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Legislative Assembly

**PARLIAMENTARY
DEBATES
(HANSARD)**

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SECOND SESSION

THURSDAY 6 APRIL 2000

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PARLIMENTARY DEBATES

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Mark Faulkner
Acting Editor of Debates

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LEGISLATIVE ASSEMBLY

Thursday 6 April 2000

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

Mr Speaker offered the Prayer.

VISITORS

Mr SPEAKER: I take this opportunity of welcoming students from the Tenambit Public School who are present in the gallery.

TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT (CONSULTATION PROCEDURES) BILL

Bill introduced and read a first time.

Second Reading

Mr BARR (Manly) [10.01 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to bring the Technical and Further Education Commission Act in line with provisions in the Education Act in relation to the closure of a TAFE facility. As it stands the Technical and Further Education Commission Act does not make any provision for public consultation when an institute decides to close a college or campus of TAFE. That contrasts with the Education Act, which sets out procedures that must be followed to allow community input when the department proposes to close a school. Section 28 of the Education Act allows the Minister to close a school only after following certain procedures. These include: announcing proposed closures 18 months in advance of the proposed closure date, and informing affected parties; and setting up a school closures review committee to review and make recommendations to the Minister concerning the closure of a school if the majority of the parents of the children attending the school have, within 21 days of the announcement, submitted a request in writing to the Minister.

This bill aims to include public consultation provisions in the Technical and Further Education Commission Act, similar to the provisions in the Education Act, to require community consultation before deciding to close a TAFE establishment. That is an acknowledgment of the strong bonds formed in a community with its educational institutions, and the desirability of consulting with that community about whether it should close, and to allow the Government to fully comprehend, and take into account, the impacts of a closure. Schedule 1 to the bill seeks to insert into the Technical and Further Education Commission Act a new part 3A entitled "Closure of TAFE Establishments".

The new part would require the TAFE Commission to follow procedures set out under the part if it proposed to close a TAFE establishment. The term "establishment" is meant to read widely to cover a campus, site, college or facility. The procedures are similar to those set out in the Education Act but, specifically, the procedure would be as follows: TAFE will have to announce by 15 June each year any planned closure of a TAFE establishment, which must not be closed until the end of the following year, that is, 18 months after the announcement. TAFE will then establish a closure review committee to conduct a review of the proposal; the announcement must be in a statewide and local

newspaper and must call for submissions and seek expert advice; and, most importantly, the review will seek and have regard to the views of local communities, teachers and students.

The committee must make recommendations to the TAFE Commission by 30 September. If TAFE does not accept any recommendation it must make public the reason for not doing so within 21 days. These provisions will not apply if TAFE considers the circumstances exceptional or an emergency, for example, if buildings are damaged beyond repair by fire or storm. Other provisions in the bill are incidental to those main provisions. The trigger for this bill was the closure of Seaforth TAFE in 1999 with no prior and very little meaningful subsequent consultation. The community response to the closure highlighted how important the facility was and the complete insensitivity of the Northern Sydney Institute of TAFE to the people it services. When a delegation of teachers met with Mr Bob Puffett, Deputy Director-General, he said, "All we are doing is closing some buildings which is what we often do". That displayed a total lack of awareness of the impact on people in the local area.

The closure triggered an upper House inquiry by General Purpose Standing Committee No. 1 which, in essence, became the process by which the issues arising from the closure were examined. The committee recommended, inter alia, that the decision to close Seaforth TAFE in December 1999 not be implemented and, further, that during 2000 the Northern Sydney Institute of TAFE review its decision to close Seaforth TAFE in light of the findings of its report, and that the review include extensive community consultation. The committee also recommended that the Technical and Further Education Commission Act be amended to insert provisions similar to section 28 of the Education Act. The sorry saga surrounding the closure of Seaforth highlights the need for such provisions.

In November 1998 the Northern Sydney Institute of TAFE unilaterally announced that it would close the Balgowlah Boys High School annex without any prior consultation with the high school. That set the standard for the way it acted during the next few months. At that time alarm was expressed, including by myself, that it was the forerunner to the closure of Seaforth TAFE. That was denied. Dr Siva Kumar, the then Deputy Director-General of the Northern Sydney Institute of TAFE, said:

There is no proposal for the closure of Seaforth TAFE. If the Government was planning to sell off Seaforth it would have to be 3-5 years in planning so we could make alternative plans to accommodate students.

There were similar noises made by other high-level officials within the Northern Sydney Institute of TAFE. Yet in August, a few months later, the closure of the college was announced. It is clear from the evidence to the Upper House inquiry that TAFE was making decisions on the run. Although for a long time TAFE had said that it was thinking of closing Seaforth TAFE, it consulted no-one about it. The closure was a knee-jerk reaction based on little real evidence of any savings it might offer. It was not clearly thought through or properly planned.

Among the reasons given for the closure was declining student numbers. In fact, the student numbers at Seaforth had been increasing notwithstanding the fact that over the years a number of business courses had been hived off from Seaforth and sent to Brookvale. One of the ironies is that student numbers from Seaforth were used to prop up Brookvale TAFE. It was not a question that Seaforth was in difficulty with student numbers: it was the reverse. Another reason given for the closure was the quality of buildings. It was said that that there needed to be extensive maintenance programs at Seaforth which would cost about \$400,000. Yet in 1985 Seaforth TAFE had been extensively renovated with disability lifts and toilets, a new photography section and three new laboratories. The project architect at the time, Mr Don Muller, when he inspected the building recently commented that it was in good shape, needed very little expenditure and was good for many more years.

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The senior bureaucrats in TAFE went on about maintenance but never substantiated their claims, and that was the pattern with many other issues. The northern institute also offered economic reasons, and I put it to the House that they were merely saving a few loose coins by closing down Seaforth, but the big picture was never discussed. The big picture is that TAFE is overbureaucratized and it has the highest unit costs in the country. Unit costs are the student per hour costs of running courses. The reason TAFE unit costs are so high is that since 1989 successive restructures have been undertaken and with each restructure more money is spent. At the moment there are 11 institutes of

technology, each with a replicated administration function; directors, quality control managers, finance managers, et cetera.

Previously TAFE had one head office with a unitary function which had statewide responsibility. Dr Ken Boston said that he is committed to reducing unit costs by 3.26 per cent and that closing Seaforth was consistent with that commitment. The economic reasons were spoken about loosely but never properly formulated until TAFE brought in a consultant, John Hawkless, to prepare a report. The report, dated 5 November, was prepared after that decision, but it was flimsy, and I will explain that further later in my second reading speech. When Mr Siva Kuma addressed the upper House inquiry he said:

Seaforth TAFE is a luxury that the taxpayers of this community cannot afford.

Taxpayers should not be expected to pay for a bureaucracy that has undertaken numerous restructures but failed to make adequate savings that can be poured into the front end of the business: teaching. The closure of Seaforth TAFE will realise minuscule savings, if any, and will have little impact on unit costs. That is illustrated in the comments by Centennial Consultancy report that I commissioned to respond to the submission prepared on behalf of the department's consultant, John Hawkless. Centennial Consultancy reported:

If it is accepted that the closure will result in annual savings of \$240,000 (a figure which is highly contestable as discussed below) this amounts to only 0.020 per cent of TAFE's total growth expenses of \$1,201,101,000 or 0.022% of TAFE is reported "net cost of services" of \$1,067,967,000. Any claimed reduction in operating costs by closing Seaforth TAFE would not go very far in achieving this target.

Nor may closure of the Seaforth site be necessary, if more radical reforms were undertaken on the Department's and TAFE's management structure with the aim of reducing overheads and diverting more resources to direct service delivery.

Between 1989 and 1995 real expenditure in TAFE increased by \$203 million. However, very little went into expenditure for full-time equivalent students and per student contact hours. The 1997 Council on the Cost of Government report similarly revealed that the increase in real expenditure in TAFE has not gone into service delivery. Since 1995 there has been continuing restructuring and expenditure poured into the running of TAFE, and, a similar story, very little has found its way to the front end: teaching. Centennial Consultancy reported:

One possibility is that sale of the Seaforth site may be seen as a way of obtaining short-term cash which can be offset against recurrent spending. Dr Boston has already pointed out that asset sales may be used to distort the unit costs reported to ANTA. Such a treatment might help solve the short term problems facing TAFE management, though this would involve only short term and illusory gains.

Triggered by the closure of Seaforth TAFE was an investigation by the Auditor-General, who is currently engaged in a scoping exercise and will undertake an audit of a TAFE institute. That report will be available at the end of the year and I believe it will show the amount of wastage that has occurred in TAFE. I use that as a backdrop against which we can view the closure of facilities such as Seaforth TAFE. Following the closure there were cobbled together attempts to mix and match students, to send them to either Brookvale, Meadowbank, Hornsby or North Sydney TAFE. It was announced that there would be no higher school certificate [HSC] courses in the northern beaches area and that the HSC course at Seaforth would be relocated to other campuses such as North Sydney or Meadowbank. It was also announced that no art and design diploma would be offered on the peninsula.

Public outcry was such that the northern institute management was forced to find space at Brookvale for the HSC and art and design courses, albeit in reduced forms. Brookvale TAFE does not have laboratories but there are three extremely good laboratories at Seaforth so students studying for the HSC at Brookvale must go to Freshwater High School to do science laboratory work. This does not include the Certificate of General Education [CGE] students, close to 40 of whom enrolled this year. By their nature these students are youths at risk, people for whom secondary education has not worked and for whom a high school environment would be totally unsuitable. Those students attend science classes at Brookvale, but without a laboratory.

This is a sham arrangement, a quick-fix in the hope that it dies off. I suspect that the longer-term aim is to totally wind back both the HSC, the art and design course and possibly the CGE. That

arrangement highlighted the lack of forward planning; the fact that there was a rush to find a quick-fix solution based on the reaction of the local community and the negative publicity that the closure generated. This arrangement is far from satisfactory and highlights the need for proper planning and implementation over a longer time if the college is to be closed. But first we need to deal with the threshold issue of why the college should be closed. What is the justification?

Staff and student counselling was totally inadequate. When contacted by people inquiring about courses the counsellors could not say what was happening in 2000, what courses were being run or where prospective students should enrol. That is how bad the situation was. Furthermore, to demonstrate the lack of management at the simple, mundane level, the northern institute had not arranged for Seaforth TAFE's mail to be forwarded to Brookvale. Most people would probably know that there is a picket site at Seaforth, which has been running for 112 days, and is manned 24 hours a day, seven days a week.

One day, when I was at that picket site we found the letterbox crammed full of mail addressed to Seaforth TAFE. Among the material in the letterbox were five application forms. They were found on a Wednesday and students had until Friday of the same week to submit their enrolment forms. The management had not properly catered for the possibility of students sending their enrolment forms to Seaforth; that is how poor the management was.

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One matter on which I want to focus particularly is disability access. I have mentioned that Seaforth TAFE has good disability access: it has good disability lifts and toilets, and with little difficulty students can manoeuvre between the building to go to the library, cafeteria, classrooms or wherever. That is not so at Brookvale. At Brookvale the campus is on a steep site, with many separate buildings tiered up the site. Even though a disabled student may be driven to a particular building, once ensconced in the building the student will find it extremely difficult, due to the terrain, to move between buildings. A disabled student who wishes to go to the cafeteria or library may not be able to do so.

This matter has been raised with the Northern Institute, which claims, in vague ways, that it has systems in place. For instance, it was said that a vehicle is available for the use of students and that this vehicle had been used over the past few years. No-one at Brookvale knows anything about such a vehicle. That was, to put the best possible gloss on it, a misleading claim. But I think it was worse than that. One Seaforth student who has been pursuing the issue of disability access was told that the ute was available to move her around the campus. That is the ute that is used by the gardeners. I ask: In this new century, is this the way that an educational institution treats disabled people—to offer a ute to carry them around?

Obviously, a utility does not have hoists and other equipment necessary for people in wheelchairs. Those who use wheelchairs cannot move around the campus because of the terrain. In fact, the disability counsellor at Brookvale has said that the site poses a safety risk for students who would attempt to move about it. Basically, students will be landlocked in particular buildings. The Northern Institute seems to be proposing that somehow disabled students can contact a person to arrange for this vehicle to transport them between buildings. Take the case of a student who wants to go to lunch at the cafeteria. That student would have to telephone for the vehicle, wait for it to arrive, be helped into it before being driven to the cafeteria, where the student would buy the food before being driven back to the classroom or wherever.

