water reform process in New South Wales would show that New South Wales is passing with flying colours, with eight catchments coming within the agreement.

Some time ago two catchments, one of which is the Lachlan catchment, were considered to be above the cap.. However, when we remodelled the Lachlan catchment we found that it was also managing within the cap. However, I recognise that the extraction rates for some of the catchments are putting pressure on our agreement to be within the cap. The last audit presented shows that only one catchment is exceeding the cap. The Barwon-Darling River system is still regarded as being over the cap for the second consecutive year, and we are working on that in partnership with local community groups.

We have an agreed process in place. New pumping rules were agreed to late last year by the Barwon-Darling River management committee, and further discussions are taking place in relation to the level of environmental flows that need to be implemented. However, some difficulties have arisen because, strictly speaking, the Barwon-Darling is an unregulated river system. Technical delays with the new water gauging systems have also hindered progress. The models which will be used to guide future management of the river system are also currently being validated.

I acknowledge that New South Wales needs to address the Barwon-Darling situation, but I also emphasise that this is the only river system in the State that is over the cap. New South Wales as a whole continues to comply with the agreement, when one considers all of the catchments in an aggregate form. The Federal environment Minister, who is also a South Australian politician, is at liberty to speak about compliance with the Murray-Darling Basin cap, and, of course, as a representative of the Commonwealth he is at liberty to put pressure on States that are not complying. However, to threaten New South Wales with financial penalties is not only inappropriate but also ridiculous from an objective point of view.

Considering the wider progress we have made with our water reforms, New South Wales is the best-performing State working within the Murray-Darling Basin agreement. For example, we have established water management committees on all of our main river systems, and environmental flow rules are now operating on our eight regulated river systems. I congratulate those water management committees on the progress they have made so far. No other State has made such significant progress as that made by New South Wales. Comments about financial penalties by Senator Hill are not helpful; nor are they productive. New South Wales will not suddenly change its direction on water management simply because Senator Hill is pressurising us and playing parochial South Australian politics.

We will work with water users as we have done in the past. Change cannot happen overnight, and it must be achieved through co-operation with all parties involved.

<2>

I am comfortable with the way that the Government is progressing its water reforms in New South Wales and I am confident that the Government is working towards full compliance with the Barwon-Darling Murray-Darling Basin cap. The Government has given a commitment to the Murray-Darling Ministerial Council that the Government will give to its next meeting in August a plan on how the Government intends to adjust the management of the system in the future. I give an assurance that

communities that access the Barwon-Darling River system will be part of the future planning process. I am confident that this can be achieved.

Finally, I remind the House that natural resource management is not only about compliance with the cap; it is about innovative natural resource management, including management of land, water, native vegetation and dry land salinity. The New South Wales Government is showing leadership in this area and taking up the challenge. I take this opportunity to call on the State Opposition to support the Government's integrated approach and put in perspective the performance of this State and the criticisms made of our performance with regard to the water reform process by the Federal Minister for the Environment. Those criticisms are in stark contrast to the public criticisms of the New South Wales Government by the State Opposition, that the Government is more stringent than other States and is going about the process too quickly. The Opposition's Federal counterpart is saying the opposite. I ask the House to note this matter of public importance.

Mr D. L. PAGE (Ballina) [10.11 a.m.]: I welcome the opportunity to debate this matter of public importance relating to New South Wales' compliance with the Murray-Darling Basin water management agreements. At the outset it is important to acknowledge that water policy in New South Wales is driven by a number of factors. First and foremost it is driven by the Government's own so-called water reforms, the most recent aspect of which is its controversial white paper. In addition, one must consider New South Wales' membership of the Murray-Darling Basin Council and its obligations under existing water agreements, in particular, the Murray-Darling Basin cap, which limits water extractions to 1993-94 levels of development.

One should add to that the Council of Australian Governments [COAG] agreement on water reform. A nexus is sometimes drawn between compliance with the Murray-Darling Basin requirements and the payment or otherwise of tranche payments under the COAG agreement through national competition policy. It is obvious that the interrelationship of all these influences makes for a complex policy formula. To further complicate the issue one could also consider the obligations of New South Wales under Agricultural Resource Management Council of Australia and New Zealand [ARMCANZ].

The key issue is that whilst the Murray-Darling Basin impacts on four States and the Commonwealth, we in the New South Wales Parliament have a special obligation to watch out in particular for the interests of the people of New South Wales. We should do this in a committed way, using factual information as the basis for our arguments, not indulging in divisive and emotional parochialism such as that which, unfortunately, in recent times has come from South Australia.

The revised decision by the independent audit group in relation to the alleged breaches by New South Wales highlights the need to base our arguments on facts. The independent audit group has found that, contrary to earlier advice, New South Wales has only a possible breach in the Barwon-Darling River. I have received advice from the Murray-Darling Basin Commission that if there is a breach it is minor in nature and is only a tiny proportion of the total Murray-Darling Basin system.

The Murray-Darling situation deserves closer analysis because special equity and socioeconomic issues apply in the river system and need to be borne in mind in relation to the implementation of the cap for the Barwon-Darling rivers. First, one must appreciate the equity issues between the regulated and unregulated Barwon-Darling rivers; second, one must have an understanding of the unregulated rivers in Queensland and the unregulated Barwon and Darling rivers; and, third, one must be aware of the problems that arise from the Barwon and Darling rivers being treated as one river.

Darling Food and Fibre made an excellent submission to the Murray-Darling Basin Cap Review Committee outlining these issues in more detail. It is also interesting to note the comments made by the Darling River Food and Fibre Executive Officer, Phoebe Chick, on radio recently when she spoke about problems of the Barwon-Darling. She said:

> The answer to why they have gone over the cap is quite simple: the New South Wales Government has not actually set a climatically adjusted cap, which really poses the main problem because irrigators along the Barwon and Darling rivers do not know what they are aiming for.

It should be acknowledged that the issue is quite complex. I repeat that in the light of the audit report ill-informed comments from both sides of politics in South Australia about massive New South Wales breaches have been shown to be nothing more than hot air. It is worth noting that comments were made by the Federal Minister and by the South Australian Opposition leader, Mike Rann, and those comments are worthy of condemnation.

The fact that Premier Bob Carr was so willing early in March to back calls by the South Australian Labor Opposition leader, Mike Rann, to take immediate action against New South Wales irrigators for alleged widespread breaches of the cap leaves the New South Wales Premier looking pretty silly and, in fact, disloyal to his own State in light of the latest audit information. At least Minister Amery did not follow his Premier but chose correctly, in my view, to defend the New South Wales position. Lately comments have been made that seek to establish a connection between COAG tranche payments, breaches of the cap and water policy generally. In the context of the benefits of water trading under the COAG agreement clause 3.7 of the original COAG report provides:

In order to facilitate trading, governments will need to ensure that property rights to water are clearly defined and specified in terms of ownership, volume, reliability, environmental flow and tenure.

COAG has found that property rights are essential to the framework for water trading. I have many criticisms of the white paper but this is a central issue with which the Government needs to come to grips because under the COAG arrangement the white paper does not provide a proper property right in providing 10-year approvals with a five-year review period. This effectively means a five-year licence, far too short a period for investment time frames and lending institutions, which normally lend on a 15-year basis. Moreover, the white paper at page 54states that the Minister will not be liable to pay compensation if an approval is varied, suspended, cancelled or not renewed.

Clearly, a five-year licence approval that can be varied at the discretion of the Minister is not a secure property right. This is a major deficiency in water tradeability because under the existing arrangements the product being traded is not secure and can be taken away at ministerial discretion without the Minister being required to pay compensation. Therefore, the white paper fails to meet a fundamental requirement of COAG and the Government should deal with that problem.

From time to time circumstances may arise in which a Minister must use his or her discretionary power to amend a licence approval; but if this occurs, it is the Opposition's view that compensation should be paid. Not only does equity require a compensation right, but such a right will also provide some discipline to the Department of Land Water and Conservation in its decision-making process. For example, if the department is looking for more water within the system, it is more likely to consider measures such as reducing evaporation, piping or capping rather than the soft option of just removing water from irrigators. If a compensation right exists and money is involved, the department will be inclined to look for alternatives.

In considering the arrangements relating to water going into South Australia one should also consider the evaporation in Menindee Lakes. I have been advised that something in the order of 980,000 megalitres of water actually goes out of Menindee Lakes. The evaporation can be reduced but without a compensatable property right it will be all too easy for bureaucrats of all political persuasions to recommend to Ministers of the day that water just be removed from irrigators without monetary compensation. It is essential to have a compensatable property right.

<3>

Loq:D. Page

Tasmania has legislation that provides for compensation when the Government takes away water under the State's licence allocations. Clause 89 (1) of Tasmania's Water Management Act clearly provides for a compensation element. The position being adopted by New South Wales whereby no compensation is payable will do nothing to alleviate water users' concerns that, no matter what entitlements are provided in a water management plan or via an approval under the proposed legislation, the Minister or the department can amend, vary, suspend or cancel any entitlement at the stroke of a pen without compensation being paid.

Over the past few months I have travelled around regional New South Wales and spoken about the contents of the white paper. Water users have made it abundantly clear to me that their

primary focus is water security. They do not want compensation; they are not looking for a bag of money. What they want is water security, because they understand that that is critical to their livelihood and, in many cases, to the regional economies that depend upon water security. However, they make the point that if the Government is to take away that water security, clearly they need to be compensated. After all, these people have legally acquired these entitlements. They have been given to them by governments and departments in the past; they have paid money for the water. It is only fair that if the Government takes away that water, those people should be compensated. I believe we should be looking at a property right that is of 15 years duration and that there should not be any capacity to amend the property right during that time. However, if at the end of that period there needs to be an adjustment to the property right, compensation should be paid.

Mr McMANUS (Heathcote-Parliamentary Secretary) [10.21 a.m.]: I am pleased to be able to speak on this matter of public importance as it affects not only the Murray-Darling Basin but also our river systems across New South Wales. River management in New South Wales has come a long way, particularly in the past two years. I commend the Minister for Land and Water Conservation, the Minister for the Environment and former Minister Yeadon for the direction they have provided the Government with regard to the survival of many of our primary producers along these basins. If it had not been for them and the cohesion they have achieved throughout the community of New South Wales, I do not think we would be in the position we are in today.

Local water management committees have been established on all of the regulated river systems, and environmental flow rules are operating. Committees are also being established now on our unregulated rivers, and environmental flow rules will be in place there very soon as well. The whole point of this work, of course, is to ensure long-term river health and greater security for our water users. Without a healthy river system there will be problems in the future. One has only to look at impacts of past land management practices. Too much clearing and other inappropriate practices have resulted in extensive problems of salinity.

I am pleased to hear the honourable member for Ballina supporting the Government in its moves and its directions with regard to addressing salinity and other problems in our river systems. I have been a member of this House for 13 years. For seven of those years I was in Opposition, and during that time it concerned me time and again that although the Coalition Government had the opportunity in those seven years to take action similar to that being taken by the present Government, it did nothing. Well, the Labor Party is now in power, and we have three Ministers who acknowledge that the country needs help and they are doing their bit to deliver that help.

At the recent Salinity Summit in Dubbo—which was a great success, according to those who attended—we heard that some river systems will exceed World Health Organisation drinking standards within 20 years and will be unsuitable for agricultural use within 50 years. The Murray-Darling Basin salinity audit, which was released last year, showed that 3.7 million tonnes of salt was mobilised to the land surface in New South Wales during 1998. Predictions are that the figure will increase to 5 million tonnes in 20 years, and 6.1 million times in 50 years. They are frightening statistics. A documentary broadcast on the ABC this week also revealed frightening statistics with regard to our river system. We must therefore address the salinity problem sincerely and quickly.

As the Minister for Land And Water Conservation has said, land management and water management are interconnected. That is why we need an integrated approach to natural resources—not only in New South Wales but across Australia. It is of concern that we have people such as Senator Hill and the South Australian Premier standing up on their parochial bandwagon bucketing New South Wales, the Ministers and the Government, all of whom are trying to do something for the constituents of the Australian Government.

New South Wales is progressing well with its integrated management strategy. It is about time people like Senator Robert Hill and the South Australia Premier recognised that progress rather than simply seeking to apportion blame. Blame is not an issue in these matters; instead, the focus should be on finding solutions. The New South Wales Government has already gone a long way towards addressing the problems and working through solutions. It has done that by working in co-operation with the community, in partnership with the community. It has not done it by making unproductive threats, as Senator Hill has done and will probably continue to do until someone in his

own quarters pulls him into line. Such an approach is not helpful and is not the way to achieve sound, long-term agreements and solutions.

It is important to protect the health of our rivers by ensuring that basic environmental flows are able to remain in them. However, it is also important to ensure that the people who use those rivers play a part in drawing up agreements that help to tackle those issues. The Minister for Land and Water Conservation has worked hard with local communities to address natural resource management in this State. The process was started by Minister Yeadon, and it is now being continued by Minister Amery. I believe the Minister for Land and Water Conservation is respected in country New South Wales for his willingness to listen to communities and work with them as much as possible. It is also important to point out that one of the reasons for new management rules being implemented for the Barwon-Darling rivers system is that Telstra took so long to install the telemetry water monitoring system.

Motion by Mr Amery agreed to:

That standing and sessional orders be suspended to permit the resumption of this debate at a later hour of the sitting.

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (LITTERING) BILL

Bill introduced and read a first-time.

Second Reading

Mr DEBUS (Blue Mountains-Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [10.28 a.m.]: I move:

That this bill be now read a second time .

I believe it would be fair to say that successive New South Wales State governments on both sides of politics have achieved a great deal with respect to litter prevention and management over the past two decades. Serious litter programs began to be implemented from the late 1970s. I am sure that many members of this place recall the many images used in the *Do the Right Thing* campaigns from the late 1970s to the mid-1990s. Such campaigns use a range of devices—from graphic depictions of litter in the environment, to images of people doing something about the problem—to focus the community's attention on the issue and to promote the idea of being a good citizen.

Many other initiatives followed, including the introduction of the Environmental Offences and Penalties Act 1989, which created on-the-spot fines for littering; the Carr Government's three-year, $60 million stormwater program, which provides a framework for managing littering as a component of stormwater pollution, and has so far provided in excess of $31 million in grants to local government and State agencies for infrastructure; and the negotiation of the waste reduction plan for the beer and soft drink industry, which contains a series of anti-littering measures. The Carr Government's anti-littering package, of which this bill is one part, builds on these achievements.

Why do we need to do more? Despite these early successes, and the considerable efforts of Clean Up Australia and the Keep Australia Beautiful Council, as well as the hard work of local councils and service organisations, littering remains a problem, both in anaesthetic and environmental terms.

<4>

I see evidence of this each day as, I am sure, do others in this House. When travelling between Parliament House and my electorate I note in particular the amount of litter that degrades the roadside along the Great Western Highway or the western railway line.

All litter greatly detracts from the beauty of our city. I can think of no better time than the lead-up to the Olympics for us to introduce measures that encourage the people of New South Wales to put an end to littering. The broader community recognises past achievements but expects governments to renew their efforts to prevent littering and, when littering does occur, to ensure that steps are taken so that the problem is not perpetuated. Our package will provide this renewal by:

identifying weaknesses in our current regulatory approach and correcting them; taking account of research findings relating to littering behaviour and factoring these into large-scale public education efforts; providing support to key community organisations to deal with local littering issues; and bringing together key government agencies to look at the issue of littering on public lands.

The Protection of the Environment Operations Amendment (Littering) Bill represents a major step forward in a continuing process to have effective regulation available to deal with littering. In 1989—when the then Minister for the Environment, Tim Moore, introduced the Environmental Offences and Penalties Act—on-the-spot fines first became a feature of the environmental regulation landscape. This was an extremely important development and one that has greatly assisted in policing a range of environmental laws. However, close examination of the extent to which this tool has been used for littering offences reveals that it has not played its proper part as a deterrent to this behaviour. Levels of on-the-spot fines issued in New South Wales for the past 10 years have averaged 600 to 700 per annum.

Approximately five times that number are issued annually in Victoria, which of course has a much smaller population. In 1998 more than 3,000 infringement notices were issued in that state. The reality in New South Wales is that, with so few fines issued each year, most people view littering as an offence that is extremely unlikely to attract a fine. There needs to be a view in the community that there are suitably strong sanctions and a very real threat of being caught and fined. There is a range of explanations as to why so few infringement notices are issued for littering in New South Wales. In summary, the existing littering provisions have the following problems. They define littering in too narrow a manner and provide no flexibility for enforcement officers in distinguishing between minor and more serious offences.

They contain no specific provisions to deal with some major new littering problems, such as those associated with the distribution of certain types of advertising, and they do not allow for littering in open, private places to be dealt with. The bill considerably expands the definition of "litter", while at the same time addressing local government concerns about the existing definition and its premise that refuse becomes litter only if it has little or no value. The expanded definition is far more practicable and workable. It defines a range of materials that can be considered as litter. It also sets out the conditions under which the placement of these or other materials may be considered as littering. In the bill, litter is now defined as:

> Any solid or liquid domestic or commercial refuse, debris or rubbish and, without limiting the generality of the above, includes any glass, metal, cigarette butts, paper, fabric, wood, food, abandoned vehicles, abandoned vehicle parts, construction or demolition material, garden remnants and clippings, soil, sand or rocks.

The old definition hinged on the value of the material once deposited and, hence, was difficult to enforce. Of the other problems identified with the existing framework, the lack of flexibility in the type of fine presently available is seen by many enforcement officers as a particular problem. Anecdotal evidence suggests that there is some unwillingness to issue a blanket $200 fine for minor offences. Equally, there is a view that $200 is insufficient sanction for littering behaviour that is likely to cause physical harm to people, animals or property.

The Government seeks to address this problem by creating three levels of fine: one for littering with small items; one for general littering and littering from vehicles; and one for aggravated littering. For these offences, the proposed on-the-spot fines are, respectively, $60, $200, and $375. Larger penalties would be available for matters dealt with through the courts. The bill seeks to amend the relevant schedule of the Protection of the Environment Operations (Penalty Notices) Regulation 1999 to create a number of penalty notice offences in connection with the proposed littering offences. In keeping with the principles of the use of infringement notices for other environmental offences, it is proposed that penalties for corporations be double those for individuals.

Dealing with litter that stems from the way in which certain forms of advertising are distributed is an important element of the bill. I acknowledge that distributing printed material is an important aspect of the promotional programs of many businesses. Many forms of distribution are handled through professional direct mail companies that are members of the Australian Catalogue Association and its self-regulatory body, the Distribution Standards Board. These industry members are subject to a voluntary code of conduct and have done considerable work to reduce littering. However, increasingly, many small businesses distribute materials direct to their local communities.

These are often distributed by untrained casual employees who are not familiar with industry standards regarding distribution.

Members of this place would not be unfamiliar with the results of this practice: brochures, flyers and restaurant menus are frequently stuck in fences or deposited in such a way that they can easily blow or wash away. This type of littering contributes significantly to stormwater pollution in urban waterways and significantly reduces public amenity. This bill does not limit the capacity of businesses to undertake direct distribution of promotional materials. Instead, it introduces some sensible measures to prevent irresponsible distribution. It will be an offence to deposit any advertising material in any public or private place other than in a letter box, newspaper receptacle or under the door of any premises.

This provision is not intended to relate to advertising posters placed on light poles, which is properly dealt with under the planning legislation and which is an issue currently being examined by my colleague the Minister for Urban Affairs and Planning. The bill also prohibits placing advertising material on vehicles. Again, this is a major source of littering as the material frequently blows off and ends up on the street, in car parks or in stormwater drains. Alternatively, people often return to their vehicles and, annoyed at receiving this unsolicited advertising, immediately discard it inappropriately. This change will encourage distributors of this type of material to distribute it in a manner that reduces harm to the environment and public amenity. For instance, leaflets may be offered to people, who are then free to accept or reject them. Many advertisers use this approach already.

Consultation with key industry bodies has indicated general support for the direction of these reforms. While key organisations in the direct marketing industry generally prefer a self-regulated model, they accept that this will not deal with the issue of the small local business using casual workers to distribute materials. In addition to introducing these new provisions, the Environment Protection Authority [EPA] will continue to work with the Australian Catalogue Association and the Distribution Standards Board to assist in educating the direct marketing industry on responsible distribution of advertising materials. Similarly, work needs to be done to educate small and medium-sized businesses who manage their own advertising distribution.

First and foremost, we want to see these businesses develop an understanding of how their promotional strategies can end up reflecting badly on their business. We want small and medium-sized businesses to provide those who distribute material on their behalf with good information on responsible approaches. To this end, we are doing a number of things. We are introducing provisions in the bill that make it an offence to cause, require or induce a person to contravene provisions dealing with the placement of advertising material. We are working with local government to develop materials to educate business proprietors about their obligations and those of their distributors, and we are developing a specific strand of the litter public education program that will target distributors, many of whom are teenagers or older persons.

Given the scale of the educative task and the Government's desire to give people a reasonable opportunity to do the right thing, we propose that these provisions not commence until approximately six to nine months after the commencement of the rest of the amendments. Local government has expressed its concern, in consultation on the bill, that the Government has not seen this as an opportunity to introduce container deposit legislation. May I remind honourable members that, under the provisions of the Waste Disposal Act, a Beer and Soft Drink Industry Waste Reduction Plan is in force. This plan sets out a number of anti-littering measures that must be implemented by industry. The Waste Disposal Act sets out the circumstances in which the State Waste Advisory Council may advise me of the need to introduce container deposit legislation.

These circumstances involve the failure of the industry to achieve a waste reduction target in the plan. Review of progress under that plan is under way at present.

<5>

I should also point out that the New South Wales Government, along with the Commonwealth and other State Governments , is a signatory to the National Packaging Covenant. This joint initiative of

governments and the packaging supply chain provides a very real opportunity to deliver major reductions in packaging waste nationally.

The other major feature of the bill is that, for the first time, it has provisions that make it an offence to litter on private land. This will provide a valuable tool for redressing situations where litter is deposited on private property without the permission of the custodian of that property. To achieve this, the bill defines an open private place, and provides a number of exceptions to ensure that the lawful custodians of those places are not in breach of the law in respect of the placement of material on land that they own or manage. The bill also proposes to make local councils the appropriate regulatory authorities in connection with premises occupied by the State or a public authority, but not activities carried on by the State or a public authority.

The bill makes it clear that a local council is empowered to issue environment protection notices and any associated compliance cost notices in connection with littering and waste offences that relate to places such as car parks, public parks and reserves, and national parks. Councils may also institute proceedings for waste and other offences that relate to premises occupied by the State or a public authority. This will ensure that councils are properly able to deal with littering and other environmental offences on public lands within their local government areas. This matter has been discussed with peak local government bodies who are in support of it. The bill also contains minor consequential amendments.

As I indicated earlier, and as the Premier said when he announced this initiative, this is merely one component of an integrated package to deal with littering. This package includes: a large scale, three-year, $3.6 million education initiative—public education, training for council officers, and education for small and medium-sized businesses and the people who distribute their advertising – that will see a renewed community focus on this issue; support for community-based organisations to develop local litter strategies; support for local government in enforcement of littering provisions; and a task force to improve litter management on lands managed by public authorities. Members of that task force will include the Environmental Protection Authority [EPA], the Roads and Traffic Authority [RTA], the State Rail Authority, the Waterways Authority, local government and others.

A steering committee of stakeholders—local government, environment groups, industry and state government agencies—has also been working for some months to oversee the development of the education initiative, which will commence in the near future. In conclusion, may I remind honourable members of the importance of having effective anti-littering measures in place. EPA research shows that littering continues to rank highly as an environmental issue with our community. Each year we see these findings confirmed when many thousands of people turn out for Clean Up Australia day. Through the work of Keep Australia Beautiful and its Tidy Towns committees, many other members of the community work year in year out to clean up degraded land and waterways.

Research carried out by the Beverage Industry Environment Council also reinforces the view that the issue is a community priority. It states that while litter management may not spark the interest of every member of society, the costs of littering are shared by everyone, either through the need for additional services to clean it up, or through the loss we all experience when our environment becomes polluted. The package of measures before you represents the sensible next step in our tackling of the litter problem. As I said earlier, it builds on the achievements of the past 20 years, but reflects lessons learned about what is working and what is not in managing this problem. A certain bipartisanship has generally accompanied the approach to dealing with litter over the years. I hope to see that continue. I commend the bill to the House.

Debate adjourned on motion by Ms Seaton.

ZOOLOGICAL PARKS BOARD AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DEBUS (Blue Mountains—Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [10.44

a.m.]: I move:

That this bill be now read a second time.

The Zoological Parks Board Amendment Bill makes changes to the composition and size of the Zoological Parks Board of New South Wales, which was established in 1973 by the Zoological Parks Board Act. The Act not only establish the board but also put in place the statutory framework for the operation of our State's two great zoos, Taronga Zoo at Mosman and the Western Plains Zoo in Dubbo.Taronga Zoo has become an important contributor to the fabric and culture of Sydney New South Wales since its establishment at Mosman in 1916. Western Plains Zoo was established much later in 1977.

The zoo board employs a total of 475 full-time, part-time and casual staff between the two zoo locations. The average annual number of paying visitors at the two zoos over the past 10 years was approximately 873,000 and 205,000 people respectively. Total visitor numbers, including concessional and free-of-charge entry was approximately 1.1 million and 300,000 people respectively. I take this opportunity to mention also that at Taronga Zoo there are two quite exciting new facilities under development. One is the construction of the new cable car system which will be completed for official opening in May this year.

The Sky Safari will be the most technologically advanced cable car system in Australia and will be able to transport half a million visitors at the zoo each year, the majority of whom will arrive at the zoo by ferry. The board's Olympic and international tourism strategies will feature a unique and exciting experience of a trip on the Sky Safari, which will of course offer panoramic harbour views, one of the world's best displays of wildlife and the world's best display of Australian wildlife. The new Sky Safari will cost $5.7 million which has been funded by commercial borrowings from the New South Wales Treasury Corporation. Another pre-Olympic facility of some significance is the Wildlife Track which will provide an interpretative walk through a Blue Mountains environment at the zoo.

It will provide a unique display of a natural environment, including the famous relic tree species, the Wollemi Pine, and an environment which will show visitors the habitat other large number of animals, such as wallabies, and birds, such as lyre birds, gang gangs, bower birds and various parrots. It will include various snakes and lizards right in the middle of the zoo. The exhibit will feature free-flying birds and free-roaming animals. I commend that exhibition to honourable members when it opens later this year. The two zoos are not only important to the people of this State but are important also in global efforts to preserve, protect and learn about animal species, many of which are endangered or threatened in the wild.

Over the last 10 years in particular, the Zoological Parks Board has performed a vital role in international conservation education programs such as those aimed at the preservation of the critically endangered black rhinoceros in Africa and the mallee fowl in western New South Wales. The Zoological Parks Board of New South Wales is a conservation agency which has a primary role in and responsibility for the preservation of animal life on earth. The board plays a major role in species preservation, protection and research, as well as in broad conservation education.

<6>

The zoo also runs a national education program called "Frog Focus", which is undertaken in collaboration with Botany council and involves schools and community members in the release and monitoring of the endangered green and golden bell frog. The frogs are bred at Taronga for release. The program is sponsored by the Australian Stock Exchange. Earlier I mentioned the black rhinoceros conservation program and the mallee fowl conservation program based at Western Plains Zoo, which is conducted in consultation with the National Parks and Wildlife Service. Another famous program is the Przewalski horse reintroduction program, a long-term effort aimed at breeding the Mongolian wild horse at Western Plains Zoo for reintroduction into the Gobi National Park in Mongolia. Those horses were previously extinct in the wild but seven horses bred at Western Plains Zoo have been reintroduced into the national park in Mongolia.

The main purpose of the amendment bill is to create a structure for the Zoological Parks Board of New South Wales which more effectively supports the development and growth of the

board's primary activities in species conservation. The new board structure will bring together a range a specialist skills and commercial acumen to the task of securing financial support for its conservation activities. The bill recommends a change in the size and format of the membership of the Zoological Parks Board, in essence to reflect the changed responsibilities that have occurred since 1973. The new format will also serve to make the board contemporary with regard to both commercial and community interests.

It is particularly important, given the position that our zoos have in our communities, that strong community involvement is reflected in the make-up of the board. The bill provides for a reduction in the size of the board from 13 to 10 members. Within this structure four positions are specifically designated to represent local communities at both Mosman and Dubbo and the many thousands of members of the Association of Zoo Friends at both zoos. One new position on the board has been specifically designated for a person with expertise in zoology, veterinary science or animal welfare or in research relative to one or more of those fields. This position demonstrates an ongoing commitment to the outstanding work of the board in species preservation, research and conservation education.

The format of the board established in the 1973 Act allows for five persons to be appointed as nominees of the appropriate Minister. The bill also provides for the appointment of five persons selected by the Minister, but, importantly, it establishes a criterion for the appointment of those persons, being that they, in the opinion of the Minister, have qualifications, knowledge, expertise or experience appropriate to the functions and activities of the board. The bill also provides for ministerial appointment of the chairperson and deputy chairperson from among the 10 appointed members. The period of appointment of members to the board will remain as it is prescribed in the current legislation; that is, for a period of up to five years.

Reappointment at the expiration of the term of appointment is allowed under this draft legislation. In summary, the bill provides for the recomposition of the Zoological Parks Board of New South Wales and its reduction in size from 13 members to 10 members to reflect the contemporary management of our State’s two great zoos. This format will provide the flexibility and opportunity to attract relevant professional, scientific and community representation. The board, in its new format, will provide strong leadership aimed at the further development of the State’s two zoos to ensure that they become and remain among the best in the world.

Debate adjourned on motion by Ms Seaton.

ACCESS TO NEIGHBOURING LAND BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.54 a.m.]: I move:

That this bill be now read a second time.

This bill is about protecting people's right to maintain and repair their homes and properties, wherever they live in New South Wales. It is about building-in a mechanism to head off conflict between neighbours, while protecting the rights and interests of all parties. If I own a house that is built right up against, or very close to, the boundary between my property and my neighbour's property, in order to properly repair or maintain my house I may need to enter my neighbour's land. For example, if I want to repair the side of the house that is built close to or along the boundary I will need to carry out the repairs from my neighbour's land. However, the law currently states that I cannot enter my neighbour's land without my neighbour's consent. To do so would constitute a trespass. Furthermore, a court has no power to order my neighbour to allow me onto the land. Therefore, I may not be able to properly maintain or repair my house or even comply with a council order that I carry out repairs.Unhappily this is the situation which many householders in this State have to face.

In order to find a solution to this and similar problems affecting relations between neighbours, the Law Reform Commission published a discussion paper entitled "Neighbour and Neighbour Relations". After considering the many responses that were received to the paper the commission published a report entitled "Right of Access to Neighbouring Land", and has published a separate report entitled "Neighbour and Neighbour Relations" that deals with disputes relating to noise and trees. The bill implements the recommendations of the commission contained in its report entitled "Right of Access to Neighbouring Land". The essence of the bill is that it entitles a person to make application to a court for an order enabling that person to enter neighbouring land.

Two types of orders may be applied for. The first is called a neighbouring land access order and entitles the applicant to enter neighbouring land for the purpose of carrying out work on the applicant's own land. An applicant will normally be the owner of the land on which the work is to be carried out, but may also be an occupier of that land. This will ensure that persons such as tenants and other occupiers of a property will be able to make applications where necessary. A court will, however, have discretion to waive the requirement for the owner's consent. Therefore, where consent has been unreasonably withheld, or the owner cannot be located, or for other similar reasons, the court can ensure that an application may still be made.

The second type of order is called a utility service access order and enables a person who uses a utility service that runs through neighbouring land, to enter that neighbouring land to carry out work on the utility service. For example, if a sewer line that services a house runs through a neighbouring property and becomes blocked at some point of the line on that property, then the access order will allow entry onto the property in order to fix the blockage. Other utility services that the order can apply to are drainage, water, gas, electricity or telephone services. If it becomes necessary to add other services in the future then the bill provides that this can be done by regulation. The applicant for a utility service access order can be anyone entitled to use the utility service. That is, the applicant does not have to be the owner of the land serviced by the utility, or even have the consent of the owner.

Therefore, an occupier of the land, such as a tenant, can apply in the occupier's own right for the order. This facility recognises that any person who uses a utility service has sufficient interest in its proper operation to be entitled to apply for an order to enter neighbouring land to fix a problem with the service. An applicant for either order must give at least 21 days notice of intention to lodge an application and the terms of the order sought, to the owner of the neighbouring land, to anyone else entitled to use a utility service on which work is intended to be carried out, and to anyone else who

will be affected by the order. This provision ensures that occupiers of the adjoining land will be given notice of the application, and that where a utility service serves several properties—such as often occurs with sewer lines for a row of terrace houses–all the other users of the service will also receive notice.

<7>

In many cases the service of a notice of intention to commence an application may be a catalyst for the parties to be able to resolve the dispute themselves, and the intended application may not need to be actually lodged.

An application for an access order will not be able to be made in respect of land that has been reserved, dedicated or declared under part 4 of the National Parks and Wildlife Act 1974. Such land includes national parks, State recreation areas, native reserves, wilderness areas or other similar land. Access to those special and sensitive categories of land was never meant to be covered by the New South Wales Law Reform Commission's proposals, which clearly were intended to resolve problems that occur in urban areas. Accordingly, such land is excluded from the ambit of the bill. The court that will be empowered to determine applications for access orders will be the Local Court. That is the court that normally determines disputes between neighbours. It is the court in which it costs the least to file an application and it is the court in which a dispute will most speedily come on for hearing. Accordingly, it is the most appropriate court to hear these types of applications.

However, a court will not be able to make an access order unless it is satisfied that the applicant has first made a reasonable effort to reach agreement with the applicant's neighbour for the access sought. That will ensure that only genuine disputes are brought before the court, and will prevent frivolous or premature actions being brought. Of course, the parties will also be able to utilise the services of a Community Justice Centre to access them to try to resolve the dispute outside the court system. However, in respect of those disputes which the parties cannot resolve for themselves, the court will be required to make a decision.

In reaching a decision the court will have to consider two main issues: firstly, whether the proposed work cannot be carried out or would be substantially more difficult or expensive to carry out without access to the neighbouring land; and secondly, whether granting the proposed access would cause unreasonable hardship to the neighbour affected by the order. Unless the court is satisfied about those two issues the application will not be granted. Even if a court decides to make an order for access, it may impose whatever conditions it decides are necessary in order to protect the neighbouring land and its occupants.

The sorts of conditions that will be imposed will be those that avoid or minimise loss or damage to the neighbouring properties or those that avoid or minimise inconvenience or loss of privacy to the neighbour; or require the taking out of insurance covered by the applicant against risks specified in the order. An access order must also specify the date from which access is permitted and the date when access ceases to be permitted, and, if relevant, the times during which access is permitted. By the imposition of those types of conditions and limitations, a court can ensure that the interests of the neighbouring property and its occupants are safeguarded, and that the effect of the order is minimised.

The bill also contains other safeguards for the property affected by the access order. It provides that a person who is granted an access order to neighbouring land will be required to remove from that land any waste that may arise from the carrying out of the permitted work. Additionally, it provides that the applicant will have to restore the neighbouring land to the same condition as it was before the permitted work was carried out, and will also have to indemnify the neighbouring owner against any damage which might arise as a result of the access.

Of course, the granting of an access order to do work does not mean that any consent by a consent authority that would normally be required for the work does not apply. If such consent authority approval is needed for the particular type of work for which access has been granted then such approval must still be obtained. Similarly, if any work or activity is prohibited by another Act then nothing in this bill operates to negate that prohibition.

An access order can be varied or revoked by a Local Court on application by the applicant or by any person affected by the order. That will ensure that any matters that arise after the order is made can be acted upon by reviewing the order where necessary. One of the most important provisions of this bill is that it authorises the court to order an applicant who has been granted an access order to pay compensation to the owner of the neighbouring land for loss or damage caused by the access.

Compensation may be sought by the neighbouring owner after the date that the access order is made, but must not be sought more than three years after the date on which the last access under the order occurred. The costs of an access order may be awarded at the court's discretion. However, the court may take into account attempts by the parties to reach agreement before the proceedings, and whether the refusal to grant the desired access was reasonable, in deciding as to how costs should be awarded. Presumably a neighbour who is judged to have acted reasonably in refusing the access sought will be granted costs against the applicant

If the amount of compensation or damages involved in a matter is likely to exceed the amount of the Local Court's monetary jurisdiction, which is $40,000 then the matter must be transferred to the Land and Environment Court. This court has expertise in deciding all issues concerning land, and accordingly is the appropriate forum for such matters to be referred. Similarly, if a question of law arises in a hearing of an application for an access order then the Local Court has the option of referring the question to the Land and Environment Court. An appeal on a question of law from a decision of the Local Court upon an access order must also been made to the Land and Environment Court.

As well as the access to neighbouring land problems that I have just discussed, the commission's report also identified problems with sharing costs of repair and maintenance of shared utility services. For example, there are many households that share the use of a sewer line or a water pipe. When a blockage occurs in the line or pipe there is usually confusion as to who is liable to pay for the cost of fixing the problem. Is it all the households that share the service, or only the household on whose land the blockage has occurred, or is it some other combination?

In order to resolve the confusion over this issue the commission has recommended that each user of a shared utilities service be equally responsible for the costs of its maintenance and repair. That is only fair as each user has the use and enjoyment of the service as a whole. However, where the need for maintenance or repair is caused by the deliberate act of one of the users then liability will rest with that user alone. This bill implements those recommendations of the commission concerning sharing costs of repair and maintenance of a joint utility service, which I have just discussed.

As this bill deals with land it is necessary to also make provision for those parcels of land where native title might exist. When any such parcel is the subject of an access application, the bill provides for the giving of notice of the application to the relevant native title body corporate or native title claimant. It also provides that in respect of a parcel of land where there is an approved determination that native title exists, a registered native title body corporate has the same rights and responsibilities under the bill as any other owner of land.

The Act will be reviewed in five years time to determine whether the objectives of the Act are being met and whether the Act needs amending to achieve those objectives. A report of the outcome of the review will be tabled within 12 months after the end of that five-year period. While it is anticipated that this bill will be mainly used by neighbours in residential situations, it can also be used in relation to commercial, industrial, or rural properties. It is therefore wide-ranging in its operation and may be utilised to solve commercial disputes as well as neighbourhood problems. It provides a practical and speedy resolution to problems which have up until now been insoluble. I commend the bill to the House.

Debate adjourned on motion by Mr D. L. Page.

OLYMPIC ARRANGEMENTS BILL

Bill introduced and read a first time.

Second Reading

Mr KNIGHT (Campbelltown—Minister for the Olympics) [11.08 a.m.]: I move:

That this bill be now read a second time.

The Olympic Games are a once in a lifetime event for the people of New South Wales and Australia. They will bring a greater level of excitement, inspiration and fun in September of this year as well as economic benefits and opportunities for the whole of Australia. The Games are gigantic. They are like nothing Sydney has ever seen before or is likely to see again in the foreseeable future.

<8>

The whole world will be watching us and that is why it is imperative that we get our delivery right. Indeed, following the criticism of Atlanta it is no exaggeration to say that our nation's reputation is on the line. Therefore we need to introduce some extraordinary changes to make the Games work, to make them successful. Many facets of Sydney's life will have to work differently while the Olympic Games and the Paralympic Games are being held. Sydney will have only one chance to get the Games right. This bill is based on an extensive review of each area of Olympic activity and government regulation with a view to putting in place the various measures necessary to ensure that the Olympics run smoothly.

This bill is an omnibus bill to make temporary changes to legislation applying, with one small exception, during September and October 2000 to meet the operating requirements of the Olympic Games and Paralympic Games. Some of the key areas of the bill include: 24-hour operation of bus depots; revised delivery schedules in the central business district; and restrictions on street selling near Olympic venues, transport nodes and Olympic live sites. This legislation contains a package of temporary legislative amendments that amend all relevant and identified legislation in one single bill. Some proposals involve temporary amendments to more than one Act.

I hope that all sides of politics see the necessity for a bill of this nature to ensure that all areas of legislation are properly reviewed to enable the best possible outcome for Sydney, New South Wales and Australia from the hosting of the Olympic and Paralympic Games. This bill has been developed by the Olympic Co-ordination Authority [OCA] and the relevant departments and agencies. It is about making the Games work. The Atlanta Games were dogged by transport problems and complaints of over-commercialisation. Ambush marketers were rife and pedestrian movement was in many cases a shambles. It was the Atlanta experience that inspired the establishment of the Olympic Roads and Transport Authority [ORTA]—an organisation now winning worldwide acclaim for its Olympic transport planning.

This bill will, as far as is possible, allow traffic to flow. It will facilitate the timely and orderly delivery of food and the clean-up of waste. It will dramatically reduce opportunities for ambush marketing and will facilitate the operation of the venues and Olympic live sites. Put simply, this is a bill that temporarily amends existing legislation to enable the conduct of the Games. Following the Games these provisions will no longer apply and the original legislation will prevail. The following example illustrates how the Olympic Arrangements Bill operates.

Some open spaces will be needed during the Games period for park-and-ride facilities. The existing plans of management for the open spaces may not contemplate this use. So part 4 of the bill modifies the Crown Lands Act so that a reserve trust or council can consent to use of a Crown reserve during the Games period, even if the use is outside the plan of management. Part 7 contains a similar provision applying to council parks that are not Crown reserves.

Before outlining what the bill will do, I want to make clear one thing that it does not do. There have been some concerns raised publicly in relation to the issue of enforcement officers. In particular there has been some speculation that this bill and the Homebush Bay Operations Act—the existing legislation—will allow Olympic volunteers to have draconian powers of direction. I want to state clearly that this is not the case. It is not intended that volunteers be given authority to remove or direct people or enforce any other regulatory powers. Essentially, the volunteers are hosts and ushers, and where they are used to monitor, for example, access points, their role is to provide information to people about their access entitlements, not to control entry.

Other than for annual reports and some technical legal matters, such as claims for compensation related to the Games period, the changes effected by this bill will operate only during the Games period. This is defined in the bill as the period from Saturday 2 September 2000, when the Olympic Village opens, to Sunday 29 October this year, the day of the closing ceremony of the Paralympic Games. I now refer honourable members to several specific proposals embodied in the bill.

Part 2 of the bill relates to the annual auditing and reporting legislation and allows for extended reporting deadlines for government agencies. Part 3 of the bill deals with both the Banks and Bank Holidays Act and the Factories, Shops and Industries Act and makes changes that are necessary to allow for weekend banking and the opening of shops during the Games period in the greater Sydney area. As noted earlier, parts 4 and 7 enable Crown land and other land to be used for Olympic purposes. In support of the Government's determination to ensure that spectators travelling to the Sydney 2000 Games do so via the extensive Olympic transport network established by ORTA, part 5 of this bill also provides for penalties for persons who establish illegal carparks within five kilometres of any Olympic venue. Various sections within this bill deal with the issue of illegal carparks as different Acts apply in different situations.

Part 7, clause 26 relates to areas close to Olympic venues, transport nodes and Olympic live sites where there are giant screens. In such locations street selling will be prohibited unless approved by the Olympic Co-ordination Authority and licensed by the local council. I take this opportunity to pay tribute to the Sydney Council, and in particular to Lord Mayor Frank Sartor, who has been extraordinarily co-operative and has worked closely with the OCA in this process. I want to make it clear that nothing will be done during the Games period to override the council's powers without the consent of the Lord Mayor. This is designed to help the movement of pedestrians in these very crowded areas and stop the proliferation of the sort of tacky street vending for which Atlanta was so widely criticised. However, it does permit councils to license street-selling in council controlled areas surrounding OCA-controlled areas.