The whole point about disability access is liberating people, to let them function as closely as possible to the way in which everyone else does. The arrangement at Brookvale restricts them. The Seaforth student, Tanya Leah, approached the Human Rights and Equal Opportunities Commission and went through the mediation process. I suggest that the mediation process has an inequality in bargaining power where a student is up against the full might of the TAFE bureaucracy where the bureaucracy is not prepared to move. Tanya said that she was given a choice between isolation and humiliation—the humiliation of being put in a position of dependency on the campus, of having to call for a vehicle and not knowing when it would arrive, or the isolation of doing the course at home, which she has had to accept.

The isolation of use of the Internet and other computer modems is no way in which to integrate those with disabilities into the community generally. It is the wrong way to go. It sends out the wrong message. It is an extremely poor attitude to take, and it reflects poorly on TAFE. I have written to Commissioner Sidoti about this matter expressing concern that such an important establishment as TAFE cannot do better than that. I regard this as little less than an outrage. Access is one of the issues that TAFE had not properly addressed when it announced the closure, and it still has not properly addressed that matter.

The issues that I have raised highlight the need for a proper and adequate review process so that this kind of thing does not happen again. Never again in New South Wales should a local community have to face the closure of a TAFE college in such a slapdash way, making victims of its students. This was poorly planned and poorly executed. TAFE, primary education and secondary education are now all within the one department—which I do not agree with, but it is the situation—but there is no good reason why policies that apply to closure of a school should not apply equally to a TAFE establishment. I commend the bill to the House.

Debate adjourned on motion by Ms Nori.

WILDERNESS AMENDMENT (PRIVATE PROPERTY RIGHTS) BILL

Bill introduced and read a first time.

Second Reading

Mr WEBB (Monaro) [10.26 a.m.]: I move:

That this bill be now read a second time.

These amendments to the Wilderness Act 1987 will not diminish at all the concept of wilderness. They will make a minor amendment to the nomination process. Wilderness identification, assessment and subsequent declaration procedures essentially remain the same. Wilderness areas in Australia, New South Wales, and Monaro, which has some of the finest bush scenery and pristine landscapes of all, are uniquely beautiful, usually quite inaccessible and often unspoiled or changed from the natural type that they have long been. Wilderness areas are that by their very nature. Almost nothing we do to them as a whole, and certainly generally, will ever change their importance and value. But that is not to say that they cannot be neglected, or undermanaged or indeed mismanaged.

In fact, because of man's influence and also through the natural processes of evolution, erosion, growth and decay even wilderness areas will change. The constant threat of invasion by weeds is a major concern. This is a problem not just to the areas themselves but also to neighbouring lands. Like weeds, wild animals—both native to Australia and some introduced thousands of years ago, such as the dingo, and those recently introduced, like rabbits and foxes—also can have a very damaging effect on the Australian bush if left to themselves. I will elaborate later on those impacts and their connection to the amendments sought by the bill. But, first, I want to make the House aware of more urgent, human problems that the current Act has caused, and continues to cause.

The very intent of the existing legislation is in jeopardy, as is much of the land deemed wilderness itself. The use of the natural landscape for education, recreation, tourism and promotion for the benefit of New South Wales and Australia is just not occurring because of constraints imposed by the current Wilderness Act. We must involve people who care about and have vested interests in wilderness areas, people who will take on some of the management and conservation roles as adjuncts to their operations. In fact, just the reverse is occurring under the current Act. The inevitable bushfires, if not managed, will completely destroy large tracts of bush and threaten destruction of much of the developed and human environment as well.

We are missing many opportunities that wilderness areas present. There are many opportunities for small tourism-based businesses in regional New South Wales to take advantage of our beautiful unique bush. However, because access is limited or non-existent we are unable to promote these special attributes across the world. Nor have we learned how to use recently gained

management techniques, along with the techniques and knowledge of our Aboriginal descendants, to demonstrate how we can co-exist with, conserve, preserve and repair our environment.

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The current Act is flawed in several areas. A considerable sum of public money has been wasted in inappropriate assessment and declaration procedures and in the original nomination procedures. A considerable cost is incurred by private land-holders who are caught up in the process and in the value of forgone opportunities. Because the declared areas are so vast, the funds and human resources available for their management are insufficient to accomplish the task. The National Parks and Wildlife Service [NPWS] has only 1,600 personnel and a \$240 million budget, which is equal to the State's agricultural budget. Wilderness areas take up 1.9 per cent of the State—approximately 1.5 million hectares are declared as wilderness in New South Wales.

Within the bounds of budgetary constraints, it is impossible for the wilderness service to carry out full and proper management of those lands under its control. The increasing threats to national parks, reserves and wilderness areas also affect neighbours on adjoining agricultural lands and even urban environments. Weeds, feral animals, bushfire and vandalism are just the tip of an emerging environmental disaster. Unless urgent action is taken to control weed infestation—that is, serrated tussock, blackberries, African love grass, St John's wort, and Scotch broom—those weeds will destroy and change forever our native bush. Similarly, unless animals such as the dingo are controlled and feral animals, such as pigs and rabbits, are eradicated, much of the land and its environmental value, which we so desperately seek to preserve, will be destroyed.

Feral pigs plough up acres of native land and dingoes kill our native species, such as the spotted quoll. Then they leave the parks and eat sheep, destroying farmers' livelihoods. This causes irreparable damage. By law, on private land these animals must be controlled. However, on public lands, including wilderness areas, the massive environmental disaster is allowed to continue, and often condoned, because the NPWS is limited by budgetary constraints. It is unable to manage the environment as it should.

Pursuant to standing orders business interrupted.

COMMUNITY PROTECTION (DANGEROUS OFFENDERS) BILL

Second Reading

Debate resumed from 21 October 1999.

Ms NORI (Port Jackson-Minister for Small Business, and Minister for Tourism) [10.33 a.m.]: The Government welcomes constructive refinements to the criminal law. The bill is substantially the same as the bill that was first introduced by the honourable member for The Hills back in 1996. Unfortunately, at that time the bill was hastily cobbled together, and still retains significant flaws. The Government cannot support this bill on a number of grounds. I now turn to the terms of the bill. First, the bill proposes to create a regime whereby persons convicted of certain offences may be classified as dangerous offenders by the court. Second, the bill would make dangerous offenders liable to conviction for a special offence if they contact or approach protected persons.

Third, the bill seeks to impose a mandatory minimum sentence of imprisonment for two years upon conviction and an indeterminate maximum sentence for approaching a protected person. Fourth, the bill would deny bail, without exception, for persons charged with such an offence. Five, the bill provides that the Attorney General is to maintain a register of protected persons. Six, the bill seeks to expand the powers of the Parole Board with respect to victims of crime. Seven, the bill would provide for the Attorney General or the Director of Public Prosecutions to seek a rehearing of Parole Board decisions in the Court of Criminal Appeal. Eight, the bill seeks to allow the victims of serious offenders the right to make submissions to the Parole Board. Finally, the bill seeks to restrict the grounds on which the Parole Board makes parole orders for prisoners who are serious offenders.

The Government cannot support the bill for the following reasons. The bill is too broad. It has the potential to apply to thousands of persons, some of whom were not even gaoled in the first instance, and make those persons potentially liable to being imprisoned for the rest of their lives. The

bill gives inappropriate powers to the Attorney General and to the Director of Public Prosecutions [DPP]. It is hardly appropriate for the Attorney General, as first law officer of the State, to maintain a list of persons that will form the basis of adversarial quasi criminal proceedings. The powers are unnecessarily mandatory. Mandatory minimum terms in relation to any offence should be approached with great caution. They are a restriction upon the discretion of a sentencing judge or magistrate to let the punishment fit to the crime.

There are many criminal provisions which already cover the behaviour to which the bill is directed. For example, breaching an apprehended violence order carries a maximum penalty of a fine of \$5,000 and imprisonment of two years. Stalking carries the same fine and imprisonment of five years. Assault carries a maximum penalty of two years imprisonment, not to mention a variety of offences that relate to sending threatening letters and making threatening phone calls. The scheme and the proposed register will be a costly and administrative nightmare. It will undoubtedly lead to lobbying for and against the classification of "dangerous offender" and "protected person", lengthy legal argument in court, the need for many expert witnesses to testify whether a particular offender is dangerous, and similar arguments at each review period once an offender is placed on the register.

This will stretch the already overburdened resources of the DPP and the Legal Aid Commission. That is not to say that the bill does not contain some merit. The bill suggests some worthy reforms for the Parole Board which are already contained in the provisions of the Crimes (Administration of Sentences) Act 1999.

Mr ARMSTRONG (Lachlan) [10.37 a.m.]: I support the bill. In doing so, I will respond to some of the points made by the previous speaker on behalf of the Government. To do nothing is always an alternative. However, there is no doubt that the community has had enough of doing nothing about those people who commit heinous crimes in this State and who, under this Government, are the recipients of a go-soft attitude. To do nothing is not an option, so far as the community is concerned. The Government stands alone with that attitude.

The Minister said that similar legislation was presented by the honourable member for The Hills in 1996, some 3½ years ago. If the Government were serious about rectifying the anomalies in the current legislation and in supporting the community—as the Minister said, imposing a penalty to fit the crime—then it would introduce the legislation.

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Loq: Armstrong.

Once again it is up to the Opposition to produce legislation. The best that the Government can offer is a weak critique of the legislation proposed by the honourable member for The Hills. There are a number of reasons why I am contributing to debate on this legislation. First, I want to reflect community attitudes and, second, I want to remind this House of one of the most heinous crimes ever committed in this State. In 1973 two men, Baker and Crump, took it upon themselves to change the course of their lives. We are privileged to be in charge of our own destinies. Those two men chose to murder, in the most heinous manner, Mrs Virginia Morse. As a result, they were sentenced to life imprisonment, and their papers were marked at that time, "Never to be released by the judicial system." They were given every benefit of the law to make out a case and to explain why they should be released.

Society, through the judicial system, using the laws at the time, determined that they should never be released. Yet consistently in this place, under this Government, we have seen a weakening of the legislation such as to make it possible for these two men to be released at some time during their lives. Has the Government considered all the factors concerning Baker and Crump? Has it taken into account the psychological, rehabilitation and parole reports? I suspect that the answer is yes. I ask the Government a more important question: Has it approached the family of Mrs Virginia Morse—her husband, her children, her brothers, her sisters, her grandchildren and her friends? Has it studied the psychological and psychiatric reports concerning those people? Has it spoken to those people and established how those two men affected their lives for possibly three generations? I just happen to know that the Government has not done that.

This audacious move by the Government today is an attempt to try to put down legislation which is genuine and honest, which endeavours to support the law as it applied, and which

encompasses these types of serious offenders. I reiterate the overview of the bill, which I consider to be worthwhile including in *Hansard*:

- (a) to provide for the classification of certain persons as dangerous offenders in order to provide protection both to individuals who have reasonable grounds to fear those offenders and to the community as a whole.

I challenge the Government to speak to the community as a whole on this matter. Government members continue to bag the honourable member for The Hills in this Chamber. They should at least should go and talk to members of the community. If the Government is not prepared to talk to the families concerned and to give them a fair go, or an even break in relation to those who have offended, it should hang its head in shame. I ask every honourable member to examine his or her conscience. Let us pause for a moment and put ourselves in the shoes of the victims. What is going through the minds of the families whom these heinous murderers have victimised?

Kenneth Johnson murdered 13-year-old Michelle Allport at Mittagong in 1974. Eric Elcoate was gaoled for life in 1988 after murdering Terry Ehlers. Paul Luckman, who has now been released, tortured, sexually assaulted and buried alive 13-year-old Peter Aston in 1982. Patrick Horan killed Constable Paul Quinn in Bathurst in 1986 and left Sergeant Ian Borland permanently disabled. His sentence was redetermined last year as a minimum of 16 years. He could be released as early as 2002, which is about 24 months after the Olympics. Earl Heatley shot and killed a young man aged 19 at Granville in 1966. He was released in 1981 and killed two men, including his own brother, during an armed robbery in 1994. Alan Robinson killed a 74-year-old woman and her 53-year-old son at Lightning Ridge in 1980. He was convicted in 1988, but he could be released in 2004. The Anita Cobby killers were John Travers, Garry, Michael and Leslie Murphy, and Michael Murdoch. Every person in this place would remember the horror of that murder

Honourable members must take into account who is guilty and who is innocent in these cases. The guilty are those who perpetrate the crimes. The innocent are those paying the price because this Government refuses to support legislation introduced by the honourable member for The Hills. It is a challenge; a test of decency and honesty. We must be prepared to put politics to one side and acknowledge that the victims, the families, the community, have every right to expect any government to have compassion and commonsense and to keep out of our society those people who choose to conflict with society and wreak havoc on certain individuals.

Mr HARTCHER (Gosford) [10.46 a.m.]: I commend the honourable member for The Hills for introducing this legislation and for his ongoing, strongly expressed campaign to protect the community. The Community Protection (Dangerous Offenders) Bill is designed to protect our community from dangerous offenders. It does not introduce the system implemented in the old legislation, which was struck down by the High Court, which enabled a person to be held in gaol without having committed an offence. This bill, which has been carefully drafted, ensures that once a person is classified—he or she can only be classified by the Supreme Court as a dangerous offender—he or she can be held accountable and imprisoned for attempting to make contact with the victims of their crimes.

This measured, carefully worded, carefully constructed piece of legislation is designed to protect the community from dangerous offenders. It is disappointing that the Government is not prepared to indicate its support for the legislation. The Government acknowledged that the motives of the bill are worthy, yet it appears to be saying that it is not prepared to support it. The Carr Opposition supported an earlier bill relating to Mr Kable. That bill was not opposed by the Australian Labor Party. Only the action of the High Court brought that Act out of the legal system. We need a legal system which puts victims first and offenders second. We do not want a legal system which enables offenders to say, "I have served my time. I am now free to do whatever I like."

Once people have committed serious and revolting crimes and once they have been classified by the Supreme Court as still being potentially dangerous offenders, the community must keep a watch over them to ensure that individuals are properly protected. That is all that this bill seeks to do. The bill will also enable the Parole Board to take into account certain matters when making a parole order, and requires that board to publicly state its reasons as to whether or not it will make a parole order. What is objectionable about that? This bill will ensure that the Parole Board lets everybody know what is going on rather than simply making a decision for or against a release application.

I do not intend to labour these points. It is important that this issue be resolved today. As shadow Attorney General I am deliberately and conscientiously supporting the legislation introduced by the honourable member for The Hills which, as I have said, is designed to protect the community and victims. This bill recognises that, if an offence is committed, it must be established and proven and the offender punished in the normal way, according to our legal system. Nothing in this bill is reminiscent of the old Kable bill. This bill is simply a design, an artifice and a device to ensure that, once people have been so classified by the Supreme Court, their actions are watched and monitored. If they attempt to make contact with their victims and they attempt to intimidate or frighten their victims, they can be held accountable for it. This measured bill deserves the support of this House.

<6>

Mr FRASER (Coffs Harbour) [10.50 a.m.]: I support the legislation put forward by the honourable member for The Hills. His contribution and the contribution this morning by the honourable member for Lachlan highlighted the need for such legislation in New South Wales. The civil libertarians are making noises and saying that we cannot do these sorts of things, but they are a minority group that seems to grab headlines, or at least make page three in most of the major newspapers around the country. At the end of the day it is Joe average, the average citizen in New South Wales who is demanding that this Parliament and this Government support the legislation, which urges the Parole Board to take into account certain considerations when a person classified as a dangerous offender makes application for parole. It is not necessarily a lock-the-door-and-throw-away-the-key approach.

The Parole Board has a grave role to fulfil in determining whether dangerous offenders should be released back into society. This morning the honourable member for Lachlan referred to Allan Baker and Kevin Crump who murdered Ian Lamb and Virginia Morse. At the time of sentencing their papers were marked "never to be released", but because of a quirk of law they can now be considered for parole. I remember those murders very clearly—they were committed in the north-west of New South Wales—they were absolutely horrific. People were horrified; they were living in fear for their lives. Neither Baker nor Crump could be referred to as human beings—I do not know what they could be called—"mongrels" is probably not too strong a word. What they did to Virginia Morse renders them unfit to be released into society. The judge at the time realised that and the community realised it, yet they now have the opportunity to be released back into society.

The surviving relatives of Ian Lamb and Virginia Morse have not been given the opportunity to have a say in their possible release. I challenge the Government to ask them whether they would like to see those murderers released into society. I am sure they would not. This morning the Minister for Small Business, and Minister for Tourism defended the Government, firstly by attacking the honourable member for The Hills by saying that this legislation is very similar to legislation he introduced previously. Yes, it is and he admits that. He introduced similar legislation in 1996 to deal with the prisoner Kable. Ultimately legislation was introduced that dealt with Kable only, and kept him behind bars. Instead of introducing singular bills for 105 serious offenders who could be released in the next three years and another 436 serious offenders who may be eligible for parole we want them classified as dangerous offenders, as described in the bill.

We want the Parole Board to take note of the simplistic conditions in the bill. In fact, the amendments to section 17 of the Amendment of Sentencing Act flow from the Law Reform Commission's report on sentencing. This matter has already been in the public arena for general discussion. The Law Reform Commission wants these provisions included in the Act, yet the Minister for Small Business, and Minister for Tourism said that the Government will agree with some of what is in the bill, but it will not support it. I challenge the Minister to support the legislation. If it is good in parts, and I suggest those parts are good, the Government should support it so that the people of New South Wales can be assured of a process that will not allow serious offenders to be released onto the streets in the blink of an eye. If passed, it will be necessary for the Parole Board to follow due process before such prisoners are released. The introduction of this legislation will give the community confidence in the legal system and overcome the need to introduce similar legislation in the future. New section 17 (2), general provisions relating to parole orders under this division, states:

In the case of the prisoner who is a series offender or who is subject to a term of imprisonment of 8 years or more, the Board may not make a parole order for the prisoner unless it is

of the opinion that the prisoner, if released from custody, would be able to remain law abiding and would not pose a threat to public safety either individually or collectively.

What is wrong with that condition? New section 17 (3) states:

In the case of a prisoner who is a dangerous offender, the Board may not make a parole order for the prisoner unless it is satisfied on the balance of probabilities that the prisoner, if released from custody, would be able to remain law abiding and would not pose a threat to public safety either individually or collectively.

New section 17 (4) states:

In deciding whether to make a parole order for a prisoner, the Board must have regard to the following matters:

- (a) any relevant comments made by the court on sentencing the prisoner,
- (b) the antecedents of the prisoner and any special circumstances of the case,
- (c) the consequences that the releasing of the prisoner may have in relation to any victim of the prisoner or the family of any such victim,

I draw the attention of the House to the fact that in the case of Allan Baker and Kevin Crump the judge marked their papers "never to be released". New section 17 (4) (c) relates to compassion. It is high time the court took into account the relatives of victims of violent crimes or, as they are described within the bill, serious offences—murder, attempted murder, manslaughter, an act of violence that causes serious injury to another person or that involve sexual assault in the nature of an offence referred to in section 61I, 61J, 61K, 61M, 66C, 66F, 78A or 78H of the Crimes Act 1900. It is absolutely relevant that the families of the victims of these crimes and the Parole Board have an opportunity to consider whether releasing such prisoners will be detrimental to them and society generally.

The conduct of the prisoner while in custody and the attitude of the prisoner should be an essential qualification for any parole, and there are others. It is incumbent on us as legislators, incumbent on this Parliament, incumbent on the Government to pass the legislation to ensure that the types of people to whom the bill refers are named as dangerous offenders and that due process ensures they are not released onto the streets, able to commit further offences. Baker and Crump should be left in gaol for life, as the sentencing judge intended. I know people who were closely related to Anita Cobby's family, and I know the distress the crimes committed against her have caused them. I, and everyone else in this Parliament, have an obligation to the relatives of Anita Cobby to ensure that Travers; Garry, Michael and Leslie Murphy; and Michael Murdoch stay behind bars for life. It was a heinous crime without comparison.

The Government must pass this bill so that they can be classified as dangerous offenders, thus ensuring that they are not let out on the whim of the Parole Board or pressure from any social justice group that may want to see them rehabilitated; I do not believe they are capable of being rehabilitated. I call on this House to pass the legislation to give the community much-needed confidence in the justice system of this State.

<7>

Mr WINDSOR (Tamworth) [11.00 a.m.]: I would like to speak very briefly to this private member's bill introduced by the honourable member for The Hills, which I will support. I believe that the community would approve of this bill. The honourable member for Lachlan referred to a number of dreadful crimes, and I think most honourable members are aware of the individuals he referred to in his contribution. There is a belief within the community that in certain cases serious offenders should be identified and that there should be a means of keeping them from the community. One of the words that is built into the overview of this bill, and one which has unfortunately become a reality in our society, is the word "fear". There is definitely fear within our community, particularly when serious offenders are at large.

Gwen Hanns feared for her safety and the safety of her family if the offender who murdered her daughter was released. The reality may well be that nothing would happen to them, but she had to put up with pain and anguish over many years, worrying about whether Lewthwaite would be

released, as he has been. Parliament needs to address the fear of the families of victims. I am sure that Gwen Hanns will not mind me mentioning her name. I have been personally involved with her over many years in relation to her case. She and her family have suffered greatly because of her fear of the release of that individual. Hopefully nothing will happen in that case, and no-one would like to see anything happen in any case. But there is an opportunity within this bill to send a clear signal and for Parliament to act against these very dangerous individuals. Regrettably, it is an opportunity that the Government and Parliament and, more importantly, the community will miss this morning.

Mr RICHARDSON (The Hills) [11.02 a.m.], in reply: I thank those honourable members who have spoken in this debate. As members on both sides of the House have said, the Community Protection (Dangerous Offenders) Bill is a very important piece of legislation. I am disappointed in the Government's response from a number of points of view. Obviously I am disappointed personally. I am disappointed on behalf of the people of New South Wales because I believe that the issues canvassed in the legislation are far too important to be dismissed as cursory, as the Government has done today. I am disappointed that the Minister for Small Business said that the legislation contained some worthy ideas and then refused to enumerate what those worthy ideas were.

I am not certain why the Minister for Small Business—the only speaker on behalf of the Government—was chosen to oppose the legislation. If the legislation contains worthy ideas, and if the Government supports any of its features, it is incumbent on the Government to introduce and pass its own legislation. If any features of this bill come before the House they will have the support of the Opposition. The issues that this legislation deals with are too important to be dismissed. They are not going to go away, because there are about 436 serious offenders in the New South Wales prison system who will be eligible for parole one day. Over the next three years 105 serious offenders, including 74 murderers, are due for possible release.

I emphasise that this legislation was aimed exclusively at the worst possible class of offender. Honourable members have heard about Kevin Crump and Allan Baker. Gregory Wayne Kable also comes into that category because of the threats he made against the family of the person he murdered, his ex-wife. He was found guilty of manslaughter, but I believe he should have been found guilty of murder. Honourable members have heard about the killers of Anita Cobby, and there are many other such offenders in the New South Wales prison system. Ljube Veleviski, who murdered his wife, six-year-old daughter and three-month-old babies in 1994, was sentenced to a minimum 19 years in gaol. The question is will people feel threatened by him when he gets out, as he obviously will? Will the community feel safe when this man is finally released from gaol?

Kenneth Johnstone, who murdered 10-year-old Michelle Allport at Mittagong in 1974, sent a bloodstained letter to Michelle's mother, Shirley, in 1986 threatening to kill her husband and son. This is the precise issue that I have attempted to address in this legislation—the surviving members of the victim's family, friends and people known to the victim who are threatened directly by people currently incarcerated in the New South Wales prison system, and who will feel even more threatened when those people are released unless appropriate measures are put in place to protect them.

Eric Elcoate was gaoled for life in 1988 for the murder of Terry Ehlers. He will be eligible for parole in 2002. Patrick Horan killed Constable Paul Quinn in Bathurst in 1986 and left Sergeant Ian Borland permanently disabled. Last year his sentence was redetermined under the truth in sentencing legislation as a minimum of 16 years. He could therefore be released in 2002. Earl Heatley, who killed a young man at Granville in 1966 at the age of 19, was released in 1981. He then murdered two other men, including his own brother, during an armed robbery in 1994.

It is clear that the justice system needs to be independent from Parliament; that we should make the laws and the judiciary interpret and administer those laws. But I still firmly believe that there is a community expectation that when somebody is incarcerated for a heinous crime, adequate measures should be in place to protect the community should that person ultimately be released. The original bill that I introduced in 1996 was intended to deal with the situation that had emerged from the High Court decision in the Gregory Wayne Kable case, when the High Court struck out the Community Protection Act that had been passed unanimously by this House in 1994. The *Sydney Morning Herald's* opinion of that legislation is germane to this debate. The editorial of 16 January 1997 entitled "Tough law" reads:

Hard cases, the aphorism runs, make bad law. The High Court last year seemed to endorse this wisdom when it overturned the Community Protection Act of NSW. The legislation applied to one person, Gregory Kable, and operated only once, when in 1995 Kable was detained in prison for six months because he was considered to be potentially dangerous to relatives of the wife he had stabbed to death. The legislation survived an appeal against it in the NSW Court of Appeal but was ruled unconstitutional in a 4-2 vote by the High Court.