During the Olympics, Sydney—and the CBD in particular—will operate 24 hours per day. Deliveries that normally take place during business hours will occur at night. A massive cleaning and waste disposal program will take place every single day. Sydney will see crowds, day after day, that it has never experienced before except on one-off occasions like New Year's Eve and Australia Day celebrations. The six Olympic live sites will include giant video screens and entertainment at The Domain, Circular Quay, Martin Place, Belmore Park, Darling Harbour and Pyrmont Park right throughout the Games period. The giant screens will show live Olympic action. The sites will become a major focus of Olympic-related festivities.

Part 7, clause 33 of the bill seeks to allow the OCA to specify that an activity is necessary for the conduct of the Games. In effect that declaration will modify the normal regulatory approvals that apply to functions like bus operations, waste disposal and food deliveries—for the Games period only. Part 8 of the bill maintains the role of the Environment Protection Authority [EPA] as the sole regulator, but allows the OCA, in consultation with the EPA, to declare that a person may carry out certain activities necessary for the Olympic and Paralympic Games during the hours that are necessary to get the job done. The EPA will be the only regulatory authority during the Games period for those declared activities.

I refer honourable members to the traffic-related provisions. These are mostly in part 9 of the bill. The principal road-related proposals are: first, there will be Olympic lanes to operate in a similar way to transit lanes; second, ORTA and OCA will be given road closure and related powers, which will be required to organise traffic flows and also to stage events like the cycling road race; third, as noted earlier, there will be substantial penalties to discourage unauthorised carparks, which could seriously disrupt traffic planning during the Games period; and, fourth, deliveries in the CBD will be at different hours than normally apply.

<9>

The Olympic Games will be a round-the-clock operation. The last buses will deliver competitors to the Olympic Village and spectators to the city and suburbs late at night. Operations will begin again early in the morning. Bus depots are expected to operate for 24 hours each day. These amendments will, therefore, facilitate the servicing of venues and key hospitality and entertainment places which will also be operating on close to a 24-hour basis.

Part 10 of the bill provides for the exclusion, during the Games period, of Sydney Cricket and Sports Ground Trust members' normal automatic right of entry to sporting events at the Sydney Football Stadium. Part 11 of the bill contains provisions to regulate signage or displays which constitute ambush marketing. These provisions are drawn from Victorian legislation applicable to the Australian Grand Prix and are designed to deal with temporary signage, et cetera, produced at the last minute to ambush the Games sponsors by, for example, being clearly visible from Games venues or precincts.

In particular, part 11 deals with the prohibition of scalpers from operating on or near Olympic sites and at Olympic live sites; control of airspace and prohibition of aerial advertising, including skywriters above Olympic venues and Olympic live sites to protect sponsors from ambush marketers; prohibition of large billboards except as authorised by the OCA; and the banning of any commercial broadcast or telecast, by any means, of any Olympic event or activity, by persons other than accredited rights holders, unless authorised by the OCA. The fines in this section are high so as to act as an effective deterrent to such activity. Part 11 also permits the Minister, in consultation with the Premier, to allow the Olympic Co-ordination Authority to operate as required in areas essential to the successful staging of the Games. This applies to Olympic venues and facilities and to Olympic live sites.

In conclusion, I reiterate the unique nature of the Olympic Games and the opportunities and benefits a successful Games will open up for our country and our State. The whole world will be watching as we stage the world's largest peace time event. The temporary changes outlined in this bill are one more step in helping us to make all of this work and in helping the Games organisers achieve a Games of which all Australians can be justly proud. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

FAIR TRADING AMENDMENT (SUBSTANTIATION OF CLAIMS) BILL

Bill introduced and read a first time.

Second Reading

Mr WATKINS (Gladesville—Minister for Fair Trading, and Minister for Sport and Recreation) [11.23 a.m.]: I move:

That this bill be now read a second time.

The Fair Trading Amendment (Substantiation of Claims) Bill amends the Fair Trading Act 1987 to require traders to substantiate claims or representations made in advertisements and other statements. It will strengthen New South Wales consumer laws with the aim of preventing unscrupulous traders making offers that are too good to be true or peddling outright lies. The law will apply to false and misleading offers in print, in store, on electronic media and on the Internet, including get-rich-quick schemes promising windfall profits; dubious medical offers such as miracle diet patches, baldness cures, virility treatments and weight reduction programs such as "eat all you like and still lose weight"; ridiculously low prices for computers, Internet service providers or international phone calls; claims of "lowest prices in New South Wales"; unbelievable bonuses, gifts, offers, and special deals; and questionable product testimonials by sports stars or other prominent people.

Traders will be fined up to $5,500 if they refuse a fair trading written request for them to substantiate their claims. In short, advertisers will have to put up or Fair Trading will shut them up. This new law will mean the Department of Fair Trading can stop consumer problems before they start by targeting obvious rip-off merchants. This proposal gives effect to a pre-election commitment made by the Government and will add a major new weapon to Fair Trading's armoury against unfair traders. The proposal also implements a recommendation of the inquiry into the retail supply of personal computers and software, which was undertaken by the Fair Trading Advisory Council. That inquiry was initiated by the Government in response to an alarming increase in the failure by some members of the computer retail industry to provide goods and services as advertised.

More generally, the activities of traders and service providers who make claims in advertisements relating to goods and services which are without any basis have been of concern to me and, I am sure, to many other honourable members. Such claims have covered a range of goods and services, including computerised and mail order scams and misleading claims about potential land development use. The persons making these claims are often unscrupulous or fraudulent operators, or traders experiencing financial difficulties. Their claims mislead consumers, who are subsequently convinced to part with their money and then are left without the goods or services they were promised.

The inquiry into the computer retail industry found that many consumers were induced to purchase products by offers at very cheap prices through extensive media advertising. These offers were "too good to be true" as computer retailers were often not in the position to supply the goods as advertised. Many consumers had paid retailers in advance for goods, either deposits or full amounts, which retailers were using to fund the ongoing operations of their business, including the purchase of trading stock to fill prior orders. The inquiry found that the mechanisms currently available under the Fair Trading Act are not always fully effective in responding to these types of trader conduct.

For example, section 53 of the Fair Trading Act 1987, which makes it an offence to accept money with intent not to supply, may be difficult to apply in these circumstances. For such an action to succeed, proof must be adduced by the department that the defendant should have had reason to believe, at the time of accepting payment, that he or she would not be able to supply the relevant goods or services. Such information is often only within the knowledge of the defendant. It is also difficult to obtain an injunction to prevent a trader continuing to advertise where there is no clear proof that the trader will not or cannot supply the goods or services.

This problem can be addressed by requiring the trader or service provider to substantiate his or her claims or representations. Similar provisions exist in fair trading legislation in South Australia and Queensland. The Australian Competition and Consumer Commission supports the introduction of a substantiation provision and favours similar reforms to the Trade Practices Act.

I turn now to the detail of the bill. It provides the following. The director-general may issue a notice in writing requiring a person to substantiate a claim or representation made in a public statement. The notice must indicate the claim or representation subject to the notice, specify the time in which to respond to that notice, detail what a person must do to comply with the notice, and indicate that it is an offence to fail to comply with the notice within the required time. To comply with the notice a person must, within the time required by the notice, reply in writing to the director-general stating whether or not the person can provide information substantiating the claim or representation, and provide to the director-general such information substantiating the claim or representation as the person is reasonably able to provide.

Failure to comply with the notice or knowingly to provide information which is false or misleading would be an offence, with a penalty applying. Information provided by a trader in compliance with the notice would be inadmissible in criminal proceedings. However, the department would not be prevented from taking action under another provision of the Fair Trading Act in relation to the claim or representation based on other evidence available. Substantiation of representations will not impose any significantly greater burden on business. Traders who operate in a normal prudent manner are not targeted by this important reform, which is primarily aimed at those traders who recklessly make misleading and false representations in their advertisements. The amendment to the Fair Trading Act 1987 will allow the Department of Fair Trading to quickly identify traders whose activities warrant further investigation and action, thereby minimising harm flowing to consumers. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

CONVEYANCERS LICENSING AMENDMENT (PROFESSIONAL INDEMNITY INSURANCE) BILL

Bill introduced and read a first time.

Second Reading

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [11.32 a.m.]: I move:

That this bill be now read a second time.

The Conveyancers Licensing Amendment (Professional Indemnity Insurance) Bill amends the Conveyancers Licensing Act 1985 to overcome current difficulties in improving policies of professional indemnity insurance for conveyancers. The Conveyancers Licensing Act was introduced to protect consumers of conveyancing services by providing that non-solicitor conveyancers must be licensed, accountable and meet certain standards of competence. To be granted a license a person must be at least 18 years of age, fulfil certain education and practical experience requirements, not be a disqualified person and contribute to the compensation fund established under the Property, Stock and Business Agents Act. All licensed conveyancers must be covered by an approved policy of professional indemnity insurance with the exception of conveyancers employed by solicitors who are exempt under the Conveyancers Licensing Regulation from the need to carry their own indemnity insurance. As employees, they are covered by their solicitor employer's law cover policy. It is intended to continue this exemption.

Professional indemnity insurance covers against the risk of professional negligence which may cause financial loss to a client. An approved insurance policy is one where the insurer and the terms of the policy are approved by the Director-General of the Department of Fair Trading. Legal

advice has been received by the department which raises doubts about whether the professional indemnity insurance policies currently held by licensed conveyancers strictly comply with the Act. The difficulties arise because of wording in the Act which provides that a policy cannot be approved unless it indemnifies the licensee "regardless of when any claim is made in respect of any such liability". Current policies provide for run-off cover in circumstances where the conveyancer is no longer licensed. However, the viability of the run-off cover is dependent on the insurer continuing to be an insurer for the scheme. Generally, if an insurer were to withdraw or become insolvent another insurer would take its place, but this is not absolutely certain. As the Act now stands it would appear impossible for a licensee to obtain a policy which provides indefinite run-off cover as required by the Act.

The bill before the House amends the Act to overcome this difficulty and makes the professional indemnity requirement for conveyances similar to that for solicitors. It repeals the existing provisions relating to the approval policies and in their place the bill provides that an approved policy of professional indemnity insurance is one which is approved by the Minister by order published in the *Gazette*. The ministerial order will specify those policies that our approved by the Minister. Any conditions set out in the order must be complied with. The amendment also validates any licences which may have been in doubt because the insurance policy held by the licensee may not have been technically an approved policy under the repealed provisions. The bill will remove the provisions that result in a licence automatically being of no effect during a period where an approved policy of insurance is not in force in respect of a licensee or where a licensee has not paid a levy or a contribution to the compensation fund. This will protect consumers who unknowingly deal with a licensee whose license may be of no effect. In this regard, claims under the compensation fund may only be made in respect of acts or omissions by the holder of a license which is in force. The director-general will still be able to suspend or cancel a license if the holder no longer has insurance or fails to pay the contribution or levy.

The amendments contained in the bill will not result in any diminution in the level of protection to consumers. In fact, they are designed to shore up that protection. Since 1992 all licensed conveyancers have been covered by professional indemnity insurance and it will continue to do so. The bill will ensure that insurance policies of the kind currently provided by the insurance market can be approved. The Department of Fair Trading will consult with the Law Society, the Attorney General's Department and industry groups on the terms and conditions of future policies to ensure that they continue to provide an adequate level of protection.

Conveyancers provide a very important service to New South Wales consumers. Members of this House may be interested to know that a review of the Conveyancers Licensing Act 1995 is underway and that an issues paper was released for public comment this week. The review is being undertaken as part of the New South Wales Government's commitment under national competition policy to review by the year 2000 all of its legislation which restricts competition. The aim of competition policy is to promote and maintain competition, to increase economic efficiency and community welfare, while continuing to provide for consumer protection. The Government believes that provided the public interest is safeguarded competition will benefit the people of New South Wales by creating a stronger and more viable economy.

<11>

The national competition principles agreement establishes principles for pro-competition competitive reform of government business enterprises and removal of impediments to markets when they are not in the public interest. The agreement requires that legislation should not restrict competition unless it can be demonstrated that the benefits to the community as a whole outweigh the costs of the restriction, and that the objectives of the legislation can be achieved only by restricting competition. All New South Wales legislation has been examined to determine whether it establishes market entry barriers or requires conduct which has the potential to restrict competitive behaviour in the market.

It is important to consider whether the costs of such legislation are outweighed by public benefit. The Conveyancers Licensing Act 1995 was identified as potentially restricting competition and was set down for review. It is the Government's policy to ensure that the review process takes into account the full range of public benefits of the legislation and that all views are thoroughly considered before any reforms are proposed. To achieve this, a steering committee chaired by the Department of Fair Trading has been established to conduct the review. The committee is made up of representatives from the Attorney General's Department, New South Wales Treasury, the Cabinet Office and the Department of Fair Trading. A reference group has also been established to provide advice to the steering committee. The reference group comprises representatives of the Australian Institute of Conveyancers, the New South Wales Conveyancing Society, the New South Wales Law Society, the Legal Services Commissioner, Macquarie University and the Sydney Institute of Technology.

The steering committee has produced an issues paper in order to identify the issues relevant to competition policy, uniformity and the effectiveness of the legislation, to stimulate discussion within the community and to assist interested individuals and organisations that wish to lodge a submission to the review. That issues paper will be widely circulated to interested parties, and responses will be sought on the issues raised and any other relevant matter. Although the emphasis of the review is on anticompetitive aspects of the legislation, areas in which the laws could be made more efficient and equitable will also be considered during the review process. Submissions may address the issues raised throughout the paper, as well as raise other relevant issues which the paper has not identified. There will be wide-ranging consultation with key stakeholders and interested persons, and a final report with recommendations will then be prepared. The closing date for submissions is 12 May this year.

The review of the Conveyancers Licensing Act 1995 shall be conducted in accordance with the principles for legislation review set out in the Competition Principles Agreement. The guiding principle of the review is that legislation should not restrict competition unless it can be demonstrated that the benefits of the restriction to the community as a whole outweigh the costs, and that the objectives of the legislation can be achieved only by restricting competition. Without limiting the scope of the review, the review is to, first, clarify the objectives of the legislation and their continuing appropriateness; second, identify the nature of the restrictive effects on competition; third, analyse the likely effect of any identified restriction on competition on the economy generally; fourth, assess and balance the costs and benefits of the restrictions identified; and, fifth, consider alternative means for achieving the same result, including non-legislative approaches.

The review shall consider and take account of relevant regulatory schemes, including those in other Australian jurisdictions, and any recent reform proposals, including those relating to competition policy in those jurisdictions. The review shall consult with and take submissions from consumers, relevant industry associations and other interested parties. Consumer protection legislation is generally developed as a response to problems experienced by consumers when purchasing goods and services. Such problems may be the result of what economists call market failure. A market may fail or become distorted when businesses do not operate in the best interest of efficiency or when environmental or social detriment occurs.

Much consumer protection is designed to ensure that consumers have access to relevant, truthful information to enable them to compare the value of goods and services available in the marketplace. Regulation that provides broad requirements for honesty and truthfulness in commerce is generally considered to be supportive of an efficient and competitive economy. These types of professions acknowledge that both sides of the market equation—consumers and businesses—have a legitimate interest in maintaining and promoting honest dealing and fair competition in the marketplace. Other functions of consumer protection legislation are often to protect consumers from loss of money or, rarely nowadays, to restrict the price that can be charged for certain goods or services.

The licensing of conveyancers was primarily introduced to improve competition in the provision of conveyancing services. Prior to 1992 the provision of conveyancing services was the sole responsibility of lawyers. The legislation was subsequently amended in 1995 to enable licensed conveyancers to offer a wider range of conveyancing services to the public. The legislation sets in place a number of mechanisms designed to improve consumer protection and otherwise to raise the

standard of services provided by licensed conveyancers. Currently, there are 183 licensed conveyancers in New South Wales. Of those, 23 hold restricted licenses that allow them to undertake residential work only, and 160 are licensed to undertake the full scope of work, including commercial and rural conveyancing.

The industry has increased by almost 400 per cent since the introduction of the Conveyancers Licensing Act in 1995, when there were only 43 licensees holding residential licences. The bulk of the industry's members are small businesses which employ fewer than 10 staff; others are employed by banks and financial institutions. Approximately one-third of licensed conveyancers work in solicitors offices. There were more than 171,226 property transactions in New South Wales in 1997-98 which created a need for conveyancing. Regulation limits competition in the conveyancing market as it places restrictions on those who can charge a fee for providing conveyancing services and on the way they conduct their business.

In New South Wales provision of such services is restricted to solicitors and licensed conveyancers. The introduction of conveyancers licensing legislation in 1992 allowed appropriately qualified non-solicitors to undertake residential conveyancing transactions. The aim of the 1992 legislation was to increase competition and improve service delivery in the residential market. In 1995 further legislation was introduced which expanded the range of work licensed conveyancers could undertake. The charge by both solicitors and conveyancers for a residential conveyance currently ranges on average between $650 and $1,000. It is anticipated that as more service providers in all types of conveyancing work enter the marketplace cost savings, particularly in the area of business conveyancing, will result.

In the early years of New South Wales conveyancers practised without any legal status or recognition. In 1847 a system of certified conveyancers was established. The Practice of Conveyancing Act (2 Vic 33) provided that a person could apply to the Supreme Court to become a certified conveyancer. There were never more than 73 certified conveyancers in New South Wales, and in 1935 when the number dropped to 55 the Legal Practitioners (Amendment) Act 1933 provided that no further certificates to practise as a conveyancer would be granted. In 1967 those remaining practising conveyancers were granted unrestricted solicitor's certificates by the New South Wales Law Society.

In 1992 the Conveyancers Licensing Act was introduced to license conveyancers. The Act acknowledged that there was a role for non-lawyers in conveyancing but restricted that role to residential conveyancing of properties of less than five acres. It was promoted as a scheme to encourage a broader market for conveyancing and to provide greater consumer choice.

<12>

Loq:Watkins

Because there were only a few conveyancers at the time and the conveyancing work was the same as that done by lawyers, the regulation of conveyancers was made the responsibility of the Law Society of New South Wales. However, it was found that the Conveyancers Licensing Act 1992 was only partially able to expand consumer choice and break down the monopoly solicitors had on conveyancing, as the scope of work defined in "licensed conveyancing" limited conveyancers to work on small residential properties and regulation of conveyancers by the Law Society was seen to be an inappropriate influence or control over competitors; it was not self-regulation by brethren but regulation by competitors.

Reforms were proposed that would permit licensed conveyancers to undertake a broader scope of work, covering commercial, rural and residential real estate as well as personal property, giving both consumers and business a greater choice between service providers. The Conveyancers Licensing Act 1995 expanded the work a licensed conveyancer is able to do and transferred regulation of conveyancers to a body independent of both the legal profession and the conveyancing industry, the former Property Services Council. In 1997 the Property Services Council was abolished and the Department of Fair Trading now regulates licensed conveyancers. The Conveyancers Licensing Act 1995 defines conveyancing work as "legal work carried out in connection with any transaction that creates, varies, transfers or extinguishes a legal or equitable interest in any real or personal property". The definition is not restricted to transactions involving land but also permits the transfer of goodwill, stock-in-trade and other personal property without there being a related sale of land.

Licence holders, in addition to residential work, may carry out a broad range of commercial property transfers, ranging from the sale or purchase of factories or shops in a shopping centre to the whole shopping centre itself. They can also undertake transactions for small businesses, including the transfer of goodwill and stock-in-trade and act on the sale of farms and other rural property, regardless of whether the property is zoned or used wholly or partly as commercial and residential. The scope of work also extends to properties such as city apartment blocks which are still under company title. Like most New South Wales traders, conveyancers are subject to the Fair Trading Act 1987. The Fair Trading Act mirrors the consumer protection provisions of the Commonwealth Trade Practices Act 1974 and includes a range of provisions which prohibit practices that seek to exploit or misinform the community, such as deceptive conduct, false representations and misleading advertising. A major policy objective of the Fair Trading Act is that consumers can expect that the information they are given about the product or service they are buying is accurate so that they can choose those that best satisfy their needs. If consumers are misled, the Fair Trading Act can require that traders remedy the situation.

A conveyancing transaction involves the preparation and giving of advice on the many varied documents in relation to the transaction. The most common situation occurs when a person buys a property such as land, a house, a home unit or an office building and instructs a conveyancer to complete the transaction. To be able to do this work a conveyancer must know about contracts, land division, survey, property development, property management, strata administration, insurance, taxation and business analysis. In relation to the sale of land, licensed conveyancers typically undertake the following range of services: preparation and advising on a contract for the sale of land; conducting title searches and making inquiries of government departments; preparing and advising on mortgage documentation; attending to exchange of contracts and settlement procedures; preparing and advising on lease documentation; and preparing and advising on documents ancillary to the conveyance.

One of the most important aspects of this role is the fiduciary duty a conveyancer has to his or her client. That duty arises from a relationship of trust where the conveyancer is able to exercise discretion or power in undertaking the management of certain work for a client where specific conduct and results may not be clearly set out. Typically, an information imbalance exists between the conveyancer and his or her client. The relationship of trust may include holding of money on behalf of the client. Risks may be associated with conveyancing transactions that may arise from the fiduciary relationship, poor quality of service, business failure and information asymmetry. Those risks include risk of fraud. Because of the large amounts of money involved in property transactions, there is a risk that a conveyancer could make fraudulent use of a client's funds or property, including title documentation. Conveyancers are in a relationship of trust with their clients, in which they often hold large amounts of money on the client's behalf.

There is significant risk of failure to account for money held in trust. There may be risk of business failure. Most conveyancing businesses in New South Wales are small businesses. In times of market downturn small business is the sector that is most susceptible to experiencing financial difficulty. In addition, there may be participants who have not adequately developed their business skills to maintain a successful business. There may be risk of incompetence. There may be errors in the preparation and advice on documentation, for example, errors or misdescriptions in the contract for sale of property or in the legal advice given in relation to a commercial transaction such as the transfer of a lease attached to a business; errors in conducting searches and making inquiries, for example, errors in pre-contract inquiries such as restrictions on land use or failure to inquire into matters affecting the property; and incorrect documentation.

When the Conveyancers Licensing Act 1992 was repealed by the Conveyancers Licensing Act 1995 all administrative functions relating to the licensing and regulation of conveyancers were transferred from the Attorney General's Department and the Conveyancers Licensing Committee to the Property Services Council. The functions of the Property Services Council were transferred to the Department of Fair Trading in 1997. The main institutions now involved in the regulation of conveyancers are the Department of Fair Trading, the Legal Services Commission and the Attorney General's Department. The Property Services Advisory Council plays a policy advisory role by advising the Minister on issues relating to the property industry. The Director-General of the Department of Fair Trading is the licensing authority. The department has roles that are

complementary to licensing in such matters as inspections and compliance. Those roles are undertaken in conjunction with the Legal Services Commission, as described in the Conveyancers Licensing Act and the Legal Profession Act.

The Conveyancers Licensing Act 1995 contains provisions covering the regulation of licensed conveyancers. The Act regulates entry to the occupation of conveyancer by specifying licensing requirements, who may set educational and practical experience standards and how that training may be provided. The Act also establishes procedures for discipline and possible disqualification of licence holders. The Act prescribes the required behaviour of conveyancers in the conduct of their business with respect to such things as licensees' stationery, record keeping, the handling of trust moneys—that is, the issuing of receipts, banking procedures, records and computer-control, and ledger accounts—and the annual auditing of trust accounts; and the sharing of receipts. The Act also establishes disciplinary proceedings, dispute resolution, compensation mechanisms and entitlement conditions.

Conveyancing services are provided in the marketplace by conveyancers who provide residential services only and those who provide residential and commercial and/or rural conveyancing. Though most conveyancers in New South Wales are licensed to undertake the broader range of work, it appears that many have chosen to confine themselves to residential work only.

<13>

Lawyers are able to provide, in conjunction with a conveyance, a range of complementary services, such as the preparation of wills and advice on family matters and taxation. However, the Conveyancers Licensing Act specifically excludes conveyancers from carrying out such services. Conveyancers are not permitted to commence or maintain legal proceedings; establish a corporation or vary the memorandum or articles of association of a corporation; create, vary or extinguish a trust; prepare a testamentary instrument; give investment or financial advice; or invest money otherwise than as provided by the Act in section 4.

The Act requires that any person who is not a solicitor and who wishes to carry on the business of a conveyancer must be licensed. The stages in the licensing process are provide that to be granted a licence, applicants must be at least 18 years of age and must have approved educational qualifications, and practical training and conveyancing experience. Applicants must not be disqualified persons. They must have paid the licence fee and the required contribution to the fidelity fund, that is, the Property Services Compensation Fund, and be insured for the period of the licence under an approved policy of professional indemnity insurance.

A conveyancer's licence expires each year on 30 June. To be re-issued with a licence, a licensee must fulfil the above requirements and, in addition, if money has been held on behalf of a client in the preceding year, lodge an auditor's report as well as comply with any conditions placed on the licence—for example, undertake continuing education. Currently, all licensees renewing a licence are required to undertake five hours of continuing education in accordance with guidelines issued by the director-general.

I begin an outline of the eligibility criteria with the educational requirements. To be granted a conveyancer's licence, an applicant is required to fulfil such educational and practical experience requirements as set down in a ministerial order. Currently, these requirements entail undertaking a course of study at Macquarie University, the Sydney Institute of Technology or the Southern Cross University for a period equivalent to approximately two years full-time study or completion of a law degree. The content of the conveyancers' courses was originally set down under the Conveyancers Licensing Act 1992 by the Conveyancers Licensing Committee. The content of the courses was amended in 1995 to cover additional areas of study that are relevant to the expanded scope of work introduced by the 1995 Act.

The courses that conveyancers are required to undertake have a legal focus and cover areas of study such as consumer rights, contract law, legal entities, trusts, taxation, company law, commercial leases and retail leases, personal property law, equitable principles and trusts, mortgages, planning and subdivision, law of succession, real property law, revenue law, law of equity, law of vendor and purchaser, title investigation and analysis, conveyancing practice, legal drafting, business management, office accounting, professional behaviour and ethics, finance and securities law, sale and

purchase of business assets, rural conveyancing, legal dispute resolution, family relations law, agency law and business law. In addition, before a licence is granted applicants are required to demonstrate that they have relevant practical experience in conveyancing work.

Although the level of education is lower than that required for admission as a solicitor, it still involves the equivalent of two years full-time study covering a range of topics of both a legal and practical nature. In addition, to be granted a conditional licence, an applicant must have worked under the supervision of a licensee or a solicitor for one year. For an unconditional licence, two years experience is required. It has been argued that these educational and practical experience requirements are essential to ensure a minimum level of confidence. It is considered that it is essential for a conveyancer to have a certain level of knowledge to be able to advise on the ramifications of a sale contract and to handle the relevant transactions competently. However, regulation should not impose unreasonable cost and burdens on practitioners and consumers, be impractical, or crowd out other more efficient ways of protecting consumers and achieving business confidence.

In prescribing entry levels for conveyancers, the focus could move from prescribing particular educational courses or subjects and a period of practical training to prescribing certain competency standards. Competency standards for conveyancers were endorsed in 1997 by the Australian National Training Authority [ANTA]. Competency standards are intended to set national skills and knowledge standards for a particular industry. Substituting educational and practical experience requirements for competency levels could mean that the main risk areas, such as quality of service and risk to trust money, would be addressed through a combination of prescribing competency standards and insurance requirements.

Certain persons are disqualified from holding a conveyancer's licence. The following persons are classified as disqualified persons: a corporation; an undischarged bankrupt; a person convicted of an offence involving dishonesty; someone who is mentally incapacitated; a person removed from the role of legal practitioners; a person who is disqualified from holding a licence under the Conveyancers Licensing Act 1992; a person who is disqualified from being employed in a solicitor's office or a person who is disqualified from holding a licence or certificate of registration under the Property, Stock and Business Agents Act; a person who holds a solicitor's or barrister's practising certificate; and a person who holds a licence or certificate of registration under the Property, Stock and Business Agents Act.

Restrictions are also placed on those who may form a partnership with a licensed conveyancer and the way in which a non-licensee partner is able to conduct business. Partnerships are only permitted with another licensee or a person approved by the Director-General of the Department of Fair Trading. In addition, restrictions apply to staff whom a licensee may employ. A conveyancer must not employ a disqualified person unless leave is given by the director-general or the Administrative Decisions Tribunal. Nor is a conveyancer permitted to share staff with a legal practitioner or a real estate agent.

As has been the case for solicitors, conveyancers are not permitted to be licensed as a corporation. Partnerships have been considered to be appropriate business structures as they ensure that certain ethical and professional standards are maintained. For solicitors, it has been found that partnerships have limitations as business structures because they hamper the competitive nature of solicitors compared to other professionals. A proposal has been made to amend the Legal Profession Act to enable solicitors to practise in companies incorporated under the Corporations Law. Conveyancers are required to have approved professional indemnity insurance cover against the risk of professional negligence which causes financial loss to a client.

Section 7 of the Conveyancers Licensing Act provides, among other things, that the conveyancer will, for the whole of the period of the licence, be insured under an approved policy of professional indemnity. Regarding re-application requirements, the Act contains no specific renewal provisions. When a licence expires on 30 June each year, the licensee needs to apply for the re-issue of a licence and the same criteria for the issue of the new licence applies. In addition, the applicant needs to have lodged an annual audit certificate and to have complied with the condition requiring further education to be completed. Currently, all licensees have a condition placed on their licence requiring the completion of five hours of further education per year in accordance with the guidelines issued by the director-general.

Appeals against certain decisions of the director-general may be heard by the Administrative Decisions Tribunal. An application may be made to the tribunal if an application for a licence has been refused, a condition has been imposed on a licence or a licence has been suspended or cancelled.

<14>

In relation to requirements for interstate applicants, licensing laws can affect the geographical mobility of practitioners particularly when regulation makes it difficult for licensees in one State to obtain a licence in another.

In the case of conveyancing, the range of work and activities of persons undertaking that work vary considerably across Australia. Recognition of equivalence is provided for under neutral recognition laws which allow for the recognition of a person registered or licensed in one State to be able to be registered or licensed in another State to carry on the equivalent occupation. However, according to an assessment undertaken by the New South Wales Department of Fair Trading there appears to be no equivalent occupation of conveyancer in Queensland, Victoria, Tasmania or the Australian Capital Territory. With the exception of South Australia, those undertaking conveyancing work in others States wishing to practise in New South Wales will usually be required to undertake some additional qualifications before achieving equivalence.

The effect of that is to limit geographical mobility across Australia. In particular, those affected are conveyancers from States where there is considerable variation in licensing conditions and the range of work undertaken. Differing licensing requirements may also impact on those residing and working in border towns where business may be transacted on both sides of the border. The Act also contains a number of provisions that may impact on the cost of doing business. The Act provides that regulations may establish the way in which a conveyancing business should be conducted. The Conveyancers Licensing Regulation currently provides for matters such as: information to be shown on a licensee's stationery; reasonable attendance of the licensee at the business premises; and the use of a business name.

The Act also provides for the adoption of rules or guidelines made by the Law Society in relation to the conduct of solicitors. To date no such rules or guidelines have been adopted for conveyancers. In relation to trust money and controlled money, conveyancers are required to adhere to comprehensive trust accounting requirements. Licensees are required to deposit all trust money into a general trust account at a bank in New South Wales before the end of the next banking day or as soon as practicable pay the money into another account if directed by the client. In either case money held must be held exclusively for, and disbursed according to, the instructions of the client. It is professional misconduct for a licensee to contravene those requirements.

Interest earned on trust accounts is paid by the relevant bankers to the Property Services Statutory Interest Account which is established under the Property, Stock and Business Agents Act 1941. Prescribed financial institutions are required to provide certain information to the director-general in relation to trust accounts. Auditing requirements for trust accounts are set out in the regulation. It is professional misconduct for a licensee to contravene those requirements Regarding record-keeping for trust accounting, the regulation contains detailed and comprehensive record-keeping requirements for trust accounting. For example, records must be compiled in chronological order and must contain details of a client's name, address, matter number, matter description, client number and bank account number.

Requirements for ledger entries, account statements, receipts, transactions and computer records are also detailed in the regulation. The objectives of those provisions is to ensure a clear audit trail to reduce the possibility of misappropriation of funds. In relation to prohibition on sharing of receipts, the sharing of receipts is prohibited unless the other person is a licensee or has been approved by the Director-General of the Department of Fair Trading. Such approval cannot be given if it will result in another person gaining control of the business or will affect the independent conduct of the business and the interests of clients. This provision supports the requirements in the Act for ethical standards and competency by ensuring a properly qualified person maintains control of the business.

With relation to conditions for multidisciplinary partnerships, partnerships are only permitted with another licensee or a person approved by the director-general. In approving a partnership the director-general must be satisfied that the partnership business will include conveyancing. A partnership with a real estate agent is prohibited by the Act. A partner who is not a licensee is able to conduct business, receive a fee, advertise as a partner of the business and share receipts without committing an offence. The provisions of the Act relating to trust money, controlled money and claims arising from failure to account apply to both the licensee and non-licensee members of the partnership.

In relation to restrictions on employing certain persons, restrictions apply to the ability of licensed conveyancers to employ certain classes of persons. A licensee must not knowingly employ a person who is a disqualified person unless leave is given by the director-general or the Administrative Decisions Tribunal. In addition, the Conveyancers Licensing Act prohibits the sharing of staff with legal practitioners and real estate and other agents licensed under the Property, Stock and Business Agents Act. I will refer now to compliance and monitoring.

The Act provides for the administering authority to have a compliance and monitoring role. In relation to the register of licensees, the director-general is required to maintain a register of licensees which is open to public inspection during normal office hours. There is a fee payable for inspection of the register. In relation to disciplinary procedures, complaints and disciplinary procedures are the same as for solicitors for professional misconduct and unsatisfactory professional conduct and are set out in part 10 of the Legal Profession Act. The objective of the procedures are to provide redress for consumers who use a conveyancer's services, ensure compliance with standards of honesty, competence and diligence and maintain a sufficiently high level of ethical and practice standards

Any person may make a complaint about a licensee. The complaint must be made in writing, identify the licensee and provide particulars of the complaint. Such complaints may be made either to the Department of Fair Trading or to the Legal Services Commissioner. A complaint must be made within three years of the date on which the conduct complained of occurred and must relate to conduct which could be considered professional misconduct or unsatisfactory professional conduct or which gives rise to a consumer dispute. Complaints received by the Department of Fair Trading are referred to the Legal Services Commissioner who decides whether and how the matter is to be investigated by the director-general.

On completion of an investigation undertaken by the Department of Fair Trading, the matter is referred back to the Legal Services Commissioner for a decision on the type of action to be taken. If complaints are considered justified by the Legal Services Commissioner he will refer them to the Legal Services Division of the Administrative Decisions Tribunal. The composition of the Tribunal for hearing a complaint against a conveyancer is one solicitor member, one licensee member and one lay member. The solicitor member is to preside at the hearing. Disciplinary action may be taken against a conveyancer for professional misconduct or unsatisfactory professional conduct.

Professional misconduct includes: unsatisfactory professional conduct if the conduct involves a substantial or consistent failure to reach reasonable standards of competence and diligence; conduct otherwise than in connection with a conveyancing business that would find a conveyancer of not being of good fame and character; and conduct declared to be professional misconduct by any provision of the Conveyancers Licensing Act. Unsatisfactory professional conduct includes conduct that "falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonable competent conveyancer". Suspension or cancellation of a licence should be explored.

<15>

In addition to the disciplinary process, the Conveyancers Licensing Act provides for the suspension or cancellation of a licence in a number of circumstances. Some of those circumstances relate to the licensing process. For example, a licence may be suspended or cancelled if the licensee no longer requires a licence, if the Fidelity Fund contribution has not been paid, or if the licensee does not hold an approved policy of professional indemnity insurance. Other circumstances relate to changes in the personal circumstances of the licensee, such as if the licensee has become a disqualified person; for example, if a licensee becomes a real estate agent, or if the licensee because of physical or mental illness or infirmity is unable to carry out the conveyancing work.

Failure to adhere to provisions of the Act can also result in suspension or cancellation of a licence. This includes where a licensee fails to comply with a condition of the licence, has not complied with trust and controlled money requirements or is convicted of an offence. Regarding the appointment of managers and receivers, action may be taken to appoint a manager to a licensee's conveyancing business if the licensee has requested that the director-general make such an appointment, the licensee's licence has been cancelled or suspended; all areas or may have been a failure to account by the licensee, or the director-general use of the opinion that a person is unable to obtain payment or delivery of property by the licensee because he or she is mentally or physically ill, is bankrupt, is in gaol, has died or has abandoned the business. The responsibilities of a manager are specified in sections 44 to 51 of the Conveyancers Licensing Act.

I now turn to inspection of trust accounts and investigations. There are provisions in the Act for the appointment of inspectors to inspect trust accounts and investigate the affairs of a particular licensee. A wide range of penalties are provided. Those are applicable to the following offences: employing a disqualified person; failure to comply with audit requirements; failure to deal with unclaimed money in accordance with the Act; failure to produce records or provide information to an inspector; unauthorised disclosure by an inspector, his or her assistant, a solicitor or an officer or agent of the director-general; hindering, obstructing or delaying an inspector in his or her functions; hindering, obstructing or delaying an appointed manager in his or her functions; failure to provide information about receivable property; improper dealing with receivable property; failure of a terminated receiver to transfer or deliver receivable property according to directions given by the Supreme Court; or hindering, obstructing or delaying a receiver in his or her functions. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

CONVEYANCING AMENDMENT (LAW OF SUPPORT) BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [12.23 p.m.], on behalf of Mr Yeadon: I move:

That this bill be now read a second time.

If I own a parcel of land that provides support for a building on a neighbouring parcel of land, I can alter my land to withdraw support for that building, and thereby damage that building, without being liable for that damage. That is the law as it currently exists in this State. It is also known as the rule in *Dalton v Angus*, being the 1881 case decided by the House of Lords which laid down the law on this matter. This is obviously a completely unsatisfactory state of affairs. It is because of this unsatisfactory position that the New South Wales Law Reform Commission produced its report No. 84 entitled "The Right To Support from Adjoining Land."

The report identifies four main areas of the existing law of support for adjoining land. Firstly, a parcel of land has a right to receive support from an adjoining parcel, but that right of support is only for the land itself and not for any buildings on that land. Secondly, a parcel of land is not entitled to be supported by adjoining water. Thirdly, as already stated, buildings on a parcel of land have no inherent right to be supported by the adjoining land. And lastly, buildings have no inherent right to be supported by an adjoining building. The commission recommends that the existing law of support, which I have just described, be reformed.

The bill that I have introduced implements the commission's recommendations by amending the Conveyancing Act in the following manner. A new section, being section 177, is inserted into the Conveyancing Act. It creates a duty of care so that every person must not do anything or omit to do anything, on land that supports other land, so as to cause damage by removing the support provided to the supported land. As I explained previously, there is no such duty of care at present and therefore this reform cures an existing defect in the present law.

Furthermore, this new duty of care is created as an addition to the common law of negligence. By the common law of negligence I mean the general duty that each person must take reasonable care not do anything that might cause harm to anyone else. The common law of negligence is constantly evolving as decisions by courts are made that define the extent of the duty. Making the duty to support adjoining land part of the common law of negligence ensures that the duty will remain in parity with the general duty of care that applies to all people, and will have the benefit of modifications made to that duty, as declared by the courts from time to time.

As I have previously said, there currently exists a right for land to receive support from adjoining land, but that support does not apply to any buildings on the supported land. This situation is now to be changed by providing that the duty of care, which I have just discussed, is to extend to buildings on the supported land. Therefore, anything done on the supporting land that removes support for the buildings on the supported land, will be in breach of the duty. However, where the support for the supported land comes not from the adjacent land itself, but rather from a building on that adjacent land, then the duty of care does not extend to the support provided by that building.

There is one exception to this, and that is where the supporting building has replaced the support that the supporting land in its natural state formerly provided. The new duty of care contains two parts. Firstly there is an obligation not to do anything on land so as to cause a loss of support provided by that land for other land. And secondly there is an obligation not to omit to do anything on land that would otherwise result in a loss of support provided by that land for other land.

<16>

This second part of the duty of care—the obligation not to omit to do anything to prevent a loss of support from occurring—does not apply to the Crown. This is because the Crown is in the special position of owning very vast areas of land such as national parks, beaches and other Crown land where it is not feasible for the Crown to be aware of erosion occurring that might cause a loss of support for neighbouring land. This measure will ensure that the Crown is not liable under the new duty for loss of support from erosion caused by the action of the sea, a river or land salinity.

The duty of care imposed by this bill may be excluded or modified by agreement between the owners of the supporting and the supported land. For example, the owner of the supporting land may wish to do work on that land that will result in removing support to the supported land. The owner of the supported land may agree to relinquish the right to be supported in exchange for money to be paid by the other owner. However, that agreement will not bind any subsequent owner of the supported land unless it is embodied in an easement for removal of support that is registered on the title of the supported land. In order to aid in the creation of this type of easement, the bill inserts a standard form of words for the easement in schedule 8 to the Conveyancing Act.

The bill also provides that an easement for removal of support is a valid matter that can be created by an easement. This is so as to remove any doubt that an easement may be created which has this effect. As I explained earlier, under the existing law a parcel of land only has a right to be supported by another parcel of land in respect of its undeveloped state—that is, without buildings. If that right was interfered with the owner of the supported land had a right to bring an action in what is known as the tort of nuisance. However, now that a general duty of care is being imposed for the support of land, the remedy for breach of that duty is an action in the tort of negligence. This is the same remedy as applies for breaches of all other duties of care. As this remedy of negligence is being introduced the former remedy of nuisance is likewise being extinguished. That is, from now on the remedy for removal of support is negligence and not nuisance.

The bill also amends the Roads Act 1993 by updating a reference in that Act to the previous common law duty of support, with a reference to the new duty being imposed by the bill. It is not only in New South Wales that the rule in *Dalton v Angus*—the 1881 case decided by the House of Lords—has applied, but also in other States of Australia, in New Zealand and, of course, in England. It is therefore relevant to consider how those other jurisdictions have dealt with the problems created by

this rule. In 1972 the New Zealand Court of Appeal in the case of *Bognuda v Upton and Shearer Ltd* decided that the rule in Dalton did not apply in New Zealand because of certain provisions in New Zealand's Land Transfer Act 1952. Because the rule did not apply the court found that the ordinary principles of negligence applied instead. This means that a landowner has an obligation to take reasonable care to avoid damage to a neighbouring landowner's buildings when excavating on the landowner's own land.

This statement of the law in New Zealand is very similar to the duty being imposed by this bill. In England the English Law Commission, which is its law reform commission, produced a report some time ago entitled "Appurtenant Rights." The commission proposed creating a general obligation relating to the support of buildings by other land. Whilst this proposal has not been implemented, the proposal itself is comparable to the duty of care which this bill will create. In Queensland, the Property Law Act 1974, which is its equivalent of our Conveyancing Act, contains a section 179 which deals with this issue. It provides that there is attached to all land an obligation not to do anything thereon that will withdraw support from any other land or from any building on that land.

Once again, this provision is very similar to the duty of care being imposed by this bill. Interestingly, that provision is also the result of recommendations made by Queensland's Law Reform Commission in its report No. 16 on the law relating to conveyancing, property and contract and on certain imperial statutes. The Queensland commission argues that with advances in engineering techniques, an owner both can and should, and in practice almost invariably does, take precautions against damage to his neighbour's building caused by subsidence arising from excavations on his land. Its recommendations were therefore that good building practice should be converted to a legislative requirement.

The generality of the section appears to deliberately abolish the distinction, and thereby problems, between support derived from land and support derived from water or otherwise. Possibly the most important feature of the legislation is that the right attaches to the land rather than individuals. It seems that the duty of care imposed by section 179 is imposed upon the owner of the land that provides support. The bill before us imposes the duty of care upon all persons—not just the owner —and therefore takes in people such as excavators and builders. In Western Australia the Law Reform Commission has recommended that legislation similar to that existing in Queensland be introduced. It can therefore be clearly seen that the duty of care imposed by the bill is similar to the duty of care either existing or proposed for other jurisdictions. The duty is needed to remedy an existing anomaly in the law and will provide safeguards for landowners.

As I mentioned earlier, this bill implements recommendations of a report by the New South Wales Law Reform Commission into this matter. In making its recommendations the commission consulted with the community and considered submissions from several parties, including the Law Society of New South Wales, the Australian Institute of Building Surveyors, the Department of Local Government, and the Land Titles Office. The bill provides a much-needed reform to the law of support of adjoining land. It cures a long-standing defect in the law and will be of real practical benefit to the people of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr D. L. Page.

CONVEYANCING AMENDMENT (CENTRAL REGISTER OF RESTRICTIONS) BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [12.37 p.m.]: I move:

That this bill be now read a second time.

This bill, when enacted, will streamline many of the cumbersome and expensive processes currently involved in purchasing a property. The Conveyancing Amendment (Central Register of Restrictions) Bill provides for the formal creation of the Central Register of Restrictions. The Central Register of

Restrictions, or CRR as it is known, is a database for recording and distributing land-related information that is usually searched as part of a conveyancing transaction. The Central Register has been operated informally by the Land Titles Office for a number of years and provides a central inquiry point for information regarding land that may affect a person's decision to purchase a particular property.

A number of different organisations now participate in the Central Register to record an interest or proposal that affects land. These include TransGrid, the Environment Protection Authority, the State Rail Authority, AGL Networks Ltd, and the Heritage Council. Prior to the establishment of the Central Register, a separate inquiry had to be made to each organisation. These inquiries are normally made by a prospective purchaser as part of his or her investigation of a property. It is important to determine if the property is affected by any proposals that will affect the land, such as a proposal to acquire all or part of the property for a school, a railway or for road widening. While the number of properties that are affected is small, the consequences of the existence of such a proposal are sufficiently serious as to warrant these inquiries being made in almost every case.

<17>

The Central Register provides an efficient means of conducting the necessary inquiries without the need to separately inquire of each authority. This assists in keeping the time between exchange of contracts and settlement of the sale to a minimum. The Central Register presently exists only as an administrative arrangement between the Land Titles Office, which functions as the administrative office of the Registrar-General, and the individual organisations that participate in the Central Register. An agreement is negotiated between the Land Titles Office and each organisation as it joins the Central Register. The Central Register records proposals by organisations, such as public authorities, that directly affect land or which would, if they proceeded, affect land.

The Central Register may also record other information that is relevant to a land parcel, such as whether the owner of the land has the use of adjoining Crown land under a Crown lease or permissive occupancy. This information is useful as a reminder to both vendors and purchasers that the right exists and that they must separately transfer it as a part of the overall conveyancing process. The aim of the Central Register is to make the inquiry process more efficient by allowing a person to make a single inquiry to discover whether a property is affected by a proposal or other matter recorded by any of the public authorities that record interests in the Central Register. If there is no proposal affecting a parcel of land, the Central Register will return a clear certificate on behalf of the public authorities. If there is a proposal, or if the land is in an area where it may be affected by a proposal of a particular organisation, the inquiry is referred to that organisation.

The organisation further investigates the inquiry and either issues a clear certificate or advises the inquirer as to the nature of the proposal. As such, the Central Register acts as a central clearinghouse for these common land-related inquiries. In most cases, the authorities participating in the Central Register have direct access to the database and are responsible for entering and updating the information relating to that authority. The operation of the Central Register has resulted in financial benefits for both participating authorities and the Land Titles Office, without increasing the costs to customers. By participating in the Central Register, the cost to an authority of operating its own inquiry service is removed.

The Land Titles Office retains as commission a proportion of the amount paid for each search of the Central Register and remits the balance to the authority concerned. This amount is determined by agreement between the Land Titles Office and the authority. The economies of scale have no doubt contributed to controlling the costs of maintaining the necessary information and making it available to those who need it. Customers of the Central Register also benefit from the economies and convenience of a centralised register by having to lodge only one application for information at one place rather than 10 for the current participants in the Central Register.

While there have been no problems with the operation of the Central Register, questions have arisen concerning the legal status of the Central Register. For example, it is doubtful whether legislation could provide for an authority's responsibilities to provide information about proposals that affect land to be satisfied by making the information available through the Central Register. Formalising the existence of the Central Register will also give its users more security and facilitate the application of new technology to develop better client services, such as on-line searching,

remotely-printed certificates and the issue of details of a proposal by an organisation. Conferring legal status on the Central Register may also encourage its use by more organisations, further streamlining the investigation of a property prior to purchasing.

The bill empowers the Registrar-General to formally establish the Central Register as a register to be held under the Conveyancing Act 1919. That Act already provides for a number of registers of diverse land-related information. The Registrar-General is authorised to record information in the Central Register and to provide access to that information in accordance with the agreements with the various participating organisations. The bill preserves the existing arrangement whereby an organisation participates in the Central Register by entering into an agreement. All of the existing agreements are specifically preserved by the bill and are deemed to be agreements under the new legislative scheme.

The bill also gives the Registrar-General a wide discretion to determine the manner or form in which the Central Register is maintained and the manner in which the information it contains is accessed. This is to allow for the development of new technology in the operation of the Central Register and better client services. To ensure that inquirers can rely on the information issued by the Central Register, the bill provides that a search result or certificate that is issued by the Registrar-General on behalf of an organisation following an inquiry to the Central Register has the same effect and standing as if it were issued directly by the organisation.

Currently most authorities enter data in the Central Register directly and this will continue. Under the bill, and the present agreements, an organisation that participates in the Central Register is responsible for ensuring its information in the Central Register is accurate and up to date. Each authority remains the trustee of the information it enters and is responsible for maintaining the currency and accuracy of that information. The scheme established by the bill merely formalises the arrangements that presently exist and opens up opportunities for improvements to this very valuable service for the conveyancing industry. The formalisation of the Central Register by this bill will facilitate the increased use by more authorities and agencies that have interests in land. The Land Titles Office has worked to expand participation in the Central Register by negotiation with a number of departments and agencies and will continue to do so.

I encourage all areas of government to look towards making use of this service to provide clients with access to land-related information. This process may take some time and effort, especially since much information is held in a manual form and needs to collected, validated and made available in a compatible electronic format. However, many benefits are to be had, both to the agencies and the public, as a result of on-line access to a wide range of property-based information. The expansion of the Central Register will increase conveyancing efficiency by reducing the cost of making conveyancing inquiries, reducing delays and inconvenience which arise from the making of conveyancing inquiries, and allowing the conveyancing community to obtain more efficient access to information by provision of on-line access to the Central Register of Restrictions.

In addition, increased participation in the Central Register will provide consequential benefits to authorities that will utilise the Central Register as it will substantially reduce the number of inquiries which need to be referred to each separate authority. The Central Register will also form part of a larger project of the Department of Information Technology and Management that is called the integrated property warehouse. The Land Titles Office has been working in partnership with other administrative agencies within the Department of Information Technology and Management, the Department of Land and Water Conservation and the Office of State Revenue to develop an integrated database of land data.

The integrated property warehouse will provide an environment for the interchange of, and access to, data sets such as the Central Register that are held in various administrative areas and government agencies. The integrated property warehouse will provide a single entry point for integrated land and property information. Improved technology will also allow the interchange and sharing of land information between government agencies and other users, leading to better management of land information. By improving data quality and reducing duplication the integrated property warehouse will deliver fast, accurate information on line, saving clients time and money. The Conveyancing Amendment (Central Register of Restrictions) Bill will provide a solid foundation for the continued operation and improvement of a service that has operated successfully since 1990, and

has made a significant contribution to simplifying conveyancing and containing conveyancing costs. As such, the bill is supported by all sectors of the conveyancing industry. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

[*Mr Acting-Speaker (Mr Mills) left the chair at 12.49 p.m. The House resumed at 2.15 p.m.*]

<18>

SCHOOL STUDENTS KANGAROO KILLING

Ministerial Statement

Mr AQUILINA (Riverstone-Minister for Education and Training) [2.15 p.m.]: It is with regret and anger that I report to the House a sickening incident that occurred about a week ago. I have been advised that during an overnight school excursion seven students from Riverina High School chased a number of kangaroos, caught them and clubbed them to death. These details are sickening. This is disgusting behaviour. It is shocking and completely unacceptable. Such behaviour cannot and will not be tolerated. I am advised that as soon as staff became aware of the incident they took swift and tough action. Four students were identified as being directly involved in killing the kangaroos; three other students participated in chasing the kangaroos.

All seven students have been suspended and the parents advised. The four students directly involved have been placed on a long suspension of up to 20 days. They will be excluded from school representation and other school activities as determined by the principal. The students also will not be given a school reference at the end of the year. In addition, they will undergo mandatory counselling. The other three students have been placed on short suspension and removed from any office they held in the school, and will also undergo mandatory counselling. It does not end there.

The New South Wales Police Service and the Royal Society for the Prevention of Cruelty to Animals are investigating. The school is assisting the police with their inquiries. I am advised that the school community has been shocked and distressed by the incident. Let me make it clear that this shocking, depraved behaviour will not be tolerated. I have backed the principal for his swift and tough disciplinary action. We gave principals the power to discipline students, and that is precisely what this principal is doing. The full force of the law will be brought to bear on anyone behaving in such a manner. In addition, I have asked the department to examine current school excursion guidelines to ensure that they are appropriate to try to prevent such incidents from recurring.

Mr O'DOHERTY (Hornsby) [2.17 p.m.]: The Opposition joins in declaring as disgusting and almost beyond belief the behaviour of the students from Riverina High School as outlined by the Minister for Education and Training. At this stage the Opposition has no further details other than those the Minister has just provided to the House. We also believe that appropriate action needs to be taken in these cases. We remember a similar incident that took place on an excursion four years ago in which a goat was eventually killed. At that time it was argued that there were some mitigating circumstances in that the baby goat had been touched by students and may not have been able to return to its mother. At the same time we received the same assurances from the Minister that appropriate guidelines would be put in place and action would be taken.

It goes to show that while the Minister may talk about putting guidelines in place, it does not get through to the ground floor. This incident would have been preventable had those guidelines been operating properly at Riverina High School. Long suspension is a serious matter. Obviously, short suspension is less serious; it means that those students will be back at school within a couple of days, in all probability. Even on a long suspension the students most responsible for this disgusting, depraved and inhumane act will be back at school within a short time. It begs the question whether the Minister's guidelines for action are working and whether they are appropriate in all the circumstances.

In such circumstances the Opposition would support the principal if he wanted to move these students to a non-school setting. It may be best for them to finish their schooling at TAFE. We do not know the details of the circumstance, but the Government has constrained the power of principals to do anything other than take long or short suspensions. That is the only course available to principals, but it may not be appropriate course in all circumstances.

HERITAGE WEEK

Ministerial Statement

Dr REFSHAUGE (Marrickville-Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [2.19 p.m.]: This week is Heritage Week, and the theme is sporting heritage. Today I am inviting comment from the community about the listing of the Dawn Fraser Pool in Balmain and the Bradman Oval in Bowral on the State Heritage Register. Both Dawn Fraser and Sir Donald Bradman are national living treasures. It is important that we take this opportunity to acknowledge their contribution to our sporting heritage. The community will have until 26 April to say what it thinks about these places being added to the list.

So what is special about these places? The Dawn Fraser Pool goes back a long way. Balmain council acquired the land for public baths in 1880 and the baths were in use by January 1882. There have been many repairs and alterations to the place since then, but I think we are all pleased that it has retained its essential character to the present day. Dawn was born in Balmain and still lives there. She learnt to swim at the baths as a young girl. No-one has been able to emulate Dawn's feat of winning gold medals in the 100 metres freestyle over three consecutive Olympics. Dawn was also the first woman to break the one-minute barrier for the 100 metres freestyle. In 1964 the pool was renamed the Dawn Fraser Pool in honour of her sporting achievements. Eight years ago the National Trust listed the pool on its register. It has been placed on the Register of the National Estate. The proposed nomination by the Heritage Council is the first opportunity to give it official recognition on behalf of the people of New South Wales.

Eighty years ago in a small Southern Highlands village about 130 kilometres south of Sydney a 12-year-old boy was asked to pick up a bat to play cricket for his school. He scored 115 not out—with Bowral's innings totalling 156. Seven years later he joined the New South Wales team and scored 118 runs in his first innings. A year later he was selected to play for Australia. So began the famous international career of Sir Donald Bradman. In the 1930 tour of England he made a score of 334—then the world's highest score in test cricket—with 309 of those runs scored in a single day. Bradman was also the national hero Australia needed after the horrors of World War I. He brought optimism and sporting triumph during the 1920s and through the Depression years. The triumphant 1948 tour of England was a necessary tonic after the Second World War and saw Bradman's team undefeated in all its test and county games.

<19>

Loq:Refshauge

He has by far the highest test average, that is 99.94, and scored more than 100 first-class centuries.

The Bowral Cricket Club was formed in 1883, and cricket has been played on the ground since 1893. In 1947 the ground was formally named the Bradman Oval. The heritage involves not only the oval but also the pavilion, the former Bradman home near the oval and the Bradman Museum. The Bradman Museum at the oval, which opened in 1996, houses an extensive collection of cricket memorabilia and many items associated with the great man himself. Dawn Fraser and Don Bradman are truly national treasures, great Australians and part of our living history. Today we are focusing upon where they started their sporting careers.

Mr BROGDEN (Pittwater) [2.23 p.m.]: The Opposition is pleased to have the opportunity to speak to this ministerial statement today, and particularly to join the Government in inviting comment on the heritage listing of both the Don Bradman Oval and the Dawn Fraser Pool in Balmain. I have been pleased to discuss this matter with my colleague the honourable member for Southern Highlands, who advises me that the town of Bowral is extremely proud of the role that the Don Bradman Oval plays in the Bowral community. The pavilion was opened in 1989 by Sir Donald and the late Lady

Bradman. In 1996, in the presence of the Prime Minister, their son, John Bradman, opened the museum, which remains an absolute feature of the community of Bowral.

I am aware that Mr Garry Barnsley, the immediate past chair of the Bradman Trust, Ian Craig, the chair of the trust, and Richard Mulvaney, the director of the museum, have all been consulted on this matter, and have offered their support for the nomination and look forward to accepting it in the future. It is a great pleasure to hear that the Dawn Fraser Pool is also being considered for heritage listing. Indeed, the pool, which is at the bottom of Elkington Park on Glassop Street, is just a little down the road from Terry Street, where I lived until the age of four before moving to Haberfield. As the Minister said, it was named the Dawn Fraser Pool in 1964 after Dawn's third victory in the 100 metres freestyle and other related events at the Tokyo Olympics. The pool is a great icon for the people of Balmain. In fact, Elkington Park is the place where the Back to Balmain Party is held on an annual basis by people who come back to Balmain to enjoy the spirit of that community.

It is important to note that both of these soon-to-be heritage items are named after living Australians, Sir Donald Bradman and Dawn Fraser. It is extremely fitting that they will be alive to see this process, possibly to take part in it themselves, and to be further honoured by their community, particularly the people of New South Wales, by the heritage listing of these two sites.

<20>

VISITORS

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of students from Blayney Public School. I hope their visit to the Parliament will be successful.

BILLS UNPROCLAIMED

Mr SPEAKER: Pursuant to standing orders, I table a list detailing all legislation unproclaimed 90 days after assent as at 5 April.

PETITIONS

North Head Quarantine Station

Petition praying that the head lease proposal for North Head Quarantine Station be opposed, received from **Mr Barr**.

McDonald's Moore Park Restaurant

Petition praying for opposition to the construction of a McDonald's restaurant on Moore Park, received from **Ms Moore**.

Kings Cross and Woolloomooloo Policing

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

Surry Hills Policing

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

Sussex Inlet Policing

Petition praying for increased police presence at Sussex Inlet, received from **Mr W. D. Smith**.

Adaminaby Police Staffing

Petition praying that a police officer will be assigned to Adaminaby, received from **Mr Webb**.

Bondi Pavilion Olympic Stadium Proposal

Petition praying for opposition to the construction of a stadium at Bondi Pavilion for the volleyball event during the 2000 Olympic Games, received from **Ms Moore**.

Manly Hospital Paediatrics Services

Petition expressing concern at the decision of the Northern Sydney Area Health Service to discontinue paediatric services at Manly Hospital and praying that full services at Manly Hospital will be maintained, received from **Mr Barr**.

Seaforth TAFE Closure

Petition praying for opposition to the closure of Seaforth TAFE, received from **Mr Barr**.

TAFE Funding

Petition praying for opposition to any funding cuts to TAFE, received from **Ms Moore**.

Fairy Meadow Pedestrian Arrangements

Petition praying for the provision of pedestrian access at the intersection of Mount Ousley Road and Princes Highway, Fairy Meadow, received from **Mr Campbell**.

Parramatta Regional Park Land Excision Proposal

Petition praying that no land will be excised from Parramatta Regional Park during construction of the Parramatta to Chatswood rail link, received from **Ms Harrison**.

Main Road 354

Petition praying that Main Road 354 will be bitumen sealed between the townships of Tullamore and Narromine, received from **Mr McGrane**.

Windsor Road Upgrading

Petitions praying that Windsor Road be upgraded and widened within the next two financial years, received from **Mr Merton, Mr Richardson, Mr Rozzoli** and **Mr Tink**.

Cardiff Railway Station Disabled Access

Petition expressing concern at the difficulties experienced by disabled and elderly patrons in accessing Cardiff railway station platform, and praying that Cardiff railway station will be included on the Easy Access program and a lift or ramp installed, received from **Mr Mills**.

Woolloomooloo Wharf Redevelopment

Petition praying that the Woolloomooloo wharf redevelopment project include provision for a ferry wharf, received from **Ms Moore**.

Moore Park Passive Recreation

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

Moore Park Light Rail

Petition praying that consideration be given to the construction of a light rail transport system for Moore Park, received from **Ms Moore**.

Air Purification Sytems

Petition praying that air purification systems will be installed on the Eastern Distributor and cross city tunnel, received from **Ms Moore**.

Senior Citizen Equitable Travel Concessions

Petition praying that holders of pensioner concession cards and the Seniors Card receive equitable travel concessions on transport, received from **Ms Saliba**.

Cosmetic Tail Docking

Petition praying for the immediate imposition of a ban on the practice of cosmetic tail docking of dogs, received from **Mr Merton**.

Animal Experimentation

Petition praying that the practice of supplying stray animals to universities and research institutions for experimentation be opposed, received from **Ms Moore**.

Animal Vivisection

Petition praying that the House totally and unconditionally abolish animal vivisection on scientific, medical and ethical grounds and that a new system be introduced whereby veterinary students are apprenticed to practising veterinary surgeons, received from **Ms Moore**.

Manly Bushland Protection

Petition praying for protection of bushland at the headwaters of Manly Dam and its incorporation into the adjacent Manly Warringah War Memorial Park, received from **Mr Barr**.

White City Site Rezoning Proposal

Petition praying that any rezoning of the White City site be opposed, received from **Ms Moore**.

PARLIAMENTARY COMMITTEES ENABLING BILL

Withdrawal

Order of the day for the second reading discharged.

Bill ordered to be withdrawn.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr D. L. PAGE (Ballina) [2.37 p.m.]: I move:

That the notice of motion given by me this day have precedence on Thursday 6 April.

I request that priority be given to the motion of which I have given notice today because of the wide-ranging nature of the proposed changes emanating from the Government's white paper on water management. For the benefit of honourable members who are not familiar with the issue, I point out that the proposal represents the single biggest change in water management since 1912, when the original Act was passed. It deals with important issues such as riparian rights, water licences and approvals, tradability of water, separation of land title from water title, anything to do with surplus water environmental flows and everything to do with underground water. It also deals with councils' access to water, drainage law and rivers and foreshore management.

Mr WHELAN (Strathfield—Minister for Police) [2.38 p.m.]: The Government agrees with the proposition put forward by the honourable member for Ballina.

Motion agreed to.

<21>

QUESTIONS WITHOUT NOTICE

POLICE SERVICE NUMBERS

Mrs CHIKAROVSKI: My question is directed to the Minister for Police. Why has the number of police officers in this State dropped by more than 170 in the 12 months since the election when the Minister promised to increase the Police Service numbers by 2,100? Is that why officers are being forced to work alone and without reliable radio back-up, placing their lives at risk?

Mr WHELAN: The commitment to increase Police Service numbers by 2,110 frontline police will be met in accordance with the Government's timetable, which has been publicly announced, in December 2003.

Mr SPEAKER: Order! I call the honourable member for Epping to order. I call the honourable member for Epping to order for the second time. I call the Deputy Leader of the Opposition to order.

Mr WHELAN: It is a fact of life that approximately 600 or 700 police officers per annum leave the Police Service. The attrition rate in the Police Service has been consistent, and the ebb and flow of the attrition rate depends upon a lot of factors. Some may decide to leave at the beginning of a financial year to leave. Others may decide to leave when a pay increase occurs, as it did on 31 December, because they will have increased benefits for an early retirement. The number of police officers throughout New South Wales is affected by cyclical factors.

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

Mr WHELAN: New South Wales has record numbers of police officers. For the past five years in a row New South Wales has had a record police budget. With the next budget just around the corner I am confident that we will yet again have another record budget to drive the knockers opposite mad.

SERVICE STATION AND CONVENIENCE STORE LIQUOR SALES

Ms MEGARRITY: My question without notice is to the Minister for Gaming and Racing. What is the Government's attitude to the sale of liquor from service stations and 24-hour convenience stores?

Mr FACE: The Government is totally opposed to the sale of liquor from service stations and 24-hour convenience stores. The Government believes—and I am sure this belief is shared by the community as a whole—that there are ample liquor outlets at hotels, clubs and liquor stores in New

South Wales. I pledge to the House that while I am the Minister responsible for liquor laws motorists will never have an opportunity to fill up with petrol and booze at the same time. That is in stark contrast to the what has been said by the honourable member for Davidson, who called for changes to the archaic drink laws in the State to allow supermarkets to sell alcohol. An article in the *Manly Daily* is headed, "'Super' idea for grog sales: MP". The article states:

> "When people go out they should be able to buy a bottle of wine when they fill up the car with petrol", Mr Humpherson said.

Only last year the honourable member for Davidson joined the chorus in the petroleum industry to bludgeon the State Government into changing the law so that convenience stores could sell alcohol.

Mr Carr: He was their marginal seats director.

Mr FACE: That is right. They can forget about it. To make it clear to those who are calling for changes to the liquor laws to make it easier for service stations and convenience stores to sell liquor, I repeat that they can forget about it. There is no way the Government will allow liquor to be sold from service stations when it could encourage drink driving or other liquor-related harm. Hundreds of the new liquor stores in service stations and convenience stores, as proposed by the honourable member for Davidson, which was the commitment sought by the industry sector, could dramatically affect existing small businesses and their employees. It could also have an adverse impact on the important harm minimisation measures that have been put in place in this State.

Mr SPEAKER: Order! I call the honourable member for Gosford to order. I place the honourable member for Baulkham Hills on two calls to order.

Mr FACE: Those measures had a tremendous effect during the millennium celebrations, when there were only 11 arrests out of the 1.3 million people who were present in the central business district

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

Mr FACE: Harm minimisation work and the honourable member for Davidson is suggesting that at every time you go to a service station you could pick up a boot full of grog.

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

Mr FACE: It would be impossible for busy service stations to supervise the sale of liquor. The Government's concerns are understandably shared by the major liquor bodies in this State. I am sure that many in the community would also be concerned about the prospect of hundreds of service stations and convenience stores suddenly being given the right to sell liquor across New South Wales. That is why the Government is not considering changes, despite what has been said by the honourable member for Davidson and those in the petroleum industry, to make it easier for service stations and convenience stores to obtain liquor licences.

While I am on the subject I want to make the House aware of the totally irresponsible attitude of the Federal Government. Honourable members will be aware that there are two service stations in New South Wales on Commonwealth land at Hoxton Park and Bankstown Airport which have liquor outlets. To date the Federal authorities have completely ignored the State Police and circumvented the laws of this State. Honourable members will be aware of the New South Wales Government's opposition to those licences, which were issued by the former Federal Airports Corporation and extended in its dying days for another 20 years.

The Federal Government has now advised that it intends to honour the earlier commitments given to Burmah Fuels, which operates the two service stations. They will, therefore, continue to operate under the new Commonwealth regime for many years. That is totally irresponsible. While New South Wales has protested in the strongest terms to the Federal Government about this totally irresponsible situation, its concerns have fallen on deaf years. But as far as those service stations which are under the control of the New South Wales Government are concerned, I give an assurance that one will never be able to fill up with petrol and booze at the same time.

POLICE SERVICE COMMUNICATIONS BUDGET

Mr TINK: My question is to the Minister for Police. Given that a confidential memorandum reveals that the police communications budget has blown out by 45 percent, how can anyone believe the Minister's promise to install computers in patrol cars, especially front-line officers who are still waiting for him to deliver on his parliamentary promise 18 months ago to introduce a digital radio network?

<22>

Mr WHELAN: The honourable member for Epping did not have the advantage that I had today of being with the Premier when the announcement regarding mobile data terminal units was made. The honourable member for Epping did not have the opportunity that I had of listening to the Commissioner of Police explain that 760 mobile data terminal units would be available for New South Wales police cars by the end of the year. The honourable member for Epping, when he asks a question or makes a statement, leaves out a lot of information.

Mr Tink: The standing orders prohibit the giving of information in a question.

Mr WHELAN: They are your standing orders; apparently you do not like them now. The honourable member failed to tell the Parliament that when I made that statement on 22 October 1998 I said that there would be a first phase as part of a four-year implementation from 1998. I know the honourable member is counting numbers for the leadership, but his mathematics will have to be much better if he wants to count to at least four, because in 2002 the Government will complete what will be, over a seven-year period, a $41 million communications upgrade for the New South Wales Police Service.

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

Mr WHELAN: That is an outstanding performance. I asked the honourable member for Epping to look at page 67 of Budget Paper No.4, where he will see the line item about communications.

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

Mr WHELAN: It is all there are—$3 million. I will get an extract of it from the Parliamentary Library for the honourable member. The Government is determined to present to the people, and on behalf of the people, a very modern Police Service. That will include the best equipment possible.

POLICE MOBILE DATA TERMINALS

Ms HARRISON: My question without notice is directed to the Minister for Police. What is the current status of the plan to install mobile data terminals in police vehicles?

Mr WHELAN: I am happy to announce today that 760 first-response police and highway patrol cars will be fitted with state-of-the-art mobile data terminals. The fit-out will begin in May, and will include consultation with field officers to ensure that the terminals meet their needs. This initiative will put vital intelligence at the fingertips of police on patrol.

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

Mr WHELAN: These terminals will turn police cars into electronic offices, and they will turn front-line police on the streets and on the highways into high-tech crime hunters. Patrol police will have direct access to police records and will be able to ascertain whether the person they have pulled over is wanted or has any outstanding warrants. The police will know whether the car is stolen, and they will know whether there have been reports of any recent criminal activity in the area. Police will know whether the person owns a firearm or has a history of abuse or of assaulting police—and they will know this before they get out of the car!

The mobile data terminals will provide a direct link to the computerised operational policing system [COPS]. They will also link in with the Roads and Traffic Authority DRIVES system and the national police network, which provides details of interstate warnings. This means that policing patrol cars will have access to all policing information that is input by officers in police stations across the State. It will mean that mobile police will have direct access to the large volume of police information input to the system by officers on the Police Assistance Line. Police will have access to it as they patrol the streets, without delay. Conversely, this will mean that police will be able to make direct entry into the COPS system. This means that officers on the next shift will know exactly what has just occurred in their area.

The terminals are dependent on the national digital networks made available by the major telecommunications providers. The first phase of the rollout will concentrate in the greater metropolitan area. This will not only improve policing; it will greatly improve officer safety. The new technology will provide patrol cars with a global positioning system which will give police at the radio communication centre the location of the vehicle. I am advised that 90 per cent of the time that system will be accurate to within 10 metres and that it will give street names. That means that operators back at the base will know where the vehicle is, and the police will know what they are confronting before they get out of the car. That is a great boost for officer safety and police security. The new system has to be said to be a launching pad for future technologies, such as bar code scanning of drivers' licences and electronic ticketing devices. This is about proactive policing. It is about a safer community and it is about driving crime down.

ELECTRONIC OLYMPIC TICKETS

Mr SOURIS: My question without notice is directed to the Minister for the Olympics. In the light of the latest ticketing bungle, which has revealed that the commemorative tickets are too big for the electronic turnstiles and will not have security bar codes, what will the Minister do to protect the rights of ticket holders, especially those in country and city areas?

Mr KNIGHT: Last year there was an inquiry by a committee of the upper House, chaired by Reverend the Hon. F. J. Nile. It was a very sensible and useful inquiry. It not only looked at the issue of Olympic ticketing and helped provide the catalyst for some necessary change that I introduced into the whole Sydney 2000 organisations but, as part of its inquiry, the Nile committee came down with a set of unanimous recommendations. The final recommendation, recommendation No 8, asked the Minister for the Olympics to report on the first sitting day to the upper House on the progress on the committee's recommendations.

I not only reported yesterday on progress on the recommendations, and give the SOCOG board's view on those recommendations relating to ticketing, but I also volunteered to the upper House a lot of additional information to do with ticketing. One of the things I said is that, in hindsight, in embracing the Atlanta model we picked up a lot of problems. A lot of the problems in ticketing came from embracing the Atlanta model. Embracing the Atlanta model had a number of inevitable consequences, some of which were exacerbated by our own mistakes, which we frankly admitted and confessed to.

Mr SPEAKER: Order! I call the Leader of the National Party to order for the second time.

Mr KNIGHT: I also said in that report to the upper House that we have fixed a large number of the problems that were identified last year. I also advised that the new team that I put in—including Michael Ayers and Allan Marsh, proven performers—have identified additional problems that nobody knew about: that the upper House committee did not know about, that the Parliament did not know about, and that the board did not know about. Not only have the team identified those problems but they have identified the solutions to those problems.

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

Mr KNIGHT: One of the problems that the team elucidated, resulting from their investigations, was that by SOCOG embracing the Atlanta ticketing model and embracing the Atlanta

model of souvenir tickets we ended up with a circumstance in which the tickets, unlike the thermal tickets one would buy to go to a rock concert or football match, cannot easily be cancelled or replaced.
<23>
That is not something that the board was told. When the honourable member for Lachlan served on the board he was not told that one of the consequences of doing so was that those tickets, which are incredibly valuable, could not be sent out in the post. We could not securely send them out in the post. So what did we do? We have put in place an arrangement with Australia's leading courier company, TNT, to hand deliver every one of those packages to Olympic ticket customers.

Mr Armstrong: Will that include Cobar and Wilcannia?

Mr KNIGHT: The honourable member for Lachlan interjected to ask, "Will that include Cobar and Wilcannia?" It will include Cobar, Cowra, Wilcannia, Blacktown, Maroubra and Lane Cove. I said in that report that we have identified the problem and we have identified the solution. We take this so seriously that, in order to manage the contract, the Sydney 2000 Organisation, through David Richmond and the Olympic Co-ordination Authority, found somebody to manage that contract. As I indicated to the upper House committee, because we regard that contract as so important and because we understand the paramount importance of getting the tickets into the hands of each and every Olympic ticket buyer, we have taken on John Purdie-Smith—the man who, on behalf of the Government, managed the solution to the hail damage problem in Sydney and managed those very complicated contracts. He is now working with us and with TNT to deal with this project. Gaining entrance into the venues is not a problem. Indeed, a souvenir ticket—

Mr SPEAKER: Order! The tolerance of the Chair is exhausted. I place all members who have been called to order on three calls.

Mr KNIGHT: The problem does not lie in using the ticket to get into a venue. People can get access to all the venues without putting tickets through the ticket machine. At Olympic time it will almost certainly be quicker to go through with a souvenir ticket, inspected by people at the gate, rather than putting tickets through the machine.

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

Mr KNIGHT: At most of the venues where the Games will take place there is no problem with using a ticket to gain access. The problem with the tickets relates to the security of delivery. Having identified that problem—having had it identified by the team I put in to solve the ticketing problems—we now have a solution in place. That is what I reported to the upper House. I presume that members of upper House read and understood the report. It is a pity that the Leader of the National Party has not. But I am happy to make a copy available to him.

WESTERN DIVISION PROPERTY IMPROVEMENTS

Mr BLACK: My question without notice is directed to the Premier. How is the Government helping western New South Wales families to improve their properties?

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

Mr CARR: For the benefit of all honourable members I inform the House that this morning the honourable member for Murray-Darling officially opened the New South Wales Farmers Region 12 Convention, the first time a Labor Party member has ever had that honour. I think it is a very great honour. In that part of the State there is one party, the people's party, which is us, to which farmers and everyone else looks for answers to their problems. They receive the proper answers. I am resisting for the time being the suggestion that the name of our party be changed to the Farmer Labor Party. Certainly we will discuss it; it has merit; it is something to be debated. The honourable member for Murray-Darling opened that convention today and got back in time for question time.

Mr Slack-Smith: I was there as well.

Mr CARR: The honourable member for Barwon said that he was there as well. The interesting thing is that the honourable member for Murray-Darling asked two questions in two days, but the honourable member for Barwon, who is the shadow minister, asked two in 12 months. That is the evidence. The honourable member for Barwon is the shadow minister. I suggest that Country Labor and maybe a country mayor is coming soon to an electorate near you! Recently, when I was in the Western Division. I went to a property, Napanya, up beyond White Cliffs. I spoke to the Taylor family because their property had been flooded out. It was surrounded by floodwaters. Mr Taylor said to me, and I gave it due consideration, "One of the best programs for farmers in this part of the State is something called West 2000." I know that some of my colleagues are familiar with that program. He said, "Has it got a future? Will it continue?" I said I would talk about it with my colleagues back in Sydney.

Members of Country Labor, farmers with whom we are in regular contact, and most country mayors take a lot of time to advise my Government. Over a period of two days last week in the country I met a total of 24 country mayors in rural New South Wales who talked to me. Their view was that this program was worth extending and continuing. West 2000 is, in fact, a joint State and Federal program to help farmers improve the productivity of their properties. It pays up to 50 per cent of the costs for long-term improvements, woody weed control, the destruction of rabbits, stock watering systems and interest on bank loans for new equipment. So the whole purpose of the program is to lift the productivity of these properties and to enable farmers to produce more exports to add to Australia's national wealth and to add to the income of farm communities.

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

Mr CARR: So the program has a lot going for it. It is a good investment for a relatively modest sum of money. My Government set up West 2000 three years ago. It expires later this year. Final funds will be distributed in the next few months. A week after my visit to Napanya, that flood-isolated property where that young family, the Taylors, gave us such hospitality, I met the Secretary of the Pastoralists Association of West Darling at Menindee. Mrs Colleen Andrews again raised the question of West 2000 with me on behalf of the pastoralists of that area, which the honourable member for Murray-Darling is privileged and honoured to represent. They said that West 2000 delivered value for money.

So honourable members can see that the messages have been coming in from the mayors and the farmers throughout the western region of the State. While the Opposition might criticise this, I want to announce today that, regardless of the sniping of the Opposition, we will extend the program. In the face of criticism from that side of the House we say that West 2000 will continue. We might rename it West 2000 and Beyond. We will provide $5.91 million plus for West 2000, which will continue for the next three years. It will help those western region farmers continue the good work of improving their land and controlling weeds and pests. That means greater agricultural production and it means more exports.

[*Interruption*]

I would have thought that Opposition members would have come up with something positive. It has been 12 months since the last election. It has been a year and not a single policy has been announced by the Opposition except the proposal from the honourable member for Davidson to allow liquor to be traded at petrol stations. That is the only policy that they have come out with since that record defeat they sustained 12 months ago. I think farmers will welcome this program. I congratulate my colleagues on working it out as a proposition, building support for it within western New South Wales, and winning the support of the Treasurer and my other colleagues.

<24>

SOUTHERN HIGHLANDS AMBULANCE SERVICE

Ms SEATON: My question is directed to the Minister for Health. Will the Minister explain why, just two months after the tragic death of Mr Richard Munday, a similar bungle has meant that an elderly widow with a serious heart condition had to wait 45 minutes for a Picton ambulance to reach her home when an ambulance station was just six minutes away?

Mr KNOWLES: I will get the details and have the matter investigated, but if the honourable member for Southern Highlands has information that she would like to pass over for proper investigation, it will be investigated. Can I place on record in relation to Mr Munday's death that the original assertion by the honourable member for Southern Highlands was that it was as a result of some restriction on overtime payments. Quite clearly, as a result of the investigation, that is not true. The matter raised by the honourable member for Southern Highlands will be properly investigated and, as with the matter concerning Mr Munday, it will be referred to the Health Care Complaints Commission.

CITYRAIL STATION UPGRADES

Mr MOSS: My question without notice is directed to the Minister for Transport. What are the Government's plans to improve 35 stations on the CityRail network?

Mr SPEAKER: Order! I remind the member for Ku-ring-gai that he is on three calls to order.

Mr SCULLY: I am delighted to be able to announce another project that will benefit daily commuters on the CityRail service. Honourable members will be aware that CityRail has been carrying out detailed planning in advance of the Olympic Games. The Games represent an unprecedented transport challenge. The Government has never underestimated the extent of the Olympic transport task. Transport has been one of the most significant challenges for every Olympic host city. The Olympic Roads and Transport Authority [ORTA] expects that the CityRail system will move just over 31 million people during 17 days in September. That compares with 12.4 million people in normal circumstances. It requires extensive planning, interagency planning and a good deal of public co-operation. CityRail is working closely with ORTA to produce an Olympic timetable for a 24-hour service, seven days a week.

The Games will be an unprecedented transport task for CityRail. There will be between 1.5 million and 2.1 million passenger trips per day compared with the usual figure of 920,000 trips each week day. Nearly two-thirds of those trips will be directly associated with the Games. Approximately 6.8 million trips will involve Olympic Park station—about 400,000 per day. On the busiest days more than 2 million people are expected to catch trains. There has been extensive preparation for the Olympic transport task—11 test events including two Easter shows, two rugby league double headers, and a national rugby league grand final with more than 100,000 spectators, and New Year's Eve. Remember New Year's Eve? What did the Opposition say about transport planning for New Year's Eve? The shadow minister said there would be transport chaos on New Year's Eve. Like the two Easter shows, the double-header and the grand final, New Year's Eve was excellent. There was very good service. It was well-planned and well executed.

CityRail is also focusing on improving station presentation and passenger facilities. Honourable members will be familiar with the upgrades to Central, Town Hall and Wynyard. Those projects are close to completion. Other projects completed or to be completed before the Olympics are the airport line, due for opening in May; $9 million worth of work on Lidcombe station, completed in February; work on Blacktown station has been completed, with $5 million spent on a new platform and a new station entrance; a new footbridge and stairs completed at Redfern station at a cost of $2.3 million; a platform extension at Concord at a cost of $1 million; at Ashfield $10 million has been spent on an easy access upgrade; and $19 million has been spent at Liverpool station upgrading the bus-rail interchange. A further $18 million has been spent on the passenger information systems which are due for completion mid-year, including plasma screens and "way finding" signs at a whole range of railway stations. Of course, honourable members on this side of the House are fully familiar with our security upgrades.

Mr Debnam: Passengers are not, though.

Mr SPEAKER: Order! I ask the Serjeant-at-Arms to remove the member for Vaucluse. I warned the House some 10 minutes ago that my tolerance had ceased. The member was on three calls and he has continued to interrupt proceedings. I ask the Serjeant-at-Arms to remove the member for Vaucluse.

[*The honourable member for Vaucluse left the Chamber, accompanied by the Serjeant-at-Arms.*]

I am pleased to announce today a further extension of these improvements. Today I visited Ashfield railway station, a major easy access upgrade program. Nearly $10 million has been spent there on terrific improvements. Key CityRail stations will be refurbished at a cost of $7 million to renovate the rail network in advance of the Olympics. This includes 35 stations to undergo renovations before September, which will improve the appearance and comfort of the rail network. It is good news for daily commuters as well as international visitors. The Olympic upgrade program will include repainting platform buildings, station entries and concourse areas in CityRail's corporate colours of blue and white; upgrading station seating and improvements to other station furniture; landscaping and planning of garden beds, where appropriate; graffiti removal and the cleaning of brickwork.

Thousands of directional signs will be installed at stations. More than 200 directional signs will be located at Ashfield for the comfort and ease of use of commuters and international visitors, directing them to trains, facilities and to the bus station. That design work for station improvements began last year. Work on the first stage is already under way at Ashfield, Redfern, Newtown, Stanmore, Lewisham, Petersham, Summer Hill, Croydon, Strathfield, Homebush, and Flemington. Work is expected to finish in May. Work will continue on a whole range of other stations right across the rail network—the total number is around 34—the stations that will have the highest levels of passengers during the Olympic Games. This is just stage one. It is not just for the Olympics. It is about upgrading our rail system and improving the appearance and ease of use of a number of the railway stations for commuters as we move to the Olympics, but when the Olympics are over the Government will continue this program over the ensuing years to improve the ease of use of a number of our railway stations. We are getting on with the job, unlike the Opposition, which is always down on public transport.

COUNTRY AREA HEALTH SERVICE DEBTS

Mr MAGUIRE: My question is directed to the Minister for Health. In light of the Premier's statement this morning that all country area health service's debts would be wiped off, will the Minister tell the House when he will write off the debt of the Greater Murray Area Health Service, which totals more than $32.4 million and means that local small businesses and suppliers are not being paid?

Mr KNOWLES: The honourable member for Wagga Wagga was in my office the other day with the former member for that electorate when some of these matters, including the establishment of new services as a result of the new money that is going into the Greater Murray Area Health Service, were discussed. He well knows that we are talking about the historic debt that has been on the books for more than 10 years, and we have wiped it off. I have made it clear on too many radio and television stations that I would not, nor would the honourable member, write off a monthly debtor and creditor ledger. The clean slate for country New South Wales health is about introducing accountability, something that some members opposite promised to do and could never do. The Leader of the National Party could not even get it through his shadow cabinet as part of the election campaign. The Government has wiped off $40 million with a fresh approach and has left a clean slate. It is a bit rich for members of the Opposition to come in here with those sorts of stupid questions. The honourable member for Wagga Wagga is like the honourable member for the Murrumbidgee, the Opposition winds him up and brings him in here to ask questions.

Mr Brogden: Point of order: The question asked of the Minister clearly related to when the debt would be wiped off. I ask you to direct him to answer the question.