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I note that it was not a unanimous decision of the High Court. The article further stated:

The view of the majority was based more on a technicality than substantive grounds, however. In the opinion of some commentators, the High Court was worried about legislation that could be used to imprison someone (even a person guilty of an act of terrible savagery) when that person had served all past sentences and had not committed, or been charged with, any further offence. This is a valid concern.

Mr Michael Richardson, a NSW Liberal MP, has proposed a Community Protection (Dangerous Offenders) Bill that seems to be an adequate legal response to the problems the Kable case has thrown up.

According to the Attorney General, it is not an adequate response. The article further stated:

His arguments supporting the proposed legislation make a detailed and convincing case for it. Dangerous offenders under the proposed legislation will include rapists, attempted murderers and murderers. The Director of Public Prosecutions can apply to the Supreme Court for such offenders to be classified as "dangerous". The designated offenders cannot attempt to contact anyone on a protected persons register. The act of attempting such a contact is an offence in itself with a minimum sentence of two years' jail.

Mr Richardson argues that his legislation does not mimic Part 15 A of the Crimes Act, which provides for apprehended violence orders (AVOs). He points out that in 1995 there were 26,000 AVOs made, "many of them in circumstances of dubious merit". The AVO system, he claims, is not designed to deal with "criminals who have already been convicted of a serious violent offence, and who have an ongoing propensity to violence".

The proposed legislation has the merit of providing a workable way of dealing with the Kable case and others like it. The NSW Attorney-General, Mr Shaw, should perhaps take over the legislation and ensure—with appropriate amendments of these are needed—that it is passed this year.

What have we heard from the Government today? We have simply heard that the Government does not agree with the legislation: The bill is too broad, it gives inappropriate powers to the Attorney General and the Director of Public Prosecutions, and it would be a costly and administrative nightmare to keep a register of protected persons. I would like the Attorney General and the Government to run that argument past the public. I would like the Premier and the Attorney General to argue that case with members of the public on talkback radio because I do not think it would stand up. I do not think the public cares about the alleged costly and administrative nightmare; the public wants justice not only to be done but also to be seen to be done.

The public believes that a measure of protection should be provided when serious violent offenders are released. The amendments I made to my original bill were designed to cope with a situation when someone was released on parole. Therefore, they differ from the situation obtaining to Gregory Wayne Kable. Honourable members may remember that Gregory Wayne Kable served his full term in gaol and was released. He was released as a free man. Of course, that is the way the justice system operates, and that is the way it should operate. However, it does not alter the fact that there are some very dangerous people in the New South Wales prison system who will be released one day and who may pose a threat to the community as a whole and to specific individuals.

People want to be assured that when serious violent offenders are released they can have full confidence in the process that was used to determine the release of those individuals. That issue is central to the changes I have made to the legislation. The Parole Board could only release someone classified as a "dangerous offender" if it was satisfied on the balance of probabilities that the prisoner would remain law abiding and would not pose a threat to public safety. That is strengthening the onus of proof of responsibility on the Parole Board. Currently, Section 17 (1) of the Sentencing Act states that the board may not make an order unless it has determined that the release of the prisoner is appropriate, having regard to the principle that the public interest is of primary importance; and determined that it has sufficient reason to believe that the prisoner, if released from custody, would be able to adapt to normal community life.

The wording in my bill has been taken from the Law Reform Commission's report on sentencing. The Government considered that report, and introduced as a piece of legislation only a couple of minor recommendations. It did not consider the important issues relating to dangerous offenders that the Law Reform Commission, to its credit, had attempted to address. The second amendment was that the board would have to publish a full public statement of its reasons for deciding to release a dangerous offender on parole. Currently, the board may decide not to do so. This would provide transparency in the board's decision-making process.

This is an opportunity for the Government to remove some of the hysteria that seems inevitably to surround the release of a serious violent offender, but apparently it does not want to do that. Apparently the Government wants to encourage a continuation of that hysteria, and it will wear the consequences. The Attorney General or the Director of Public Prosecutions would be able to appeal a decision to release a dangerous offender on the merits to the Court of Criminal Appeal. That is the major change to the original legislation. Honourable members would be aware that currently there are very limited grounds for such an appeal: that the board relied on information that was false, misleading or irrelevant. Indeed, that is why the Crown decided not to appeal the release of John Lewthwaite.

It is also the reason the Government claimed that there was no basis for appeal against the Parole Board's decision to release Paul Luckman/Nicole Pearce, who had undergone a sex-change operation while in gaol. Honourable members may remember that in 1982 Nicole Pearce, as Paul Luckman, tortured, sexually assaulted and buried alive 13-year-old Peter Aston. He/she was released and the public, understandably, was concerned that he/she might reoffend. Once again, the Government had a chance to change the rules—it had the opportunity because this legislation was before the Parliament—but it did absolutely nothing because it does not care about public safety. That is blatantly obvious from what has happened in the House this morning.

Another change was to enshrine in legislation a provision for the victim's family to make submissions on the terms and conditions of parole. Given the general move across Australia to provide victims of serious crime with greater rights, the Government could have supported that measure. I suppose it might have been one of the worthy ideas mentioned by the Minister for Small Business, but he did not want to discuss them or acknowledge that they had merit and were worthy of support. The regulations would be altered to allow the board to order a period of supervision for a dangerous offender of longer than three years. The Law Reform Commission made that recommendation. Once again, that would provide a greater degree of security for the families of victims and for the public at large.

I am concerned that the Government will adopt, as the honourable member for Lachlan said, the do-nothing option—and it is no option at all. It is not acceptable to Opposition members or the public at large. Over the next few days, in coming weeks and in the years ahead there will be continuing public outrage about this issue if the Government does not act, if the Government does not at least seek to implement some of the Law Reform Commission's recommendations in its detailed report on sentencing. If the Government simply sits on its hands and does nothing the public will not be protected, and there will continue to be public outrage when serious violent offenders are released. The public will not believe that due process has been undergone when those offenders are released and, as I said, the Government will have to wear that.

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I hope that I have been able to persuade some members of the Government to support this very worthy legislation. I commend the bill to the House.

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

The House divided.

Ayes, 33

Mr Armstrong
Mr Brogden
Mrs Chikarovski

Mr D. L. Page
Mr Piccoli
Mr Richardson

Mr Debnam	Mr Rozzoli
Mr George	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Ms Hodgkinson	Mr Souris
Mr Humpherson	Mr Stoner
Dr Kernohan	Mr Tink
Mr Kerr	Mr Torbay
Mr Maguire	Mr J. H. Turner
Mr McGrane	Mr Webb
Mr Merton	Mr Windsor
Mr O'Doherty	<i>Tellers,</i>
Mr O'Farrell	Mr Fraser
Mr Oakeshott	Mr R. H. L. Smith

Noes, 49

Mr Amery	Mr Martin
Ms Andrews	Mr McBride
Mr Aquilina	Mr McManus
Mr Ashton	Ms Meagher
Mr Barr	Ms Megarrity
Mr Bartlett	Mr Mills
Ms Beamer	Ms Moore
Mr Black	Mr Moss
Mr Brown	Mr Nagle
Miss Burton	Mr Newell
Mr Campbell	Ms Nori
Mr Carr	Mr Orkopoulos
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Greene	Mr Scully
Mrs Grusovin	Mr W. D. Smith
Ms Harrison	Mr Stewart
Mr Hickey	Mr Tripodi
Mr Hunter	Mr Watkins
Mr Iemma	Mr Whelan
Mr Knight	Mr Woods
Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Anderson
Mr Markham	Mr Thompson

Pairs

Mr Collins	Mr Collier
Mr Hazzard	Mr Knowles
Mr R. W. Turner	Ms Saliba

Question resolved in the negative.**Motion negatived.**

Debate resumed from 28 October.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.30 a.m.]: At the outset I point out the disagreement among the members of the Opposition about Windsor Road. I understand that as recently as yesterday on Port Macquarie radio, the honourable member for Oxley was critical of the Government providing millions of dollars in funding for the Windsor Road upgrade instead of spending more money in the bush. I believe that members of the Coalition who represent areas in the north-western suburbs of Sydney should speak to the honourable member for Oxley and sort out the priorities of the Opposition. Is the Coalition fair dinkum about Windsor Road, or are members of the Opposition saying that the Government should be diverting Windsor Road budget allocations to the bush, given that the Government already spends \$160 million each year on the Pacific Highway?

I am pleased that a former Speaker of this Parliament, the honourable member for Hawkesbury, is present in the Chamber. He has been a member of this Parliament for a very long time. He should be aware of some of the amounts spent on Old Windsor Road during the period when his political party was in the Government. In 1991, the former Coalition Government spent \$2.6 million and in 1991-92 it spent \$819,000. In 1992-93, \$205,000 was spent. In 1993-94, the amount spent on Windsor Road was nil, and the amount spent on Old Windsor Road was \$309,000. In 1994-95, the amount spent on Windsor Road was nil, and the amount spent on Old Windsor Road was \$2.9 million. Wow! The figures indicate the absolute hypocrisy of members of the Coalition.

During its seven-year period in government, the Coalition was asleep. If Windsor Road was such a great priority for the Coalition when it was in government, why did members opposite not get stuck into the Treasurer and the Premier and say, "This is a priority for the Coalition in Government. Why are you not spending more money?" I am informed that on average \$4 million per annum was spent. That is absolutely pathetic. It took the present Labor Government in New South Wales to grasp the nettle and develop a plan to resolve roadworks problems. That is to be contrasted with members of the Coalition, who never have any policies and never make plans about anything. The present Labor Government gets on the job and has made a commitment to a \$200 million program over the next ten years. What has been heard from members of the Coalition? They have made no comment on their record while the Coalition was in government; they have made no apology to the communities of the north-western suburbs of Sydney; and there has certainly been no thanks or indications of appreciation for the work being done by the Government.

All that has been heard has been a big argument from the government of The Hills. When one reads the *Hills Shire Times*, one would think that the editor and the three Liberal parliamentary representatives in the area—the honourable member for The Hills, the honourable member for Hawkesbury and the honourable member for Baulkham Hills—constitute the government of The Hills, and that no other place in the world and no other government could exist. Those people have decided that they are the government of The Hills and they should be given the credit for expenditure following one issue of the local paper. Ever since then they have been carping, moaning and whingeing. It is worthwhile examining what has taken place in the north-western suburbs of Sydney. When Opposition members were in government, they encouraged and allowed thousands and thousands of homes to be developed in new subdivisions.

Mr Rozzoli: No, you did that.

Mr SCULLY: Members opposite encouraged those subdivisions during their seven-year period in government. The honourable member for Hawkesbury cannot deny that. The former Coalition Government encouraged people to move into that area—indeed, it welcomed them—without allocating any funds for transport planning. Now that development of those areas is complete, it is not surprising that people ask about the condition of Windsor Road and what the Government intends to do to improve it. During the period of the former Coalition Government, not a cent went to the Roads And Traffic Authority [RTA], whereas the present Government has developed an exciting plan to upgrade public transport in that region. The rail link from Castle Hill and the bus-only freeway are great improvements.

[*Interruption*]

The honourable member for Hawkesbury may chortle, but Michael Photios said that it was a great idea. He said, "We didn't even think about a rail link to Castle Hill. What a terrific idea to have a bus-only freeway to connect Blacktown, Castle Hill and Rouse Hill." The \$200 million commitment made by the Government to upgrading Old Windsor Road is substantial indeed. The response of the Opposition has been to say, "Oh, we want it by Monday! We do not want this to happen over ten years. We want it all done by next week." To put this debate into its proper context, let me examine some of the projects that have been undertaken by the Government. The connection between Abbott Road and the M2 has been opened. A four-lane stretch of road from Meurants Lane towards Sunnyside Road has been opened. The remainder of Seven Hills Road to Sunnyside Road, which is a \$40 million project, is under way. I invite all honourable members to travel along Schofields Road and observe the work that has been done at the Schofields Road intersection.

Mr Rozzoli: It is a shambles.

Mr SCULLY: Does the honourable member for Hawkesbury not support the \$4 million allocation? Is he opposed to that?

Mr Rozzoli: I do not oppose it, but the way it is being done is a shambles.

Mr SCULLY: I respect the honourable member because he has been a member of this Parliament for a long period. I will refrain from making adverse comments about him.

Mr Moss: He was a great bloke in his time.

Mr SCULLY: He was not a bad Speaker and was reasonably fair to the Opposition, so I merely observe that as an absent landlord living in Bowral, he would not travel along Windsor Road anywhere near as many times as I have, and I do not even live in that area. I have probably travelled along Windsor Road more times than the honourable member has been to Bowral. The honourable member for Londonderry accompanied me recently to the launch of the consultation program associated with the development of a flood-free access at the northern end of Windsor Road. That project will cost tens of millions of dollars. The Government is developing the northern and the southern end of Windsor Road.

If members of the Opposition are fair dinkum about their desire for roadwork upgrades, I would appreciate receiving some assistance from them. I am pleased that the honourable member for Baulkham Hills is in the Chamber so that I can ask the three amigos from the north-west to join the New South Wales Government in calling upon the Federal Government to provide funds to build the western Sydney orbital. If those members have any appreciation of the traffic congestion on Seven Hills Road at its juncture with the M2 and if they have any fundamental understanding of how the road network functions, they will appreciate that the construction of the western Sydney orbital will relieve the congestion that occurs at the southern end of Windsor Road. When the western Sydney orbital is built, it will relieve traffic congestion and make conditions much easier for people to move around.

The comments that have been made by the Opposition are sheer and rank hypocrisy. Is hypocrisy not a horrible occurrence in government? When one compares the record of the present Labor Government and its open-minded and fair dinkum approach with the approach adopted by the Coalition, which carps, whines and moans about insufficient funds allocated to Old Windsor Road and Windsor Road, it makes me think that the previous Coalition Government must have spent a lot more than \$20 million—it must have spent \$30 million or \$40 million a year! However, when I look through the figures, I am horrified by the reality. I can only suppose that if hypocrisy were a crime, the three amigos would be in gaol. Their performance has been absolutely appalling, whereas the Government has a plan and is getting on with the job.

The Government proposes to build a rail link and provide public transport connections for bus-only freeways. In addition, the Government is undertaking continual upgrading of roads. The questions I ask are these: Given that the Opposition intends to continue with a campaign of asking for everything to be done yesterday, can members of the Opposition name the area in country New South Wales, Newcastle, Wollongong or other parts of Sydney where roadworks should be discontinued? Can they name the community from which roadworks funding should be diverted and redirected to

Windsor Road? Can they name a community that has had more than \$200 million in public funding committed to it for one road? I do not want to hear any more nonsense about everything having to be done by next Monday and the three north-western Sydney members of this Parliament wanting \$200 million dollars.

Even the Federal parliamentary representative has said that perhaps the Federal Government should be making funds available. The Opposition should either say in this Parliament that they will contact John Howard, tug his arm and try to get some money from him, or nominate the areas that should suffer reduced roadworks to supplement the Windsor Road upgrade. If those honourable members spent less time at Bowral and more time on Windsor Road, they would probably have a better idea of what is going on and some idea of the great commitment that this Government has to the maintenance of Windsor Road.

Mr ROZZOLI (Hawkesbury) [11.38 a.m.]: I expected a slightly better response from the Minister in addressing this serious problem, but the fact that he is ready to walk out of this Chamber as soon as he finishes speaking demonstrates just how much he cares about this matter. I suggest that he sit down and listen to the debate to gain some understanding of the issue.

Mr Scully: I have delegations to meet. Communities want money and I have to meet them.

Mr ROZZOLI: The Minister should sit in this Chamber and try to take on board a few facts about the situation in relation to Windsor Road.

<11>

That is typical of the nonsense and arrogance shown by the Minister for Roads in his attitude towards the problem that the Government has created in parts of Sydney such as the north-west sector. The Minister can say that the Liberal and National parties were in government for seven years and did not spend very much on the road during that time, but one has to look at the historical development of the housing program in the area to understand why the critical time to do something is now.

The development of the north-west sector was a laid back initiative. It was very clear from the first draft study done when Mr Sheahan was Minister for Planning and Environment that every element of housing development in the north-west sector would be expensive. Now there are houses in the north-west. The enormous traffic congestion that occurs there every day of the week are regularly reported on the radio and something needs to be done to relieve it. Something needs to be done to prevent fatalities and injuries from accidents on that road. The Government has outlined a plan to spend \$200 million over 10 years. That is good but the three councils—Baulkham Hills, Blacktown and Hawkesbury—made a submission in relation to roadworks that needed to be carried out within the next two years to relieve the traffic jams, to save lives and to increase the safety at intersections and stretches of road. I do not like to trade one person's life against that of another. However, recently there was a very tragic railway accident at Glenbrook in which seven people lost their lives. In recent months more than seven lives have been lost on Windsor Road. In the same way as something needs to be done to prevent another Glenbrook accident something needs to be done to prevent the continuing fatalities on Windsor Road. It will not require \$200 million to do that.

I applaud the funding for the McGrath Hills bypass, and the fact that the process is in hand, for which I am grateful to the Government. If the submission of the three councils is looked at, it seems that an amount of \$35 million to \$40 million will be required to address the immediate and essential problems of safety and traffic flow on that road. I am not asking for the problem to be addressed yesterday—no-one has suggested that. The way the Minister addressed these problems was misleading. The Opposition has shown a responsible attitude to its timeframe and funding. It places people's lives and welfare very much in the forefront. It wants funding, particularly for those items mentioned in the submission of the three councils, to be promised now and the design work to be done so that within two years the traffic will flow more smoothly and the public will be safer.

Mr ANDERSON (Londonderry) [11.43 a.m.]: I am pleased to have the opportunity to speak to this motion. I endorse both the actions of the Carr Government since 1995 and what the Minister for Roads has said. The Minister cited money that has been expended on Windsor Road by the Carr Labor Government. Certainly very little was spent for the seven years from 1987 to 1995 that the Coalition was in government. Its record is shameful. I cannot accept what my colleague, the

honourable member for Hawkesbury, in relation to working together with the three councils. As the Mayor of Blacktown from 1991 to 1995 I wrote to Bruce Baird on at least 11 occasions. My record of correspondence shows that I requested him to become a participant in the delivery of services in north-western Sydney. Not once did Mr Baird ask us to get together and talk about the matter. His response on every occasion was, "We will take this matter into consideration as we approach the development stages."

When the north-west sector was identified and started to come online we again requested the government of the day to join us in developing Windsor Road. As the honourable member for Hawkesbury rightly pointed out, we identified Windsor Road and Old Windsor Road as critical traffic arteries for that part of Western Sydney. The Coalition government did not express the same sort of priority or concern for the people of the region because it made no commitment. That was evident in the funding figures allocated for the previous 10 years which were produced by the Minister. I will repeat some of the figures because the record is shameful.

In 1991-92 \$ 819,000 was spent on Windsor Road; in 1992-93 \$205,000 was spent and 1993-94 \$309,000 was spent. In 1994-95 nothing was spent on Windsor Road. The Coalition has the cheek to claim that the Government should do something hastily. The Government is doing something. Since the Government has taken over there has been a jump in the amount of money expended. For example, in 1995-96 \$7.8 million was spent; in 1996-97, \$ 10.4 million; and in 1997-98 \$12.4 million. The Government's promise of \$60 million was not enough. It has increased the projected figure to \$200 million.

Mr Richardson: Promises! Promises!

Mr ANDERSON: They are not promises. The strategy is in writing and it has been offered to the community for comment and participation. I move:

That the motion be amended by leaving out paragraphs (2) and (3) with a view to inserting instead the following paragraphs:

- (2) congratulates the Government on this historic level of investment and notes the great improvements that this significant upgrade will bring.
- (3) notes the failure of the previous Government to invest in Windsor Road/Old Windsor Road corridor or, more broadly, in roads in Sydney's west.

Mr MERTON (Baulkham Hills) [11.49 a.m.]: The Minister would have us believe that this is a local issue concerning three members of Parliament and the local newspaper. That is simply fundamentally incorrect, and that is probably one of the reasons for the critique on Windsor Road. If the Minister called the *Daily Telegraph* a local newspaper I am certain the proprietors, the editor and journalists would be very concerned. In a recent issue Windsor Road is Sydney's longest Carr Park. The article goes on to say:

Windsor Road will become Sydney's most congested highway within a year, and an organisation of the status of the NRMA forecasts that.

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It also says:

The main arterial road linking Windsor Road, Parramatta and the M2 Motorway is expected to steal the dubious honour from the Great Western Highway at Springwood and Parramatta Road, Homebush. In some sections, including at the new growth suburb of Rouse Hill, it remains a single carriageway.

This is a problem that concerns not only the local people but most people who travel from eastern New South Wales to western parts of the State. There are two ways of going to the west. One can go via the Blue Mountains and see the Three Sisters on the way, or a travel the Bell's Line of Road and be subjected to the torturous Windsor Road. I do not know where the people in the public gallery come from, but I would venture to say that most of them would have been bumper to bumper on Windsor Road. It is no good the Minister saying that the previous Government caused all the problems. In fact, in a radio interview Minister Scully responded to the appalling traffic congestion on Windsor Road by pointing the finger elsewhere. He said:

I think the biggest problem is that planners and councils allowed all of that region of Sydney to be developed without properly taking into account the impact of that development on traffic congestion. And we get left footing the bill and dealing with the problem.

Excuse me, Minister! Who signed off on the north-west sector development? It was Premier Bob Carr, when he was Minister for Planning, who gave us a city the size of Canberra, with 80,000 home sites and 250,000 people, who must be serviced by this road. The Government speaks about its commitment to the north-west of Sydney, but it was Labor that fought tooth and nail against the M2. It would not be there if Labor had been in government at that time. When it came to the opening of the roadway members of the Labor Party did not even turn up; Labor boycotted the opening, getting a swimmer to open it. That was the measure of the Carr Government's commitment to north-west Sydney. This is a serious matter. Unfortunately, the Government does not understand that. After 10 years in office and spending \$200 million on the problem — most of which is to be spent after 2004 — we will end up with less than one-third of the road between Parramatta and Windsor being dual carriageway. That will be totally inadequate.

Mr Anderson: What did we get from the Coalition? Nothing!

Mr MERTON: Labor is in government, and it has been there for five years. It is no good reflecting on the past. You should look to the future. I prefer to deal with the present and plan for the future. There is an existing problem and the Carr Government years in office. I do not know what the honourable member's constituents must think of him. Every time they are in bumper-to-bumper traffic they will say, "That Jimmy Anderson is blaming the previous Government!" They do not give a damn about who formed the previous Government. They are concerned about what is happening now. They are being offered drip feeding by this Government.

If the Government were to carry out now the roadwork that it is promising, even that would be inadequate for present traffic conditions. In 10 years time it will be completely inadequate. This is a serious problem. It goes far beyond the three amigos, the three crusaders in form of the local members; it is a problem that concerns not only the people of the north-west of Sydney but most people who have the misfortune to use Windsor Road. Yes, Minister, what you have done is a start. I will not deny that. But it is not enough, and the works are not being carried out quickly enough. We have a problem that will not go away. We cannot compare conditions in 1991, 1992 and 1995 with those existing today. Honourable members who do not believe me should take a trip up the Windsor Road. They will find it to be probably Australia's largest carpark. We have to do something now. Yes, the Government has started the ball rolling, but we need more. At the end of 10 years a lot more than one-third of that road will need to be double carriageway.

Mr RICHARDSON (The Hills) [11.54 p.m.], in reply: I thank honourable members for their contributions to this debate. In particular, I thank the honourable member for Hawkesbury and the honourable member for Baulkham Hills. Both made very important and cogent points in the debate. The honourable member for Baulkham Hills said, in an impassioned way, that the people living in the north-west of Sydney do not care who is to blame for the mess; they wanted it fixed. The Government has been in power for five years now. It may have a 10-year plan to fix the problem, but by then Windsor Road will be at a complete standstill 24 hours a day. The NRMA described this road as being the third most congested in Sydney, estimating that within the year it will be the most congested.

Indeed, on the basis of the extent of growth in the north-west sector, I think that is entirely likely. The current weak-day average traffic volume on Windsor Road is 30,000. There are 5,000 people moving into the Baulkham Hills part of the north-west sector every year, another 3,000 in Blacktown and Hawkesbury, making the subtotal 8,000, and I estimate that another 2,550 cars per year would be using Windsor Road because it is the only way in and out of the area. So within six years—that is, four years short of the Government's program—the number of cars on Windsor Road, now the third most congested road in Sydney but next year to be the most congested, will have doubled. I do not understand how the Minister for Roads has the temerity to stand in this place and claim that what his Government is doing is adequate. In the context of those figures, I do not know how the honourable member for Londonderry can trumpet about what the Government is doing.