Mr KNOWLES: He uses different words when he shuffles into my office with the former member for Wagga Wagga seeking support—which he did, for a new radiology and oncology service for Wagga Wagga. The Sinclair and Menadue report is unambiguously good news for country New South Wales. There was a real National Party leader, someone who could put some thoughts together. It is a long time since we have seen policy from that side of the House.

<25>

Mr MAGUIRE: I ask a supplementary question. In light of the Minister's answer, exactly how much debt was wiped from the Greater Murray Area Health Service?

Mr KNOWLES: The honourable member should read the press release that was forwarded to him two weeks ago.

NEW SOUTH WALES HEALTH COUNCIL REPORT

Mr GIBSON: My question without notice is addressed to the Minister for Health. What is the Government's response to the New South Wales Health Council report?

Mr KNOWLES: This is a timely question, given the earlier performance of the honourable member for Wagga Wagga. The response to the New South Wales Health Council report and, indeed, the Sinclair committee report has been overwhelmingly positive. The $2 billion cash injection, the $40 million write-off of rural debt, the three-year budget and the equitable distribution of health dollars for the first time across all area health services has seen civic leaders, clinicians, unions and editorial writers unanimous in their support of the Government's initiatives. Many of these people have been amongst our most strident critics. There have been some terrific endorsements and I shall place some of them on the record. For example, John Dwyer, Director of Medicine at Prince of Wales Hospital and spokesman for the chairs of 14 medical staff councils across the Sydney region, said:

> This is probably the most significant development in health in NSW in the last couple of decades…people who are on the frontline of delivering health care services are being listened to…we are grateful for a major initiative which has seen such a significant injection of cash into the system and sensible structural reform.

Richard Kefford, on behalf of the division of medicine at Westmead Hospital advised that they had resolved unanimously to:

> Express our sincere congratulations on the Government's actions arising from the recommendations of the Health Council report.

He said:

> The injection of an extra $2 billion over the next three years is a major step forward and a staggering achievement…I congratulate you in putting NSW in the forefront of health service delivery in Australia.

Dr Graeme Stewart from Westmead made it clear that he could not really remember in the 30 years since he had graduated in medicine news as good as this in public health. Malcolm Fisher, the head of intensive care at Royal North Shore Hospital, said:

> Knowles has delivered what we asked for, what we said were the tools we needed to deliver the system.

Lou McGuigan, chair of the St George Medical Staff Council, said:

> The initiatives announced on March 8, not only inject the much needed funds into the system, but they establish a framework for intelligent cost effective implementation and governments.

The endorsements go on and on. The president of New South Wales Farmers, John Cobb, talked about the significant step in providing equity for regional and rural New South Wales. In the Hunter Arn Sprogis, the executive director of the Hunter urban division of general practice, applauded the honest and open approach taken by the Government and noted that the announcement placed the current New South Wales Government above any other previous government in terms of commitment to the health of the Hunter. The Private Hospitals Association, the New South Wales Nurses Association and the Council of Social Service of New South Wales congratulated the Government on what they regard as the far-reaching reforms contained in the Menadue and Sinclair reports.

The chairman of the medical board at Royal Prince Alfred Hospital wrote to express his congratulations. Country mayors testified to the Government's response to the Menadue report as one of the most significant announcements affecting their local areas. They especially thanked the Government for wiping rural debt and redistributing funds on a fairer basis. They understand what wiping debt is and how accounts work, and they have recognised that in the numerous letters I have received from around the State. The people of Batlow wrote and expressed their delight at the Government's decision to proceed with a multipurpose service, one of 34 new small hospitals in rural

and regional New South Wales. I assure honourable members that there are many endorsements like that.

The real value in the Government's response is about building a team approach, letting people be part of the system of planning for clinical services. Clinicians—the work force—will be part of the process of determining the best use of the new money and the best way of rolling out health services around the State. To this end, I announce today, in specific response to the recommendations in the Sinclair and Menadue reports, the membership of the New South Wales Clinical Council which will work with me and with the Department of Health to implement the recommendations of Menadue and Sinclair. The members are Mr Mick Reid, the chairman, Professor Ron Penny, Professor John Dwyer, Professor Kerry Goulston, Professor Michael Kidd, Professor Ian Webster, Professor Ken Hillman, Professor Stephen Leeder, Associate Professor Brian McCaughan, Associate Professor Graeme Stewart, Dr Ross Wilson, Dr Lou McGuigan, Dr Sue Ieraci, Dr Julia Thompson, Dr Theresa Jacques, Dr Arn Sprogis, Ms Liz Rummery, Ms Anna Thornton and Ms Kate Needham.

This group will oversee the work of more than 400 clinicians working on specific components of the strategic development of health services plans throughout the State. It has provided a real opportunity for teamwork. It is what the Government has been asked to deliver. We were asked to deliver greater certainty of funding, and we delivered that through a three-year budget. We were asked to deliver greater equity in funding, and we have done that with an extra $2 billion cash injected into the system over the next three years, spread fairly around the State for the first time.

We were asked for greater opportunity for involvement in clinical services planning by doctors and nurses—the work force—and the list I have read out today, together with the 400 plus clinicians who will work on these programs over the next three years, demonstrates that we have delivered that, too. That is why the response to this work has been so positive. That is why, despite the Opposition's carping and criticisms, we have nowhere to go and absolutely nothing to say. Traditionally, New South Farmers and clinicians have opposed our plans. Country mayors, community leaders and editorial writers around the State recognise that what we have achieved here was long overdue and is highly welcomed.

Of course, the challenge is now for the Opposition. What will the Opposition do in response to the Sincliar and Menadue reports? What will it do to match what we have done? I can take apart the various National Party and Liberal Party policy statements, but there is not much in them. We look forward to some policy responses in response to our announcements and to see whether the Opposition can garner the same level of support as we have achieved in the work done by Sinclair and Menadue over the past 10 months.

Questions without notice concluded.

WEST 2000 PROGRAM

Personal Explanation

Mr D. L. PAGE, by leave: I wish to make a personal explanation. Earlier in question time, in response to a question about extending funding for the West 2000 program, the Premier said that honourable members on this side of the House did not support extension of the program. I draw the attention of the House to a motion I moved on 18 November, some six months ago, which stated:

> That this House calls on the member for Murray Darling to join with the New South Wales National Party in lobbying the Minister for Land and Water Conservation to extend the West 2000 program by providing additional funding when the program concludes halfway through next year.

Obviously we were doing the job, and the Premier has got it wrong again.

Mr SPEAKER: Order! The honourable member for Ballina is out of order.

CONSIDERATION OF URGENT MOTIONS

Stolen Generations

Dr REFSHAUGE (Marrickville-Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [3.27 p.m.]: My motion relating to the Federal Government's attitude to the stolen generations, of which I have given notice, should be dealt with as a matter of urgency. The Federal Government's position is immediately damaging. It is damaging the reconciliation process; it is damaging those who were directly affected by being taken away; it is damaging those who are indirectly affected in attempting to come to terms with the destructive past policies; and it is damaging our international standing and dividing our nation.

All State Parliaments have passed motions to formally apologise to those who suffered as a result of the stolen generations policy. Even the Australian Capital Territory Government passed unanimously a motion to formally apologise to the stolen generations. What this nation is saying is clear. It is saying clearly as one nation, and in a bipartisanship way and with compassion, that we must not only look at the past but to a better and reconciled future. Unfortunately, the Prime Minister is not hearing what the citizens of Australia are saying.

<26>

The Prime Minister is not hearing what the elected governments of the States of Australia are saying, and he is not hearing what the Parliaments of Australia are saying: that is, that we should face up to he reality of the stolen generations, a phrase coined by Peter Reith in 1981.

Mr SPEAKER: Order! I remind the Deputy Premier that he must explain to the House why his motion should have precedence.

Dr REFSHAUGE: My motion should be given priority because we will otherwise lose the opportunity to change the Federal Government's perspective on this most important issue. Every minute that goes by without a change in position by the Federal Government is damaging all of us. It is damaging those who are directly affected, it is damaging those of us who are trying to make a better future by learning from the past, and it is definitely damaging our international reputation and status. I believe urgency will allow us to show clearly that this Parliament is not divided, that it is united in its approach to those of the stolen generations, and that it calls clearly on the Federal Government, as I am sure other Parliaments will, to review its position and support the Parliaments of Australia.

Child Protection

Mr O'DOHERTY (Hornsby) [3.31 p.m.]: My motion is urgent because it concerns this Parliament's most important obligation. No obligation is more important than that which I seek for the House to debate this afternoon, namely our obligation to protect children. This matter is urgent because it is now only a few short months before the deadline for proclamation of the legislation passed by this House unanimously in 1998, legislation about which there was a great deal of concern. Everyone in the child protection area wants the legislation to be proclaimed, and there is a large degree of doubt as to whether it will be proclaimed by this Government on time, in July.

I shall outline the reason why it is urgent for the House to debate the matter today. By now we should have had consultation about guidelines on how the legislation will work in practice. This makes a significant generational change to the way in which child protection is conducted in New South Wales. As the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women knows, the legislation was supported by the Liberal and National parties; this was a bipartisan matter. Yet, already the Minister has suggested in the public forum that the Government will walk away from some of the most important aspects of the legislation to do with early intervention and good casework practice. Instead, the Minister is proposing that the Government will be more aggressive in relation to adopting children out.

If that is the change of policy that the Government wants to bring about, it is urgent that this House debates those matters. Secondly, if the legislation is to be proclaimed in July, it is urgent that the Minister takes the opportunity, which the Opposition is affording her today, to confirm that that is the case. Unfortunately, the Minister is talking to the Deputy Premier and she therefore cannot hear what I am saying. We simply want the Minister to confirm that the Government will proclaim the legislation on time in July. For the benefit of the readers of *Hansard*, I can report that the Minister is still talking to the Deputy Premier and clearly has no intention of answering my question. That will rightly send very significant shockwaves through the community of New South Wales child protection agencies who want to know what the guidelines will be for the operation of the legislation.

In addition, they urgently need to know whether there will be an amending bill. Some matters have come to the attention of the Government during discussion about this legislation which will require an amending bill. People need to know, and they have asked the Opposition to find out, whether there will be an amending bill. I again ask the Minister to grant urgency for this debate to proceed today so that she can tell us whether an amending bill will be introduced and, if so, when it will be presented to the Parliament.

It is urgent that this House debates this matter because with every single day that passes more children in New South Wales are at risk—like baby Sheyanne. Last week the Minister admitted in the media that her department had got it wrong. She said that the Gulama Aboriginal Welfare Service, an agency within her department, got it wrong—and she expected us to simply agree that that was all right. We do not agree that it is an acceptable outcome for the Minister to say, "We simply got it wrong." We need the Minister to tell us what she is doing today, to ensure that casework by other agencies in her department is up to scratch. We have no confidence that it is up to scratch, because the Minister is not providing the resources that are required to do the job.

A report released last week in Nowra showed that in the month of November—a snapshot month that was used for a study undertaken by the union together with the department—10 notifications of children under the age of 12 months went uninvestigated and were filed out. It is urgent that this Parliament debates this matter on behalf of those children and all other children 12 months of age and younger, who the Minister says are her first priority, which the Minister says are supposed to have their matters investigated within 24 hours, but which we now find, on a quick snapshot of the Nowra office, are going uninvestigated. That is the Minister's key result area. She has put every other priority second to that priority. Yet in Nowra we suddenly find that 10 cases in the month of November alone went uninvestigated and were filed out, including a referral from the New South Wales Police Service.

What could be more urgent than this Parliament expressing its concern and getting some answers to those matters? Debating my motion will give the Premier the opportunity to demonstrate that he cares as much about children as he does about urban design, which the Opposition has grave doubts about. [*Time expired*]

<27>

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

The House divided.

Ayes, 53

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Ms Andrews	Ms Megarrity
Mr Aquilina	Mr Mills
Mr Ashton	Ms Moore
Mr Barr	Mr Moss
Mr Bartlett	Mr Nagle
Ms Beamer	Mr Newell
Mr Black	Ms Nori
Mr Brown	Mr Orkopoulos
Miss Burton	Mr E. T. Page
Mr Campbell	Mr Price
Mr Carr	Dr Refshauge
Mr Collier	Ms Saliba
Mr Crittenden	Mr Scully
Mr Debus	Mr W. D. Smith

Mr Face	Mr Stewart
Mr Gaudry	Mr Tripodi
Mr Gibson	Mr Watkins
Mr Greene	Mr Whelan
Mrs Grusovin	Mr Woods
Ms Harrison	
Mr Hickey	*Tellers,*
Mr Hunter	Mr Anderson
Mr Iemma	Mr Thompson
Mr Knight	
Mrs Lo Po'	
Mr Lynch	
Mr McBride	
Mr McManus	

Noes, 33

Mr Armstrong	Mr Oakeshott
Mr Brogden	Mr O'Doherty
Mrs Chikarovski	Mr D. L. Page
Mr Collins	Mr Piccoli
Mr George	Mr Richardson
Mr Glachan	Ms Seaton
Mr Hartcher	Mrs Skinner
Mr Hazzard	Mr Slack-Smith
Ms Hodgkinson	Mr Souris
Mr Humpherson	Mr Stoner
Dr Kernohan	Mr Tink
Mr Kerr	Mr Torbay
Mr McGrane	Mr J. H. Turner
Mr Maguire	Mr R. W. Turner
Mr Merton	Mr Webb
	Mr Windsor
	Tellers,
	Mr Fraser
	Mr R. H. L. Smith

Pair

Mr Rozzoli	Mr Knowles

Question resolved in the affirmative.

BUSINESS OF THE HOUSE

Urgent Motion

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [3.45 p.m.]:

That so much of the standing orders be suspended as would allow the following speaking times to apply to the debate on the urgent motion:

Mover	10 minutes
Member of the Opposition	10 minutes
Eight other honourable members	5 minutes
Mover in reply	5 minutes

Mr HARTCHER (Gosford) [3.46 p.m.]: While members of the Opposition are happy to debate the issue of the stolen generation, it is nonetheless significant that other urgent matters are not being debated by this Parliament. There is a motion before the House which relates to children and children's protection. In recent years 177 children have died while this Government has been in power. The Premier walks out of the Chamber as soon as I mention that under his administration 177 children have died. The Parliament is being prevented by the Government from debating that very important issue. That honourable members cannot debate such a significant issue is a cynical abuse of Parliament, yet the Parliament is prepared to veto other issues.

[*Interruption*]

The honourable member for Wallsend would do well to correct himself if he thinks that the lives of 177 children are not worth debating. These are significant matters. What other significant matters are not being debated by this Parliament? What about railway safety standards? What about the trains that do not run on time? What about police and the situation in south western Sydney? Why are those matters not been debated in this House? Why are honourable members not debating significant issues that cause great concern to the people of this State, especially as it has not been sitting for the last four months?

Above all, what caring person with any sense of compassion could sit on the Government benches and vote against debating the preservation of rights for protection of children in this State and vote against ensuring that legislation comes into force on the promised date? How can members opposite vote against the concern that has been expressed by the honourable member for Hornsby about the fate of those children? Each member of the Government, together with the honourable member for Manly and the honourable member for Bligh, has voted against debating the protection of children this afternoon. They should hang their heads in shame because they were not prepared to debate an issue of such importance. New South Wales has a very cynical Government and a very cynical crossbench which show no concern for these important issues.

The Opposition is prepared to vote with the Government for an extension of time if the Leader of the House moves a motion to allow debate on the issues to which I have alluded. The Opposition will support such a motion, but members of the Coalition are simply not prepared to support extension of time so that the Govrnment can develop its agenda. The Government has had four months in which to bring matters before the House. It had eight bills, but the list is now exhausted. In spite of that, the Government is not prepared to debate issues in relation to south western Sydney, railway safety and timetables, and the protection of children in this State. This is a Government that is running away from the key issues.

<28>

The Leader of the House only wants to take up the time of the House. The Government will be exposed and this is why it does not want to debate this matter. What will the honourable member for Bligh and the honourable member for Manly say? When will they speak up to ensure that the real issue is debated and that the children of this State are protected? We have heard nothing from them. All they have done is join forces with a Government that runs away from the real issues and above all does not look after the children of this State.

Motion agreed to.

STOLEN GENERATIONS APOLOGIES

Dr REFSHAUGE (Marrickville-Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [3.50 p.m.]: I move:

That this House:

1. (a) recognises the formal apology to the stolen generations moved by Premier Richard Court and passed unanimously by the Western Australian Parliament.

(b) Recognises the formal apology to the stolen generations moved by former Aboriginal Affairs Minister Dean Brown and passed unanimously by the South Australian Parliament;

(c) Recognises the formal apology to the stolen generations moved by former Premier Jeff Kennett and passed unanimously by the Victorian Parliament;

(d) Recognises the formal apology to the stolen generations moved by former Premier Tony Rundle and passed unanimously by the Tasmanian Parliament;

(e) Recognises the formal apology to the stolen generations moved by Chief Minister Kate Carnell and passed unanimously by the Australian Capital Territory House of Assembly;

2. Calls on the Prime Minister to bring the position of the Federal Government in regard to the stolen generations in line with the view of each of the above Parliaments, and the New South Wales Parliament, and;

3. Renews this Parliament's bipartisan commitment to reconciliation.

Almost three years ago we were given a clear picture of the history of our country, a history which, in its truth, was shocking and real. I refer, of course, to the *Bringing Them Home* report of the Human Rights and Equal Opportunity Commission. In that extraordinary report, we learnt about and acknowledge the forced removal of Aboriginal children from their families and communities. We learnt about the continuing effects that that removal had, and continues to have, on communities and families today. On 18 June 1997 this Parliament apologised unreservedly for the systematic separation of Aboriginal children from their parents, families and communities.

I am proud to say that that bipartisan apology has helped to place New South Wales in the forefront of reconciliation. Many honourable members in this House were privileged to hear Nancy De Varies speak. Nancy was removed as a child, grew up in institutions and spent many years searching for her family. Her life echoes the lives of many Aboriginal people. Nancy reminded us that we can never truly comprehend the life of a child taken from his or her parents, family and culture. Nancy was right. We can never comprehend that life. We must acknowledge what has happened and work on righting the wrongs.

When we look at Nancy's story and the stories of many other Aboriginal people we cannot deny the pain or the consequences surrounding that removal. I believe that this Parliament has not only played an important role in leading the reconciliation debate, but has provided a leadership role for the people of this country. This important role, which I am pleased to say is a bipartisan position, is committed to working towards true reconciliation. We as a nation will be celebrating 100 years of nationhood. Throughout the past 100 years Australia has developed and matured into a vibrant, inclusive and culturally diverse society. We have much to be thankful for; much to celebrate. We as a nation have much to be proud of in our history. But we also have much to regret in our treatment of indigenous Australians.

Our understanding of history is crucial to our understanding of the circumstances of Aboriginal people today. Our history must inform the decisions that we make today in achieving the future that we want for all Australians. The stance taken by the Federal Government in supporting its position to the Senate Committee inquiring into the stolen generations has done nothing but show insensitivity to the pain and anguish suffered by many Aboriginal people. The Federal Government has shown its inability to understand the spirit of reconciliation.

Reconciliation needs leadership from all sections of our society—from the community, business and governments. The State governments of this country have embraced reconciliation and in doing so have shown real leadership for Australians. All States have apologised for the removal of Aboriginal children, yet the Commonwealth cannot display the leadership which this debate requires. In the Victorian Parliament's apology and acknowledgment of the pain and suffering caused to Aboriginal people, Jeff Kennett said:

> . . . discrimination and its long-term effects must be understood and acknowledged if Australian people and other Australians are to achieve genuine reconciliation within the context of a truly multicultural Victoria.

The former Tasmanian Premier, Tony Rundle, in the Tasmanian Parliament's apology, quoted a Tasmanian Aboriginal elder by saying:

> It is important to say sorry to them because what happened was so terrible .

Richard Court in the Western Australian Parliament said:

> It is difficult for many people to understand the depth of emotion that Aboriginal families have felt for some time, and will continue to feel for some time , as a result of their families being forcibly separated. I can think of no more difficult issue for a family to come to grips with and having to cope with such an issue. One cannot ignore the past; one can try but there is no point in trying to ignore the past , because it is important to learn from the past.

They are significant statements because they have been made by all State Parliaments on behalf of all Australians. Senator Herron again showed his inability to understand Aboriginal people when he said there was never a generation of stolen children. Aboriginal people are not statistics; they are not percentages. They are our friends, families, sisters, brothers and children. They are part of our communities. In any case, an accurate figure is impossible to determine as records are poor, some have been lost or destroyed and others do not record whether a child was Aboriginal. No records now exist—if any were kept—of children sent to Warangesda dormitory, from Warangesda into service or from stations into service before 1916. There are detailed records of 800 wards sent into employment between 1916 and 1928. There is a further list of 1,500 names, without details, of children sent into employment in 1936.

There are no systematic records of Aboriginal children sent into State or religious homes not specifically designed for Aboriginal people. The number of Aboriginal children whom the Aboriginal Protection Board did not recognise as Aboriginal is also unknown. With the examination of existing records only, in 1981 Peter Read estimated the number of Aboriginal children removed from their families as 5,625 in New South Wales. Just recently he has upped that estimate to more than 8,000. However, the question has not been about how many Aboriginal children were removed from their families. Recognition of that hurt is what this debate is about. That recognition costs us little but will allow Australia to move forward towards real reconciliation. The ill-considered statements of the last few days will not deter the process of reconciliation.

Reconciliation is about making change. I am proud of this Government's record in Aboriginal affairs. In 1997 we launched the *Statement of Commitment to Aboriginal People*, which provided a blueprint for action in Aboriginal affairs. Importantly, that action is based on real partnerships with Aboriginal people. We backed that commitment with a seven-year $200 million program designed to raise the health and living standards of Aboriginal communities across this State. The Government has now commenced a Health for Housing program in 13 Aboriginal communities across the State. That will initially provide 400 extra houses brought up to safe living standards that the majority of us already enjoy. The Government is now commencing major building programs in the western part of this State in partnership with those communities.

With Brewarrina Shire Council we are working to seal the remaining 44 kilometres of road to Weilmoringle. That will not only connect the community at all times to services, suppliers of food and health care but it will also provide training and employment of 16 young people in apprenticeships with the council. In addition, the Government has entered into strong partnerships with the Aboriginal Health Resource Co-operative, the Aboriginal Education Consultative Group, the Aboriginal Justice Advisory Council and the newly established Aboriginal Housing Board. Those partnerships will provide valuable advice, support and direction to the Government in its provision of services and delivery of programs.

Last year the first Aboriginal girl from Wilcannia completed her Higher School Certificate. In the same year one year 9 boy at Vaucluse High School, with the support of his school and the community, went from the bottom to the top of his English class. In the Brewarrina primary school,

for the first time ever, every kindergarten child—Aboriginal and non-Aboriginal—is literate. They may seem to be small events, but they are not insignificant.

<29>

On the weekend of 27 and 28 May, during Corroboree 2000, the Council of Aboriginal Reconciliation will hand over the document of reconciliation which will give us an opportunity to renew our commitment. The declaration says in part:

> Our nation must have the courage to own the truth, to feel the wounds of the past so that we can move on together at peace with ourselves.

So we have taken that step. As one part of the nation expresses its sorrow and profoundly regrets the injustices of the past, so the other part accepts the apology and forgiveness. Reconciliation is a people's movement, and in the end it will be led by the people. But we still need leadership at all levels. I ask this Parliament to again reaffirm our bipartisan commitment to reconciliation, and to ask the Federal Government to join all of the States of Australia in moving in a positive way towards real reconciliation, one that includes a real analysis and a clear understanding of the hurt of past policies.

Mr HAZZARD (Wakehurst) [4.00 p.m.]: On behalf of the New South Wales Coalition I reaffirm our commitment to Aboriginal reconciliation and acknowledge that Aboriginal people in Australia, and in New South Wales particularly, continue to suffer disadvantage across a whole range of areas. I should like to read the following passage:

> I was taken away from my mother at the age of 14 months and my journey as a lonely, homeless, unloved child began. Nobody could really understand the loneliness of an Aboriginal child in a non-Aboriginal environment who has nobody whatsoever around them , who is not treated the same as the other children in the home who are not Aboriginal, who is isolated, who is lonely, who cries at night, and who cries during the day. You could not possibly comprehend the life of that child.
>
> Like hundreds and thousands of other Aboriginal children, I was taken away so that I could be given a better life. Believe you me, to put somebody in 22 different places before they are 18 is not giving them a better life...
>
> Growing up I had to live with people always telling me that Aboriginal people were no good, that Aboriginal people were drunks. I had no contact with Aboriginal people. I would see Aboriginal people, and I would want to run up to them and say, "Do you know Ruby?", who was my mother, but I was not allowed to. I used to run away. By the time I was eight or nine I became a real rebel. I was acting out my behaviours because I was angry and I did not know what was going on in my life. I used to run away.

Those were the words of Nancy de Vries, and they were spoken in this Parliament on 18 June 1997. She was then, and remains now, the only Aboriginal person to address the New South Wales Parliament and to express her feelings on the policies of separation in a personal sense and on the way in which those policies reflected on her life and on the way she had been brought up. There can be no doubt that every member of this Parliament supports the process of reconciliation and has a genuine feeling of wanting this nation march forward down the path of reconciliation.

There can be no doubt that we regard reconciliation as an integral part of the development of our national identity. As shadow minister for Aboriginal affairs, I categorically state that until all Australians understand the contribution of Aboriginal people to what we have today, and understand the agony of so many Aboriginal Australians resulting from various government policies, we will not develop to full nationhood. In New South Wales the Coalition has taken, and will continue to take, a bipartisan approach to reconciliation. A couple of years ago I was at the Melbourne reconciliation conference representing the New South Wales Coalition. Last year I was at the Wollongong conference with the Leader of the Opposition, Mrs Kerry Chikarovski. In two months time we will be at Corroboree 2000 at the Opera House. We are prepared to walk with anybody who is prepared to walk the path towards reconciliation. That is why we will walk happily with the current Government in support of any positive motions or debates on reconciliation.

However, I must express a degree of concern about the events of yesterday. It would be improper of me not to at least remind the House that yesterday members saw the spectacle put on by the Premier when he spoke in this Chamber about reconciliation. I do not doubt that there is a high level of commitment by the New South Wales Premier to reconciliation, but he must not fall into the trap—the Coalition will not fall into the trap with him—of allowing this debate to become a political point-scoring exercise. We must focus on real outcomes for Aboriginal people both in a psychological

sense and in the material sense. The Premier's 14-page speech delivered yesterday was well prepared and he had plenty of time to think about it. In my submission to this House, he spent far too much time playing political point-scoring games. The motion before the House today offers us the opportunity to step back from that, and to continue our bipartisan walk together towards true reconciliation with Aboriginal Australians.

I would issue one other note of caution. Perhaps in a rush to use language that some of us may not have used and with which some of us may not be entirely comfortable, some members of the Aboriginal community and, indeed, the broader community have spoken out in intemperate and inappropriate terms. Yesterday I accessed copies of the New York *Times*, the *Washington Post* and the London *Times*. I was quite disturbed that the comments made by Mr Charles Perkins were reported as far away as the other side of the world. Whilst I understand that Charles Perkins is part of the stolen generation and that he was taken away from his family, and whilst one can well understand the emotions that must be welling up inside him when he argues on behalf of his people and pursues matters that are in their best interests, he must understand that only temperate words, only carefully chosen words will advance the cause of Aboriginal reconciliation in Australia. We cannot take people down the path of reconciliation with us by trying to drag them down that path.

The New South Wales Parliament was at the vanguard of all parliaments of Australia when it promoted the reconciliation debate. We will remain at the front of that debate. We will happily walk in partnership with those who wish to support the debate that will lead us towards a complete and full reconciliation. But we must also counsel those who would use intemperate language and who would send out messages that are not appropriate, to step back and be a little more cautious in the use of language. The Carr Government, whilst undoubtedly taking part in the bipartisan approach to reconciliation in New South Wales, should look behind its doors. It should not only talk outside this House about reconciliation. We should seriously look at the Council on the Cost of Government report produced last year showing the disadvantage suffered by Aboriginal people. We should start delivering practical outcomes for Aboriginal people. I particularly note, in relation to health alone, some of the staggering statistics which too many in the popular press seem to ignore. I would say to the Carr Government that its tasks while it is in office is to deal with those statistics, and that it should get on with the job.

In regard to the status of the health of Aboriginals as compared with the general population, I note that the life expectancy at birth of the male Aboriginal is 54 years, as opposed to 73 years for non-Aboriginal males, and that for female Aboriginals it is 65 years, whereas for the general population of females it is 79 years. Some 15 per cent of males in the Aboriginal population have asthma, compared with only 8 per cent of males in the general population, and that 16 per cent of Aboriginal females have asthma, compared with 7 per cent in the general population. As asthmatics less than 15 years old, the figure is 17 per cent of males in the Aboriginal population, compared with 13 per cent in the general population.

In relation to diabetes among those more than 35 years of age, the rate among Aboriginal people is five times that of the general population; it is 11 per cent in the Aboriginal population and 2 per cent in the general population. In respect of kidney disease, 7 per cent of the Aboriginal population are affected, compared with 1 per cent in the general population. One could go on to give more of these contrasting health statistics, but in the light of that information it is important to note that at the moment the Carr Government has no benchmarks or peak performance indicators in its Health Department for improving health outcomes for Aboriginal Australians.

<30>

Loq: Hazzard

Similar issues arise in relation to law and order. Aboriginal people are gaoled from 15 to 16 times the rate of non-Aboriginal Australians. Unemployment is up to 85 per cent in some Aboriginal communities, but it is only 6 per cent or 7 per cent in the non-Aboriginal population. The Carr Government must deliver on its promises as well as its rhetoric. We must acknowledge the psychological hurt and the harm that has occurred to many separated families in the Aboriginal community. We must actively promote and encourage other Australians to recognise that and to work towards getting rid of that disadvantage. But, at the end of the day, we must also deliver practical outcomes. The Howard Government is trying to deliver those practical outcomes. I encourage the Carr Government to work in partnership with the Howard Government to achieve those outcomes.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [4.11 p.m.]: The Deputy Premier, when speaking to his motion, said that there had been unanimous and bipartisan support for reconciliation from all Australian States and that they had formally apologised to the stolen generations and moved towards reconciliation. In the past five days we have seen the devastating effect of the ignorant, cruel and callous words spoken by the leaders of our country. We have seen how that has impacted on individuals and communities in this nation. I refer to the words spoken by John Howard and Senator Herron concerning the stolen generation. I am not here to give a history lesson on the dates and policies of child removal; I am here to pay tribute to the strengths and struggles of many thousands of Aboriginal and Torres Strait Islander people who were affected by the policies of forced removal.

I am not here to discuss statistics but to tell honourable members of the emotions of grief, trauma, frustration and anger; of the hardships that indigenous people endured and the sacrifices they made; of the suffering and the courage of those who have told their stories which have inspired sensitivity and respect from decent, moral members of the Australian community. Both the Deputy Premier and the honourable member for Wakehurst clearly referred to the impact of the speech of Nancy De Vries in 1997, when she spoke on the floor of this Parliament and gave a personal account of her time as a member of the stolen generation. This week those wounds have been widened in the community, in particular for those indigenous people who have been the subject of removal and for those communities in which people have been taken away.

Overwhelmingly the evidence is that this has not only impacted on the children who were removed; it has been inherited by their children in complex and sometimes heightened ways. No more cogent a statement about that could be made than that which was made by Geoff Clark, the Aboriginal and Torres Strait Islander Commission Chairman this week on *Lateline*, when he said that, over the generations, this impact has cascaded into Aboriginal communities and created cultural dysfunction in those communities. That impact has affected more than just the people who were taken away. In the last nine days I had an opportunity to visit Moree, Bourke, Walgett and Brewarrina. I saw in those communities the effect of that impact. I heard from Aboriginal people about the needs of their children, the problems that their children faced and the impact on communities in New South Wales and Australia a result of the policies of successive governments of both political persuasions.

Heart-wrenching stories have been told by generations of indigenous people. Children could be taken at any age. Many were taken within days of there their birth and many in infancy. Many children experienced contempt and denigration and denial of their Aboriginality and that of their parents. As the Deputy Premier said earlier, those issues were clearly referred to in the "Bringing them home" report, the result of the national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families, which was tabled in 1997. That report made 54 recommendations for positive change, including reforms to juvenile justice, health, community welfare, employment, compensation and law and order. Of course, the report recommended that an apology be made to indigenous people for the treatment they suffered at the hands of successive governments.

New South Wales has taken many steps towards reconciliation. Corroboree 2000 will be a national event on the first two days of National Reconciliation Week when we can demonstrate our commitment to reconciliation as we approach the centenary of Federation. Saturday 27 May will be the thirty-third anniversary of the historic 1967 referendum and the third anniversary of the Australian Reconciliation Convention. I ask all honourable members to fully involve themselves in the reconciliation process during that week, and subsequent to it.

Mr COLLINS (Willoughby) [4.16 p.m.]: This debate is an important opportunity to reaffirm the commitment that this Parliament made in 1997. I stood in this Parliament in 1997, leading for the Opposition on that occasion, and committed us to the process of reconciliation. I would like to think that we have not missed a single heartbeat in that process and that we never will in this Parliament. We have made a commitment, as the Deputy Premier said, along the lines made by other State parliaments around this nation. I think that, in doing so, each of those parliaments has brought great credit to every member of the Parliament so committing themselves, and reflecting the views of all Australians.

There is no doubt that there was a stolen generation. There can be no doubt, no equivocation, no semantic game about that. There was a stolen generation, and the people of Australia recognise that and are sorry that that happened to the Aboriginal people. That is the commitment we have made; that is the statement that we have made in the past and that we make again today with this motion. I do not want in any way to canvass what would be deemed to be partisan political issues at either a Federal or State level today. This debate completely transcends any sense of partisanship. This debate is about our commitment as Australians to fellow Australians. The point has been made about some of the less temperate words used in reaction to events of the last few days. I am sure that the reaction of Aboriginal people to some of those extreme words is precisely the same as the reaction of this Parliament.

Australian people want all legislators at all levels to come together to make an affirmation about what happened in the past, to acknowledge our past, faults and all, and then to work towards positive solutions for the future. One of the crucial things that we have to acknowledge today in this Parliament, three years after the reconciliation ceremony which occurred in this Chamber, is that Aboriginal people have not come back saying, "Well, you made that statement of reconciliation, now get out your cheque books. " They have not said that. They wanted their history acknowledged. They wanted their hurt, their personal anguish, the destruction of family relationships acknowledged. That is what this Parliament did. Not once have they come back saying, "Well, you said that, therefore there is a legal liability; therefore you have to start giving us more compensation."

That process of rebuilding the self-esteem of Aboriginal people is one that will obviously take a long time. They know that, and we know that. But we have to work together. We have to do it together. Doing it together can only start from a common point, that is, acknowledging what happened to Aboriginal people throughout our history.

<31>

I warmly endorse the fact that this motion is before the House. In relation to the intemperate words that have been used in a recent days, such as threats that things will burn, the only thing that will burn is the sense of justice which is rekindled by debates and motions like the one before the House and by commitments made by parliaments around Australia like this Parliament to the process of reconciliation, to the process of healing, to putting black and white Australians together, as we should be in the 21st century. I strongly support the motion..

Mr McMANUS (Heathcote—Parliamentary Secretary) [4.19 p.m.]: I very much appreciate the contribution of the honourable member for Willoughby. It is understandable that the Government and the Opposition should work in a bipartisan way towards building a fairer and more just society for indigenous people. In contrast, the Federal Government, with its comments of recent days, is fostering frustration, grief and disappointment, both in the indigenous community and in the wider Australian community. I am particularly proud that both the New South Wales Government and Opposition strongly refute the insensitive comments made by members of the Federal Government in the past week. We cannot allow that to continue. I am heartened that the Australian community is standing tall in support of the indigenous community.

This week Australians have heard the testimony of indigenous people about the trauma they suffered and continue to suffer because of the policy and practice of forced removal, until only a few decades ago, of indigenous children from their families. The detailed personal accounts of members of the stolen generations should speak for themselves and should be treated as true historical accounts. They are not myths; they are first-hand accounts of the trauma and pain of separation, loss of identity and denial of culture. Australians understand the grief of indigenous peoples and respect their right to be heard and to have their stories told. Australians have every right to be angry, offended and insulted by Senator Herron's recent comments. The Australian community has demonstrated it will not tolerate leaders who make a mockery of suffering and trauma. This is yet another example of the failure of the Federal Government, for political reasons, to provide a human response. This week the Federal Government has again proved that it has little heart or sensitivity. The editorial in this morning's *Sydney Morning Herald* refers to the Federal Governments apparent lack of sympathy for the symbolic and spiritual dimension of reconciliation. The editorial reads:

Mr Howard seems unable to grasp the emotional force among Aborigines of issues such as the stolen children and the call for a national apology for past brutalities.

This debate presents an opportunity for the New South Wales Government and the Opposition to make a commitment to progressing reconciliation. As the honourable member for Willoughby said, the opportunity must not be missed. There is an ongoing commitment to provide assistance to the New South Wales State Reconciliation Committee. There is the travelling roadshow, the "Talkin' Up Reconciliation" convention which was held in Wollongong in August, and there is Corroboree 2000, which is to be held in May. The travelling roadshow was designed to provide people in rural areas of the State with the opportunity to make their voices heard. It is important that the process continues and that is receives all possible support.

A great deal of hurt and damage has been done. Today the Government has the opportunity to stand with the Opposition and do what all other State governments have done: they have said, "No more, let us get on with the job of reconciliation." The honourable member for Wakehurst, who led for the Opposition, spoke about real outcomes and about having no more political ratbaggery. That is great. In the past fortnight the Federal Government has caused a lot of hurt. The Labor Party can do little politically to convince those in Canberra that they have done the wrong thing. the Opposition is presented with the opportunity to stand tall like the rest of Australia. It is being presented with the opportunity to go to its Federal colleagues and tell them they have to turn the tide. Until that is done the hurt and the damage will remain, and the overwhelming support and hopes for reconciliation will be dashed. The Opposition, as well as the Government, must play its part.

Mr MILLS (Wallsend) [4.25 p.m.]: In three days last week Dr Herron and the Prime Minister, Mr Howard, did more to harm the process of reconciliation than we can repair in 300 days, but we must start. The mean, statistical and erroneous approach taken by the Federal Government in its submission to the Senate inquiry into the stolen generations of Aboriginal children has demeaned Australia in the eyes of the world. It has demeaned our national leadership in the eyes of all Australians and, in particular, in the eyes of Aboriginal Australians. The action of the Federal Government last weekend has demeaned me, the Premier, the Deputy Premier and the Parliamentary Secretary for Aboriginal Affairs. It has demeaned the Leader of the Opposition, the Opposition spokesman on Aboriginal affairs, the Leader of the National Party and all parliamentarians. It has demeaned this House. To some extent the Australian public blame us for what the leaders of the Federal Government did last weekend.

That is why we should and will restate our apology today in this Parliament to Aboriginal people for those errors of the past, for taking away Aboriginal children on the sole ground of their aboriginality. That is why the New South Wales Parliament today should and will renew its commitment to reconciliation. I commend all members of the Legislative Assembly and of the Legislative Council, members of the major and minor parties and the Independents, for this multipartisan recommitment. I repeat: we are sorry for those errors of the past. Today in this Parliament we have the opportunity to recommence the process of rebuilding reconciliation.

At least half of the Aboriginal friends I know in the Hunter region and elsewhere in the State are either stolen children—if they have felt comfortable enough to tell me about it—or their parents or grandparents were taken away. The evidence is all round me from my personal experience that the stolen generation is real. The evidence is there that the Federal Minister for Aboriginal Affairs, Senator Herron, and Prime Minister Howard are plain wrong. There could be no less appropriate Minister for Aboriginal Affairs in Canberra than Senator John Herron. More evidence that the stolen generation is real came to me and my colleagues on both sides of this House during the achievement in the time of the last Parliament of a dream many of us had: Aboriginal ownership of national parks. This Parliament legislated, I think unanimously, for the introduction of Aboriginal ownership of national parks with highly significant Aboriginal cultural values.

It took several years after the legislation was passed to get all the details worked out and it was only in September 1998 that the Premier, the Deputy Premier and other members of Parliament were able to get to Mutawintji National Park for the handover ceremony to the traditional owners. The legislation provided that the ownership of the national park would be placed in the hands of the

original owners. I met many of those traditional owners in the lead-up to that handover, a lead-up that began when the Hon. Tim Moore, who was then Minister for the Environment, introduced the legislation in 1991. It was a time-consuming and difficult task to get together with the Mutawintji Land Council and, more importantly, to identify, locate and meet the traditional owners.

<32>

The traditional owners came from the Mutawintji area, but the policy of removing their children resulted in their families being scattered all over the place. Imagine the family trauma that resulted from that! I have heard the traditional owners tell stories about the difficulties and the hurt they experienced as they came together, even in triumph and joy, to have their national park handed back into their ownership. The stolen generation is real.

Ms MOORE (Bligh) [4.30 p.m.]: I support the Government's motion because it is a vital and significant issue for all of us in this Parliament. It is necessary for us to show leadership when the Federal Government has failed so abysmally to do so. As an Australian I hang my head in shame, as I believe, from what I have read in the newspapers and what I have heard, so many others do at this time. I do so not only because of the denial of the stolen generation but also because of the Federal Government's abysmal failure on reconciliation and its failure to address the mandatory sentencing laws in Western Australia and the Northern Territory.

My ancestor was transported in the early 1800s for stealing to feed his family. What has happened at the beginning of the twenty-first century when a 15-year-old is incarcerated for stealing stationary worth less than $100 and who then dies? How can we hold our heads up as a nation if that is what is happening now? If the actions of the Prime Minister and Senator Herron are just a cynical exercise to divert attention from the goods and services tax and the nursing home scandal, it is the most base, despicable example of political opportunism that I have seen in recent times, and I condemn them thoroughly for it.

I apologise unreservedly, as I did in 1997, 1998 and 1999, to the Aboriginal people for the systematic separation of generations of Australian children from their parents, their families and their communities. This policy, which was pursued until 20 years ago, was based on ignorance and paternalism—characteristics that I believe are being shown again in this country. The policy emanated from this very Chamber: laws were enacted that led to the shocking dislocation and destruction of the original inhabitants of this country. In 1998 I said that I did not believe that the majority of fair-minded and right-minded Australians who lived in our cities knew what was happening to the Aboriginal community. However, they do now. There has been enough publicity about this issue in recent times for us all to know about it.

So there is an even greater reason for us all to apologise. A commitment to reconciliation is the only way forward for a future in which Aboriginal and non-Aboriginal Australians can share this country. As I have said on previous occasions, we should acknowledge honestly what has happened and remember with reverence and sorrow. Let us say sorry and prepare to move together as one people into the next century.

Mr BARR (Manly) [4.33 p.m.]: I support this important motion as it is a matter of profound principle. The Federal Government has shown no heart in its handling of the stolen generation issue. Senator Herron's submission to the Senate inquiry has divested the Federal Government of any remaining shreds of moral authority it may have had in this matter. Time and again when it comes to dealing with the indigenous people of Australia the Federal Government has shown itself to be petty, small-minded and ungenerous of spirit. It does not appear to be capable of making a noble gesture.