Already between 6.00 a.m. and 7.00 a.m. Windsor Road is carrying 1,440 cars per hour in a single lane. The Great Western Highway, which has three lanes, is carrying 1,280 cars, or 427 per

lane, and it is allegedly the most congested road in Sydney. People using the Great Western Highway — many of your constituents from the electorate of Mulgoa, Madam Acting-Speaker, would be doing that—should come and see what is happening on Windsor Road. It is an absolute disgrace. The Minister suggested that the Coalition encouraged people to move out to that area. We know that it is always someone else's fault! When the trains do not run on time, when there are complaints of carriages being filthy, congested and so on, it is CityRail's fault, not the Minister's fault. He does not actually run the department; he is not responsible to this Parliament and to the people of New South Wales for the operation of CityRail. In the same way, clearly he is not responsible for the operation of the Roads and Traffic Authority.

The Minister asks where the Government is to get the money from. It is not the responsibility of the Opposition to tell the Government or the Minister that. We are trying to tell him and his Government how desperate the need is in our area to have Windsor Road upgraded—and not within 10 years! The reality of the situation was recognised by the Labor Party in 1995. Barry Calvert, the candidate who opposed the honourable member for Hawkesbury, promised that a Carr Labor Government would widen Windsor Road to four lanes between Windsor and Kellyville within the first term of a Labor government. That statement was contained in a press release issued by that candidate. Instead, what do we have? We have a 10-year program, most of its content at the back end of that 10-year period, but in the meantime we have an additional 5,000 cars a year going onto Windsor Road. What the Government is doing is nowhere near enough.

I would like to point out to the House also that a large proportion of the funds being spent on Windsor Road and to be spent on the roadway in the future will come from development contributions. Some \$15 million has been collected by the Roads and Traffic Authority from 1994 to December 1999, and we can expect a greater proportion of the money being spent on the road to come from those development contributions because of the higher rate of growth in the north-west sector. We on this side of the Chamber stand strongly behind the motion that I have put before the House. It is absolutely imperative that Windsor Road be upgraded now, not within 10 years. One cannot consign the tens of thousands of people going to the north-west sector to sitting in traffic jams, spending half their lives in queues of traffic and traffic jams trying to get to work.

<13>

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Mr McBride
Mr Amery	Mr McManus
Ms Andrews	Mr Markham
Mr Aquilina	Mr Martin
Mr Ashton	Ms Meagher
Mr Bartlett	Ms Megarrity
Ms Beamer	Mr Mills
Mr Black	Mr Moss
Mr Brown	Mr Nagle
Miss Burton	Ms Nori
Mr Campbell	Mr Orkopoulos
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Greene	Mr Scully
Mrs Grusovin	Mr W. D. Smith
Ms Harrison	Mr Stewart
Mr Hickey	Mr Tripodi
Mr Hunter	Mr Watkins
Mr Hunter	Mr Whelan
Mr Iemma	Mr Woods
Mr Knight	<i>Tellers,</i>

Mrs Lo Po'
Mr Lynch

Mr Anderson
Mr Thompson

Noes, 34

Mr Barr
Mr Brogden
Mrs Chikarovski
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Ms Hodgkinson
Mr Humpherson
Dr Kernohan
Mr Kerr
Mr Maguire
Mr McGrane
Mr Merton
Ms Moore
Mr O'Doherty
Mr Oakeshott
Mr D. L. Page

Mr Piccoli
Mr Richardson
Mr Rozzoli
Ms Seaton
Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr J. H. Turner
Mr R. W. Turner
Mr Webb
Mr Windsor

Tellers,
Mr Fraser
Mr R. H. L. Smith

Pairs

Mr Collier
Mr Knowles
Ms Saliba

Mr Collins
Mr Hazzard
Mr O'Farrell

Question resolved in the affirmative.

Amendment agreed to.

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Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 47

Ms Allan
Mr Amery
Ms Andrews
Mr Aquilina
Mr Ashton
Mr Bartlett

Mr McManus
Mr Markham
Mr Martin
Ms Meagher
Ms Megarrity
Mr Mills

Ms Beamer	Mr Moss
Mr Black	Mr Nagle
Mr Brown	Mr Newell
Miss Burton	Ms Nori
Mr Campbell	Mr Orkopoulos
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Greene	Mr Scully
Mrs Grusovin	Mr W. D. Smith
Ms Harrison	Mr Stewart
Mr Hickey	Mr Tripodi
Mr Hunter	Mr Watkins
Mr Iemma	Mr Whelan
Mr Knight	Mr Woods
Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Anderson
Mr McBride	Mr Thompson

Noes, 34

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

Pairs

Mr Collier
Mr Knowles
Ms Saliba

Mr Collins
Mr Hazzard
Mr O'Farrell

Question resolved in the affirmative.

Motion agreed to.

WATER REFORM

Mr D. L. PAGE (Ballina) [12.11 p.m.]: I move:

That due to the significant impact on regional communities of the State Government's White Paper on water reforms, the promised draft legislation lie on the table for a period of not less than 12 months to allow for full and open public consultation.

I thank the House for affording my motion priority yesterday. It indicates that this issue of the white paper, what flows from it and the issue of water reform in New South Wales generally is regarded as significant. The fact that the House recognised that the motion I introduced only yesterday should be debated today speaks volumes about the recognition of the problem and the seriousness of the issue. This white paper on water reform represents the most significant change to the laws governing water management in New South Wales going back to the beginning of this century. The white paper and the legislation that will flow from it arguably will be the most significant pieces of legislation this Parliament will deal with in this parliamentary term. Certainly that is the case from a resource management point of view.

The white paper covers everything from water licences and approvals, riparian rights, the tradeability of water, the separation of land title from water entitlements, everything to do with surface water, including environmental flows, underground water, local government access to water, drainage law, river and foreshore management, water management plans and water committees. It is all in there. It is significant legislation, and a number of Acts will be repealed by it, including the Drainage Act, the Irrigation Act, the Private Irrigation Districts Act and the River and Foreshores Improvement Act. The legislation is very wide-ranging and will have a significant impact on the community. The Opposition is concerned that communities know what is in the legislation and that they have an opportunity to make a significant input through a proper consultation process to ensure there is a chance that the Government can take the community with it on this important reform.

The submissions on the white paper closed last Friday, and a number of people and interest groups that I spoke to in the past couple of months in regional New South Wales were unaware of the contents of the white paper. Some of them put in submissions requesting an extension of time, and the Government provided a two-week extension. Members of the Government also requested an extension of time. The Hon. A. B. Kelly in another place thought more time was needed to discuss what was in the white paper. The Opposition is trying to make sure we do not have the Claytons public consultation process that we had in relation to the white paper. I would like the Minister to give some indication where we are going from here.

The white paper is a broad conceptual document. Many things flow from it on the implementation strategies, and the legislation that will come from it will inevitably be complex. I would like, and I am sure the key stakeholders in the debate would like, to have the capacity for further input in the process now that submissions have been received by the Department of Land and Water Conservation and prior to the bill being drafted. An opportunity should be provided for a key reference group of stakeholders such as, but not necessarily limited to, New South Wales Farmers, the Irrigators Council, environmental groups, and local government to provide input to the Government before it takes forward the contents of the white paper into a draft bill, which would go via a Cabinet minute to Cabinet.

It is important we do not have a repeat of the debacle that occurred in relation to native vegetation. Some honourable members will remember the Government set up the native vegetation forum which had key stakeholders on it, and those stakeholders believed they had the basis for new legislation. In the period between the forum coming to its conclusion and the legislation being introduced, significant changes were made to the Act, the main one being that it was brought in under the umbrella of the Environmental Planning and Assessment Act. That was never intended by the vegetation forum. We do not want a repeat of the debacle that occurred through lack of consultation on native vegetation.

We also need to ask the Minister to provide some clear indication of what he proposes as far as public consultation is concerned. We are trying to ensure that people in regional New South Wales—and I am not talking only about the farming community but urban communities as well, who will be significantly impacted by the legislation—have a genuine capacity to have input into the final product. I would like to see some clear indication of the nature of the process that will occur from here on in. Is it going to be, for example, a formal process? Is there going to be a series of workshops, for example, on the legislation? Will people who have an interest in the bill be able to lodge further public submissions? They have already made submissions on the white paper; surely a minimum requirement must be the capacity for interest groups to have a formal public consultation and submission process in relation to the legislation.

We are talking about the biggest single area of resource management that is likely to confront Parliament for many years. The intent of this motion is to try to guarantee that the community and all those affected by this wide-ranging legislation will have an input. That is really central to the issue. If the Government can give some assurance in relation to that, I will be most grateful.

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This legislation contains critical issues that need to be addressed, but time does not permit me to detail them. The first and probably most fundamental issue is the question of property rights for water and how that impacts on tradability. The white paper does not provide a serious property right; indeed, it does not provide a property right at all. It simply provides a 10-year approval with a five-year licence which is renewable and which, in fact, can be amended by the Minister at any time without any compensation being paid.

If there is no compensation attached to whatever right is given, then one does not have a right. It is not a property right if the Minister can remove it with the stroke of a pen and no compensation is payable. We are talking about legal rights—rights issued by government for which people have paid money. Importantly, if the Government bases the assumption of improved water conservation on the principle that there is tradability—that it will trade water up to the highest and best use, and obviously that is fundamental to the debate—it must have something secure with which to trade. The Government cannot expect people to trade a licence which can be changed by the Minister on a whim. It is essential that we come to grips with that. I remind the Minister and honourable members that tradability was a central issue in the Council of Australian Governments [COAG] paper on water reform. Paragraph 3.7 on page 11 of the report of the working group on water resource policy and COAG stated:

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

The report also refers to other matters relating to property rights. However, the bottom line is that the white paper does not refer to the provision of a property right, although that is central to security of water. Water users do not want the money as such; they want water security, and part of that water security must be the capacity to receive compensation if someone removes that security. The Department of Land and Water Conservation needs to be more open in its thinking about options that would generate more water in the system. If there is no compensatable property right it will be too easy for bureaucrats to take the soft option and say, "We will take the water away from productive uses". However, if they know that they must pay for that property right they will look at other options in the system. Savings can be made through infrastructure, and funding is provided to deal with evaporation problems in places such as the Menindee lakes. Options are available. However, if no discipline is imposed on the department through a compensatable property right, I do not believe the Government will achieve its water conservation outcomes.

Mr AMERY (Mount Druitt-Minister for Agriculture, and Minister for Land and Water Conservation) [12.22 p.m.]: First I shall respond to the comments of the honourable member for Ballina. This motion calls for the draft legislation to lay on the table of the House for not less than 12 months to allow for full and open public consultation. Basically, the Government opposes the motion because of its prescriptive nature. It would set in train an unnecessary period of consultation, in addition to the period of consultation on the white paper. I point out that probably not all interested groups involved in the water debate would support the motion.

If the honourable member has moved this motion because interested groups want a proper period of consultation, I hope that what I relay to the House today will satisfy his concerns about what the Government will do following the closing date for public submissions on the white paper. The motion implies that there has been a lack of consultation. On Radio 2UE about a week ago, when the shadow Minister was asked whether there had been consultation, I think his answer was not much. That would support the Opposition's proposition that somehow the Government has not undertaken a proper consultation process on the white paper.

I am amazed that the theme of the motion is the provision of a time frame. This debate is not about water rights, although the honourable member used arguments and points relating to water rights to substantiate his reason that the motion should be carried. I will not highlight those issues because I want to consider the issues raised in the public submissions on the white paper. This motion is about time frames; it is certainly not about the content of the white paper or the legislation. Indeed, the Opposition is late in suggesting that the period of consultation on the white paper should be extended. I note the presence of Country Labor members in the Chamber. Country Labor has already beaten the Opposition in terms of extending the closing date for public submissions.

The white paper was released in December last year for a three-month public consultation process. To let people know about the white paper, my department arranged for a two-column, 18-centimetre display advertisement to be inserted in numerous metropolitan and regional newspapers, including the *Sydney Morning Herald*, the *Daily Telegraph*, the *Weekend Australian*, the *Land*, the *Koori Mail* and more than 100 regional and suburban newspapers, as well as a number of industry magazines. More than 7,000 copies of the white paper were mailed out to people. A call centre was established to respond to people wanting more copies of the white paper.

Both my department and I have issued several media releases on the document which have had welcome runs on radio and television, and in the printed press. The final date for submissions on the white paper was 17 March 2000. During that period the Department of Land and Water Conservation conducted close to 70 public meetings around the State to ensure that as many people as possible were informed about the white paper's existence and the proposals contained in it. I take on board the comment of the honourable member for Ballina that there will always be someone who did not get a copy of the white paper or was unaware of its existence. However, following on from this publicity and awareness, I was informed particularly by Country Labor members and several Independent crossbenchers there were still some problems with distribution of the white paper.

On 9, 10 and 11 February I was touring south-west New South Wales. During this time the honourable member for Murray-Darling, who was with me, pointed out that many people in the Western Division—this highlights the difficulties of communicating with people in the Western Division—had still not seen a copy of the white paper and, therefore, would need more time to submit their comments. As a direct result of those representations, I spoke to the Director-General of the Department of Land and Water Conservation and arranged for the closing date for submissions to be extended by two weeks to 31 March, and the honourable member for Ballina acknowledged that. A month later—and the honourable member referred to this—Country Labor members were on the bandwagon again, pushing me further on the consultation process.

Mr D. L. Page: Get off the politics and get on with the content.

Mr AMERY: Country Labor members are tough; they keep driving me all the time. On 14 March the parliamentary President of Country Labor, Tony Kelly, issued a press release stating that further consultation would be necessary after submissions had been received. When the press release was issued we made inquiries through the Cabinet Office to ensure that any extension of the process relating to the Water Act and water rights did not breach the COAG agreement to meet certain time frames, because an auditing process was involved. The Cabinet Office said that the whole process had received a tick from Canberra, and the Government agreed to extend the period of public consultation with the release of the draft exposure bill, which will lay on the table of the House. As a direct result of representations, the Government extended the period of consultation on the white paper to 31 March. I seek leave to table the press release issued by Mr Kelly for the information of honourable members.

Leave granted.

In the interests of having a full and open process, I agreed to the Country Labor proposal, and I issued a media release confirming the proposal. I assure honourable members that the Department of Land and Water Conservation—I hope this satisfies the concerns of members opposite—will conduct further consultation meetings across the State to ensure that people are properly informed about progress and the contents of the new bill, and to gather more feedback on it. It is inappropriate for the Opposition now to move a motion that would extend the timetable into next year.

I have already given my word that the draft exposure bill will be open to public comments and tabled in the House in this parliamentary session. Then it will remain a public document for public consultation and for information, and it will be debated in the House during the next session, during the October and November sittings. As I said, to delay the process further could jeopardise our agreement with the Council of Australian Governments, which dictates certain time frames for different stages of our water reform process.

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An audit by COAG will be conducted in June this year and will determine our next instalment of tranche payments. So there is national pressure on the Government to meet these guidelines.

The three-months consultation period completed so far has already resulted in a number of constructive comments from various individuals and interest groups on the contents of the white paper. I acknowledge and am pleased that members of this House, including the honourable member for Ballina, lodged submissions on the white paper. I am pleased also that the public consultation process has resulted in almost 600 submissions. That seems to answer any suggestion that there has not been proper consultation. This approach to the new water legislation is not new; it has been discussed with peak interest groups over a number of years.

In April 1998, for example, I launched a discussion paper entitled "Water Sharing—Access and Use". The paper was out for public consultation for six months. We received 200 submissions from individuals and groups around the State in response to that discussion paper. Later in the year we put all of those submissions together and produced another document which summarised them, and asked for more feedback. Since then even more discussions have taken place with all the various water user groups around New South Wales. As honourable members will see, the entire process has already taken some time and the public involvement has already been extensive. I am very comfortable with the process so far, and I am pleased that people in country New South Wales are taking the time to think about this important issue and are giving us the opportunity to read their valuable comments.

I know that the Government has been criticised about some of the contents in the white paper. We are not wedded to every line in that white paper. It is a genuine public discussion document. Some issues that have been raised in rural New South Wales are valid, and I am sure that many of the issues in the Government-preferred options in the white paper will not see it through to the legislation that will be debated in this House. Of course, we will happily redefine some of the clumsy wording in the white paper. I believe we will be able to resolve those matters during the consultation process that we are about to embark on.

I can inform the House today that as of Monday next week my staff will be sitting down with some of those peak interest groups and going through the issues they raised in their recent submissions to the white paper, including those of the Opposition. That may involve several weeks of discussions, but I am determined to accommodate those groups whenever possible. I will be happy to keep the Opposition—and indeed all members of Parliament who are interested in the process—updated on those discussions. The water management legislation is an important issue and, as the honourable member for Ballina says, cannot be taken lightly. I intend to involve the community in this process. I agree with the honourable member for Ballina that it is probably one of the most significant pieces of legislation, particularly in the natural resource area, that we will discuss in this term of office.

Unfortunately time does not allow me to address all the matters I would like to address in response to the contribution of the honourable member for Ballina. However, we believe that the consultation process we have in place adequately addresses all the concerns we raised about it, and hopefully by the end of the year we will be able to introduce in this Parliament a water Act that all members of this House will agree with.

Mr PICCOLI (Murrumbidgee) [12.33 p.m.]: I judge what is going on in the community by the comments of people who come to my office and the correspondence I receive. During the period that the contents of the white paper have been under discussion, one of the major matters that people have come to see me about, written to me about and put in their submissions to my office is the short time frame in which to make submissions. I wish the Coalition could have moved this motion a month ago. However, thanks to the actions of the Government, the Parliament has been in recess for four months, which is far too long.

With an issue as significant as this in country New South Wales, particularly in my electorate, I would have loved the opportunity to debate this motion a month ago. The motion could have sought an extension of time for submissions to be made. However, submissions closed last Friday. All interested parties have done a lot of work in a very short period to make their submissions. Obviously that time frame cannot be extended. The intent of the Opposition's motion is that the draft legislation should lay upon the table for not less than 12 months to allow a longer period of consultation and to allow the Government, lobby groups and the Opposition to reflect upon the draft legislation in a constructive way.

The Minister may have been a little confused, thinking that the motion sought an extension of the period of time for submissions. That is not the case. The issue of property rights as the central issue for a white paper is extremely complex and time consuming for any government seeking to introduce property rights. The current water Act has been in place for about 88 years. I am fairly confident that 89 years will not make much difference. However, it is critical legislation, and whatever legislation is introduced will be with us for a long time and will have wide-ranging ramifications. Therefore it is important that this legislation be introduced in a measured way involving proper procedures.

With regard to property rights, with a longer time frame I believe that we may be able to come to some sort of compromise solution that is satisfactory to the Government, the irrigation industries and the communities that rely upon them. With regard to the claim that this legislation must be introduced quickly for the sake of the Council of Australian Governments, my understanding of the COAG agreement is that the State Government requires that progress be made with respect to these types of reforms. I suggest that even having draft legislation prepared would be considered to be progress towards water reform. Ultimately the critical issue is consultation.

The rumble that we are hearing in rural New South Wales is because of a lack of consultation, not only about this white paper issue but also, as the honourable member for Ballina said, about native vegetation, health and the closure of hospitals. Tough decisions are being made without adequate consultation. The Opposition, by way of its motion, is simply seeking an extension of time for submissions so that as great an opportunity as possible can be made available to the irrigation industries and communities to make further submissions and to argue the case so that proper legislation will emanate from the white paper.

Mr MARTIN (Bathurst) [12.37 p.m.]: I support the comments of the Minister for Land and Water Conservation in this debate. I and other members on this side of the House are amazed that there seems to be a reluctance on the part of the Opposition to get on with the water reform process. I am not sure how they think that delaying the new Act for another 12 months or more will help the communities that they seek to represent. New South Wales has had to live with the same legislative framework for managing water since 1912. If honourable members were to study the history of this issue they would find that a Labor government was responsible for the Act. They would find that all the major water reforms in this State have been initiated by a Labor government.

It should therefore not be surprising that the current Labor Government has had the guts to recognise that water reform needs a new approach. According to the Federal Government, New South Wales has not moved quickly enough on this issue. Yet here we are debating the call from the New South Wales Opposition, which is in complete conflict with its Federal counterpart. In New South Wales we have gone at our own pace because we have recognised the need to move steadily and involve the community. If honourable members were to look closely at what the Minister has said, they would realise that there has been consultation on the white paper. Country Labor has held many meetings with peak bodies and organisations.

The general feeling I get from members is that they are relaxed enough about the time frame, particularly given the Minister's assurance today in relation to the draft legislation. They want it moved forward; but I do not believe that there is any rumbling in the bush that the time frame is inadequate. As the Minister has already indicated, the water reform process really began in 1995. A number of major policy initiatives were introduced that have now been implemented. I refer to the establishment for the first time of environmental objectives. Those objectives were adopted by the Government after extensive community consultation across the State—a contentious issue, but nonetheless an issue that had to be addressed.

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Specific environmental flow rules have been provided in all regulated rivers. The rules were recommended by community-based committees and are another first for this State. This is just another example of the way in which this Government consults and listens. There will also be provision of basic water harvesting rights to all land-holders as well as conversion of area-based licenses on unregulated rivers to a volume base so that land-holders will have a much clearer definition of their access rights. In addition, there will be a referral of bulk water pricing to the Independent Pricing and Regulatory Tribunal [IPART] so that pricing decisions are made in an open and transparent manner, with full community input.

The Minister for Land and Water Conservation released the Water Sharing discussion paper in April 1998, which provided greater certainty for water users by a comprehensive analysis of the options. All these policy initiatives were supported by a comprehensive program of consultation with the rural community. During the past five years, most of the issues discussed in the white paper have already been debated in the community in one way or another. The issue is not something that has suddenly been sprung on people. The white paper foreshadows a culmination of the debate in the introduction of new legislation which is long overdue. The Minister noted that in excess of 600 submissions were received and most of those suggested that people support the need for water reform.

At the Salinity Summit in Dubbo there was across-the-board agreement that the issue would be addressed in a bipartisan manner. I congratulate the Opposition on its approach to the Dubbo summit. I am not sure how the Opposition's plans for a delay are intended to provide better water rights for farmers and other water users or how that will provide better protection for rivers and wetlands. I wonder whether members of the Opposition really appreciate the declining health of this State's rivers. The remarks of the honourable member for Ballina would seem to indicate that the Opposition appreciates the need for concern, and I certainly hope that that is the case.

A few days ago the honourable member for Ballina said that the proposed bill will be the most important legislation considered by the Fifty-second Parliament. Although others might debate the merits of that observation, I believe that it is pretty close to the mark. An open and honest debate is essential in relation to this matter and that is what the Minister has indicated will occur. Today he gave several assurances that the process of the legislation will not be rushed and that everyone who needs to be consulted will be consulted. This Government is all about listening and delivering.

Ms HODGKINSON (Burrinjuck) [12.42 p.m.]: I have attended several public meetings to discuss the white paper on water, including three information sessions over the last couple of months in Goulburn, Tumut and Murrumbateman which were attended by officers of the Department of Land and Water Conservation. There are five major water storage dams in my electorate, so I take a very strong interest in this matter, and I have received many representations from constituents. I am pleased that the Minister issued a press release in relation to the white paper. I issued eight media releases in the last eight weeks because it is of the utmost importance that as many submissions as possible are considered.

I have made a submission which is a combination of constituents' representations, my opinion and the responses that I have received from people who have attended the meetings. The complexity of many proposals contained in the white paper documents and the document's sheer size mean that many water users have struggled to complete a submission before the closing date. I am very grateful to have received an assurance from the Minister that he will consider submissions that arrived late at my desk this week. The Burrinjuck constituents have some very grave concerns about the New South Wales Labor Government's approach to water management. The white paper lacks a

compensation package for water users if their water entitlements are changed or removed by the Government. Yesterday the shadow Minister for Land and Water Conservation stated in this House:

The Minister will not be liable to pay compensation if an approval is varied, suspended, cancelled or not renewed.

Irrigators' water is a valuable asset that in many cases is mortgaged as part of the assets of a farming enterprise. Therefore, any changes to water access will affect farm values. Many land-holders who purchased their land have paid a premium price for it on the basis of access to water. Compensation must be provided to cover the negative impact on land values of changes to water entitlements. Any legislation in relation to water resources should contain a structural adjustment package similar to the compensation that was made available to the timber industry based on a reduction in timber that would otherwise have been available for harvest. The word among irrigators is that the Government intends to take millions of dollars away from farmers by not providing compensation for the removal of their water entitlements.