The stolen generation is a moral issue that transcends ideology and party politics. Children were taken from their parents, often never to see each other again. Whatever the motivation for doing this, it broke a moral barrier that we all recognise, namely, that the State has no right to remove children from their parents except in exceptional circumstances. Race is certainly no justification. The Federal Government's approach to the stolen generation and to mandatory sentencing has tarnished our international reputation. The Prime Minister is being unfair to the generous spirit of our nation, allowing us to appear to the international community as insensitive rednecks. It is important that this Parliament, together with other parliaments, lend its moral authority to reconciliation and call upon the Federal Parliament to do likewise.

Mr LYNCH (Liverpool) [4.34 p.m.]: The necessity for tendering an apology and the imperative to proceed towards reconciliation in this country stem simply from our history. Reconciliation and use of a word which should be easy to say but which is very hard for some people to say—the word "sorry"—flow inevitably and unavoidably from our history of the past 200 years. Attempts to ignore that are simply an attempt to rewrite what has happened over the past 200 years. Using such phrases as "black armband view of history" to dismiss what has happened is not history; it is simple ideology. It is the presentation of a dishonest and inaccurate rendition of what has happened since the Europeans first arrived in this land.

What I find most offensive about use of the term "black armband view of history" is that a series of incidents are used to justify the use of a black armband, and that is a whole point. I find it thoroughly offensive that people use that phrase and in that tone. It is worth pointing out in this debate that when the phrase was first used a bloke called Richard Hall proceeded to produce a book entitled *Black Armband View of History*, in which he itemised a horrific litany of incidents as justification for people using a black armband not to celebrate but to acknowledge so many parts of our history. Once one accepts that that is our history, it seems, as a matter of logic as well as a matter of humanity, that reconciliation is absolutely necessary and saying sorry is absolutely unavoidable.

Ms Moore: So we don't repeat history.

Mr LYNCH: The honourable member for Bligh has stolen my final line, which is that those who do not acknowledge our history are condemned to relive it. Part of working out where we as a society go in the future is recognising, understanding and coming to terms with where we have been for the past 200 years. We will not go forward or progress as a society unless we accept, recognise, understand and become reconciled with what has happened in the past 200 years. It is appropriate that the honourable member for Liverpool participate in this debate, not only for the general and usual reasons—that I represent an area of this country—but for particular reasons. One reason is that, common with other parts of this country, much research has been done about the early European invasion of Sydney and Liverpool in particular.

A historian named James Cohen has done a lot of work analysing and itemising in the history of expropriation and disposition of land the significant deaths of Aboriginal people in Liverpool caused by the introduction of European diseases—then exotic diseases—and the guerrilla-style warfare that raged for so many years in Liverpool. For example, there was a significant increase in the number of deaths between 1814 and 1816, and that can be traced through the records. Those things are not simply abstracts bits taken from a textbook; they really happened in the area I represent. Another reason that it is appropriate for me to speak today is that Nancy De Vries is a constituent in my electorate of Liverpool.

In 1997 Nancy stood about 10 feet from where I am and addressed this House. She is a member of the stolen generation herself. Nancy is a well-known figure around Liverpool; I last saw her two weeks ago at the reopening of the Miller post office. I mention those matters because these moral issues, these issues of history, are made concrete by individuals such as Nancy. People like me read a lot and understand history and all the rest. However, there is an immediacy, a directness, about it when one speaks to people like Nancy that one cannot get from books, and it is worth recognising that here. One could speak at great length about the horrors and atrocities of the past, especially those of the past few days.

I place on record my absolute disgust at Herron and Howard and the games they have played over the past few days. One does not reduce a historical tragedy of the sort we have talked about to a mere semantic or statistical argument about what constitutes a generation and what does not.

<33>

Loq:Lynch

The great irony about all this is that people are outraged that Herron and Howard are trying to reduce the figure to 10 per cent. The 10 per cent figure is an absolute nonsense. It is not bad enough that Herron and Howard are simply trying to marginalise this debate by saying that it is a statistical figure. When one looks at it, the statistical figure itself is totally unjustified. As I presaged earlier, I think I should conclude by saying that those who do not understand our past are condemned to relive it.

Dr REFSHAUGE (Marrickville-Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [4.40 p.m.], in reply: I thank all members of the House who participated in this debate. I would like to make the point that this has not been a debate in which people have taken positions and postured a claim of moral high ground. This debate has allowed members to express exactly what is in their hearts. They have tried clearly to say that we need still to have leadership in this country about the process of reconciliation, which includes recognition of the past.

It is important to recognise that other parliaments in Australia have done the same as we have done, that is, made a formal apology. We made that apology on our own, although we did lead. It is important to reiterate that the Federal Government, from my point of view, has made a major blunder. It has damaged this country and its people, and divided the people in this country. I think it is clear from today's debate, without trying to play politics, that there is a clear view from this Parliament that there should be reconsideration at the Federal level to see if we can all get back on track.

We could easily take political points. We could find all sorts of adjectives to seek to condemn our opponents or those who do not say the same things that we say. I believe it is more important that this country shows combined leadership. That is why I believe this motion is so important, so that we send a clear message that what we say in this Parliament matters to us. Similar words have been uttered with solid meaning in other parliaments, again by people of different political persuasions. The people of Australia have respected members on both sides of the Parliament for what we have said. I hope that the Federal Government and the Federal Opposition are able to show the same approach, so that we can get on with the real business of recognising not only our past but the big job ahead, that is, creating a reconciled Australia in the future. I commend the motion to the House.

Motion agreed to.

SALINITY

Matter of Public Importance

Mr D. L. PAGE (Ballina) [4.42 p.m.]: I ask the House to note as a matter of public importance the problems of salinity and the possible solutions. Late last year the Murray-Darling Basin Commission released a salinity audit which predicted steeply rising salinity levels in many streams, with some major rivers, notably the Macquarie, Bogan and Namoi, likely to be unfit for drinking or irrigation within 50 years unless action is taken now. According to the audit, from 2 to 4 million hectares in New South Wales could also be salt-affected within 50 years if positive intervention does not occur. The audit also revealed that the spread of salinity will threaten our major wetlands, including the Great Cambung Swamp, the Macquarie Marshes and the Gwydir wetlands.

The contents of the Murray-Darling Basin Commission salinity audit are of great concern to all of us, not just to the farming community. Towns and cities are facing increased infrastructural costs as roads, pipelines, bridges and buildings suffer as a result of the spread and erosion caused by salinity. The Prime Minister's Science And Engineering Council estimates the annual cost of dryland salinity alone to be in the vicinity of some $270 million, about half of which is non-agricultural costs. I repeat that this is a whole-of-community problem and to solve it there needs to be a national strategy that will involve a long-term commitment over several decades from both the State and Federal Governments of all political complexions.

In recent times two summits have been held in relation to salinity. The first was held in Wagga Wagga and the second was held in Dubbo on 16 and 17 March. I, as the shadow Minister for Land and Water Conservation, together with the shadow Minister for the Environment, the honourable member for Southern Highlands, and the shadow Minister for Agriculture, the honourable member for Barwon, attended the conference on behalf of the National and Liberal parties. I note that the Minister for Land and Water Conservation was also in attendance, as were a number of other Ministers and members of this House. For my part, I found the summit a very positive and informative conference, and I am sure that that was the case for all members who attended. It is to be hoped that the spirit of co-operation in seeking to solve a common problem for both the rural community and the community as a whole, which was so evident at Dubbo, will continue for the decades ahead.

Of course, salinity is not a new problem, but its spread is accelerating. Some speakers at the conference spoke of their personal experiences in dealing with salinity problems on their properties. Several had turned a negative experience with salinity into a positive experience, with the land now being more productive than it had been, in some cases, a decade ago. Those stories were most heartening indeed. However, the overriding conclusion from the summit is that salinity is a slumbering giant that threatens agricultural production, surface and underground water quality, the health of our river systems and the ecosystems that depend upon it.

One of the problems in trying to manage salinity is the time lag between the surface changes that trigger salinity and the emergence of the problem. Sometimes it can take 50 years or more, and sometimes the cause of the salinity in a particular area might be hundreds of kilometres away from where the problem emerges. Because of the complexity of the problem we need to think laterally about the solutions. The traditional approach of apportioning blame and making the so-called guilty party fix it or pay for it will not work.

We have all been the beneficiaries of cheap food production. Therefore, to some extent we all carry a share of responsibility for the problems that have occurred as a result of the overclearing of land and inappropriate agricultural practices that have occurred, which we were unaware of at the time. Many of these practices were carried out with the active advice of governments. I think it is fair to say that we as a community have benefited as a result of that by the consumption of relatively cheap food and we have become a net exporter of primary products. Therefore, we all have an interest and responsibility to put our minds to the serious issue of salinity.

For a complex problem with such broad dimensions it is likely that incentives are much more likely to work than the traditional model of imposing penalties on people who are seen to have done the wrong thing. It is not about laying blame. An encouraging aspect of the summit, however, was advice from the CSIRO that the scientific basis for understanding and addressing the salinity problem is available, generally speaking, through organisations such as the CSIRO. This is a very important point. It means that if the will is there from governments and the private sector to solve the problem, strategies could be put in place which had a very high chance of success given the good understanding that scientists now have of the problem and the sorts of things that need to be done in order to overcome them.

The first thing that is required, in my view, is a national salinity strategy. That strategy will need to have at least two key elements. First, it must ensure bipartisan and ongoing support from all levels of government, because solving the salinity problem will outlive all current governments, State and Federal, and will go well beyond the tender of any sitting member of Parliament in either State or Federal parliaments. It will take possibly 50 years, if not longer, to swing this issue around. Second, there must be a long-term funding commitment from both State and Federal governments because this problem will be with us for decades to come.

<34>

Several speakers at the summit made the point that the real issue underlying solutions to the salinity problem are institutional, not scientific. In other words, the question is who does what, and when. Because for some time I have been a member of a coastal committee, it was interesting for me to note that that committee had adopted the very same approach, that is, working out which government agency needed to do what, and when it needed to be done. State and Federal Governments have to bite the bullet and agree to allocate long-term funding over a period of at least 20 years which may involve imposing a national salinity tax or funding from State or Federal Treasuries, or a combination of both.

Support for a national salinity strategy should come from both public and private sectors. Publicly funded solutions could include stewardship fees whereby land-holders would be paid to look after the conservation value of privately owned land that has been identified as needing protection in the public interest. Another publicly funded solution is to have contracts with farmers to deliver specific environmental outcomes in exchange for public funds. This approach would involve a high level of accountability and would also overcome the tricky issue of providing public funding for expenditure on privately owned land which is sometimes referred to as the who benefits and who pays question.

Wherever possible, a national salinity strategy should promote market-based solutions and incentives—for example, carbon credits, salinity credits and farm forestry. Obviously there is potentially a wide range of other market-driven options that could be examined and more effort should be put into examining that goal. After working out the national strategy, it will be important to target the areas where the problem is at its worst. Specific targets for each area will need to be developed. In many instances, there will be a local component to a solution which must be encouraged within the broader context of the national strategy.

In developing the strategy, it will be critical to remember that because salinity involves the soil, vegetation and water management, an integrated approach is essential. The days of intergovernmental and inter-agency rivalry and turf protection must come to an end. I believe that in New South Wales an integrated resource management Act is needed which combines the management of soils, vegetation, biodiversity, the long-term sustainability of the environment and this State's agricultural sectors. It was interesting to note when I attended a workshop chaired by the Minister that even though there were people in attendance who came from a wide range of backgrounds, there was agreement on the need for an integrated approach in arriving at a solution to the problem of salinity.

The enemy of good government is inertia. The solutions and the signs are pretty well known and the top priority is to obtain on-the-ground solutions that target the worst areas. Obviously, a key element of the national strategy is for farmers to adopt anti-salinity strategies. This is already happening in land and water management plans in irrigation areas, and many individual farmers either are undertaking or have undertaken the appropriate tree-planting and other anti-salinity measures. However, obviously more needs to be done.

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Matter of Public Importance

Motion by Mr Amery agreed to:

That so much of standing orders be suspended to allow debate to continue and permit two additional honourable members to participate.

SALINITY

Matter of Public Importance

[*Debate resumed*]

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [4.53 p.m.]: The Government is pleased to respond to the motion moved by the member for Ballina who is the shadow Minister for Land and Water Conservation. The Government will not be overly critical of the contribution made by the honourable member for Ballina to the debate. As a matter of fact, I welcome some of his very positive comments about the Salinity Summit and the need for what he has referred to as a national strategy. His suggestion reflects the view held by those who attended the summit in Dubbo a couple of weeks ago.

Before I deal in detail with the issue of salinity in the very brief time that it is permitted for this debate, I make the observation that it is somewhat difficult for members of the Opposition, particularly the shadow Minister for Agriculture and the shadow Minister for the Environment, to feature in the debate in the long term. I believe that the Opposition faces something of a political dilemma. While members of the Opposition say the right things and have worked very positively throughout the summit towards achieving meaningful outcomes in addressing the problem of salinity, the problem of salinity cannot be debated without reference to an integrated policy. The dilemma to which I refer is that while the Opposition recognises the need for a strategy involving public and private funding for commercial opportunities to which the member for Ballina referred,

simultaneously it adopts a strategy of slowing down the water reform process in New South Wales by attacking the New South Wales Labor Government over its long-term land care policies.

Apart from the fact that salinity is a national problem that must be dealt with, the practices that exacerbate the problem are excessive irrigation, irresponsible water management policies over many decades—if not for most of the last century—and certainly excessive clearing of land which has been a major contributor to salinity. Obviously the solutions for salinity must include a reversal of historically bad practices in the management of resources. The dilemma facing the Opposition is to come to grips with that problem. It is one thing to state that there is a problem, but it is quite another thing on a week-by-week basis to continue to attack the New South Wales Government's strategy in addressing other natural resources problems that are related to the long-term solution of salinity which is the issue now before the House.

The New South Wales Government will be making a formal response to the Salinity Summit in Dubbo. Information will be tabled in the Parliament, this Government's salinity strategy will be developed by the end of June as part of an ongoing process, and I will table the outcomes of the Salinity Summit shortly. In the meantime, I inform the House of some of the basic outcomes of the summit according to the communique which was circulated at the end of the two-day conference. Copies are available from my office and have been widely circulated. The summit recognised that salinity should be viewed in the context of the integrated management of natural resources, including soil, vegetation and biodiversity, as well as consideration of social and economic drivers. The summit also noted that there are already structures in place and activities under way which are dealing with salinity.

The strengths of those activities should be acknowledged and built upon, but administration can be better co-ordinated and delivery must be better targeted. Throughout the summit, I made copious notes on those suggestions and observed the persistent theme among delegates of the need for better co-ordination of agencies and dissemination of information on services and greater consistency in advice. My staff and I have received a substantial level of feedback following the summit. The overwhelming response has been that it was an outstanding success which has already been highlighted by the member for Ballina. Even the Opposition spokesperson for the environment, when being interviewed by Richard Glover on ABC radio, said that she was inspired by the regional summit in Canberra last year and went on to say, "The same thing happened at the Salinity Summit in Dubbo a couple of weeks ago". Her comments indicate the bipartisan support for, and positive view of, the summit.

As I mentioned earlier, the Government will respond more formally to the summit by the end of June, but honourable members should not lose sight of the fact that this Government is heavily involved in natural resources policies which will be a contributing factor to arriving at solutions urged so strongly by the member for Ballina earlier during the debate. This Government's water and native vegetation reforms are a part of its integrated approach to natural resource management. Water reforms have resulted in environmental flows being established in a number of New South Wales river systems to ensure the longer-term health of the river systems, especially in relation to regulated river systems.

Native vegetation clearing has been reduced by between 20 per cent and 30 per cent since the introduction of land clearing legislation in New South Wales. This Government has also established a $15 million Native Vegetation Management Fund to provide incentives for land-holders who want to preserve remnant native vegetation on their properties. All who attended the Salinity Summit at Dubbo were taken on field trips and saw the results of the efforts undertaken by proactive farmers. Over several years, those farmers addressed the salinity problem by preserving and securing native vegetation and have achieved very successful outcomes.

<35>

We provided $25.6 million to help farmers adopt more water use efficiency techniques. More recently we refined the catchment management committee system and announced the creation of 18 new catchment management boards as part of the salinity strategy that we announced in June. They will be given targets and outcomes to ensure that they get clear results in the way they manage their

natural resources in their catchments. The new boards will focus on a more integrated catchment approach to natural resource management. They will liaise closely with water and native vegetation management committees which have been established across country New South Wales.

Liaison on integrated natural resource management across all catchments is important because we must all work together, as was highlighted by the honourable member for Ballina. Local government will have to have a greater involvement in catchment management processes. The many other programs, such as Salt Action, activities already running in relation to salinity, and the extensive advisory work which the Department of Land and Water Conservation and New South Wales Agriculture are doing with land-holders and local councils across the State must not be forgotten. The different farming practices as outlined in the summit can provide many of the environmental outcomes that we are seeking. I am pleased that the staff of New South Wales Agriculture are working closely with our farming community to get those outcomes at the farm level.

I know that some people have been calling for the Government to announce a commitment of funds to salinity. That is somewhat premature in light of the fact that last year's budget had an array of funded projects that have had an impact on salinity. This year the budget allocation to my own portfolio will highlight some of them. No doubt the strategy referred to will include some of the projects in which the Government will be involved. Specific funding allocations need to be considered in relation to specific projects. The existing programs need to be assessed to ascertain what we can do in partnership with industry and other organisations to decide on what further directions we can take.

Extensive resources are already allocated to natural resource management and to salinity in particular. Aside from the funds we allocated to natural resource management as a whole we will spend a further $15 million directly on salinity management. We will need to reassess whether we can better target our existing programs and whether we are achieving the best outcomes from the existing expenditure before we embark on a continual project of long-term funding of many other projects. We will also look at those market-based solutions to which the honourable member for Ballina has already referred in his opening comments.

Overall the Government has done and is doing a lot of work. The message from the summit is that the Government should continue to better co-ordinate that work in the future. The communique from the summit highlights the fact that there needs to be a national approach, as argued by the honourable member for Ballina this afternoon in his contribution to the debate. A number of Ministers and people involved in the summit have been recognised. The summit was announced last year by the Premier, whose credentials in the environmental area cannot be questioned. The Premier officially opened the summit on behalf of the Government. Overall the response from everybody involved from all sides of politics and from the natural resource debate surprised many people. In the words of the shadow Minister for Agriculture, if I can verbal him, I expected to see a fight between irrigators and conservationists, but that did not occur. The summit was a credit to all who participated.

Ms SEATON (Southern Highlands) [5.03 p.m.]: I was pleased to attend the summit in Dubbo on behalf of the Coalition, in my role as shadow Minister for the Environment and particularly because my home area includes areas affected by dry land salinity in rural areas as well as some urban salinity particularly in the northern end of my electorate closer to south-western Sydney. I was also pleased to have the opportunity to discuss some of the ideas that I have been working on in my electorate about ways to approach solutions to salinity. I assured the Minister for Agriculture that the Coalition certainly adheres to the principle of real integrated resource management as part of the solution to these sorts of issues.

The need for resource management was aptly demonstrated by the number of delegates who attended the summit for a common purpose. They represented a proliferation of agencies and programs and all sorts of different projects. They could actually get together and meet people whom they would otherwise only speak to on the phone and learn about real-life examples of good success stories around New South Wales. As I said at the summit, I want many things put on the agenda. Firstly, with the proposed water reforms we must make sure that if people plant new native vegetation that they can actually water them.

I would like the CSIRO's innovative filter trial at Griffith to be tested and adopted for use in other places. I would like a better planning process of greenfields developments, particularly in urban

areas, so that we can design out some of the problems that contribute to salinity. I want better research into high-value farming alternatives, particularly pharmacological and other chemical properties of native plants so that we can turn through the salinity credit process and simply revegetate those trees into commercial resources for farmers.

In many places the road corridor is often the only surviving significant remnant vegetation in an area. I have seen overzealous councils, when upgrading or building roads, unnecessarily remove hundreds of trees that were really not a genuine road safety or engineering constraint. It is very hard to persuade farmers to value their own treaties when government agencies do not! We also need to turn our acquired expertise into an exportable commodity so that from our own problems we can develop a useful and positive intellectual resource to sell to other places.

Funding has to be a long-term commitment. We need to involve the financial sector as market-based solutions play a strong role. One of the best outcomes of the salinity summit was not the communique, which contains various positive features, but the fact that people from all aspects of the debate sat or stood in corners in between sessions nodding their heads at each other in agreement. Normally they would not do so. That was one of the most profound outcomes of the summit.

I was certainly pleased to have discussions with people whom I would not normally have a chance to talk to. The honourable member for Wagga Wagga raised this issue with me as well as a matter relating to salt-affected Department of Education and Training land in his area. Representations were made to have that land set aside for research on salinity but I understand that the Government, contrary to local wishes, proceeded to sell the land. I am concerned also about the principles of potential future liability for taxpayers in such cases.

Finally, in relation to the ADI site and the remnant vegetation of the Cumberland Plain woodland, I called on the Premier some weeks ago, after the salinity summit, to revisit that issue and carry out a salinity study on the impact of the Government's multimillion-dollar sale. The National Parks and Wildlife Service sold that land for approximately $4 million for residential development. I would have thought that for biodiversity reasons alone the woodland should be kept intact. The lessons that honourable members learned from the salinity summit make it even more important for the Premier, if he is serious about what he said during and before the salinity summit, to look in his own backyard at the impact of removing 300 hectares of remnant vegetation in the Sydney Basin in western Sydney. The Premier should take some urgent action, first to undertake a study and, if necessary, and I suspect it will be, to preserve the entire Cumberland Plain land intact.

Mr WINDSOR (Tamworth) [5.08 p.m.]: I thank the Minister for giving me and the honourable member for Barwon the opportunity to address this very important issue. Like other honourable members who have spoken, I attended the salinity summit together with my Independent colleagues, the honourable member for Northern Tablelands and the honourable member for Dubbo. As the honourable member for Ballina and other speakers said, the way the summit was conducted and the way in which traditional enemies were able to get together and talk about this very important issue was excellent.

At the summit I pointed out that the salt issue is essentially the cement between the water debate and the vegetation debate. The Minister for Agriculture has carriage of both resource issues, which should be managed correctly.

<36>

Landholders and urban communities are very concerned about salinity. It is a cancer that we do not fully comprehend, but we are starting to come to grips with some of the issues related to its control. The honourable member for Wagga Wagga is very much aware of urban salinity and the infrastructure problems that it can create. A major Gunnedah school has a problem with salinity of its football field and the decimation of native vegetation in that area. Salinity presents an enormous challenge to the Parliament. In a sense, the vegetation management issue has preceded the salt issue, because in the past people have taken fairly fixed positions on the vegetation issue. I think the Government handled that particular matter in a very ordinary fashion.

I hope that when dealing with the salt issue, as well as the water issue that is to come up in the near future, the Government will conduct the debate in a mode similar to that which prevailed at the Salinity Summit, because water, salt and vegetation are related. I agree with the comments that the Minister made earlier. We must regard this is a resource management matter and when doing so take into account the issues of vegetation, salt and water. As I have said, salt could be viewed as the cement to bring together the different factions in order to solve the problems. Certain of the solutions to the salt problem also will be the solutions to some of the water issues that will come before the Parliament before the salt issue is addressed by this institution. I would like to touch on a few of those in the short time left to me.

In terms of governance of the problems of water quality and flows and salt lodes in river systems, the river committees that were formed in the past—and I do not denigrate any of those who served on those committees—had insufficient power. If our overall plan to deal with salinity or governance of water within river systems is to be successful, we really must involve the communities affected by those river systems and, if necessary, impose general regulations regarding salt lodes and environmental flows. But we must involve the people. One message that came out of the Salinity Summit is that people are keen to come to grips with the problems; they are keen to be involved with tree planting and with the many management changes in recharge areas. Though they are keen, they want to have some control of the issue; they do not want a department imposing on them a blanket "You will do this". The people must be involved in attempts to solve these very delicate issues.

The Premier has the ideal opportunity to demonstrate a unity of purpose in the way in which the Government addresses the water debate through the white paper reform document. If the Government gets that right, it will make enormous progress in getting the salt debate right, and that will go a long way to addressing the vegetation issue, which has always been a vexed question. I would encourage the Minister, the Premier and the Government to embrace the spirit of the Salinity Summer and inject that spirit into the water debate. If they do, I think they will be surprised at the opportunity that it is now available in country areas to come to grips with those three important issues.

Mr SLACK-SMITH (Barwon) [5.13 p.m.]: I thank the Minister for allowing the debate to continue a little longer so that the honourable member for Tamworth and I could speak. I congratulate the Premier on taking the initiative to instigate the Salinity Summit. I believe it was a great success. The bipartisanship shown over the two-day program was encouraging. The Minister is right: I did believe before I went to the summit that I would be defending farmers and irrigators for those two days. That did not happen, with the exception of two small instances that I will return to in a moment.

Salinity has been with us since well before white settlement. Murray River salinity was well documented by Sturt. So it is something that we have been living with all this time. In 1939 legislation passed by Parliament provided that those who did not clear their land would have their land title taken from them. So we have made mistakes in the past, as the honourable member for Ballina pointed out. But we have had very cheap and high-quality produce for 200 years. I would emphasise that this is a community problem; it is not just the farmers' problem. I was worried that people would say that it is the farmers' problem, so they can fix it. The farmers cannot fix it.

Salinity is not a death sentence. It can be overcome. The problem can be solved, and we can learn to live with salinity. Also, salinity is not taking over all of New South Wales. It does not occur in many parts of the State. Now is the time to become proactive and get on with the job of fixing the problems. The Minister spoke about his white paper on irrigation policy and native vegetation policy. I believe we can address both issues. There is no point stopping irrigation to prevent two buckets of saline water being carried down the Murray-Darling system, because that would defeat the purpose. What we need is an improvement in water quality. To do that, we must solve the salinity problem, for that mostly occurs upstream.

I know that in the northern irrigation areas of New South Wales the salinity problem does not originate in the area itself; it is created further upstream. Dr Ian Thompson of the CSIRO mentioned that an increase in environmental flows in the Murray-Darling Basin will not work simply because the Murray-Darling Basin is so flat that all the water one could pour into the basin would not generate an environmental flow that would make any significant difference. So let us return to working on water quality. Soil salinity occurs because moisture in the soil below the grass zone has been slowly rising due to lack of extraction by perennials and trees.

We should be planting trees in the right place. Where I come from, west of Wee Waa, salinity will never be a problem because the area has heavy clay soils. That has been proved by the CSIRO. However, in an area suffering from salinity, tree planting will address the problem. So the measures to address the issue must be integrated. I was very pleased that all honourable members who contributed to this debate today said that there must be an integrated program, not just a concentration on one aspect of salinity, or being concerned about native vegetation while clearing other vegetation. It must be a three-away turf talk, simply because if we do not do that our farmers will go broke—and there is no way that farmers who are in the red can go green.

In many countries denigration of a natural resource is going unchecked because farmers cannot afford to do anything about it. If land-holders are unable to make a profit, forget about them remaining or becoming green. Also, if we pass legislation that would try to force farmers to do what they cannot afford to do, then we will all be in big trouble. I conclude by saying that every river valley is different. Every river valley has its own problems. The Macquarie Valley has different problems from those in the Namoi Valley, and even some parts of those valleys have different soil types. The management must be integrated. It must be conducted in a bipartisan fashion. I thank the Minister once again for allowing me to speak in this debate. [*Time expired.*]

Mr D. L. PAGE (Ballina) [5.19 p.m.], in reply: I thank the honourable member for Southern Highlands, the honourable member for Barwon, the honourable member for Tamworth and the Minister for their contributions to this debate, which was most positive and constructive. I am sure that other honourable members would like to have participated in the debate had standing orders allowed that to occur.

<37>

I will respond to a few of the Minister's comments. The Coalition went to the last election with an integrated resource management policy. I made that plain at a seminar at Sydney University where I represented the Coalition—the Liberal and National parties. The seminar was attended by Tony Kelly, representing the Government, the Greens and the Democrats. No-one was in any doubt as to what we were going to do. I agree with the comments made by the honourable member for Tamworth relating to native vegetation. The Government handled that issue badly. It did not seek to take the community with it when it was trying to explain what it was trying to do. There was too much of a government down approach.

We sought to introduce a more integrated process of native vegetation by drawing together the management of soils and native vegetation, which are part of the legislation, through an amended framework which supports the native conservation objectives in the Act. I have always said—I said this in my contribution to debate on the second reading of the bill—that I supported the objectives of the Act. But the mechanisms which were chosen for the Environmental Protection and Assessment Act were not the correct mechanisms. At the last election we sought to bring soil conservation and native vegetation legislation together—a first step towards an integrated approach. We also looked at doubling the Vegetation Management Fund. This Government has provided $15 million towards that fund. We sought to double it to $30 million because we thought that was an important and constructive thing to do.

I agree with the sentiments expressed by the honourable member for Tamworth. He talked about the importance of the management of water reforms and native vegetation in relation to the outcome of water salinity. The Government must debate these issues with the farming community as we are talking about land that is privately owned. We are not seeking to delay sensible water reform—far from it. We want to ensure that the final water reform package is the right package, that it has widespread community support and that it delivers the outcomes that we all want. Let me give an example in relation to the white paper. Water tradability is an important issue in this context. We are trying to ensure that the water that is available in the system is basically put to the highest and best use.

One of the problems with the white paper is that it does not draw on any real property rights. I am concerned about the water tradability angle, at least from that perspective. People have to have secure water rights. They must have water rights that have some security that they can actually trade. People will not buy water rights that will exist for only five years. Opposition members are not trying to be obstructive in relation to water reform. The water bill is the biggest and most important piece of

legislation that is likely to go through the Fifty-second Parliament. I raised this matter of public importance today to ensure that, when the bill is introduced—it will quite a complex piece of legislation and obviously it has to be—the community has plenty of opportunity to be consulted.

We do not want a repeat of the native vegetation legislation. I think the Minister would concede that the Government did not handle that matter well. It did not take the community with it. We must seek the co-operation of the community. We must explain to them as we go along what we are trying to achieve. In conclusion, I refer to the forthcoming Murray-Darling Basin meeting. There are some encouraging aspects about that meeting. The aim of the meeting is to produce a draft strategy by 30 June and develop preliminary river salinity targets by August. I understand that there is some hope of a sign-off by March 2001. All that is quite encouraging.

I also make the point—the Minister acknowledged this fact this morning in an earlier debate—that New South Wales accounts for 57 per cent of the Murray-Darling Basin. Obviously, the New South Wales Government is the biggest player. I hope that the Government does not go to that summit with a request that a national strategy is required and that the Federal Government is the only government that should put its hand in its pocket in an attempt to solve some of these problems. New South Wales, as a major beneficiary, should contribute to solving the problem. We must ensure that we contribute our fair share, particularly when we consider that, constitutionally, the New South Wales Government, and State governments generally, have a responsibility for land and water management. I seek the Government's assurance in that regard.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

———

CRONULLA ELECTORATE TRAFFIC CONGESTION

Mr KERR (Cronulla) [5.24 p.m.]: For some time now I have drawn attention to the chaotic nature of traffic congestion and parking which has developed in Cronulla. This is not a political matter. It should be dealt with in a bipartisan fashion at a State and local government level. Recently I received a letter from the Station Commander of the Cronulla fire station. He wrote:

> Over the last 2 years I have watched the traffic situation in the Cronulla CBD deteriorate to a stage that I fear for the safety of the residents of Cronulla.
>
> I cannot speak for the other emergency services but I expect they would be affected in the same way.
>
> I have responded to fire calls on numerous occasions to South Cronulla and the CBD area at weekends when the traffic is so grid locked that the fire appliance cannot make headway along Wilbar Ave Cronulla leading to Cronulla Railway station, or Gerrale Street heading south from the Kingsway.
>
> Our station received a fire call late last year; it was a Sunday to an unknown fire near the NSW Fisheries Research Institute at 202 Nicholson Parade South Cronulla. We responded to the call as usual and it would normally have an E.T.A. of about 4 minutes to that area. We responded via the Kingsway into Wilba Ave, the traffic was bumper to bumper on both sides of the road. The appliance was stuck in traffic for 6 minutes and had only moved 25 metres. I decided to turn the appliance around, and find another route, we made our way to Burraneer Bay Rd, down Connels Rd to The Kingsway which was also grid locked, we proceeded onto the opposite side of the road and made our way to Gerrale Street. Gerrale Street was in total gridlock in both directions, by this stage 18 minutes had past.
>
> We finally arrived at the call after 26 minutes; it was a rubbish fire that had burnt itself out. This time we were lucky. I would hate to think of the outcome if it was a house fire with children trapped.

Mr Hooler, the station commander, made a number of suggestions in relation to the traffic flow at Cronulla. I think that these suggestions should be put on public display. I have written to Sutherland Shire Council, the Roads and Traffic Authority and, in conjunction with the Federal member, Bruce Baird, I will write to the NRMA to ask for its views in relation to this matter. Traffic flow is an issue where local people usually know best. There is a need in the Sutherland shire to introduce local traffic flow forums so that local authorities are able to draw on the knowledge and experience of traffic users and service providers.

Another matter in the same vein concerns parking in Cronulla, which has also reached a critical stage. It is disappointing that the Carr Government will sell off land at Cronulla railway station—land that could have been used for parking. It is particularly ironic when the Premier conducted an interview with Alan Jones this morning in which he said:

> We have got a recommendation from the Public Transport Commission. They are saying that if you put this levy in suburban shopping centres then you will be able to fund a range of public transport improvements, like for example, like more car parking at railway stations.

Fancy that! It is hardly the time to sell off assets which could provide that parking.

BATHURST MOTORCYCLE RACES

Mr MARTIN (Bathurst) [5.28 p.m.]: I speak today about a matter of great importance not only to the electorate of Bathurst but also to the people of New South Wales and Australia. This Easter, after an absence of 12 years, it is intended to reintroduce motorcycle racing at Mount Panorama. Honourable members would be aware that Bathurst is the home of motor racing in Australia. The Mount Panorama circuit is universally recognised as unique and the best motor racing circuit in the world. An important part of the history of Mount Panorama is that the first motorcycle races were held there in the 1930s and they continued until 1988. Because of unruly behaviour the promoters backed out but, after a period of 12 years, they are back again. This year more than 700 competitors will take part in the event, which will be organised by an Australian company, Event Management Services. That is quite remarkable when we consider that that event is competing with a motorcycle event at Phillip Island in Victoria.

<38>

The rebirth of motorbike racing at Mount Panorama will not only involve circuit racing; it will also involve motocross. The promoter, Event Management Services [EMS], and its managing director, Greg Eaton, have put together a family-oriented package which will result in a very comprehensive program of racing and motocross events as well as full entertainment during the whole of Easter. People will not have to leave the circuit. There will be large movie screens at various places around the circuit where films will be shown. There will be live bands and concerts which are designed to attract the young people, and those concerts will continue over the weekend. It is important that this concept be brought back to motorcycle racing so that its past tarnished image can be put to bed. Mr Eaton and his team have come up with a first-class program for the weekend: first-class entertainment and first-class racing.

Bathurst City Council has also been actively involved in making the Easter rebirth of motorcycle racing a success. The council has put many millions of dollars into Mount Panorama. It is a unique attraction for Bathurst and gives it an international focus. It is still a big ask for a city council to do that. Recently the Federal Minister for Sport and Tourism, Jackie Kelly, opened the Motor Racing Museum, and an announcement that the Australian Motor Racing Hall of Fame will be located at Mount Panorama is expected shortly. One of the important planks in bringing Easter motorbike racing back to Mount Panorama has been the support of Tourism New South Wales. I know the managing director of EMS is very thankful for the support he has received from Tourism New South Wales. It has delivered on everything it said it would. The Minister for Tourism has taken a personal interest in the project. That encouragement and practical support has been timely and was one of the catalysts for the promoters to get the project going.

It is envisaged that the weekend of racing is worth $10 million plus to the Bathurst economy. We have the experience from the V8 races, an international fixture, later in the year. Bringing back racing at Easter will be a shot in the arm for the economy of Bathurst. The support of Tourism New South Wales augurs well for the reintroduction of this famous event to the Australian sporting calendar. All those who helped speed up some of the approvals—EMS, Bathurst City Council, the Department of Sport and Recreation, the Minister are to be congratulated. Those who have been associated with getting motorcycle racing back to where it belongs—its home, Mount Panorama—are also to be congratulated.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [5.33 p.m.]: I congratulate the honourable member for Bathurst on his commitment to the tourism industry in his electorate. I regret that I do not think I can attend the inaugural event. I am committed to the Blessing of the Fleet in Ulladulla, another regional tourism event. However, I did go to the Bathurst races once on the back of a Ducati 900, so I would be interested in returning. Bathurst is explorer country and I am delighted to say that the explorer country attracts 2.2 million visitors who spend $77 million per year in the region, which has a vibrant tourism industry. I thank the honourable member for Bathurst for his comments about the New South Wales Government's tourism agency, Tourism New South Wales. I will pass on his comments to the agency.

The New South Wales tourism master plan underpins the planning and development initiatives undertaken by Tourism New South Wales. It is a whole-of-government plan for the profitable and sustainable development of the tourism industry through to the year 2010. There are 10 outcomes for tourism under the master plan: consistent profitability that delivers investment and employment; products and marketing that attract high yield markets; effective management of mass tourism from existing and emerging markets; the positioning of Sydney as Australia's international city—a cultural capital and a leading convention city; the appreciation and protection of the environment by the industry; New South Wales being branded as the complete holiday experience; the dispersion of tourism benefits beyond our gateway, which is Sydney; the improvement of service standards to ensure visitor satisfaction; the efficient use of the Government's tourism funding; and tourism being highly valued and supported by the community and by the Government. It is within this framework that significant regional events such as the Easter motorcycle festival at Bathurst are funded and provided with marketing support by the State Government through Tourism New South Wales.

EDEN NAVAL MUNITIONS WHARF

Mr WEBB (Monaro) [5.35 p.m.]: I echo the words of the Minister. Mount Panorama is certainly the place for motorcycle races at Easter, and I welcome them back. They are important for tourism. Likewise, I am hosting a Monaro tourism promotion here next week which will be opened by the Minister for Tourism. Today I want to speak about the Eden naval munitions wharf. The munitions wharf and multipurpose loading facility is an initiative of the Federal Government, which is spending about $40 million primarily for the Navy to remunition its vessels on the east coast of Australia. Recently I attended a Federal Senate inquiry at Eden. I was somewhat amazed that the State Government was not represented there because the project is a major regional development and job initiative for Eden. Over the past few years Eden has experienced many changes: major job losses through the restructure of the forestry and fishing industries and the closing down of the Heinz tuna canning factory.

With the support of the Federal Government and, particularly, the Department of State and Regional Development the region is being turned around. Job losses are being minimised, and the decision to proceed with the naval munitions wharf and multipurpose loading facility will result in a much-needed injection of Federal and State funds into Eden. Until recently the job of the munitions wharf was conducted in a storage facility in Sydney Harbour, and vessels were serviced and maintained there. However, because of the Olympics and for a number of other reasons it was decided to move that facility away from Sydney. Jervis Bay seemed to be the obvious alternative, but because of environmental constraints it is no longer deemed to be a suitable site. Port Wilson in Victoria was chosen. However, distance, steaming time and the prohibitive cost of getting vessels there and unloading them made that site unsuitable. Twofold Bay, one of the best ports in the world from a natural point of view, was the site chosen by the Federal Government.

Because of the commercial aspects of the multipurpose wharf the State Government had previously committed $5 million to fund the commercial depot. The concept will result in massive benefits to the State. Obviously Sydney will benefit from the removal of munitions facilities from Sydney. The far South Coast beyond Eden will benefit from the regional development. The Government is also becoming involved in softwood exports. It has facilitated the funding necessary for a softwood development corporation to build a $50 million softwood value-added sawmill in Bombala. That will be a further boon to the area. Softwood, hardwood, agricultural produce, manufactured products and the tourism potential of a commercial multipurpose wharf will turn Eden

into a major jewel in the New South Wales crown. All of that infrastructure will be built within the next year or so.

<39>

As I said, it requires commitment. The Federal Government is committing $40 million to the naval side of the project. Previously, the State Government committed $50 million. I should like an assurance from the Minister for Regional Development and the Government that those funds are in place to aid the commercial depot side. It will be necessary to make a commitment to the inlay road to facilitate logging from Bombala to Eden.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.40 p.m.]: I commend the honourable member for Monaro for his speech about the naval munitions facility. However, he may have added a few zeros to the State Government's funding commitment. The Government recognises the need to revitalise the Eden region through the encouragement of major industry initiatives and the creation of jobs that will flow from them, as outlined by the honourable member. That was the whole point behind its landmark Eden Development Fund. The joint $500,000 initiative between Heinz-Watties and the State Government is playing a crucial role in the recovery of Eden. In addition, the State Government has agreed to commit $5 million towards the construction of the multipurpose wharf project at Twofold Bay.

As a member of the Coastal Council of New South Wales I had an opportunity to view the site, which is a fantastic deepwater facility for New South Wales. The Government has also made the project one of State significance. That means that the State Government will become the consent authority for any developments that fall within State environmental assessment legislation. The Government has also contributed $150,000 towards a joint environmental impact statement to cover the commercial shipping aspects of the project. Opposition members continue to talk down Eden, and their Federal counterparts are no better, dragging their heels at every turn. In contrast, the Government is working with the local community and industry to secure new jobs and investment. I commend the honourable member for Monaro for his advocacy on behalf of the Eden area. The State Government also strongly recognises the need to encourage industry in that area to assist the people of Eden-Monaro in continuing the development of the region.

CENTRAL COAST CANCER CARE APPEAL

Mr McBRIDE [5.42 p.m.]: Today I advise the House of a fabulous community initiative on the Central Coast. In April 1999 the Central Coast Cancer Care Appeal was launched with a target of $1 million. Funds are to be used to complete the day care centre at Gosford Hospital. Although the centre has been operating for some 18 months, when it is complete there will be two separate areas: a separate treatment area for those who require chemotherapy, and a consultation area for patients, their families and staff. The idea is to separate the two areas to reduce the trauma associated with watching people undergo treatment. It is a great initiative. Funds will also be used for a new centre at Wyong Hospital. A day care centre will be established and patients will be able to receive chemotherapy treatment as well. At present 25 to 30 people travel daily from throughout the Central Coast to be treated at Gosford Hospital. Enabling people of Wyong shire to attend Wyong Hospital for treatment will be a major advancement in terms of services and conditions for them.

Currently, some $750,000 has been raised. I congratulate some of the fundraisers. On returning to school, 8-year-old Robert Parker decided that he needed a haircut, and he set out to raise money by having his head shaved. In the company of his mother he doorknocked his local neighbourhood, resulting in pledges for some $3,200. A local fire officer was so impressed by young Robert Parker's commitment that he went along and had his head shaved to provide moral support for Robert. Another person who deserves congratulations is Harry Moore, a former member for the electorate of Tuggerah. As honourable members know, Harry Moore made a major contribution to the establishment of Wyong district hospital. Harry has raised considerable funds from major events, including an auction at Wyong Police Club and a celebrity cricket match. Harry is interested in golf and he has also held numerous golf days to raise funds.

Another major initiative was the decision by the general manager of Wyong Shire Council to have his head shaved publicly. He is the first chief executive I know who has made that commitment. One council staff member, who knew that John Dawson's wife had passed away tragically from cancer last year, approached John about shaving his head to raise funds. He was delighted that John

accepted immediately and agreed without hesitation to participate. Sadly, John's younger brother died at the age of 33 and, as I said, his wife of 35 years passed away from cancer last year. Following that, a good close family friend of both John and his wife was also struck down by cancer, but fortunately he is in remission at the moment. Having made the commitment, John raised $2,000 when he had his head shaved. As a result of the publicity associated with John's commitment, and given his position, some $9500 was raised. Not only that, but a number of senior council executives were shamed into having the same sort of treatment on the day.

I understand that many executive council officers have had their hair tinted the colours of the rainbow and so on. It was a major contribution. The honourable member for Ku-ring-gai has suggested that he would like to contribute in the same way. Perhaps he will volunteer to have his hair tinted. I point out that John Dawson has been the shire clerk and general manager of Wyong Shire Council for 27 years. He was awarded the Public Service Medal in the Australian Day honours list in 1991 for his contribution to local government. John has set off an explosion of head shaving. On Monday of this week there were three major head shavings, and 62 Chickadee Chicken employees, 12 staff of Gosford Hospital, five people from Pine Solutions of Berkeley Vale and 16 staff from Wyong Hospital had their heads shaved on Monday to raise funds. On Saturday 29 April at Mingara recreation club between 8.30 a.m. and 6.00 p.m. the offices of the *Express Advocate* and radio station 2GO will be open to receive donations. It is hoped that on of that day we will hit the $1 million target.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.47 p.m.]: I commend the honourable member for The Entrance for drawing the attention of honourable members to the wonderful community response to the Cancer Care Appeal. I am sure all members of this House have been touched in one way or another by cancer and the trauma that it brings to families and individuals. Funding is necessary not only for research but also for treatment facilities, whether it is radiotherapy or chemotherapy. No doubt that matter is close to the heart of the honourable member for Maitland. I cannot let this opportunity pass without advising the honourable member for The Entrance that the same enthusiasm has occurred recently in the Newcastle and Hunter area. The general manager of Newcastle City Council, Janet Door, has had her head shaved for the same cause. I recognise the initiative taken by all members of the community, particularly Robert Parker, and their contribution to these facilities. Everyone in the community should be congratulated for taking the initiative and assisting to provide research and facilities to attack what is one of the most savage killers we know. Once again I congratulate the honourable member on raising this matter in the House.

<40>

PARRAMATTA-CHATSWOOD RAIL LINK SPOIL REMOVAL

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.49 p.m.]: I raise the issue of the Parramatta-Chatswood Rail Link. I am on the record as supporting that link, although I am also on the record as raising some concerns about its consequences and in particular about its route. I should like to raise this evening a concern I have about the environmental impact statement [EIS] process. When the EIS was finally released by the Carr Government—nine months late, in five volumes, over Christmas, which made it extremely difficult for residents to review it—a number of issues arose, but none more important to me than the transportation of the spoil generated by the project. A number of construction projects are involved with this project in my electorate, which includes the crossing of the Lane Cove River, which is estimated to take two years; the construction of a station at the University of Technology Ku-ring-gai, which is expected to take a year; the construction of the cut-and-cover tunnel and dive structure at Chatswood, which is expected to take 3.5 years; and the construction of Chatswood station, which is expected to take two years. The construction times are set out in table 17.4 of the EIS.

It is made clear in the second volume of the report that the amount of spoil to be generated will be in the order of 231,000 cubic metres. When one considers that the average truck takes 9.5 cubic metres, that figure represents many truck movements. Indeed, the only reference made in the EIS is to the potential 100 per cent removal of spoil by truck. The figures set out in the EIS show that that would add 250 truck movements to the highway north of Lindfield, rising to 880 truck movements north of Pymble, and it would add 630 extra truck movements each day on the Ryde Road north of De Burghs Bridge. My concern was increased when, in a briefing with the Department of Transport project managers I was told that it was not yet determined that removal of the spoil would be done by rail, that the alternative could be removal by train, and that one of the issues to be raised is

whether those train movements would be during the general period of CityRail operations or after hours.

My concern relates to the Minister's advice and the advice of his officials that the issue of the determination of how the 236,000 cubic metres of spoil will be removed. That is only the section in my electorate. Across the entire project there is one million cubic metres of spoil. The Minister has advised that those issues will be determined outside of the environmental impact statement process. That raises my concern, because it seems to me that if the EIS process means anything all the environmental consequences should be considered. Section 111 (1) of the Act states:

> For the purposes of obtaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, not withstanding any other provisions of this Act or the provisions of any Act or any other instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

I stress the last line of that reference. Thousands of people live alongside the North Shore railway line and alongside the Pacific Highway, which carries in the vicinity of 58,000 vehicle movements a day. Adding in the order of 880 extra truck movements to that road will have an environmental impact; adding train movements to the North Shore line will also have an environmental impact. I now understand that the Government is considering barging the spoil down the Lane Cove River. That too will have an environmental impact.

I am not here arguing the NIMBY principle—"not in my backyard". What I am arguing is a concern I have about the EIS process, that this important issue involving such a large amount of spoil and the consequences to the local community, the residential amenity and the environment is not to be determined within the EIS process but the Minister has determined that it will be decided outside that process. That is not how an environmental impact statement should operate. All matters should be considered and determined in the process of the EIS, and people should not be asked to buy a project and then to buy the consequences later on. If I could be political for a moment, that is exactly what happened last year when the Minister for Transport, in arguing for 14 per cent fare increases, promised better services before the decision but after the decision failed to follow through on that promise. My concern is that when these issues are determined after the EIS process is conducted, the citizens of Ku-ring-gai and other users of the highway, the railway line and the river will find that some dramatic consequences will be found.

HEATON PUBLIC SCHOOL

Mr MILLS (Wallsend) [5.54 p.m.]: I pay tribute to the people of the school community of Heaton Public School for their commitment, co-operation, courtesy and care since 7 December last year, when the primary school's nine-classroom block was destroyed by a deliberately lit fire in the early hours of the morning. The administration block, two infants classrooms and the adjoining community preschool were not affected. Two months after that fire a smaller fire, also suspected of being deliberately lit, destroyed the school canteen and computer room. The criminal investigation by Waratah police is continuing. One parent told the *Newcastle Herald* on 8 December:

> I'm angry now. Now I've got over the shock I am really angry…
>
> Wouldn't you love to get your hands on the people who did this.

The students, parents, teaching and support staff of Heaton Public School were shocked, upset and angry. It was most unhappy and unsettling for students, because of the loss of their personal school work, including art, the loss of school work records, the loss of the school's history, and a senseless destruction of a special place in the lives of those students. The adults in the community responded with speed and sensitivity to the need to help children to deal with their upset and to restore a positive outlook. The principal, Mr Daley, was quoted in the *Newcastle Herald* of 14 December as saying:

> Despite what has happened the kids are coping really well …
>
> the community and parents had rallied to make sure the pupils did not miss out on end-of-year festivities…
>
> It's been so gratifying to see the support we have been getting from parents.

The *Newcastle Herald* reported on that day that Santa had come to visit the school, not by reindeer but in the back of the Hunter Westpac rescue helicopter. One of the students asked Santa not for the usual toys but for a new school for Christmas. The principal, Brendon Daley, has been tireless and extremely effective in working to restore the school. I express first and foremost to him the thanks of the whole community. Those thanks are ongoing. My heartfelt thanks also go to the assistant principal, Chris Shand, for her strong and helpful leadership role. I thank also the Newcastle District Superintendent of the Department of Education and Training, Laurie Tabart, and Louise Ferguson of that office for their immediate, supportive and ongoing assistance, decision making and liaison. I extend thanks also to John McConnell, the principal of Jesmond High School, which is next door to Heaton primary school, and his staff for providing classrooms for the primary schoolchildren from the day of the fire until the end of term last December.

Officers of the Department of Public Works and Services also came to the school immediately and are still assisting. Parents and staff met on the night of the fire at Jesmond High School and expressed their determination to have the school rebuilt. A steering committee has been formed to progress the rebuilding of the school. I acknowledge the efforts of Anne Littlewood, Ross Hopton and Betty Crockett of Heaton Public School; Barry Wheeler, of the properties section of the Department of Education and Training; Jenny Brockelsby, the president of the school council; Richard Farrell, the secretary of the school council; Sonia Barnes, the treasurer of the parents and citizens association; and community members Ron Robinson, Garry Butt and Neil Foster. I extend to all of those people my thanks and best wishes for successful and timely deliberations.

Within two days the Minister for Public Works and Services outlined arrangements to bring five demountable classrooms onto the site, as well as rooms for library, staff and toilets, to allow the school to commence at the start of first term this year. That was achieved, with the exception of a few minor hiccups regarding water and toilets, and two major hiccups. My thanks go to the Department of Education and Training, particularly Barry Wheeler of the properties section; the Department of Public Works and Services; the school staff; and Transfield for their hectic work over the Christmas and New Year holidays. By the end of the first week just about everything was right and the students were enjoying the school year. Lots of new concrete paths and covered walkways were built to provide a safe environment for the students.

I referred earlier to two major hiccups. First, the drainage surrounding the demountables, which was shown up in the heavy March rains, is now being fixed. The school community would be much happier if gravel areas around those classrooms were sealed. I ask the Minister to give thought to that. The major hiccup has proved to be Telstra, which has failed badly in the task of connecting phone and fax lines and lines for Internet access. The school phone number was diverted to a field phone within 48 hours. However, it was not until 20 March that telephone and fax land lines connected—that is 104 days after the fire—in spite of interventions by the Federal member for Newcastle on 28 January and by me on 28 February. However, I thank the officer whom I reached at the end of February for getting things moving at last.

Such a level of service from Telstra to a school in need of help is appalling. Regional Australia deserves better than that from Telstra. Telstra needs to get its act together. Every attempt by the school staff to deal with Telstra through normal channels left them waiting for someone to get back to them, but no-one did. To add insult to injury, the account sent to the school last week was charged at mobile rates rather than at local call charges, and there were charges for multiple lines when no phones were connected. Well done, Heaton Public School! It is now back in business.

<41>

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.59 p.m.]: I thank the honourable member for Wallsend, who is my next door colleague in Newcastle, for bringing to the attention of the House the trauma caused by the fire at the Heaton Public School. It was a senseless act that has greatly stressed the teaching staff and students of the school. As the honourable member for Wallsend clearly pointed out, however, the tragedy has brought together various groups, namely, teachers and the community, community members and the parents and citizens association, the school community and the Department of Public Works and Services, and the community and State and Federal parliamentary representatives for the area. All those groups have been working together to recover from a very senseless act and a devastating fire.

I am personally aware of the strength of community feeling in the area because in my former career I taught at Jesmond High School and the public school was situated within the grounds of that major high school. The community has always been totally committed and has always had a strong feeling for the school. I can understand the trauma caused by the fire that is being experienced by members of the community. While it is sad that, once again, Telstra—that former great provider of service—has failed to provide emergency services to the school in a timely manner, it is good to note that the community has come together in facing this devastating event. I am sure that the Minister for Education will be pleased to hear the honourable member for Wallsend's commendation of the principal and assistant principal of the school and the area supervisor, Mr Tabart, for their quick response to the needs of the students and teachers.

TEA GARDENS/HAWKS NEST/KARUAH MEDICAL TRANSPORT GROUP

Mr J. H. TURNER (Myall Lakes) [6.01 p.m.]: I draw the attention of the House to a voluntary organisation that carries on marvellous work in my electorate, namely, the Tea Gardens/Hawks Nest/Karuah Medical Transport Group whose president is Mrs Val Andrews. The group has been operating for many years and its primary role is to convey to medical institutions in the Newcastle and Hunter Valley areas the spouses, loved ones and family friends of people who are receiving treatment and who would ordinarily reside in the Tea Gardens/Hawks Nest/Karuah area. Throughout many years of the group's operation, it has neither sought nor received funding from governments of either ilk, although some years ago funding was provided for the purchase of a vehicle. Other than that, the group has been entirely self funding.

The present problem confronting the group is the need to build a garage. In coastal areas, it is obviously best to have vehicles accommodated in a garage. In a community-spirited manner, the Police Service arranged to make available land over which it exercises some control. The Hawks Nest/Tea Gardens Lions Club is prepared to erect the building and it is a credit to the president of the club, Bill Myers, that he approached me in relation to that project. The sticking point is that the site on which the building will be constructed includes a sewer main which runs the length of the property.

Plans for construction were lodged in October 1998 with the local council and Mid Coast Water. Since that time, the frustrations experienced by the organisation have taken over. Mid Coast Water issued an order which required significant concreting work to be done. That was not feasible, so an arrangement was made to sink some piers instead. It should be recognised that it was not intended that the garage would be built over the sewer main but would be an elevated construction situated nearby to get over the problem of access. But a major problem has now occurred because Mid Coast Water now requires engineering drawings of piers to be submitted before approval of the plan will be given.

The medical transport group does not have the money for the drawings. As the group operates to serve and benefit the community, a proposal was put to Mid Coast Water—assuming that within such an organisation there would be some engineers—that relatively simple drawings might be undertaken by engineers within that organisation. I am not an engineer, but I imagine that it would not be a major drama to provide some engineering drawings for relatively straightforward piers. Regrettably, although the request was made many, many months ago, it was only recently that notification was received from Mid Coast Water that it could not, and would not, do the drawings. I am concerned about that response.

I intend to raise the matter in the context of community service obligations of local organisations and the appropriateness of the action taken by Mid Coast Water. I hasten to add that on this occasion my remarks are not intended to be a criticism of the council. I wrote to the local council and asked whether the council might have its engineers look into the matter and see whether they could resolve the problem. One of the sources of great frustration, however, is the sheer bureaucracy that is involved in what is a relatively simple event, namely, helping a community, which helps itself, to provide a service. I must say I am very disappointed with the situation that has arisen. With assistance from Mrs Andrews, inquiries are being made about whether there may be some retired engineers or other people in the community who may be prepared to help.

The point I make is that this difficult problem should not have arisen. The matter concerns a very simple building that really does not interfere with the sewer main. I suggest that it would be a

very simple process to produce engineering drawings. If Mid Coastal Water considers that that there is some conflict of interest involved—which, for the life of me, I have tried to explore but cannot understand—that organisation might have let the group know some months earlier. My intention in bringing this matter before the Parliament is to reveal the frustration being experienced by this local organisation. I hope that the local council will be able to come to the party and complete the engineering drawings to a satisfactory standard to enable this important project to be commenced and completed.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.05 p.m.]: I thank the honourable member for Myall Lakes for bringing this matter before the House in recognition of the voluntary efforts being made by the Tea Gardens/Hawks Nest/Karuah Medical Transport Group and its president Mrs Andrews. The frustration being endured over a long period has led the honourable member for Myall Lakes to bring the problem before the Parliament. I hope that the matter is resolved quickly.

AUSTRALIAN QUADRIPLEGICS ASSOCIATION

Mr MOSS (Canterbury—Parliamentary Secretary) [6.06 p.m.]: I have been approached by the Australian Quadriplegics Association about wheelchair-accessible transport concessions. The association has been arguing for some time that taxi concessions should be greater for quadriplegics than the 50 per cent subsidy that applies across the board to all Taxi Transport Subsidy Scheme beneficiaries. The Australian Quadriplegic Association quite rightly claims that quadriplegics have specific needs over and above the needs of other disabled people. For example, for most quadriplegics the only means of getting about is a specifically fitted-out vehicle. That usually turns out to be a wheelchair-accessible taxi, which is commonly referred to as a high-top taxi.

Another argument in support of an increase in the subsidy for quadriplegics is that it takes a longer time for quadriplegics to gain access to a taxi, hence the taxi fare is usually considerably higher than it would be for other disabled people. I am also informed that because wheelchair users have specific vouchers, if the subsidy for quadriplegics was varied in any way, the overall system could be contained and monitored without creating very much fuss. While the association does not deny that people with disabilities should receive assistance, members of the association believe that quadriplegics warrant particular consideration. At this stage, they are campaigning for the subsidy paid to quadriplegics to be increased from 50 per cent to 75 per cent of the fare.

I emphasise that people in wheelchairs were the original and only beneficiaries of the Taxi Transport Subsidy Scheme when it was introduced by the Wran Government. At the opening ceremony for the eastern suburbs rail line, which was meant to be a great celebration, the event was somewhat marred by a demonstration by people in wheelchairs who approached Premier Wran arguing, quite rightly, that they could not access the new rail line. The demonstration occurred not long after the Year of the Disabled and, because the Government had been somewhat embarrassed, Neville Wran and his Government introduced the Taxi Transport Subsidy Scheme. At that stage it applied only to people in wheelchairs. The Wran Government should be praised for taking that initiative.

<42>

Over the years the scheme has been expanded to include other disabilities, so much so that the Australian Quadriplegic Association argued that the dollar has stretched so far that the most needy users of taxis are not getting the subsidy they deserve according to their disability. I believe that people other than quadriplegics may fall into that category. All people in wheelchairs should be considered for specific consideration, not to mention other areas of disability that the health authorities could best advise us on.

The Australian Quadriplegic Association has a good argument. I emphasise that this Government is very conscious of the need to upgrade the scheme. The Government has increased the subsidy from $25 to $30 so that a person can travel in a taxi for $60 and obtain the full subsidy, that is, $30 discount. That means one could live outside the metropolitan area and still benefit from the scheme. This Government is to be congratulated on increasing the subsidy. However, I know that the Minister for Transport will take the argument of the Australian Quadriplegic Association seriously with a view to enabling quadriplegics to get about as cheaply and as efficiently as possible.

Mr GAUDRY (Newcastle-Parliamentary Secretary) [6.11 p.m.]: The honourable member for Canterbury has brought the matter of the Australian Quadriplegic Association to the attention of the House. It is obviously very difficult for people in wheelchairs, particularly quadriplegics, to access facilities to live independently within the community. This Government has done a lot to assist them in that regard. As the honourable member for Canterbury said, there is still a long way to go to give them sufficient access to make them feel that they are able to participate as much as possible in community life. They need to not only access medical and other facilities but also recreational facilities which are very important for people who are confined to a wheelchair for a great deal of the time. That important issue is certainly one of which the Minister for Transport is aware and he has increased funding for that.

LAKE CARGELLIGO CONSERVATION PROJECT

Mr ARMSTRONG (Lachlan) [6.12 p.m.]: Tonight I refer to a recently completed conservation project in the town of Lake Cargelligo situated some 70 kilometres from the geographic centre of New South Wales. Lake Cargelligo is known for many things, not the least of which is it is one of the most magnificent inland lakes in Australia. The lake encompasses some 1,500 hectares. More to the point, Lake Cargelligo has been plagued by salinity problems for many years, most notably on the golf course. The golf course is on the West Wyalong side of town, approximately four kilometres from the centre of the town. The first five holes became totally useless about 10 years ago when the watertable over them was above ground level. Effectively, except for an odd spot, there was a salt-based slurry.

Tests in the area showed salinity of up to 23,000 parts per million. It should be borne in mind that seawater salinity is 28, 000 parts per million. The problem to try to reconstitute the golf course was addressed. With the co-operation of some local townspeople, notably Mr John Chanter, chairman, the local Total Catchment Management [TCM] committee, and also Mr Pat Little from the Department of Land and Water Conservation in Lake Cargelligo who has also held many positions in the golf club over the years, Kate from soil conservation and the community at large, a program was initiated. They obtained some funding through the Soil Conservation Service of the day.

A program of tile draining was embarked upon using the TCM funds and the water was drained into a sump about 14 feet deep. On the day it started I saw the water come out of a five-inch pipe, gush into the sump and then drain into some evaporation ponds. Before the project started the watertable was at ground level and within 48 hours it had actually come back to just under surface level. To make a long story short, the watertable is now two metres below the surface. The area has been revegetated with Australian native eucalyptus in the main and regrassed. Last Saturday week it was an absolute pleasure to attend the reopening of the Lake Cargelligo golf course. It was a beautiful day.

Mr Fraser: How many do you have off the stick?

Mr ARMSTRONG: I hit a magnificent drive, I must say. One that Tiger Woods and Aaron Baddeley would undoubtedly like to emulate. However, this project showed that extreme salinity can be addressed and the watertable lowered. It also showed what a dedicated community with natural leaders can do. If those people are given some Government support in the way of funding and expertise they will make things happen. The problem was a saline disaster and the sportsman's clubhouse on the site effectively would have been useless because patronage would have dropped off altogether. This is a good news story which should be used as an example for redressing salinity problems throughout New South Wales.

I would like there to be a lot more promotion of this project and for the Minister and his department to use this project widely to demonstrate what can be done and achieved. Today many things are too hard and many people say that the Government has got to fix them. The community and the Government can work together. Today I wish to congratulate Lake Cargelligo and the people I have mentioned. I also thank the Total Catchment Management people and the Minister for the support of his staff in recent times. I ask the Minister if he will continue to support this program with funding and expertise. Will the Minister now embark on promoting the project to show other parts of

the State suffering from similar salinity problems that it can be overcome with the right enthusiasm and support from the community and the Government.

Mr GAUDRY (Newcastle-Parliamentary Secretary) [6.17 p.m.]: I thank the honourable member for Lachlan for bringing this very positive project before the House. I imagine that this issue was discussed at the recent salinity summit where there was certainly a bipartisan approach to dealing with salinity. As the honourable member said, it is good to see a community-based response to a salinity problem. The Total Catchment Management Committee and expertise of the Department of Land and Water Conservation put into effect known mechanisms to deal with the effects of the loss of vegetation in the area. Probably as a result of the watering systems in operation on the golf course the watertable virtually rose up to surface level. Those techniques needed to be utilised, as the honourable men members said. As a result there was great improvement with the return on vegetation in the area.

Obviously the social and economic value to the area has been returned. I agree that this matter should be well-publicised. I am sure the Minister is aware of this project. As was said today in the House, the summit was a very positive approach by this Government to draw together all sectors of the community in the west of the State in a bipartisan fashion to deal with salinity which is causing such great social and economic stress too much to the west of New South Wales.

<43>

PORT STEPHENS RESIDENTIAL PARK TAX

Mr BARTLETT (Port Stephens) [6.19 p.m.]: This evening I wish to address a matter that previously came before honourable members before Christmas in the last parliamentary session. With the approach of the goods and services tax [GST], more and more people in my electorate are becoming increasingly concerned that their plight is not being addressed by government. In fact, because of the injustice of the situation, everyone expected that the position would change in the past few months. The electorate of Port Stephens is an extremely attractive place to live, work and visit. Most residents come to Port Stephens as a visitor, find the environment and lifestyle attractive, and decide to relocate.

In the past 20 years the population has almost doubled from 30,000 to 56,000, and it is predicted to double again in the next 30 years. Not all residents come from the big end of town. Properties along the waterfront are now fetching around $1 million. But many of the new residents are in fact pensioners and those on lower incomes. They reside in permanent homes in residential parks and estates throughout Port Stephens. In fact, on the boundary of the electorates of Newcastle and Port Stephens is a permanent home site for some 450 residents.

This lifestyle option is often by choice due to the fact that the residential parks are close to the beaches and transport links. That existence has now been thrown into turmoil by the plan to single out permanent residential parks and estate residents to be the only residents in Port Stephens, New South Wales, Australia to be hit with a most discriminating GST on their permanent accommodation. Pensioners on some $8,500 per year are now liable to pay the GST at 5 per cent—at the discretion of the residential park owner. The argument is that the pensioners will receive a compensation package from the Federal Government of some 4 per cent in their incomes. But that applies to all pensioners throughout Australia. Only permanent residential park pensioners are being affected by the GST on their accommodation, their place of residence.

These are not holiday homes; they are the only homes that these people have. Due to the huge demand for public housing in Australia, this form of residential living is increasing enormously. What is happening in Port Stephens is testimony to that fact. So a GST that was supposed to be impartial and not favour one sector over another has in fact been placed on a section of the community that very often is the least able to afford the tax. My understanding of the present situation is that the residential park owner has two options. One of those options would mean that the permanent residents would pay the GST. And, if they do not like that option, in 12 months time the owner can change the option that they chose in the first place! Does any other commercial operator have such an option? How can a policy allow park owners to decide who is charged the GST and who is not? The GST is imposed on permanent residents in a park whilst a GST on accommodation for anyone else in the community is not allowed.

The ultimate injustice then is that park residents, most of whom are pensioners, and others on low incomes, are being charged a GST of only 5 per cent, not the whole 10 per cent that they were to be charged under the GST. What a dispensation! The 10 per cent GST will still be charged on their telephone, electricity and gas bills when that tax is introduced on 1 July 2000. But for park residents only the 4 per cent increasing in pension will be completely eroded by their having to pay GST on their accommodation—before they even get to pay 10 per cent on their other bills! Park residents are being singled out for taxation that no-one else will pay in respect of their accommodation. In Port Stephens, and close by in the electorate of Newcastle, I estimate we are talking about some 2,000 people who are in the situation to which I refer. This will be an unjust imposition on those least able to pay. I call on the Federal Government to revisit this matter and abolish this anomaly.

Mr GAUDRY (Newcastle-Parliamentary Secretary) [6.23 p.m.]: I thank the honourable member for Port Stephens for bringing this matter to the attention of the House. I know how strongly he has advocated it, as have other of my colleagues who represent coastal areas to which many retired people and people on very low fixed incomes have moved in the past decade to take up residence in caravan parks or residential parks. As the honourable member said, those people often must budget very stringently to exist in the parks. They incur transport and electricity costs as well as a whole range of other costs that will attract the GST. Those people are now being singled out as the only people who will have to pay the GST on their permanent accommodation. That will be very unjust. This State has condemned it. I think all honourable members should condemn this action by the Federal Government which will impact on a group which, in most instances, is disadvantaged.

As the honourable member for Port Stephens said, we share a border on which a caravan park is established. I know that the honourable member, formerly the Mayor of Port Stephens, is very much aware of the conditions at that park. It is in a very nice location, but many of the residents do not have the extra dollars to pay rent beyond the existing level. Some of them live very spartan lifestyles. So the imposition of a 5 per cent GST will have a very serious impact on them. We should all protest against this, and the Federal Government should change its mind and remove this iniquitous tax.

EVELEIGH HERITAGE RAILWAY WORKSHOPS

Mr ROZZOLI (Hawkesbury) [6.25 p.m.]: There are many pleasant aspects of being the member for Hawkesbury, and one of the most pleasant is to be patron of the Hornsby and District Model Engineers Society, which operates a five-inch gauge model steam railway exhibition area at Galston, within the Hawkesbury electorate. It is on behalf of the society that I make this private member's statement. The society has asked me to raise in this Parliament the possibility of persuading the New South Wales Government to undertake a major preservation and development initiative in regard to the heritage railway workshops at Eveleigh.

As I understand it, the Government proposal for the Eveleigh area is to convert it to a wide range of other usages, including hotels, motels and general commercial enterprises, and that only a small area would remain as a rail museum. I bring to the attention of the Parliamentary Secretary assisting the Minister for Transport the initiative of the Queensland Government regarding the North Ipswich rail workshops, which are taking on a new life with a plan to create a heritage museum and steam train line, with an initial injection of funds of $20 million to the project. The project will cover an area of some 57 hectares, 17 hectares of which would be set aside for parkland and open space. I mention that to indicate that the concept of establishing a railway heritage museum as a major tourist attraction is not pie in the sky, that it is an important initiative that could harness an important stream of tourist development.

Those of us who visit the Powerhouse Museum—not only rail buffs but many others—will see the few exhibits there of early railway, and will find them fascinating. But the concept of a major heritage rail museum on a site as famous as the Eveleigh workshops would be an outstanding contribution to the historical and heritage fabric of Sydney and its tourist trade. Above all, it is important because of its association with the famous John Whitton, who was known as the "father of New South Wales railways". I do not think I really need to point out to members of this House that the Eveleigh workshops were the lifeblood of engineering production for the New South Wales Railways and had a great deal to do with the development of New South Wales, because it was the spread of the railways network throughout the State that literally got it rolling at the turn of the century.

The Eveleigh workshops trained artisans and craftsmen not only for the railway workshops; the men who worked at Eveleigh went to the various theatres of world wars as artisans and craftsmen to undertake works associated with the war effort. I am advised that one of the most famous initiatives was experimentation with and the development of radar, which subsequently became a major tool for the preservation of the lives of our troops during major conflicts.

<44>

Another interesting feature of the old Eveleigh workshop was the famous clock tower. I am told it was so accurate that everyone in Newtown, Alexandria and Redfern used to set their watches and clocks by its bell toll. The Eveleigh workshop has so many features and is so much a part and parcel of the history of workers and tradesmen in this State that the present Government, with its strong heritage in a work force of that nature, would find this project very dear to its heart. I ask the Parliamentary Secretary, who is in the Chamber, to take this matter to the highest level of government to see whether we can get a change of heart. The Government must implement a major initiative to establish a world-class national heritage rail museum at the old Eveleigh workshops before it is too late and before the last vestiges are swept away and we lose such an important part not only of our history but of the history of workers and tradesmen in this great State.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [6.31 p.m.]: The honourable member for Hawkesbury, in his usual persuasive manner, put forward a strong argument for the preservation of our national heritage, in particular the heritage of our workers, which appealed to me and to the present Acting-Speaker, the honourable member for Liverpool. I am reminded that three Australian Labor Party State leaders apparently worked at Eveleigh workshops. So the honourable member for Hawkesbury struck a chord with other honourable members. I take as an example of wonderful heritage buildings the civic workshops in Newcastle.

I recall going there in the 1950s, when they still panted and puffed with the steam of the Victorian era and contained the most magnificent machinery collection. The workshops looked like a scene from *Elephant Man*. At the beginning of that movie there were scenes of a Victorian factory in full flight. All that material has been lost. I am sensitive to what the honourable member said and I will certainly convey this information to the responsible Minister. Another example is Dorrigo, which had the most fantastic collection of rolling stock. That collection was commenced to preserve the history of the rail transport industry. It has not been a success.

Mr Rozzoli: It is a little off the tourist track.

Mr GAUDRY: Yes, it is a little off the tourist track. However, when it was first established for the benefit of tourists it was intended to display rolling stock of heritage value. Certainly this issue is dear to the heart of the honourable member for Hawkesbury, members of the model engineering society and many other people. It is a an important piece of history for the development of New South Wales. I will convey the remarks made by the honourable member to the appropriate Minister.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Lynch) left the chair at 6.33 p.m. The House resumed at 7.30 p.m.*]

<45>

MAITLAND HERITAGE MONTH CELEBRATIONS

Mr PRICE (Maitland) [7.30 p.m.]: This month is heritage month in the city of Maitland—a very important time in the calendar for citizens of Maitland and surrounding areas. I should first like to congratulate the Maitland Central Business District Limited on its continuing efforts to promote the city centre as the hub of major heritage and social events during the month of April. Not only do Easter and the school holidays fall in this month, but the major local Maitland event known as the Hunter Valley Steamfest will be conducted over the weekend of 7 and 8 April. This year is the fifteenth year of the steamfest, and it enjoys increasing success each year.

An understanding of the attraction of steam buffs to steam trains, traction engines, large model steam trains and other steam-driven implements allows an appreciation of the impact this event will have on the Maitland community and on enthusiasts statewide and beyond. Trains and railway

overpasses en route from Sydney museum areas will be crowded with people, steam buffs and keen photographers anxious to glimpse an implement from the past, an important element of our history and heritage. Over the weekend the trains will run from Sydney to Maitland and up to Paterson and beyond.

The highlights of those visiting trains will be two of the old Sydney flyers—the green 38 class engines—two of which will visit the city for the steamfest, both complete with carriages full of steam enthusiasts and tourists. That will do wonders for the central business district of Maitland and for Maitland's tourist facilities generally. Maitland prides itself on being the heritage centre of the State, for good reason. I am advised that the Sydney Powerhouse Museum has made available a miniature steam engine display for exhibition in the Maitland Mall on Saturday and Sunday.

In addition, all sorts of novelty events will be held over the weekend. For instance, eight penny farthing bicycles will be displayed on Saturday and used in a number of novelty events on Sunday, As Fit As kickboxing demonstrations will be held, the Aboriginal dancing and face painting group from the Mindaribba Land Council will add to the carnival atmosphere and the heritage associated with it, and the Newcastle Vintage Motorcycle Club will display some of its cycles and vintage car groups will provide displays. It will be a great weekend. A parade will be held on Sunday involving all sorts of local organisations including the scouts and service clubs. It is a special weekend on the Maitland calendar.

Considering that this steamfest is being held within Heritage Week one has only to think of places like Morpeth, a historic town that was the original port for the colony north of Sydney. Over the weekend in Morpeth on display will be the sail-assisted paddle steamer *William IV*, which was rebuilt by the local Lions Club for the bicentennial celebrations. The museum, which was the former courthouse, Maitland jail, historic homes and a number of public buildings will be open to the public. It is a great weekend for Maitland and a tremendous boost for tourism. I give full credit to the tourist authority within the city. The Maitland Central Business District Limited has done a fabulous job in promoting this celebration, an event that will be on the recommended list for all steam buffs. As someone who spent time with steam engines as a former merchant seaman, I certainly will be there.

Ms NORI (Port Jackson-Minister for Small Business, and Minister for Tourism) [7.35 p.m.]: I congratulate the honourable member for Maitland on his interest in heritage month, and on his commitment to tourism and promotion. Maitland will be celebrating its heritage through events that will help create cohesion in the town and provide considerable tourism benefits. I take the opportunity to congratulate all the many volunteers and local groups on their commitment to make sure the weekend will be a fantastic success.

NORTH SHORE ELECTORATE PUBLIC TRANSPORT

Mrs SKINNER (North Shore) [7.35 p.m.]: I join with the honourable member for Maitland in praise of the wonderful activities that can be enjoyed in that part of the world. I was fortunate to stay near Morpeth a few weekends ago. I visited the town and thought it fantastic. I wish great success for everyone involved with the festivity.

Mr Price: I will pass on your wishes.

Mrs SKINNER: Thank you. Constituents of North Shore electorate are the largest group of users of public transport in the State. I suspect, therefore, that it will be no surprise to honourable members that my constituents take a great deal of interest in what is happening to the various public transport facilities they access, namely, train, bus and ferry. When I was elected to this place in 1994 I did not own a car. I travelled by bus from one end of my electorate to another and also to come to Parliament House. Sadly, when I became a shadow minister that mode of transport had to end when I discovered bus passengers did not like my briefcases competing with their ankles. Now I drive a car, but I use buses for local travel. There is no doubt that it is a fantastic form of travel.

My relationship with and the helpfulness of people at the Sydney bus depot has been second to none. Usually when I am concerned about a particular bus route or overcrowded bus stops I raise the issue with the local bus depot and it is dealt with. However, I am afraid that some matters that have been raised with me of recent times are just too big for them to solve. I shall quote from a couple

of letters I have received. One letter relates to bus route 225, a route I used to travel. This bus connects the suburbs of Cremorne, Neutral Bay and as far as Cammeray to one of the ferry wharves. Mr Peter Tranter, who lives in Cremorne, said:

<46>

> . . . the service has been increasingly failing in its primary function: to provide connecting services to the ferries at each end of the run. For example: Last Saturday (March 11) the 'bus bringing passengers to the 12 noon ferry from Cremorne Pt to the Quay was ten minutes late and of course missed the connection. Similar failures to connect have become regrettably frequent. The ferries at either end had strict schedules of their own to keep and cannot wait for 'buses whose arrival times are unknown.

I want also to turn to a letter written to me by Mr James Jeans, also of Cremorne Point. He is another ferry user. I should say, before I read from his letter, that although the other letter was about buses, I have received as many complaints about trains. In particular, people have been concerned about the derailment of two trains at Waverton late last year. This letter is particularly about ferries. When we talk about public transport, most people outside my electorate dismiss ferries, but they are a very well patronised means of public transport which keeps cars off our roads, and that is that an all-important matter. This man says:

> Together with several other commuters I catch the 7.12am from Old Cremorne daily. It is no exaggeration to state that at least ten times in the last three months the 7.12am ferry has failed to appear at all, with the result that commuters are left standing at Old Cremorne until 7.37am, by which time the waiting commuters have double the number at Mosman, Old Cremorne, Mosman South and Cremorne Point where the vessel cannot accommodate passengers inside, so they have to stand outside.

Mr Jeans goes on to give other examples of this and talks about the unreliability resulting in passengers missing their bus and train connections at Circular Quay, missing appointments and generally being late for work. He also talks about ferries carrying very heavy loads, to the point where the master reduces speed when crossing the wake of another vessel to avoid getting water over the bows and drenching passengers seated forward. People have expressed to me concerns for their safety. There are also questions of maintenance and of ferries not being upgraded through lack of funds. These matters are all very serious, not only for the electorate of North Shore but for others. I ask the Government to look into it.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [7.41 p.m.]: I will undertake to refer the matters raised by the honourable member for North Shore about route 225 and the 7.12 ferry to the Minister for a reply direct.

INTERNATIONAL DAY OF SUPPORT FOR LEBANON

Mr LYNCH (Liverpool) [7.41 p.m.]: I wish to advise the House of a function I attended on Sunday 19 March that is of great interest to many of my constituents. This was a function organised by the Lebanese Community Council of New South Wales. It was part of the International Day of Support for Lebanon. It commemorated the twenty-second anniversary of 14 March 1978. That date signifies the anniversary of the Israeli invasion of Lebanon in 1978 which resulted in the total destruction of many villages and the deaths of thousands of innocent children, women and men, as well as displacing hundreds of thousands of people. Invitations to the function were issued by Dr Mustapha Alameddin, President of the Lebanese Community Council. Present at the function, among others I should mention, was my friend and colleague Councillor Ali Karnib of Liverpool Council, who himself came from south Lebanon. This event has now been commemorated within Australia for eight or nine years, and I have been attending these functions for several years. Much of the discussions at these events focuses around United Nations security resolution No 425, which dates from 19 March 1978 and followed the Israeli invasion of Lebanon on 14 March. Part of the resolution reads as follows:

> The Security Council calls for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognised boundaries; and
>
> calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory.

Many people living in my electorate or their families came from southern Lebanon and the Bekaa Valley. I have had the albeit often painful opportunity of discussing with them the impact of the Israeli

invasion of their homeland upon them, their families and friends. Certainly, most Australians would concede the right of people to self-determination, as many others have recently in the case of East Timor. It is no surprise on the basis of this broad principle that members of Parliament support organisation such as the Lebanese Community Council. In my own case, my support for this broad principle has been strongly reinforced, and made concrete, by dealing with individual constituents for whom this broad principle has been literally a matter of life or death.

The most recent function was more optimistic than most. This is because of the announcement by Prime Minister Barak and the Israeli Government that Israeli troops will be withdrawn from Lebanon by 1 July 2000. Any move towards peace is, of course, to be welcomed and the parties should be congratulated. But, as was emphasised by several speakers at the Lebanese Community Council function, this is primarily a victory for the forces of national resistance and national liberation in southern Lebanon and the Bakaa Valley. The resistance forces, with solidarity actions throughout the world, have finally seen Israel, 22 years later, saying they will comply with United Nations Security Council resolution 425.

Of course, Israeli action did not stop with their actions in 1978. Their full-scale invasion, clearly in massive and continuing breach of resolution 425, came in 1982. That action displaced more than one million people. The Lebanese Government estimated that the 1978 invasion created 285,000 refugees. That was half of the population of the area before the invasion. Twenty-five thousand Israeli troops were involved in operation Litani. There were 20 Israeli casualties and 2,000 Arab casualties, almost all civilians. Robert Fisk, a well-respected journalist and author of *Pity the Nation: The Abduction of Lebanon* describes in graphic detail the scene south of the Litani River at the time of the 1978 invasion. I would recommend that to those who are interested. Fisk also deals with the horror of the 1982 invasion and its consequences. He was one of the first western journalists into the camps of Sabra and Chatila and he wrote an account that is burned into the memory of everyone who read it.

Another journalist/author, Jonathan Randal, in *The Tragedy of Lebanon* described the formation of Begin's Government in early August 1981 as a precursor to the 1982 invasion. He described Israel's policy towards Lebanon as being determined in a "riptide of wilfulness and militarism." As Randal wrote:

> Chief architect of the new policy was Defence Minister Ariel Sharon, finally in possession of that most prized of portfolios because of his lifelong penchant for violence, recklessness and power.

Despite changes in political personnel, military strategy, the stumbling peace process and all the other variables, the military occupation and aggression has continued. Most recently this has involved Israeli bombardment of major electrical power plants in Lebanon. That resulted in power being cut off to hospitals, schools and homes, with inevitable and all too predictable consequences for civilians. The Israelis were not only in breach of resolution 425; they were in breach of basic principles of humanity. Their removal from Lebanon comes decades too late.

SEVEN HILLS RAILWAY STATION CAR PARK SECURITY

Mr MERTON (Baulkham Hills) [7.45 p.m.]: More than three years ago I wrote to the Minister for Transport concerning the matter of safety of vehicles in the car park at Seven Hills railway station. In response, on 5 August 1997, the Parliamentary Secretary for Transport stated:

> An agreement had been finalised on 18 March 1997 for the CCTV surveillance system to be monitored by the local police and accordingly the equipment was relocated to Seven Hills police station from its temporary location and was now fully operational.

I was told that the delay in the supervision of the video surveillance was because of a demarcation dispute between transport workers and the police. On 4 February this year I was required to make further representations to the Minister for Transport, once again in relation to the safety of vehicles parked in the Seven Hills railway car park. Mr Ray Lane of Baulkham Hills had brought to my attention the fact that a commuter's vehicle had been damaged in this car park and he was seeking a reassurance from the Minister that cars parked in this car park were under surveillance, as he regularly parks his car on the roof in full view of the cameras installed there.

My constituent was seeking confirmation that the surveillance cameras are, in fact, in use and that tapes are made and later referred to the police. He also wanted to know whether whoever is

responsible for diligently monitoring proceedings had detected the fact that a number of the cameras had been rotated on their mountings so that they do not view the pedestrian and car park areas they are supposed to cover, but stare into space. He indicated they had been like this for some weeks. As of today's date I am still waiting for a reply to these representations from the Minister.

In addition, on 20 March I make further representations to the Minister for Transport, again on this car park issue, on behalf of Mrs Mary Ingram of Baulkham Hills. Mrs Ingram advised that on 16 March she parked her car on the top level of the car park but because she worked late at night she was too nervous to travel alone by train, so she received a lift home with her husband. This meant that her car was parked in the car park overnight. On the Friday evening at 5.45 she arrived at the car park to find that her car had been vandalised. She was due to work that evening but had to ring and cancel this work, resulting in a loss of earnings. She then had to pay $298 to have the vandalised car window replaced. I am sure that members of this House will be amazed when I report that Mrs Ingram has advised me that this is the fourth occasion in the past year that her car has been broken into at the Seven Hills railway station car park, even though she has a powerful and loud alarm system in her car. Mrs Ingram informs me that during the months when security guards were patrolling the station, she witnessed such incidents of vandalism. She further states that she had been informed that the video cameras are no longer operational and that State Rail cannot afford security.

<47>

That is simply not good enough. The cost of surveillance of vehicles in the Seven Hills rail car park must be considered negligible when compared to the revenue that State Rail receives from the many hundreds of fare-paying passengers who utilise this car park daily. The people of Baulkham Hills have poor public transport facilities. The main arterial route is Windsor Road, which is virtually a car park. Indeed, it is one of the biggest car parks in New South Wales. As there is no rail service, the people of Baulkham Hills are forced to go to Seven Hills railway station and to park their cars in the station car park. And tonight I have given evidence about what happens in that car park. Security is completely inadequate. People are placing their valuable cars at risk. Not only are cars at risk; people must return and retrieve their cars from a car park where acts of violence are committed by people who have no respect for property and who probably have little respect for people. People are personally at risk when they return to their cars. I ask the Minister to consider whether a reasonably safe car park can be provided for the people of Baulkham Hills who park their cars at Seven Hills railway station.

BANKSTOWN REGIONAL AIRLINES PROPOSAL

Mr ASHTON (East Hills) [7.51 p.m.]: I spoke in this House twice last September condemning the plan by the Federal Government to examine a plan to remove regional aircraft facilities from Sydney (Kingsford Smith) Airport and locate them at Bankstown Airport in my electorate of East Hills. The Federal Government's aim is transparent: to free up Sydney (Kingsford Smith) Airport for greater jet traffic and for greater profitability for the large airlines and any potential buyer of a fully privatised Sydney (Kingsford Smith) Airport. It just might be a last-ditch attempt to save a couple of marginal Liberal electorates that surround the Badgerys Creek site. What has happened since the proposal was first floated last July? After nine months we are no closer to a decision regarding Badgerys Creek and/or Bankstown. Why? Technically, the New South Wales Coalition is against the proposal. The Leader of the Opposition is against it, and the Leader of the National Party has said that it is a key issue of opposition for country people. The Deputy Prime Minister, John Anderson, has attacked Sydney Airports Corporation for promoting an option to move regional airlines to Bankstown. In a press release of 15 March this year Mr Anderson said:

> The Sydney Airports Corporation is way out of line.
>
> The people of regional New South Wales must have proper access to the capital city. Over the past six months, I have met with many people and organisations from regional New South Wales to talk about the regional access issue. I have made sure that my Cabinet colleagues are aware of their views. I am acutely conscious of the needs of country air travellers.

But he has had a change of mind recently. He is our Deputy Prime Minister and he has just made his colleagues aware of the views of country people. Is that not hitting John Howard's Liberals with both barrels? Australia is allegedly governed by a Liberal-National coalition, and it used to be said that the National Party tail wagged the Liberal dog. Clearly, today the New South Wales National Party is more like a flea on the Liberal dog—an annoyance to be scratched and soothed occasionally. Who has not laughed at the Prime Minister's annual jaunt through country Australia while wearing his moleskins and funny hat pretending to get in touch with country Australia?

Ms Hodgkinson: What does this have to do with the honourable member's electorate.

Mr ASHTON: For the information of the honourable member for Burrinjuck, Bankstown Airport is in the middle of my electorate of East Hills. The Premier has written to the Federal Government seeking a guarantee that New South Wales regional airlines will have continued access to Sydney (Kingston Smith) Airport. The New South Wales Government, Country Labour members, constituents in my electorate and in neighbouring electorates, the Country Mayors Association, the Rural Chamber of Commerce, as well as the Independent members representing the electorates of Dubbo, Tamworth and Northern Tablelands, are clearly against this indefensible proposal. Recently, Dr Brendan Nelson, chairman of the Sydney Airport Forum, said:

> If overseas visitors can go straight to Sydney, why can't an Australian from Dubbo or Grafton?

In a letter the Leader of the National party stated:

> The New South Wales National party is ardently against any move to shift regional air operators from Kingsford Smith to Bankstown.
>
> This misguided proposal is one peddled by the Tourism Taskforce lobby group.
>
> Please be assured that the New South Wales National Party will strongly resist any move to transfer regional air operators from Sydney Airport to Bankstown.

The problem with Coalition members is that they blame all groups, task forces and academics, but the power is in their hands finally to kill this proposal. However, today Mr Anderson has done a backflip and is reported in the *Northern Daily Leader* as saying that he was not in a position to promise that regional airlines would continue to have access to Sydney (Kingsford Smith) Airport. Mr Anderson said:

> It is impossible for Ministers to discuss with anyone outside Cabinet issues which are currently before Cabinet.

What a cop-out! What a joke! This matter was first raised in July last year, and in April 2000 John Anderson is stomping around the country saying, "I'm listening to everyone in the country. I hear what you're saying. It is a heartland issue for me and for George Souris, but now it is before Cabinet I cannot talk to anyone about it." We are no longer interested in that rhetoric. Tell the Liberals in the Federal Coalition that the move to relocate regional airlines at Bankstown Airport and to get more jets into Sydney (Kingsford Smith) Airport is a dead duck and not as it looks at the moment—a done deal. I commend the honourable member for Tamworth, the honourable member for Dubbo and the honourable member for Northern Tablelands for their work. They are the only people who will not be sold out on the issue of relocating regional airlines at Bankstown Airport. Clearly, the National Party has sold out when it says that it cannot talk about the matter because it is before Cabinet.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [7.56 p.m.]: I congratulate the honourable member for East Hills on the stand he is taking on this important issue. He knows that the State Government is opposed to the proposal to relocate regional airlines to Bankstown Airport and supports the claim by Country Labour and others that the proposal would result in extensive cuts to regional airline services. I take the view that country people need to be guaranteed access to Sydney (Kingsford Smith) Airport and should not be treated as second-class citizens. There are critical implications for investment and tourism if regional airlines cannot continue to land at Sydney (Kingsford Smith) Airport. I thank the honourable member for his contribution. I hope the Federal Government resolves this matter in favour of commonsense as soon as possible.

[*Private members' statements interrupted.*]

BUSINESS OF THE HOUSE

Private Members' Statements

Motion by Ms Nori agreed to:

That standing and sessional orders be suspended to permit a further nine private members' statements at this sitting.

[*Private members' statement resumed.*]

DUBBO HIGH SCHOOL PRINCIPAL JIM CAREY

Mr McGRANE (Dubbo) [7.57 p.m.]: I draw the attention of the House to the handling of the former Dubbo High School principal, Jim Carey, by the Department of Education and Training. Jim Carey was demoted as principal of Dubbo High School late last year following an investigation by the Department of Education and Training into complaints made against him when he was principal of Coonamble High School and Dubbo High School. Mr Carey had been found guilty of improperly managing incidents which took place between teachers and students at Coonamble and Dubbo, despite evidence that he had never been informed of the incidents. Nor had he been told during his tenure that a complaint had been made. In fact, the complaints regarding the Dubbo incidents were only brought to the surface 14 months after the alleged incidents occurred.

The Dubbo incidents involved members of the high school staff and two students. In the first case a staff member is alleged to have kicked his niece, who was a student at the school. The incident took place in the home of the staff member and his wife, who was caring for the girl. The matter was referred to the department's district office after a school councillor consulted Mr Carey, who later provided a report of the incident. The second case involved an unruly student who alleged that a male teacher had assaulted her in a classroom. This matter was later thrown out by the court. During the department's investigation of Mr Carey, Mr Carey was not afforded the opportunity to test the evidence used against him. Nor was he allowed to cross-examined the witnesses.

<48>

The department found him guilty of the Coonamble offence and demoted him to deputy-principal subject to an appeal to the Government Related Employees Appeals Tribunal [GREAT]. The appeal has not been heard , yet on 29 February the department informed Mr Carey that his services were no longer needed at Dubbo High School and he should work from home until the appeal is heard. Mr Carey has appealed the decision and should be entitled to fulfil his duties as principal of Dubbo High School until his appeal is determined. He went about his duties at the beginning of the school year in good faith and in a manner which showed none of the distress that this issue was causing himself and his family. What has happened in the past does not provide protection in the future. The decision of the Department of Education and Training to demote Jim Carey has left students, parents, teachers and the community in a state of disbelief.

Mr Carey was appointed principal of Dubbo High School, after serving as principal at Coonamble High School, at a time when the morale at Dubbo High School was low. Mr Carey has been able to instil pride into the students and parents, as evidenced by the emotional and stirring displays of support since his demotion. Our youth are often depicted as being selfish and caught up in their own little world, but Dubbo High School students have shown their maturity and pride in representations to politicians, education officials and the media. The positive influence that Mr Carey has had on their lives in such a short time is quite obvious. Not only the students are outraged at the treatment handed out to Mr Carey. A great cross-section of the community has attended public meetings to back Mr Carey, and the odds would be 38,000 to nil in Mr Carey's favour.

Dubbo residents should be enthusiastic about the future of public education in their city. Development of the Dubbo multicampus senior college has been achieved through the enthusiastic support of people such as Jim Carey, who is the principal of the school that the multicampus senior college will replace. It is unfortunate that the incident involving Mr Carey has resulted in lower

morale among the teachers, students and people of Dubbo. It is also unfortunate that it has lowered their opinion of the Department of Education and Training. The people of Dubbo are grateful to the Government for providing education facilities in the City of Dubbo, but what has happened to Mr Jim Carey should not happen again.

MURRUMBATEMAN BUTCHERY COMPLIANCE COSTS

Ms HODGKINSON (Burrinjuck) [8.02 p.m.]: I draw to the attention of the House the plight of a small business battler. Mr Kim Parker is the proprietor of the Murrumbateman butchery but his story, unfortunately, is not unique. Mr Parker has been in his trade for 27 years. After leaving school he completed his training and started work as a butcher. He has owned and operated several successful butcher shops in Canberra and eight years ago he decided to open a butcher's shop in the village of Murrumbateman. Mr Parker has lived in Murrumbateman for 18 years and has a wife and three children. He played an integral role in that small rural community. Eight years ago, when he opened his butcher's shop in Murrumbateman, the Yass Shire Council sent an officer from its health and building department to inspect the premises. The premises were duly approved by the council. At that time it was noted that Mr Parker had undertaken work on the shop fittings beyond the requirements set by council, namely, he had lined the walls of his preparation area with impervious vinyl at a cost of $3,000.

Since the initial inspection and subsequent approval of his premises Mr Parker has received two visits from Yass Shire Council health inspectors, at a cost to him of $200. At each of those inspections Mr Parker's store had been given a clean bill of health. However, after eight years of trading in Murrumbateman, of working hard and paying his taxes, Mr Parker is considering closing down his butcher's shop because of restrictive and costly regulations imposed by the Carr Labor Government. Like many butchers around the State Mr Parker recently received a visit from an inspector representing the New South Wales Government's Meat Industry Authority. It appears that councils have been pushed aside by the New South Wales Government when it comes to inspecting and approving butcher shops. The Meat Industry Authority inspector has directed Mr Parker to carry out major renovation work on his premises so that he can keep the doors of his small family business open.

Forget Yass Shire Council's inspections and his A-plus report card! According to the Meat Industry Authority Mr Parker must now completely resurfaced the floor of his preparation area and place vinyl on the walls of his customer service area. Honourable members should remember that it was Mr Parker's idea in the first place to put vinyl on the walls of his preparation area eight years ago at a cost of $3,000. They should also remember that Mr Parker's store has passed all inspections by the health and building department of Yass Shire Council since the store was opened eight years ago. Mr Parker estimates that to complete the work suddenly required by the Meat Industry Authority will cost him $5,000. This is a cost that Mr Parker can ill afford so he is seriously considering simply shutting up shop because $5,000 is just enough to break him. Even if he does decide to have to work required by the Meat Industry Authority completed in his shop, he is faced with the prospect of more restrictive and costly regulations from the New South Wales Government.

All future inspections, or audits as they are now called, will be performed at a cost to Mr Parker of $50 an hour. And it does not end there! No doubt many members of this House are aware that butchers in New South Wales are now required to go back to school. Despite Mr Parker having been a butcher for almost three decades, he and other New South Wales butchers are now required to complete a course on food handling. The course is run through TAFE colleges and can be completed by correspondence over a period of three to four months. The food handling course aims to reduce the incidence of food poisoning in the general community, and that is fair enough. So far the course has cost Mr Parker $95, but that figure does not take into account the precious spare time with his children that has been swallowed up while he learns how to handle food all over again.

As I said, Mr Parker is not alone. There are similar examples of butchers in this State who are faced with exorbitant compliance costs and a pile of New South Wales Government rules and regulations merely to stay in business. I ask the Government to acknowledge the plight of butchers such as Mr Parker of Murrumbateman and provide an undertaking to examine the functions of the Meat Industry Authority. In an era of downsizing by large companies, small business continues to be a driving force in the economy. The New South Wales Government should be fostering and nurturing

small business battlers like Mr Parker, not tying them up in red tape, which is the concern of Mr Parker and other butchers across New South Wales.

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [8.07 p.m.]: I would be happy to receive more details from the honourable member about this case and to convey those details to the Department of State and Regional Development. The most obvious office of that department so far as Mr Parker is concerned would be Goulburn. I do not have responsibility for the Meat Industry Authority but I would be happy to find out if the department could assist in some way. Nevertheless, it is important that the best standards are adopted with food handling and that the best hygienic conditions are in place when food is being handled at a primary level, as it is in a butcher's shop. I cannot resist pointing out to the honourable member that if she is so concerned about small business, perhaps she should discuss with her colleagues at the Federal level what will happen to small business when the goods and services tax [GST] is introduced because I assure her that it will not be the Meat Industry Authority's requirements that send Mr Parker broke, it will be the GST, which will cause great destruction in small businesses in Australia.

HURSTVILLE OVAL PAVILION

Mr GREENE (Georges River) [8.08 p.m.]: Earlier this year I had the privilege of attending a function at Hurstville Oval when Hurstville City Council named its new pavilion in honour of two cricketing greats, Mr Brian Booth and Mr Warren Saunders. The opening of the new VIP lounge and pavilion was a magnificent occasion which was attended by many well-known international and State cricketing celebrities and representatives of the local community. It was an opportunity for the cricketing community to acknowledge the contribution these two great Australians have made to cricket in the St George area, New South Wales and Australia.

<49>

Loq:Greene

I also had the pleasure of attending a tribute function organised by the St George District Cricket Club to again honour these two great Australians. The function, which was held on Friday 18 February at the St George League's Club, was another magnificent occasion when the greats of Australian cricket came together to pay tribute to these two men. That evening Richie Benaud, Arthur Morris, Alan Davidson, Frank Misson, Bob Simpson, Kerry. O'Keefe, Gordon Rorke, Peter Philpott, Peter Burge, and many others come together to offer their tributes to these great Australians. Brian Booth played 29 tests for Australia in the early 1960s and averaged in excess of 40 runs per innings. In addition, he averaged over 40 in his career with New South Wales and also scored in excess of 10,000 runs for the St George District Cricket Club, also at an average of well over 40.

My father used to tell me that Warren Saunders was the best opening batsman never to play for Australia. However, he certainly did captain New South Wales in the 1960s when New South Wales was by far the strongest cricketing State in Australia. Warren also scored in excess of 10,000 first grade runs for St George, also at over 40 runs per innings. In addition, Warren was captain of the first grade side in what could only be described as a golden era, and led them to five premierships in that 1960s, when, as well as Saunders and Booth, St George also had players of the calibre of Norm O'Neill, Bill Watson, Kerry O'Keefe, who were test players who automatically spring to mind as representing St George at that time.

As well as their cricketing exploits, which were outlined in great detail on that night to a crowd of approximately 500 enthusiastic supporters of cricket, the real exploits of both Brian Booth and Warren Saunders cannot merely be recorded as cricketing exploits. Warren Saunders and Brian Booth have both made enormous contributions to their local community. Brian Booth was a schoolteacher. The Minister for Agriculture, and Minister for Land and Water Conservation tells me that Brian Booth taught him at Narwee Boys High in the Minister's youth, and Warren Saunders went into the insurance business and established a very successful insurance brokerage firm, These two gentlemen have gone out of their way to devote considerable amounts of their time to the local community and those who are perhaps disadvantaged. Certainly they have made an enormous contribution in ensuring that future generations of young cricketers have been tutored well in the basics of the great game of cricket.

These facts were very much highlighted on the evening of 18 February. The mixed crowd there was extremely enthusiastic in their support of these two great men. When we look at the contributions that people have made to our society, we evaluate them in many ways. Warren Saunders and Brian Booth are great family men, and they have been great supporters of the St George Cricket Club, both now as patron, both having served 10 years as president of the club, and both have made great contributions to cricket. But they have also made great contributions to the youth of our district and, very generously, to community organisations. It was with great privilege that I was able to attend both functions to honour these two great Australians.

TUMBARUMBA RACECOURSE

Mr MAGUIRE (Wagga Wagga) [8.14 p.m.]: I am very pleased to have the opportunity to speak about issues in my electorate after some 17 weeks of absence from the Parliament. I take this opportunity to bring to the attention of the House some recent significant developments in respect of the Tumbarumba Turf Club. The New South Wales Country Racing Council retained the services of an independent consultant to undertake inspections of all New South Wales racecourses. The principal intent underlying such a commission was to enable an inventory of facilities at each venue that strategically improve and develop racecourse infrastructure.

A completed inspection of the Tumbarumba racecourse on 28 October 1998 and reports detailing the results of this assessment have been completed. The document highlighted numerous safety concerns with the track, including negative camber, inappropriate inside-outside rail, dangerous typographical features and unsound track geometry. The racecourse was considered to be unsafe in its existing form for both racing and training. Furthermore, the level of expenditure required to rectify the documented deficiencies would appear from the report to be unjustifiable for a venue of this stature. The estimated cost to rectify the problems is around $500,000.

The club had been advised that the New South Wales Country Racing Council was unable to support ongoing racing at Tumbarumba racecourse until such time as the club provided evidence that the concerns have been corrected in a satisfactory manner and the racecourse can sustain safe racing. The Minister visited Tumbarumba and declared that the Tumbarumba community should stop complaining and do something about it. Well, Tumbarumba has risen to the challenge. Down but not out, Tumbarumba fought against the odds to keep its identity, with fundraising activities and much volunteer machinery and labour eventually transforming the old into the new. The turnaround has been nothing short of amazing. It would have been much easier for the club to close and join the growing list of small centres to fold at the authority of higher powers, but that is not the way it works in Tumbarumba. There was no way the Tumbarumba folk would let the track close, so our plan was put in place to ensure racing existed beyond 2000.

The community took it upon itself to bring life back to the Tumbarumba racecourse no matter what the cost, although estimates put it out of reach for a town the size of Tumbarumba, which has some 1,260 residents. According to the experts, some $500,000 was needed to transform Tumbarumba from an undulating course with unacceptable railing and servicing. The budget has been kept well below that figure, largely due to donations and many hours of voluntary labour, both at and off the track. Some jockeys shied away from riding at the old Tumbarumba track, while other trainers preferred to steer clear of the twice-a-year meetings. However, that will not be the case now.

Typical of the spirit behind the project, the Tumbarumba Bowling Club paid for the purchase of a new running rail valued at $18,000, as its contribution to the track upgrading. Some 25 inmates from Mannus Correctional Centre at Tumbarumba, working in rotating shifts of five at a time, dismantled the old railing, and the new outside fence was put into position by local volunteers. A palette of fencing material valued at $1,300 was donated by BHP, and enough fence posts to re-fence and sheep-proof the new track were donated by Austral Softwoods and Humula Timbers.

The new turf has shot and the track now resembles something like the dream the locals envisaged several months ago. A massive weekend of earthmoving altered the course into what it is today. The original budget was around $500,000, and I put it at about $100,000. However, because of all the voluntary work and machinery provided, it was completed for $100,000. That is a great credit to the community. The turnaround has been extraordinary and something that the locals should be immensely proud of. It looked all doom and gloom, but the right people did the right thing and

rescued the club. The people of Tumbarumba are to be congratulated on the massive changes that have taken place. Tumbarumba raced once again in January, when a record crowd of some 3,000 to 4,000 attended . The facility was opened Mr McCaulif, one of the race club's oldest and staunchest members. In attendance was the Mayor of Tumbarumba, George Martin, the Hon. Richard Bull, MLC, and I, and we took the opportunity to congratulate the Tumbarumba community on a magnificent achievement.

SHELLHARBOUR PUBLIC SCHOOL

Mr BROWN (Kiama) [8.18 p.m.]: I should like to speak about one of the most rewarding moments I have been involved with since I was elected to this Parliament just over a year ago. During the election campaign I became particularly aware that the primary school students at Shellharbour Public School were being squeezed into a school that was built for only half the number of students attending it at the moment. About 700 students attend the school, which was built for only about 400 students. After being elected I asked the principal, Mr Graham Tink, whether I could inspect his school together with the District Superintendent, Mr Alan Thomas, and the State manager for properties for the Department of Education and Training, Mr John Burkhardt. It was my intention to show Mr Burkhardt the overcrowding problems firsthand. I was most appreciative that he took the time to come to the Kiama electorate to visit the Shellharbour Public School.

<50>

Mr Burkhardt came to the Kiama electorate, visited the Shellharbour public school and witnessed at first hand the overcrowding at Kiama High School. I understand that his department is currently considering that problem and attempting to relieve that overcrowding. There are now nearly 700 students in the school and the teachers, the principal, parents and particularly the students should be congratulated on coping with the huge size of the school and on working and learning in demountable classrooms in extreme weather conditions, which is a very difficult learning environment.

The problem was brought to my attention by other local people, including Barry Bird and John Murray, who are now councillors on Shellharbour City Council, and Joan Vinton, who is the deputy mayor. I add for the benefit of Opposition members who spoke earlier tonight that not one Liberal was elected to Shellharbour City Council at the last election. The problem was also highlighted by residents such as Joe Setter and Melinda Little, who have children at the school. Those people and many others believe that the Government and the community should encourage public education to ensure that the children in the Shellharbour and Flinders areas are afforded the best education possible and offered the opportunities that flow from being educated. Anyone who comes to my office seeking to promote educational opportunities for our children will always have my ear. I will give them as much attention and assistance as I can.

I have embraced this issue and I am glad that other community-spirited people want to work on behalf of our children. Joe Setter established a steering committee comprising Melinda Little, Barry Bird, Ron Blottin, Linda Gulaboska, Craig Nealon, Jill Boothman, Chris Gervan and Lyn Phelan, amongst others, and we set about getting signatures for a petition calling on the Government to build a new school at Flinders. That petition, which had more than 1,000 signatures, was presented to me recently, accompanied by more than 350 letters. I conveyed this information to the Minister in addition to the other representations that I had made, both formal and informal.

Soon after the Minister received the petition, he announced that planning would start on the new school immediately. I have just spoken on the telephone to the school principal, Mr Graham Tink, who told me that he attended a meeting tonight with the district superintendent to organise the planning of the new school. This process will include designing a 14-classroom school, with a library, canteen, a covered outdoor learning area and other essential school facilities. Planning will also involve community consultation and lodging a development application with the local council.

The community and I are very thankful and grateful that the Minister has acted so quickly and compassionately to address our concerns. We now ask that there be money in the upcoming budget to build the school when the planning phase has finished. The suburb of Flinders is growing extremely fast, as is the neighbouring suburb of Shell Cove. Many residents who have purchased properties in these suburbs have informed me that they were induced to buy by real estate agents on the basis that a new school would be built in the area. I am amazed and distressed at the lengths to

which agents will go to induce buyers to purchase properties. It is the lowest of low tactics to use an emotional issue such as a new school to induce people to buy.

I am pleased that the Government is taking education seriously because we must ensure that the children of working Australians get every possible educational opportunity.

Mr STONER (Oxley) [8.23 p.m.]: I rise to speak this evening about Countrylink services on the North Coast of New South Wales. I raised this matter last year in relation to staffing levels at north coast stations, including Wauchope, Kempsey, Macksville, Nambucca Heads and Urunga. On that occasion, the Parliamentary Secretary provided a response which, unfortunately, did not really address my concerns. That response referred to country rail in general and contained no information about the North Coast line.

The North Coast line remains a major concern not only to me but to the North Coast councils and community groups whom I represent tonight. Many services on the North Coast line—particularly the XPT services between Brisbane and Sydney—are running very late. They are sometimes up to two hours late. I refer honourable members to the report of the Nambucca Shire Council meeting of 16 March 2000, which states:

> There were many examples given regarding trains running behind schedule and the apparent disinterest of Countrylink in keeping travellers informed and what is more, those same travellers have no way of finding out the amended train times in regard to many stations which are unmanned and where telephone facilities have been vandalised.
>
> There was ample proof of unreliable train times and until things can be improved Countrylink's number one priority should be upgraded communications regarding train times.

The 1998-99 annual report of the State Rail Authority refers to a decrease in the on-time running of the Countrylink services from 85 per cent in the preceding year to 77 per cent in 1998-99. Residents and councils on the mid-North Coast have also raised concerns regarding the cleanliness of trains, the number of seats available for pensioner concessions and free travel and the general condition of stations. In a distressing incident just last month, eight people were left stranded at Urunga station by the XPT train from Brisbane to Sydney. Many of those people had appointments and connections in Sydney and they were greatly inconvenienced. Despite the outcries about that incident, the same thing happened at the same station a week later. Fortunately, this time the driver realised his mistake some kilometres down the track and returned to Urunga station for his passengers.

Councils rarely combine forces on matters such as this, but the Bellingen Shire Council, the Coffs Harbour City Council and the Nambucca Shire Council recently got together to discuss this issue that is of much concern to residents on the mid-North Coast where rail services, and particularly Countrylink, are a critical transport option. I note that Joe Thompson, a former Labor Party member of the Legislative Council, has raised the issue both within the Bellingen Shire Council, on which he serves as a councillor, and publicly.

I am distressed that the new timetable, which will come into effect in May, adds almost an hour to the return XPT trip from Brisbane to Sydney. That is presumably an attempt to cover up the fact that the service cannot run to the schedule. This development comes on top of a substantial 14 per cent fare hike last year. Why should people pay much more for declining standards of service? I am not being political about this issue: the people of the mid-North Coast need a better service on the crucial North Coast line. I heard the Minister talk today about the money that is being spent on CityRail stations. It is about time that a commitment was made and funding was allocated to the North Coast line.

<51>

Ms NORI (Port Jackson—Minister for Small Business, and Minister for Tourism) [8.29 p.m.]: I take on board the comments made by the honourable member and I undertake to convey them to the Minister for his direct response.

NRMA LIMITED

Mr E. T. PAGE (Coogee) [8.30 p.m.]: Section 52 of the Trade Practices Act specifically

mentions misleading and deceptive statements and was the basis for a Federal Court decision against a proposed demutualisation of the NRMA in 1994. The current proposal concerns a 160-page information memorandum which was issued to all members. The memorandum sets out in large print on page 15 an unqualified statement that one of the reasons for voting is that "insurance premiums will not rise as a result of this proposal". However, a document from the reputable accounting firm Ernst & Young Corporate Finance admits that premiums may rise and appears to imply that some NRMA members' shares will be worth less than the rise in premiums. Obviously, this is a cause for concern for members such as I who do not wish to see this mutual organisation become privatised.

Another problem is that by virtue of a resolution by the board, members of the company will not get any recognition of their ownership of green slips in the allocation of shares. I understand that 34 per cent of the New South Wales market in green slips is held by the NRMA and that 100 per cent of the Australian Capital Territory market is held by the NRMA. Approximately one million policyholders hold green slips and, in effect, all those people have been disfranchised by the board's decision. I have been contacted by a person who lives at Bateau Bay and who is smart enough to analyse the documentation he received. For 46 years' service and the number of policies that he holds, his allocation of shares is 1,174.

He has worked out that the only way he can receive an allocation of 1,174 shares is by the inclusion of 113 shares for his green slip policy. That is intriguing enough, but even more intriguing is that when he went through the document he saw that a statement on page 7 suggests that green slips should not be included. He also noticed that page 9 contained a statement indicating that if the allocation was wrong it could be adjusted in the future by the directors. Because the information indicated to him that his allocation of shares would be higher than the allocation to which he is actually entitled, he feels that he has been conned. Of course, that type of indication will be even more significant in percentage terms for younger members than it was for him and I can see no reason why the effect of that misleading information would not be replicated across the board.

If I am correct, an investigation should be carried out into the information supplied in the memorandum. Professor Fels from the Australian Competition and Consumer Commission [ACCC] intervened during the 1994 incident and I now call upon him to look into the issues I have raised to determine whether anti-competitive and anti-consumer practices have been undertaken in the circulation of the company's memorandum. Many people who have contacted my office are concerned about the demutualisation of the NRMA. They regard it as a tragedy for long-term members of that mutual society and believe that there is nothing to be gained by privatisation. They think that what has been an efficient and, generally speaking over a period, a cheap insurance company is, by virtue of privatisation, being sold off to overseas owners. Those who are mutual share members in the organisation will be disadvantaged. Moreover, after the support of the insurance company is withdrawn, the road service will no longer exist.

SOUTHERN HIGHLANDS AMBULANCE SERVICES

Ms SEATON (Southern Highlands) [8.35 p.m.]: I wish to address the crisis in ambulance services in my electorate and the case of Mr Richard Munday, which illustrates the Minister's failure to do justice to Mr Munday's family by embarking on an external independent inquiry into the tragic circumstances of Mr Munday's death. Late one evening at his Mount Eymard residence, Mr Munday suffered a heart attack. His wife called an ambulance and they waited. Nothing happened, so his wife called for an ambulance again. By that time, a neighbour had come up to help them and more calls were made. Later it was revealed that an ambulance had been despatched from Picton, which is 45 kilometres away, rather than advantage being taken of an on-call ambulance which was only five minutes away and available at Bowral. The on-duty ambulance at Bowral was already busy. The on-call ambulance was available but, rather than mobilise the on-call facility at the cost of approximately $260, an ambulance was despatched from Picton.

Prior to the release of an internal report into the circumstances of this tragic death, Superintendent Storer spoke on ABC Illawarra and announced that the result of the inquiry was "a dispatcher error". However, when my office sought to obtain a copy of that report, the response was that no official report existed. At that stage the local ambulance personnel had not been interviewed. On Wednesday 16 March Mrs Munday and her family received a letter of apology from a senior ambulance official with a copy of the internal report. The report did not reach me formally at any

point, but I received a copy two days later. The report admitted that the dispatch officer made an error by assuming, without any evidence, that Mr Munday was deceased. The officer had also assumed that retirement villages had access to high levels of medical care at short notice and had decided not to mobilise the on-call ambulance crew who were five minutes away. He instead called the on-duty crew from Picton, which is 45 kilometres away.

Moreover, the Minister's internal report process did not include interviews with those who I would have thought would be central to any inquiry—the Munday family, Mrs Munday and the neighbour. As a result of the appalling quality of the response, Mr Munday's family, supported by the Coalition, called for a coronial inquest into Mr Munday's death—a request that the Minister will not agree to. Local ambulance officers—the people who work hard to do their best and serve their communities—are also caught in this drama. They feel demoralised when the system and the Minister's approach fail them. Despite these obstacles, the local ambos do a great job. Already shocked by this incident, my community is now reeling from a repeat performance—although I am grateful to say that the woman concerned is recovering in hospital. An elderly widow aged 84 years with a chronic heart condition fell ill and called an ambulance on her Vita Call. I have a letter from her doctor, Dr Roche, which sets out the details. On 28 March, the woman rang Dr Roche, whose letter goes on to state:

She rang me in alarm as the Ambulance had not arrived. So I rang 131 233 which is the Ambulance and they rang me back and said it would be there in 6 minutes. I jokingly said, "I hope it's not coming from Picton", which seemed to upset the Telephonist. I rang the [Accident and Emergency] A&E at [Bowral District] BD Hospital to alert them, and she ultimately got there and was admitted.

However, that did not happen without the woman being diverted, with her consent, to another emergency at Moss Vale TAFE. While she waited outside the TAFE in the ambulance, another ambulance—also carrying a patient—arrived to attend to the TAFE patient. There were two ambulances which each had a patient and both were outside the TAFE. Then a third ambulance—this one was without a passenger—arrived at the TAFE specifically to assist the TAFE patient. What confidence can people have that the Minister has learned any lessons from Mr Munday's death or has moved to fix the crisis in logistic management of this vital medical service?

<52>

People in regional areas who do not have access to state-of-the art, modern, complex medical equipment rely on retrieval services to quickly and efficiently transport them from where they become ill to a place where they can be treated. If people cannot rely on that retrieval service on every occasion they will have no confidence in it. In my area I have spoken to representatives of the Association of Independent Retirees, families, the young and the old. Ambulance officers have spoken to me and said that what happened in Mr Munday's case could have happened to their father, their mother, their child or their partner. Everyone is worried about the Ambulance Services and is up to the Minister to step in, to hold an external inquiry and to restore people's confidence in the system.

Private members' statements noted.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the introduction and progress up to and including the Minister’s second reading speech of the Local Government Amendment (Filming) Bill.

LOCAL GOVERNMENT AMENDMENT (FILMING) BILL

Bill introduced and read a first time.

Second Reading

Mr WOODS (Clarence-Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [8.43 p.m.]: I move:

That this bill be now read a second time.

Under Labor, New South Wales has the largest and fastest growing film and television industry in Australia. Today I am pleased to introduce the Local Government (Filming) Amendment Bill, which is part of the Government's strategy to promote filming in this photogenic State. Locations in New South Wales can be brought into the movie theatres and living rooms of people around the world when used in feature films, television series, documentaries and commercials. The glimpse of what is offered by our State can attract overseas visitors who then contribute to our economy through purchasing goods and services. Filmmaking in New South Wales provides an important opportunity for artistic development and expression of our society.

To give a few examples, Pittwater Council recently commissioned a survey of public attitudes to filming which found that the United Kingdom is home to 75 per cent of international visitors to Palm Beach. The beach is a location used for filming *Home and Away*, which is screened in the United Kingdom. More than 70 per cent of visitors cited *Home and Away* as important in their decision to visit Palm Beach. The research also found that tourism has a positive economic and social impact on Palm Beach and on Australia's tourism industry. Seventy-four per cent of survey respondents welcomed tourists to Pittwater. Eighty-three per cent of respondents agreed that seeing parts of the Pittwater area portrayed on television and film made them feel proud and pleased to live in the area.

It is not only benefits from tourism that can be gained. *The Matrix*, filmed in Sydney, has again hit the spotlight with two Australians winning Oscars for their technical work. The film collected four Oscars and is likely to continue to bring benefits to Sydney especially if the two proposed sequels are filmed here. Film production in New South Wales is its own advertisement for the superior quality of our technical and other personnel. It is worth noting that the two Oscar winners were members of the Australian Technology Showcase, an initiative of the Government. The two companies involved are part of that showcase, sponsored by the Government as a way to highlight technology and initiative.

The film industry has contributed some $3 billion a year to the New South Wales economy and helped create about 45,000 jobs directly and indirectly. We must also remember that filmmakers, actors and crew stay in hotels, eat in restaurants, go shopping and seek entertainment. All this activity adds to the economic and social benefits arising from filming. Rural and regional New South Wales is also sharing in the growth of the film industry. At least $7 million has been spent in regional areas with at least 20 films shot in country New South Wales in the last four years. The Premier announced as part of the State Government's post-2000 jobs plan a $500,000 regional filming assistance fund to encourage filmmakers to film outside Sydney.

In recognition of the valuable contribution made by the filming industry to the economy the Government is introducing measures to streamline the council approval process for filmmakers. Greater consistency, clarity, simplicity of process and predictability are essential to foster the continued growth of this industry. The Local Government (Filming) Amendment Bill responds to concerns from the film industry that regulatory processes can be time consuming and differently applied in each council area. This invites loss of opportunity. The bill also seeks to ensure protection of the community interest by keeping inconvenience to a minimum and maintaining amenity at acceptable levels.

The bill provides a single application system for existing approvals that may be granted by councils. However, the discretion of councils in granting approvals is unchanged. The bill preserves the obligation of councils to consider all the relevant issues under the legislation. The aims of the bill are essentially twofold. First, it provides a single approval mechanism for filmmakers applying to councils. The making of a film may include a number of activities, such as temporarily closing roads, building temporary structures, using parks, and so on. These activities may require council approval under a various legislation. Filmmakers will be able to lodge a single application to a council for any approvals that may be given by a council.

The second aim is to incorporate reference in the legislation to a filming protocol. The filming protocol will provide a consistent framework for the consideration and determination of filming-related approvals. It will assist both councils and filmmakers in the process, including guidance on fees, heads of consideration, and the good conduct of councils and filmmakers. The legislation requires that a council must consider the protocol when dealing with applications. The protocol will be developed in partnership between councils, the film industry and government so that it achieves a balance between the interests of all players, not least being the community.

The bill makes some amendment to the community land provisions of the Act. The aim is to facilitate filming while maintaining council accountability for the use of community land. I emphasise that the bill does not give any new approval powers to councils or any other agency. Rather, it seeks to streamline the existing requirements. Approvals required by other State agencies, for example, the use of national parks, are being dealt with by those agencies, and similar guidelines are being developed or are already in place. It is intended to have consistency between agencies wherever possible.

The bill refines the Local Government Amendment (Commercial Filming) Exposure Draft Bill which I first tabled in Parliament last year. Valuable feedback on the exposure draft was received. This, together with consultation and further consideration, has necessitated a few minor changes to the exposure draft. Where relevant, I will mention these alterations as I go through the provisions in the bill in more detail. First, the bill inserts a set of clauses that deal specifically with approvals relating to filming. The provisions establish a streamlined procedure for approvals, consents and other determinations by a council necessary to carry out filming. A single administrative process is provided for and a filming protocol is introduced that councils must have regard to when dealing with filming projects.

New section 114 and amendments to the dictionary in the Act provide a number of key definitions. The term "filming" is defined. Following tabling of the exposure draft bill reference to "commercial" in describing filming has been removed.

<53>

That is because the commercial nature of a filming project is not a reliable test of the impact on the public. For instance a low budget, or independent film may potentially have greater impact than a big budget feature film using a park bench. It is intended to capture filming projects that are likely to have a significant impact regardless of whether they are for commercial purposes.

Still photography, videos of weddings, private celebrations or events, and current affairs or daily news, have been excluded and thereby do not come under the streamlined approval process. Nevertheless they are not excluded from any requirement to gain approval under any other relevant legislation. "Approval" is defined widely to include any approval, authorisation, consent, determination or other decision that may be granted by a council acting in any capacity. Consequently the streamlined process will apply to these approvals. For example, the definition is wide enough to include a council acting as the manager of a reserve trust of Crown land under the Crown Lands Act 1989.

A regulation-making power is inserted to allow the kinds of approvals covered under the scheme to be adjusted if needed. At present, the possible scope of approvals is still being discussed with relevant agencies, councils and the film industry to ensure that the filming protocol may adequately reflect them. New section 115 allows a film-maker to submit a single application form for all council approvals required in order to make a particular film. New sections 116 to 119A provide related administrative provisions dealing with council obligations to notify applicants of fees and the

relevant provisions of any legislation, and for applicants to submit those fees. An applicant has 14 days from lodging the application to pay any fees. Council may refuse to consider the application until the fee is paid. There is an obligation on council to acknowledge receipt of the application and of any fee payable within seven days.

These provisions are modelled in part on procedures applying to approvals under the Local Government Act, found in sections 75-113. Councils and applicants would already be familiar with these. They provide the essential requirements of a single application system. Specific requirements for a particular approval, such as public notice or the concurrence of other agencies will still apply where stated under the relevant legislation. Application fees for approvals under the streamlined system may either be set under the Local Government Act or the Act that requires the approval. It has been made clearer in the bill, as compared with the exposure draft bill, that where the council has discretion in setting a fee it must consider the filming protocol in doing so. It is intended that the filming protocol will provide a set of model fees for various approvals.

In relation to setting fees, an exemption has been made to section 612 of the Local Government Act, where council determines an application fee under that Act. When a council sets an application fee—called an approved fee—that is consistent with a scale or structure of fees contained in the filming protocol, it will not need to comply with section 612 of the Act. As a result, in such circumstances, council does not need to include proposed fees in a council management plan, or introduce a fee after public notification. The provision is an incentive for councils to adopt the model scale of fees that will be contained in the protocol.

New sections 119B and 119C deal with the interaction of the single approval system and the legislation under which the approval is granted. This is to ensure that the common procedures set up under the Local Government Act do not affect the determination of each approval as required under the relevant Act. That is, each application for a particular approval made in a filming proposal is to be determined in accordance with the legislation under which the approval is granted. However, the clauses also provide that in determining an application for an approval made in a filming proposal, a council must take the filming protocol into consideration in addition to any other requirements relating to the determination of the application. New section 119B deals with approvals under the Local Government Act, and contains technical provisions to ensure the streamlined approval system is complementary to the existing provisions of the Act.

New section 119C deals in a similar fashion with approvals granted under other legislation where a council is able to grant an approval. New section 119D gives the director-general the power to approve a filming protocol after consulting appropriate persons or agencies. New section 119E is a further technical provision preserving any advertising or notification requirements that apply to a particular approval. It also allows consolidation of a number of notification requirements if all the requirements of each piece of legislation have been observed. New section 119F provides for the streamlined approval process to override other legislation where there is any inconsistency. This ensures that there is clarity in the administrative process applying to film-related approvals. It does not affect the substantive provision of any legislation.

As stated previously, new sections 119B and 119C require approvals to be considered and determined under the legislation that contains the approval requirements. New section 119F also clarifies that rights of appeal under the Local Government Act or any other Act are preserved. An applicant will appeal a decision in relation to an approval under the statute that relates to the approval. Turning now to the admendments to the community land requirements under the Local Government Act. These are separate to the streamlined approval provisions, but are similarly intended to promote the efficient consideration of film-makers' requests, while balancing community concerns.

Some of the procedural requirements in relation to the use of community land under the Local Government Act are amended by items [1] to [3] of schedule 1. Section 46 is amended so that film-making will be permissible—with council approval—on community land where there is no specific reference to the activity in the plan of management for that land. Most councils will not have thought about the use of their community land for film-making, and will not have included provisions a plan of management to deal with that possible use. The process of amending a plan to permit what is essentially a short term activity can present significant delays.

At the same time as section 46 is amended, other provisions have been inserted to strengthen other public notice requirements that will apply to a film-maker's proposed use of community land. Under new section 47AA, the responsibility of a council to advertise the proposed use of the land prior to granting a lease, licence or other estate, has been strengthened, in relation to land that is of particular environmental or Aboriginal significance. A council retains full discretion to approve or reject the use of the land for filming if these values are compromised. Similar checks and balances are proposed to be inserted into section 47B, in relation to filming on community land categorised as a natural area. An obligation to restore community land after filming has been included.

An integral part of the scheme of the bill is the development of a filming protocol. The protocol is intended to provide a framework for filming proposals so that the land affected and the activities proposed can be clearly identified and the relevant approvals sought. It will be the day to day guide for councils, film-makers and the community about how applications are considered and what is expected of each party. It will assist in identifying the impacts of a proposal so that informed decisions can be made and unfounded rumours dispelled.

To take an example, a filming proposal may involve the use of community land and a public road. It may also require the construction of a temporary film set and involve a car chase and explosions. A variety of approvals or consents could therefore be involved, the road may need to be temporarily closed and traffic diverted. The protocol will help a film-maker to identify potential approvals and assist in the making of the single application to council. Importantly, the protocol will contain relevant considerations that councils must consider in granting filming related approvals, and material on reasonable fee structures for filming approvals.

It is important for film-makers to be aware of their responsibilities when using public space. A film-maker has a responsibility to use public space with a minimum of disruption to that space and to the surrounding neighbours. Therefore, the responsibilities of applicants will be outlined to provide guidance in minimising the impact of the activity on community amenity. The filming protocol is being developed in consultation with and subject to agreement by all relevant organisations.

<54>

Consultation has already been initiated with the Local Government and Shires Associations, the film industry and councils. A constructive dialogue has been established and a good understanding of what is intended has already been developed amongst all concerned. State government agencies have also been contacted and invited to participate in formulating the protocol.

The fundamental aim of the proposals in the bill is to assist councils to better manage filming activities in hot spot locations and to provide for transparent decision making, with input from the community. The filming protocol, which is an integral part of the scheme, will assist film-makers, councils and the community in applying the legislative provisions sensibly, fairly and efficiently. The proposals will enhance the ability of councils to strike a proper balance between community expectations, environmental protection and the economic development. The process will be more certain and all stakeholders will have a clearer understanding of the process. The Local Government Amendment Filming Bill and the accompanying protocol will continue the encouragement of a vibrant and a high-quality film industry in this State. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

BUSINESS OF THE HOUSE

Precedence of Business

Mr WHELAN (Strathfield—Minister for Police) [9.00 p.m.]: I move:

> That standing and sessional orders be suspended to allow consideration forthwith of the following motion to be moved by the Minister for Community Services, namely:
>
> That this House:
>
> 1. affirms its absolute commitment to effective child protection, including preventative, early intervention and other remedial measures;
>
> 2. congratulates the Carr Government on its massive injection of resources, including a 91 per cent increase in child protection funding, and the rebuilding and reform of child protection services in New South Wales;
>
> 3. condemns the Opposition for failing to provide bipartisan support for the Government's initiatives and for shamelessly using abused children as political footballs.
>
> That the following time limits are to apply:
>
> | | |
> |---|---|
> | Mover | 10 minutes |
> | Next speaker | 10 minutes |
> | Six members | 5 minutes each |
> | In reply | 5 minutes |

Earlier today the honourable member for Hornsby moved a motion relating to the important issue of child protection. The Government gave consideration to a motion of urgency, which the House decided should have priority. The Government has a proud record in relation to child protection. This motion will give the Opposition the opportunity to proceed with its motion as an amendment to this motion, should it so wish after hearing from the Minister. This motion will enable the Minister and the next speaker, who is likely to be the honourable member for Hornsby, to speak for 10 minutes, for six members to speak for five minutes, and for the Minister to speak for five minutes in reply.

Mr HARTCHER (Gosford) [9.02 p.m.]: When the Leader of the House refused to allow debate on the motion moved by the honourable member for Hornsby earlier today, I said that the Government was running away from its responsibilities to the children of this State, many of whom have tragically died in most unfortunate circumstances. A number of interjections were made, including some, I hasten to say, by the honourable member for Wallsend. The gist of the Government's motion is to politicise the child protection issue in a most shameless way. The motion states:

> …condemns the Opposition for failing to provide bipartisan support for Government initiatives in this vital area, and for shamelessly using abused children as political footballs.

If ever there was a case of a political party using abused children for its own political purposes, it is this. The Government was not prepared to allow debate this afternoon. Now, when there is nothing on the agenda, the Government moves this motion and deliberately seeks to politicise the issue to the maximum extent possible. It seeks to drain political advantage out of the blood of young children. That is an appalling act, and an indictment of everything that the Government stands for in this Parliament. The situation is that 170 children have died in tragic circumstances, many of them in drug-addicted families.

The Opposition moved a motion that seeks to look at and debate the issue in a constructive manner. We unanimously supported the passage of legislation. We ask that the whole issue be put before the Parliament and debated in a calm and rational manner. What happens? Six hours after debate is denied, the Leader of the House moves not to reinstate the motion moved by the honourable member for Hornsby, not to allow the honourable member for Hornsby—who wanted to bring the matter before the House to be debated—to move his motion, but to allow the Minister, who has failed in her obligations in the past two years in this difficult portfolio, to move a motion and seek to politicise the child protection issue.

If there is one matter that all of us should adopt an open bipartisan attitude towards it is the protection of young children in this State. For any political party to use young children for its own political purposes—as the motion says, political footballs—is deplorable. We will hear from the Minister about increased funding. However, that does not change the fact that little children under her administration still die, and die at the rate of one every three days. One figure sticks in my mind: A

child under the protection of the Department of Community Services has 10 times more chance of being an abused child then an ordinary child in the community.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Gosford is debating the substance of the motion, rather than the motion to suspend standing and sessional orders.

Mr HARTCHER: That is right, because the Leader of the House has moved a motion contrary to the one moved earlier.

Mr ACTING-SPEAKER (Mr Mills): The honourable member for Gosford will have an opportunity to debate the substance of the motion at the appropriate time.

Mr HARTCHER: I certainly will.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Gosford should debate the motion to suspend standing and sessional orders rather than the substantive motion.

Mr HARTCHER: The Leader of the House is moving the suspension of standing orders to move a specific motion. I am speaking to the specific motion, not just the suspension motion. I thank you for your ruling. The Leader of the House says that the Opposition does not want to debate the issue. We want to debate the motion moved by the honourable member for Hornsby. That is what we brought before this House this afternoon, which was denied by the Government. Curiously, the Leader of the House now comes—

Mr Whelan: Point of order: The honourable member for Gosford treats this House with contempt. He knows full well, as I have stated, that the honourable member for Hornsby will have the opportunity, should he so wish, to move an amendment to the resolution before the chair.

Mr ACTING-SPEAKER (Mr Mills): Order! I uphold the point of order. The Leader of the House will resume his seat. The honourable member for Gosford has five seconds to conclude his contribution.

Mr HARTCHER: I oppose the suspension of standing orders in these terms.

Question—That the motion be agreed to—put.

<55>

The House divided.

Ayes, 47

Ms Allan	Mr McManus
Mr Amery	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Ms Megarrity
Mr Ashton	Mr Mills
Mr Bartlett	Mr Moss
Ms Beamer	Mr Nagle
Mr Black	Mr Newell
Mr Brown	Ms Nori
Miss Burton	Mr Orkopoulos
Mr Campbell	Mr E. T. Page
Mr Collier	Mr Price
Mr Crittenden	Dr Refshauge
Mr Debus	Ms Saliba
Mr Face	Mr Scully
Mr Gibson	Mr W. D. Smith
Mr Greene	Mr Tripodi
Mrs Grusovin	Mr Whelan
Ms Harrison	Mr Woods

Mr Hickey	
Mr Hunter	*Tellers,*
Mr Iemma	Mr Anderson
Mr Knight	Mr Thompson
Mrs Lo Po'	
Mr Lynch	
Mr McBride	

Noes, 34

Mr Armstrong	Mr Richardson
Mr Barr	Mr Rozzoli
Mr Brogden	Ms Seaton
Mrs Chikarovski	Mrs Skinner
Mr Debnam	Mr Slack-Smith
Mr George	Mr Souris
Mr Glachan	Mr Stoner
Mr Hartcher	Mr Tink
Ms Hodgkinson	Mr Torbay
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr Maguire	Mr Webb
Mr McGrane	Mr Windsor
Mr Merton	
Mr O'Doherty	*Tellers,*
Mr O'Farrell	Mr Fraser
Mr Oakeshott	Mr R. H. L. Smith
Mr D. L. Page	
Mr Piccoli	

Pair

Mr Knowles	Mr Hazzard

Question resolved in the affirmative.

Motion agreed to.

CHILD PROTECTION

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [9.18 p.m.]: I move:

That this House:

1. Affirms its absolute commitment to effective child protection, including preventative, early intervention and other remedial measures;

2. Congratulates the Carr Government on its massive injection of resources, including a 91 per cent increase in child protection funding, and the rebuilding and reform of child protection services in New South Wales; and

3. Condemns the Opposition for failing to provide bipartisan support for the Government's initiatives in this vital area, and for shamelessly using abused children as political footballs.

Apart from the record amount of funding that this Government has poured into the protection of children in New South Wales, we know that money alone is not the answer to cutting this cancer out of society. This Government has a vision for the long-term protection of children. It is a vision that is clear and profound—a million miles away from the short-sighted and expedient view of the desperate Opposition. This Government is serious about breaking the sinister cycle of abuse by intervening to find long-term permanent placements for infants long before the damage is done.

Historically, there have been disturbing ironies within the portfolio of Community Services. The department compiles two lists: one list a sad catalogue of abuse parents, and another a list of childless couples desperate to adopt a child, desperate to love a child.

<56>

The first group involves thousands of parents who cannot look after a child, often because they remain in an abusive, violent relationship or because they put their drug habit ahead of their children's welfare. Often they were the victims of child abuse and they are perpetuating the cycle of neglect and violence. The second group of parents desperately wants to bring a child into their lives, and they are prepared to spend thousands of dollars travelling to other countries in search of their dream to start a family. In the last year alone more than 7,000 children have been in foster care, but only 19 were adopted. The number of reports about suspected child abuse in New South Wales has more than doubled in recent years to 31,000.

What really disturbs me is that in so many cases the abusive parents are usually given numerous chances to get their act together. They are offered help and support while their children spend their most formative early years bouncing between foster carers and their parents, trapped in a cycle of abuse and temporary care. It is believed that children are invariably better off with their own families rather than in foster care or some other out-of-home placement. For the vast majority that is certainly true: the bond between a parent and a child is an extremely strong one. It is the social glue that gives most of us a good start in life, and gives us inner strength. However, for the sad minority of families this may not be the case.

My department works hard, in most cases, to maintain that all-important parental bond and eventually, with some families, accepts that returning the child to the parent is not a safe, long-term option. Many of the children from abusive and neglectful families spend long periods in foster care. By its very nature, foster care is a temporary arrangement, and often involves a number of different foster families interspersed with failed attempts to return the child to his or her natural parents. I have the greatest admiration for many wonderful foster carers who selflessly devote themselves to these abused and very often demanding and difficult children. I would never underestimate the important job they do.

However, I note that despite the goodwill, energy and devotion foster care is still viewed as a temporary arrangement by all concerned. The foster carers are cautioned against becoming too attached to children in their care, and the children never feel as though they belong to the family. My real concern here is whether we are jeopardising the future of these children by denying them a loving, secure and stable environment during their most formative early years. We know all too well that many of the angry and out-of-control teenagers who end up expelled from school and before the Children's Court are the same children who were abused and neglected in their very early years. Are we sacrificing the future chances of these children when we give their abusive and neglectful parents too many chances to keep them?

Are we creating another lost generation when we give their parents another chance? Are we squandering their childhood so that their parents can get their act into gear, whatever that means? I know many child protection experts in this State will disagree, but it is time to debate our approach to child protection. I suspect that we have become too focused on the needs of the parents. We now need

to become more concerned about the needs of the children of abusive parents. Let me be clear, I am talking about the many abused babies and toddlers whose all-important preschool years can easily be squandered while we are waiting for their parents to get their act into gear, get off drugs and booze and get out of violent relationships.

I remind honourable members that I am talking about people who ash out their cigarettes on babies' bodies; who hold babies' hands in pots of boiling water; who pass on to their children their sexually transmitted diseases. When officers from the Department of Community Services go into families they find little girls of five with genital warts and babies of two with gonorrhoea of the throat. As we enter the new century there has never been a more urgent need to find a circuit-breaker, to get our bearings and to seek a way out of this insidious maze. Child protection experts around the world will attest to the fact that by the age of three most of the psychological and physical damage has been inflicted on young victims of abuse.

I am obviously not alone in these thoughts. I was interested to learn that in Britain the debate about the worthiness of some parents to keep their children has advanced to the House of Commons. I was even more surprised to learn that there is strong bipartisan support for a plan to place children with adoptive parents at a very early age, long before the damage is done. Research shows that it is much harder to adopt older children, as the scars of their abuse take the form of severe psychological damage and the well-documented behaviour is extremely disruptive for other children in the home. In the United Kingdom there has been overwhelming public and political support for adopting the children of abusive parents involved in a long, losing battle to overcome alcohol and drug addiction, and cruel and abusive behaviour.

I know that the term "adoption" is an anathema to some in our community, despite a move to more open forms of adoptions that encourages contact between adopted children and their natural parents. However, the bottom line is that we need to provide a more secure long-term, loving environment for thousands of small children. We also have thousands of adults who are keen to adopt a child. The Government of the United Kingdom is tackling this problem by encouraging greater use of adoption for these children. It thinks that many welfare agencies are opposed to adoption for ideological reasons rather than practical ones. There is a belief that too many social workers are hell-bent on reuniting children with their birth parents, despite clear evidence that it is not working.

The Government of the United Kingdom is moving to set maximum time limits for a child to remain in State care before the child is adopted. The Carr Government is acting swiftly to make these options a reality in this State. Age limits for adoptions have lifted, as have the weight rules. Most people probably do not know that if a person was overweight that person was prevented from adopting, which is ludicrous in this day and age. The new policy would help to remove the hurdles for many women who find that they are deferring motherhood and other personal goals to meet the needs of their professional lives. The reality is that many women spend their 20s in universities and their early 30s establishing their careers. By the time they discover their infertility and they have tried in vitro fertilisation they are well into their 40s.

The 1960 notion that one is too old to be a parent at 40 is out of step with contemporary values, and I refer honourable members to the wife of the British Prime Minister, Cherie Blair, and actress Annett Benning who are both pregnant and in their 40s. This is a major step towards increasing the use of adoption in a more contemporary way in New South Wales, but this is only part of the process. Obviously, the courts have to be in step with the Government's new direction on child protection. To that end I have met with the Attorney General to discuss the plans to promote improved permanency planning for abused children in State care. The Attorney General agreed to establish a working party.

I know that time is running out and there is much more to say, but three other speakers will say it very well. Sadly, since 1995 the number of foster children in New South Wales has increased by 30 per cent to 7,000. Funding under the Carr Government has increased by 60 per cent to a record $127 million. We have nothing to be ashamed of in our approach to child protection. [*Time expired.*]

Mr O'DOHERTY (Hornsby) [9.27 p.m.]: I note that the Minister did not bother to address the disgraceful political attack that the Leader of the House included in the terms of his motion. In fact, the Minister did not address the terms of that motion at all, but rather embarked on an interesting

prepared speech, every word of which she read, on what she described as the Government's new direction in child care policy. If that is the Government's new direction, where he is the Government's policy paper? The Government has not published a policy paper on this matter, which is one of the most important debates on policy that this Parliament will have in our political generation.

If the Government really is embarking on such a major change in the nature of child protection legislation so as to provide for forced adoptions; if it is moving away from the philosophy adopted by every State in the Commonwealth and most western nations that says that the family is the best place for a child to grow up and be nurtured, provided the family can be made to function properly; if the Government is taking its departure from that policy, this is an extremely serious debate. What the Minister has described as the Government's new direction has been spelled out in three radio interviews, a column in the *Daily Telegraph* of not more than 100 words and the prepared speech she has just delivered in this house, which was supposed to be a political attack.

This is no way to conduct a policy debate. The Opposition is prepared to have one. As shadow Minister for Community Services I wrote to the Minister about one month ago asking for the policy paper on which she was basing this discussion she said she wanted to have.

<57>

Two days ago I received a letter of not more than six paragraphs saying that she had been watching the debate in the United Kingdom and attached about a dozen pages of the British *Hansard*. That is a start, but only a small start.

The Opposition sought today to get specific answers from the Government on the question of the child protection legislation that is supposed to be proclaimed in July this year after having been passed by this House in 1998. Before we even reach July, guidelines must be written after negotiations with child welfare agencies and others, and an amending bill must be passed through this Parliament to fix up some of the anomalies that have been discovered in discussions about the new bill. We fear the Government does not have an agenda to proclaim that legislation by July. Earlier today when the Government refused me urgency to speak on my motion, a motion that specifically addressed the question of the legislation, I issued a press release in which I said, amongst other things, that the Government should confirm that it will proclaim the new child protection legislation on time in July and spell out its timetable for developing the guidelines for the operation of the new Act.

I said also that there is a great degree of concern amongst child protection agencies and workers with rumours widely circulating for Government is not ready for the new child protection measures and will delay their implementation. I added these words, “By refusing to debate the matter today the Government has not only added to the fee that because the legislation will be expensive to implement they are already walking away from it.” That was boxed in the Press Gallery earlier this afternoon. The Government would be very much aware of it because of its activities and media monitoring.

Did the Minister talk once about the legislation in her 10-minute prepared speech? No, she did not. That left open again the fear that the Government has completely walked away from the new child protection legislation that passed through this Parliament on a bipartisan basis in 1998. Why would the Government walk away from it? Because it is very expensive to implement and the department will be judged badly because it is already failing without the additional responsibilities it will have to take on after July if the Minister proclaims the legislation.

The Minister has time to respond in this debate. Once more for the record I ask, Minister, will you proclaim the new legislation in July? What is your timetable for discussion and development of

the guidelines for the implementation of the legislation? The Minister has five or 10 minutes at the conclusion of this debate to respond to that direct question. It she does not, we will all know she has walked away from it. I move:

> That the motion be amended by deleting paragraphs 2 and 3 and inserting instead:

2. Calls on the Government for an assurance that the child protection legislation supported unanimously by this Parliament in 1998 will be proclaimed to begin operation, as promised, in July this year.

3. Acknowledges the State's special role in protecting children at risk who come to its attention and deplores the deaths last year of 177 children known to DOCS.

4. Condemns the Carr Government for its record of poor casework due to inadequate funding leaving children at risk.

5. Calls on the Premier to show the same interest in child protection as he does in urban design.

That simply amends the motion I sought to move this afternoon, which the Government denied us the opportunity to debate. The Community Services Commission investigated the case of baby Ben, a 2-year-old who died in dreadful circumstances on the North Coast. It said:

> The Commission believes that any solution to the problem of an unmanageable workload—

it is referring to the Department of Community Services [DOCS]—

> needs to be both sustainable, transparent, and effective, in protecting children from abuse and neglect. If the Department is unable to satisfactorily investigate child abuse notifications due to workload, this needs to be acknowledged so that all stakeholders have a broad understanding of the situation and have the opportunity to provide input on the best way to address it.

The baby Ben investigation by the Community Services Commission found that in one of the community services centres it investigated 95 per cent of notifications of child abuse went uninvestigated. Only 5 in 100 were investigated! Last week in a review released by the Public Service Association, a review carried out by the Minister's own department into the Nowra DOCS office, the following was revealed:

> The review has identified that in the month of November , 10 notifications received by the Nowra DOCS office involving children under one year of age were unable to be attended to and were closed without investigation. In fact, one of these cases selected at random showed that there had been 2 notifications within 30 days and that the circumstances warranted immediate action. This revelation in itself amounts to gross negligence by the Department.

The importance of that statement is this: the department's guidelines, indeed, the Minister's own priority one policy states that a notification of abuse or possible abuse of a child under one year of age must be followed up, not may be, within 24 hours. The Public Service Association has released the review conducted by a senior departmental officer which found that in Nowra in one month alone 10 notifications of children under one were not followed up at all. One of those notifications was from the police department in circumstances that warranted immediate follow-up. That child was at risk.

All of those 10 children under one year of age were at increased risk because of the inability of the Nowra DOCS office to respond to the notification. Why could it not respond? Because it does not have the resources. That is very much for the New South Wales Government to explain. If the Minister's department is awash with money as she claims, why are notifications not being investigated? Why is the Minister failing in her key result area of investigating notifications of children under one? We all know the case of Jessica Gallacher on the Central Coast who died. Her grandmother and her aunt on many occasions tried to get both the Wollongong and Wyong DOCS offices to pay some attention to their pleas for help—pleas for help which went unnoticed and uninvestigated because DOCS simply told them to go away and wait and see what happened.

Jessica Gallacher's case is by no means the only one. In the latest Child Death Review Team report it is confirmed that in the last 12 months 177 children died, and their families were known to DOCS. The report goes on to say that if you are known to DOCS you have 10 times the chance of a non-accidental or undetermined suspicious injury and 25 times the general population’s chance of dying or being injured by what amounts to a drug overdose, what is called acute toxicity, which comes obviously from the parents. These children are known to DOCS. In many cases DOCS cannot follow up and we have demonstrated that through the Community Services Commission and DOCS internal review. Many people have found that DOCS simply cannot follow up notifications.

At the estimates committee hearing last year DOCS admitted as much. What did they say? "Well, we stuffed up. We just didn't quite do our job very well." She spoke about the girl being stabbed at Redfern, "We did not do our job well enough, but will try harder next time." Time is running out. The New South Wales Opposition wants to know when the Premier is going to pay as much attention to children at risk in New South Wales as he does to urban design, for goodness sake!

Mr TRIPODI (Fairfield) [9.37 p.m.]: I am not surprised that the Opposition would speak against a motion such as this when we ask the House to affirm its absolute commitment to effective child protection including preventive early intervention and other remedial measures. I am not surprised that the Opposition somehow finds some problem with this proposition. In 1995 it was the Carr Government that had the courage and commitment to set up the New South Wales Child Death Review Team. This Government knew the true extent of child abuse and neglect had to be revealed. It was an urgent priority of our newly elected Government to bring light to a situation that existed in this State.

Why did that neglect have to be revealed? Because from the mid-1980s through to the early 1990s child abuse and neglect had been covered up and neglected. For seven years our predecessors were not content to simply ignore the tragedy of child abuse; it actually sacked 1,000 child care and protection workers. That fact alone stands to condemn anything the Opposition could possibly put forward. It sacked 1,000 child care and protection workers during its seven years in office. Essentially, in a nutshell, that covers the commitment that people on the other side had in the child care area.

<58>

The last budget of the Fahey Government delivered a mere $48 million to child protection. Since 1995 this Government has had to restore child protection in New South Wales, increasing funding by an enormous 91 per cent. In five years we have almost doubled the budget. We now have to listen to members opposite trying to claim they have some credibility on this issue, while they were responsible for sacking 1,000 workers and having a budget that was almost half of this Government's budget. In the 1999 budget child protection received $94 million. That is a serious commitment—almost a doubling in five years.

The Government has acted swiftly to remove children from destructive environments. Since 1995 the number of New South Wales children placed in foster care has increased by 30 per cent, so results are occurring on the ground because there are enough personnel to identify the problems and take remedial measures. Funding for foster care has increased by 60 per cent to $127 million. Not only did the Government deliberately set out to establish the real extent of child abuse and neglect, it has acted and will continue to act decisively on a disturbing reality. It almost defies belief that the hypocrites on the Opposition benches have the audacity to attack this Government over the issue of child protection in New South Wales. One would think that their political strategists would not try to run in their weakest area. It is just bizarre, and is no wonder that the Opposition was defeated in the last election.

Members opposite have no capacity to discern where they might have a reasonable record—not that they have a reasonable record in most areas—and where the Government possibly does not have a good record. The Government has a very good record. The budget allocation for this area has increased by 91 per cent. It was a succession of Coalition governments that ripped the guts out of child protection in this State. The heartlessness started with Greiner and ended after the negligent years of the Fahey administration. Devastatingly, the Fahey Coalition Government sacked scores of child protection caseworkers, and those who were left to pick up the pieces were buried under paperwork, as hundreds of administrative workers were given their marching orders also. Not only was the number of on-the-ground workers reduced, the Coalition also increased the administrative burden on those people and did not give them the opportunity to get out in the field.

When the Carr Government was left to deal with the wreckage in 1995 it was clear that the issues of child abuse and neglect had been totally abandoned by our predecessors. Until the Carr Government announced the formation of the child death review team the story of the real human toll of the Coalition's neglect could not be told. It needs to be told. It took the election of this Government to put in place the systems to identify the need, and now the Opposition chooses to run on this issue, when it was responsible for neglect and cover-up, and we have to waste the time of Parliament once again to expose the hypocrisy of these people. The painstaking work of restoring this vital area of

welfare began in 1995 and, five years later, the Government stands proud of its record. Despite the massive injections of funding in the past five years the Opposition has the temerity to claim the area is underresourced. [*Time expired.*]

Mr HARTCHER (Gosford) [9.43 p.m.]: The real issue in this debate is whether the Government is going to proceed with the legislation that was passed unanimously by Parliament in 1998—two years ago. The Minister for Community Services, when her speech is stripped of all the histrionics, rhetoric, excited outbursts and the shrill attack on anybody who has the temerity to raise any issue with her, did not give any assurance that the legislation would begin on 1 July. Will the Minister now indicate to the House when the legislation will begin? Will it begin on 1 July? The Minister refuses to answer, she looks at her notes. All she has to do is stand-up and say that the legislation passed two years ago, which provides front-end support for families and which will ensure that these tragic incidents are minimised and hopefully abolished, will be implemented. She can give no such assurance to Parliament.

That legislation was passed unanimously. Everyone voted for it in the hope that the Department of Community Services [DOCS] would be resourced and would have a legislative framework in which to operate and look after the children of the State. Two years later 177 children are dead, and the Minister for Community Services is prepared to sit in this House and not give an assurance that her Government's legislation will be promulgated to take effect from 1 July 2000, as originally promised. We are all witnesses to this. All that she and her little band, her little coterie, her little claque of supporters can indicate is that government funding has increased. Government funding may have increased but, tragically, children are still dying, and the Minister has no answer to that. Yet, she has in her armoury an Act of Parliament she is refusing to implement. She is prepared to use rhetoric and be as shrill as she can be, but she is not prepared to give the assurance that we ask for.

The Opposition is prepared to walk away from this debate if the Minister will simply say that the legislation will begin on 1 July. Why will she not do it? There can be only one reason: She has no intention of proclaiming it. She is quite prepared to allow the existing framework to continue, defective though she knows it is, because Treasury is not prepared to allocate to her department the amount of money it is estimated is required to implement the legislation. She is prepared to have child protection on the cheap rather than stand up and fight for the neglected children of the State and say that the children must come first. Rhetoric is no substitute for commitment. Words are no substitute for action. Her silence on the implementation of the bill is an indictment of her administration and an indictment of this Government.

Let me tell the House one tragic story of what happened in my area of the Central Coast to young Jessica Gallagher. If ever a story could hit the hearts of anyone who hears it, it is this one. This little girl, four years old, was subject to ongoing physical abuse so severe that her grandmother, who lives a long way away in the Illawarra, went to DOCS and begged them to do something to protect this little girl. They took no action. Her aunt, also from the Illawarra, went to DOCS and begged them to take action to protect the little girl. They took no action. The de facto in the house came out of Mandala psychiatric clinic and murdered this child in the most horrific way, which I am not prepared to outline now. It was the most shocking and disgraceful murder that any person has ever heard about. Wait till the facts come out when the trial takes place. It was an outrage, yet it was well known to DOCS that this child was in danger and no action was taken. The Minister has not been prepared to apologise on behalf of the department to the traumatised family and the Minister has not been prepared to apologise to the people of New South Wales. The Minister simply engages in shrill rhetoric against any person who has the temerity to question her and her claque. The Government has walked away from the children of the State. [*Time expired.*]

Mr McBRIDE (The Entrance**)** [9.48 p.m.]: I was disappointed by the previous two speakers on the other side of this House. There is no doubt the issue of child abuse in our society has challenged this Parliament and previous parliaments. There is no doubt it is an issue of enormous importance to ordinary people in the community. It is an enormous disappointment to me, given the track record of the current Minister, that the Opposition spokesman and the Leader of the House, the honourable member for Gosford, could take the attitude they have in this debate. There is no doubt in the public mind that the Minister is committed to do something about an issue of deep concern, and has shown that commitment to the whole community. The honourable member for Hornsby is the

greatest disappointment in this debate because he knows better than anyone of the commitment of this Minister to do something about the scourge of child abuse in our community.

<59>

McBride:
The attack on the Minister is but a cynical attempt to cover up the deficiencies in the Opposition, its lack of leadership, and the fact that it has been going nowhere for the last 12 months. Opposition members see an opportunity to use the tragedy of human nature in attempting to attack the Minister. The fact is that the Government has made a continuing and real commitment to this issue.

Since the Minister took over the portfolio the Department of Community Services [DOCS] has been reorganised. On the Central Coast there has been a tremendous change in the culture and operation of the department. During my seven years as a member one of the big issues in my community has been the management by the Department of Community Services of its services on the Central Coast. The changes in personnel, culture and objectives have been the most significant in the last seven years. The Minister has put people out at the coalface doing something for the community.

As all Opposition members know, making those changes has been difficult. But the Minister has made a commitment to make the changes. I am convinced that she is on the right track because she has had the courage to make sure that the rights of children are paramount in dealing with these problems. That is what has been lacking in the past. I have had experience of foster children in my area. I have known them personally. They have been involved with my family in sport and other activities. From that experience I know without question that, whereas in the past the rights of the parent were paramount over the rights of the children, that has been to the detriment of many children. If children are taken away from their parents when they are 10 to 12 and put with foster parents and then the parent comes back and takes over the child the children have lost those two years. It is too long. I have seen those children deteriorate in those circumstances in which they go into foster care, then out of foster care, back to the parents, then back to foster care again and what have you.

Parents are given the opportunity to look after those children and if they do not accept that responsibility, not just on behalf of themselves and their children but the whole of the community, the Minister has indicated that the children will be taken from them, in the interests of the children. That is what we are talking about here. That is what Opposition members should be concerned about: the children and the future of our community. This will make a cultural change. Opposition members are saying that we need to make a change in our society. The Minister is making the change that Opposition members say that they want. [*Time expired.*]

Mr RICHARDSON (The Hills) [9.54 p.m.]: As always, deeds speak louder than words—but apparently not in this Chamber, certainly not on the basis of the rhetoric that we have heard from the other side of the House tonight. We have just heard the honourable member for The Entrance talk about the very real commitment that the Government has made to child protection. We heard the Minister speak about the record funding that had been allocated to her department—record funding which the Public Service Association and the Community Services Commission have been unable to find. On the basis of results this record funding is manifestly inadequate.

I have a very real concern about a government that would attempt to flay the honourable member for Hornsby because he has the temerity to do his job in raising his concerns about the Government not stating categorically that it intends to proclaim the child protection legislation that was supported unanimously by this Parliament in 1998. That is a tragedy for the 177 children, some of them just babes in arms, who died needlessly over a 12-month period who were known to DOCS, known to be at risk and yet whom DOCS and this Government neglected. It was not DOCS' fault in many instances; DOCS was totally underresourced. As we have heard, the Nowra office could not cope with the number of cases. Yet the Minister had the temerity to refer to the record funding and the Government having a vision for child protection. I hate to say it but that vision is very bleak indeed. It offers very little hope for many hundreds of children in the future, children at risk in this State.

The facts are these: the Department of Community Services has identified that there are more than 4,000 notifications of alleged child abuse, including neglect and parental domestic violence, which cannot be investigated or monitored by DOCS at any one time because of work pressures. It is

some of these kiddies who, unfortunately, end up being a statistic. The Minister for Police condemned the honourable member for Hornsby out of hand for bringing this issue into this Chamber. I say that the honourable member for Hornsby should be applauded because if there is any issue that characterises a humane government, a humane parliament, a humane State, it is the care of our children, and the care of children at risk.

The Minister's solution to the problem is an interesting one. She said that there are 7,000 children in foster care. She said that over 12-month period only 19 had been adopted. Then she spoke about the debate in the House of Commons. I understand that that is the information that she provided to the honourable member for Hornsby. She based her whole policy on the debate that is currently taking place in the House of Commons. Why will this solve the problem when DOCS is not necessarily acting on the information it is given? Will any notification to DOCS means that the child will be taken from its natural parents and given to somebody else, adopted out? Is that the solution? It would require adequate funding of DOCS so that a proper investigation can be made of the 4,000 notifications of alleged child abuse that occur over a 12-month period to identify whether the children are at risk or safe.

There is a very real issue here. It is a funding issue. It does not in any sense relate to adopting the children out. The Opposition has an open mind on this but we do not think that that is the ultimate solution. In many cases it will not solve the problems. It will not prevent the needless deaths. That is to be absolutely abhorred. The one conclusion that we can draw is that the only reason the Minister wants the forced adoptions is that it will save her money. [*Time expired.*]

Ms BEAMER (Mulgoa) [9.59 p.m.]: The honourable member for The Hills said that deeds speak louder than words, and I totally agree with him. The previous Government, under Minister Chadwick, abolished the positions of 60 specialist child protection workers. If we have to be judged by our humanity in this instance then abolishing those positions demonstrates the humanity of Coalition members. It finds them wanting. One of the first acts of this Government was to restore those 60 specialist child protection worker positions.

<60>

The Government considered that to be paramount in looking after our children. If we must be judged by our deeds, members opposite should judge themselves by that deed alone.

The Carr Government is determined to deliver on its commitment to the abused and neglected children of New South Wales. The Minister for Community Services has often said that no-one can convince her or any other reasonable person that the rights of abusive, neglectful and drug-dependent parents are more important than the rights of their children. Child protection agencies must see the rights of the child as being paramount. The framework of any policy must be about the rights of the child and where the child will function best. At the Drug Summit Professor Vimpani talked about brain development in children between one and three years and the importance of those formative years. However, those years will not be formative if parents are zonked out on drugs. It is time we took this problem by the throat and said that we will get tough on drug abusive parents. Professor Vimpani's colleagues are unanimous about this: the civil rights of innocent children far outweigh the rights of abusive parents. We will stop the revolving door that provides for attempted reconciliation with parents when families are not functional.

We all agree that if a functional family can be given help it is the best place for a child to be. However, when a family is not functional, when it has broken down or when there is no commitment to give up those things which are abused in a family, the Government should take a stance. In addition to providing 60 child protection workers and increasing funding by 91 per cent, the Government has provided policy directives to enable children who are abused and neglected in New South Wales to be given a place in the system with some permanency. Indeed, that is what we will strive for. We are now considering drug testing abusive and neglectful parents who have a history of substance abuse. After all, Olympians who win medals are tested and people who do jobs that involve safety, whether it is on a plane or a train, and drivers are randomly tested.

However, when there is a history of substance abuse and we are talking about our most precious thing—our children—we should be telling parents that if they are not drug free they forfeit their right to care for their children in the long term. Interestingly, members opposite have quoted the report of the Child Death Review Team. If they want to find out what is happening, then they have to

know. The Government established the Child Death Review Team to investigate the number of the deaths, what is occurring and why these children are dying. With that report we then proceed to find out what we can do. The report stated:

> Case reviews indicated that some parents with a serious addiction suddenly and prematurely withdraw from a methadone or rehabilitation program. As a consequence, they may return to drug taking behaviour or may suffer from severe withdrawal symptoms. Either course may interfere with their capacity to care for children, especially infants. For too long authorities have been forced to accept the word of parents with hollow promises to give up their destructive habits.

Parents will now be drug tested. The findings of the Child Death Review Team provide even more support for the Carr Government's new plan to concentrate on the needs of abused children. [*Time expired.*]

Mr KERR (Cronulla) [10.03 p.m.]: It must be said at the outset that this is nothing more than a cynical exercise, an attempt to take up the Parliament's time. In this debate we have heard much heat but no substance. Let us talk about the Government's record. It must be said at the outset also that expenditure is not a solution if it is not effective. And we have seen an ineffective display from an ineffective administration.

Ms Beamer: Hang your head in shame about your record! You should be embarrassed about that..

Mr KERR: Members opposite should be embarrassed about the statement issued by one Department of Community Services [DOCS] office. Staff at the office rejected a management proposal to use their own vehicles at their own cost to make up for the recent reduction in the car fleet. Does the honourable member for Mulgoa support those staff? The proposal would have reduced the effectiveness of the staff.

Mr Campbell: The Previous Government sacked them all. It sacked thousands of departmental staff.

Mr KERR: The proposal was made under this Government. The Public Service Association fully supports the action of its members in rejecting the management offer to use their own private vehicles in an unpaid capacity. Where do members opposite stand on that issue? They should say publicly whether they support those union members. Let us talk about what is happening at present. The current budget provides for unallocated cases. Despite projecting notifications to rise from 58,100 to 64,500 this year, DOCS staff in child and family staff were increased by only 19 equivalent full-time positions. The difference in assessments is 11 per cent, but the staff will increase by only 1 per cent. Is that a record to be proud of or to trumpet about?

Let us consider the deaths that have occurred. According to the report of the New South Wales Child Death Review Team, of the 759 children who died in the 12-month period, the families of 177 children, or 23.3 per cent, had prior contact with the Department of Community Services through the deceased child, a sibling or a parent; of those 177 children, 52 or 29.4 per cent had been the subject of at least one confirmed notification. In 55 cases both the child and his or her siblings were known to the department before the child died. Is that a record to be proud of or to trumpet about? Let us talk about the Central Coast and Jessica Gallagher who was tortured to death, despite the fact that DOCS was notified about her. The death occurred. Let us talk about the present tense.

Members opposite should read paragraph 3 of the motion, which condemns the Opposition for failing to provide bipartisan support for the Government's initiative in this vital area and for shamelessly using abused children as political footballs. Members opposite are using abused children as political footballs. They cannot be proud of their record. They will not say when the legislation will be brought into effect. The Minister has refused to give an undertaking in relation to 1 July. It is a disgrace. If members opposite attacked the problem with as much rhetoric and effort as they attacked the Opposition, perhaps we would get somewhere. As I said, if they want to talk about the present tense, they should start supporting DOCS staff. They should start supporting increased funding and resources to enable the unallocated cases to be allocated, because until those cases are allocated and fully dealt with none of us can be proud of what is happening.

<61>

Mrs LO PO' (Penrith-Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [10.09 p.m.]: I thank all honourable members who have participated in the debate—even the honourable member for Cronulla. On the proclamation of the new child protection legislation, the Government has already moved to proclaim part to become effective on 17 April and is considering proclaiming another part before 1 July. The remainder will be proclaimed later this year. The Government has invested in major training of several government departments and many non-government agencies.

I give a word of warning to the honourable member for Hornsby. He should not become geed up by all the people who ring him with a barrow to push about the proclamation. He continues to fall for it. He is such a sucker and is so easy to seduce. He was seduced by the disability sector and he is now being seduced by people in this sector. The honourable member should become street smart and know who is having a lend of him because so far he has botched it.

Mr O'Doherty: I am not going to be seduced by you, Faye.

Mrs LO PO': I wouldn't even try. Let us deal with the 177 children mentioned by the Child Death Review Team who are known to the Department of Community Services [DOCS]. A person is known to DOCS if a DOCS officer goes into a house and says, "There has been a complaint about something." The children who are known to DOCS may have had a disability, they may have witnessed their parents in a rowdy domestic dispute and they may have been used as pawns in a bitter custody battle. They are in the system and are known to DOCS.

Of the 177 children, 88 died of natural causes. Of the 89 remaining children, 67 died for a variety of reasons, including motor vehicle accidents, sudden infant death syndrome [SIDS], drowning, suicide, fire, toxicity and other accidents. Of the 22 remaining children, 15 died from reasons described as homicide or non-accidental. That is 15 children who died unnecessarily, 15 children who died in families, and none of us can be proud of that.

I have a solution to this problem. I intend to remove these children from homes where parents have been proven to be unable to look after them. Where they have abused them, where they are toxic, I intend to make sure that the children receive permanent placement so that they can be looked after in environments that are protected, loving, caring and safe. The Child Death Review Team speculated, without any medical or any other scientific evidence, that seven deaths—or less than 1 per cent of the total number—were undetermined and suspicious.

In that same year DOCS received 64,000 reports relating to children—but who wants to know about the thousands upon thousands of children that DOCS has protected? When did we ever read a story in the newspaper about children who were protected by the intervention of DOCS officers? When did we ever read a story about DOCS officers who have entered the most violent homes, the same homes entered by police officers but without weapons, and have taken children away from these mongrels who abuse them?

When did we ever read a good story in which a DOCS officer put herself between a mongrel who was about to attack a child and remove the child from that home? We never read about that but it happens on a daily basis. My DOCS officers put their lives on the line to save children but one never hears about that. It is one thing for DOCS workers to have a thankless task but to have their work maligned and their reputation scandalised by an opportunistic Opposition is more than I am prepared to take.

There is no doubt that we have a strong commitment to child protection. I am prepared to defy orthodoxy about adoptions. Many people have real problems with adoption. I am prepared to bowl that up to them to ensure that these kids are safe. The Government has put in extra money—91 per cent, almost double the budget. Opposition members are only playing political football. I will be calling on them for a bipartisan approach to adoption and to drug testing parents before we return children to them. I say to Opposition members: Put your money where your mouth is and the community will damn you if you do not support the Government. [*Time expired.*]

Question—That the words stand—put.

The House divided.

Ayes, 48

Ms Allan	Mr Lynch
Mr Amery	Mr McBride
Ms Andrews	Mr McManus
Mr Aquilina	Mr Martin
Mr Barr	Ms Meagher
Mr Ashton	Ms Megarrity
Mr Bartlett	Mr Mills
Ms Beamer	Mr Moss
Mr Black	Mr Nagle
Mr Brown	Mr Newell
Miss Burton	Ms Nori
Mr Campbell	Mr Orkopoulos
Mr Collier	Mr E. T. Page
Mr Crittenden	Mr Price
Mr Debus	Dr Refshauge
Mr Face	Ms Saliba
Mr Gibson	Mr Scully
Mr Greene	Mr W. D. Smith
Mrs Grusovin	Mr Tripodi
Ms Harrison	Mr Whelan
Mr Hickey	Mr Woods
Mr Hunter	
Mr Iemma	*Tellers,*
Mr Knight	Mr Anderson
Mrs Lo Po'	Mr Thompson

Noes, 33

Mr Armstrong	Mr O'Farrell
Mr Brogden	Mr D. L. Page
Mrs Chikarovski	Mr Piccoli
Mr Collins	Mr Richardson
Mr Debnam	Mr Rozzoli
Mr George	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Souris
Ms Hodgkinson	Mr Stoner
Mr Humpherson	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr Maguire	Mr Webb
Mr Merton	
Mr Oakeshott	*Tellers,*
Mr O'Doherty	Mr Fraser
	Mr R. H. L. Smith

Pair

Mr Knowles	Mrs Chikarovski

Question resolved in the affirmative.

Amendment negatived.

<62>

Question—That the motion be agreed to—put.

The House divided.

Ayes, 48

Ms Allan	Mr Lynch
Mr Amery	Mr McBride
Ms Andrews	Mr McManus
Mr Aquilina	Mr Martin
Mr Barr	Ms Meagher
Mr Ashton	Ms Megarrity
Mr Bartlett	Mr Mills
Ms Beamer	Mr Moss
Mr Black	Mr Nagle
Mr Brown	Mr Newell
Miss Burton	Ms Nori
Mr Campbell	Mr Orkopoulos
Mr Collier	Mr E. T. Page
Mr Crittenden	Mr Price
Mr Debus	Dr Refshauge
Mr Face	Ms Saliba
Mr Gibson	Mr Scully
Mr Greene	Mr W. D. Smith
Mrs Grusovin	Mr Tripodi
Ms Harrison	Mr Whelan
Mr Hickey	Mr Woods
Mr Hunter	
Mr Iemma	*Tellers,*
Mr Knight	Mr Anderson
Mrs Lo Po'	Mr Thompson

Noes, 33

Mr Armstrong	Mr O'Farrell
Mr Brogden	Mr D. L. Page
Mrs Chikarovski	Mr Piccoli
Mr Collins	Mr Richardson
Mr Debnam	Mr Rozzoli
Mr George	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Souris
Ms Hodgkinson	Mr Stoner
Mr Humpherson	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr Maguire	Mr Webb
Mr Merton	*Tellers,*
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr R. H. L. Smith

Pair

Mr Knowles	Mrs Chikarovski

Question so resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the resumption later today of discussion on the matter of public importance submitted by the Minister for Agriculture on the Murray-Darling Basin Water Management Agreement.

SPECIAL ADJOURNMENT

Motion by Mr Whelan agreed to:

That this House at its rising today do adjourn until 10.00 a.m. Thursday 7 April 2000.

House adjourned at 10.26 p.m.