As the shadow Minister stated yesterday during this debate, the separation of water entitlements from land title is also a matter of great concern. The white paper proposes to allow individuals or organisations to own water entitlements without actually owning the land. Understandably, water users are nervous about the prospect of big speculators entering the water market to buy up entitlements for nothing more than their own economic gain and, in the process, driving up prices. In relation to riparian rights the white paper proposes to give the Minister for Land and Water Conservation power to remove riparian rights altogether if the Minister declares the river to be "sensitive". As I have travelled around my electorate and beyond to speak at meetings and listen to questions, the one question that has been asked again and again is: What is "sensitive"? The term is vague and certainly requires a more precise definition than has been proposed so far. In an interview on radio station 2UE on 31 March, the shadow Minister stated:

What the Government is saying is that the Minister will have the right to say a river is sensitive which will mean that he can remove whatever riparian rights are left at the end of the day. This Government is actually planning to remove riparian rights and convert those into what they call harvestable rights which is your 10 per cent dam. So they are basically looking to stop people from pumping out the creeks and catching the water on their land.

That prospect makes people feel very nervous indeed. The issue of riparian rights also needs clarification. Page 31 of the white paper contains the following statement:

The stock component of the entitlement will include provision for commercial stock but it will be limited by the land area requirements and must be pumped.

The white paper redefines riparian rights as a domestic or stock right with a proposal for a fixed megalitre entitlement based on location of a household, domestic consumption and garden use. I have received representations, some of which have been very vigorously verbally expressed, from local government officials who believe that a fixed megalitre entitlement will limit the growth of some towns. I draw the attention of the House to part of an article in the *Goulburn Post* dated 3 April 2000 in which the position of the Goulburn City Council is summarised:

Under privilege to water entitlement legislation, new industries which require a similar allocation to that of the abattoirs may be affected. Goulburn City Council contend that the formula for working out these entitlements is not based on potential growth.

The proposed conversion and allowance for growth could seriously impact on Goulburn City Council's growth strategy. As the shadow Minister indicated, the proposals in the white paper represent the biggest change to water management since the introduction of the original Act in 1912. As I mentioned earlier, a great deal of mistrust has been created by the white paper among country water users who regard its proposals not only as unworkable but also as a means of forcing rules and regulations upon their livelihood. I believe that major amendments not limited to but certainly including those I have mentioned during my speech must be made to the white paper on water.

Mr HICKEY (Cessnock) [12.47 p.m.]: I wonder what issues the Opposition is really worried about. I find it hard to believe that the time frame of the legislation is the most pressing issue for the Opposition. Together with my colleagues, I am amazed that the Opposition has chosen to raise this

issue over and above any other. I can only assume that members of the Opposition have not understood the white paper and are therefore unable to comment on it with any confidence or authority, despite the fact that indeed they have made various incorrect claims in the media and in their responses to the white paper.

The National Party's submission alleges that there is no integration of water management with broader natural resource management. Obviously the Opposition has not read the white paper properly because even a brief skimming of the paper will show clear references throughout the document that place water decisions in the broader environmental context. For example, water management plans will link with other natural resource management plans and strategies. Moreover, the integrated approvals approach will complement the integrated development approval system that is already included in planning legislation.

Members of the National Party also claim that property rights are inconsistent with the Council of Australian Governments [COAG] framework. They are wrong. The COAG agreement, which was signed in 1994 by Nick Greiner, refers to a reliable water entitlement but also stresses the need to provide a better balance in resource use so that the health of river systems that is enhanced.

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It also foreshadows that natural resource managers should satisfy themselves that the environmental requirements of the river system are adequately met before water resources are harvested. The National Party also alleges that there is no community decision-making power in the White Paper, and that all the power resides with the Minister.

Of course, the buck will stop with the Minister of the day, but under the proposal the Minister will actually have less power than he has at the moment. No longer will he be able to allocate, withdraw or vary the conditions of a licence with the stroke of a pen. In future he will have to work through local water management committees and in accordance with local water management plans. I will also point to a few of other misconceptions that the National Party has raised in the media in recent weeks. The proposed legislation will not erode the rights of users but will strengthen them. Currently most water users have a five-year licence which can be withdrawn or altered by the Minister at any time.

The Minister has already indicated that his staff will talk to peak interest groups during the next few weeks to work through the issue of a time frame for those licences in the future. The Minister and the Country Labor team will meet with them. That discussion will be constructive and productive. The Opposition also claims that there is a proposal to dictate the number of commercial stocks numbers relative to trade and area. Again that is not true. The proposal is only to limit the water allowances for stock being watered from riparian pumps. In reality rainfall dictates the level of water available for stock watering. We live in a dry country with highly variable rainfall. We do not have an unlimited amount of water available from rivers and ground water.

The Opposition also claims that people have to fence off creeks—another myth! The white paper does not even mention fencing. It is also claimed that people will be able to freely trade between valleys—again that is not true. Trading rules will include certain restrictions and will be tailored to local water management plans to suit local needs. The claims that we propose to stop people pumping from rivers and catching rainwater are outrageously wrong. The Government has already legislated on the harvestable rights of land-holders, known as the farm dams issue, and the Opposition knows that. *[Time expired.]*

[Debate interrupted.]

BUSINESS OF THE HOUSE

Water Reform: Suspension of Standing and Sessional Orders

Motion, by leave, by Mr Windsor agreed to:

That so much of the standing and sessional orders be suspended so as to permit a further three members to speak to the motion.

WATER REFORM

[*Debate resumed.*]

Mr WINDSOR (Tamworth) [12.53 a.m.]: As other members have said today, this issue is probably the most critical that this Parliament will deal with during this term. It is important that as many speakers as possible can speak on this motion. I have listened carefully to what the honourable member for Ballina said. During the past few months I, with my Independent colleagues the honourable member for Northern Tablelands and the honourable member for Dubbo, have looked to the west of the range in New South Wales at the impact of the water reform white paper in the various valleys. It is clear to me that all the participants need a resolution of this issue.

The 1912 Act is not working today and should not work into the future. This legislation provides a rare opportunity for the Government, the department and the Parliament that has never been present before. The stakeholders or water users in this debate—irrigators, farmers, local government or those requiring environmental flows—have never before been so closely in agreement. There will not be an extension of the time, and any argument about that is almost irrelevant. As the honourable member for Ballina suggested, it is relevant to have openness. Some stakeholders are present in the gallery today. The stakeholders want to participate in the resolution of this issue. They do not want it to drag on: they want some certainty of the future.

I urge the Minister to address some of the key issues. If property rights—an issue which will not go away and requires money—and the extension of the licence from five to 15 years can be addressed there will be a great opportunity to come to grips with and agree on this legislation. It is important to get agreement. If the Government handles this matter as it handled the Native Vegetation Conservation Act—SEPP 46 as it originally was—there will be war in the country. A fine line is being drawn. Those present at the Salinity Summit in Dubbo could see quite clearly that inland New South Wales wants to come to grips with the major resource issues of salt, water and, later, vegetation. Resolution will very much depend on the way in which the Government conducts the debate.

I believe that the Minister is true to his word. If he is open and involves the stakeholders in the debate this Parliament can walk through this very delicate issue and come out with a result which everybody will take ownership of. In relation to the motion moved by the honourable member for Ballina, the four major stakeholders are irrigators, the Farmers Association, environmental groups and local government groups. Quite rightly the honourable member for Murrumbidgee said that the COAG arrangements can be pushed aside. One can indicate, if required, that progress is being made. I would suggest that if one of the major stakeholders feels that time is getting away on them, the Minister has some flexibility in regard to an extension of time. That may well mean extending the time to early next year. I do not think adding 12 months would really address the issue. It is up to the Government as to the way in which it handles this crucial issue. [*Time expired.*]

Pursuant to sessional orders business interrupted.

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REGULATION REVIEW COMMITTEE

Report: Dangerous Goods (General) Regulation 1999

Mr NAGLE (Auburn) [1.00 p.m.]: This report is the result of a briefing provided by WorkCover and other stakeholders on the Dangerous Goods (General) Regulation 1999 at the committee's meeting of 21 October 1999. The briefing was called for by the committee after concerns were raised by industry and interest groups with respect to certain of the provisions of the regulation. A major matter of concern was the prohibition on the use of hydrocarbon refrigerants in motor vehicle air-conditioning systems except for the limited purpose of flushing and cleaning those systems. It emerged that the Dangerous Goods (General) Regulation 1999 was intended by WorkCover to be an interim measure pending the full review of dangerous goods legislation after the draft National Standard for the Storage and Handling of Dangerous Goods is adopted by the National Occupational Health and Safety Commission. It is believed by some committee members that that body took a

number of shortcuts with the regulatory impact assessment process which were not authorised by the Subordinate Legislation Act.

The regulatory impact statement for the regulation did not contain any program of consultation; it merely contained the statement that consultation with the dangerous goods industry in the development of the regulation would take place during the public exhibition period for the regulation and regulatory impact statement. At the committee briefing there was general agreement from industry representatives, with one exception, that no direct consultation with them had taken place, although this was strongly denied. The committee accordingly recommends that the Minister put in place guidelines to ensure that the public, relevant interest groups and sectors of industry or commerce likely to be affected by a regulatory proposal are adequately consulted on it in accordance with the Subordinate Legislation Act. Only three general options were assessed in the regulatory impact statement and their respective costs and benefits were not qualified but merely described in the regulatory impact statement. There has been no attempt to assess specific alternatives to the substantive provisions of the regulation as required by section 5 (1) of the Act.

It has long been established that the Subordinate Legislation Act requires a full assessment of every regulation that is subject to staged repeal and that there is no provision in the Act for a minor revision. Accordingly, the committee recommends that when the present regulation is replaced by another regulation, in particular a regulation adopting the National Standard and Code of Practice for the storage and handling of dangerous goods, each of the substantive provisions for the new regulation and, where applicable, any incorporated standards and codes, be assessed in terms of their costs and benefits as compared with other relevant options, in the manner set out in section 5 and scheduled 2 of the Subordinate Legislation Act. The substantive provisions of the Dangerous Goods Regulation adopt the provisions of a number of Australian standards. WorkCover said in the briefing that New South Wales, being one of the last States to have reviewed its regulations, offers the calling up of the latest standards to have been released by Standards Australia, touching upon, basically, the storage and handling of dangerous goods. It emerged in the briefing that the manner in which these standards were adopted caused confusion in industry. The committee accordingly recommends that WorkCover amend the Dangerous Goods (General) Regulation 1999 to remove any obvious conflicts between requirements stated in the regulation and those set out in standards adopted in the regulation.

A major provision of the regulation is clause 242, which prohibits the use of liquefied flammable gas in the air-conditioning systems of a motor vehicle. The regulation exempts the use of such gas for the purpose of flushing out and cleaning the vehicle's air-conditioning system. The committee considers this is a substantive provision of the regulation in view of its safety, environmental and industrial consequences. The prohibition on the use of liquefied flammable gas in the air-conditioning systems of motor vehicles was inserted in the principal regulation on 3 November 1995. This change did not require a formal regulatory impact assessment to support its inclusion because it was an amendment. However, at that time the Joint Standing Committee on Road Safety [Staysafe] offered to accept a ministerial reference to investigate the safety issues involved. This was declined by the Minister.

The Staysafe committee reports that it has not received any representations or correspondence raising safety concerns about the use of liquefied flammable gases in motor vehicle air-conditioning systems. It also states that as far as the Staysafe committee can determine, there has been no expression of safety concerns about the use of liquefied flammable gases in motor vehicle air-conditioning systems in road safety forums, either in Australia or overseas. In a letter to the committee Staysafe says that the issue of the safe or unsafe use of liquefied flammable gases in motor vehicle air-conditioning systems cut across road safety, workplace safety and product safety, and suggests, therefore, that any further investigation should ensure that appropriate representatives from the roads, fair trading and WorkCover administrations are involved.

When the regulation was remade clause 242 should have been assessed in accordance with the requirements of the Subordinate Legislation Act. Those include an assessment of the costs and benefits of the provision, including the costs and benefits relating to resource allocation, administration and compliance. The assessment must also identify and assess the costs and benefits of each alternative option to determine which course involves the greatest net benefits or the least net cost to the community. This clause was the subject of several submissions on the regulatory impact

statement and draft regulation, and justification for it was challenged by various industry representatives at the briefing.

At the committee's briefing WorkCover confirmed that it had carried forward the prohibition because it was already in the regulation and, as an interim measure, that body did not want to make major changes to the regulation. That is understandable because of the potential danger to people that such a gas could pose. WorkCover's representative conceded that this approach was contrary to the requirements of the Subordinate Legislation Act. It is therefore the opinion of the Regulation Review Committee that clause 242 of the Dangerous Goods (General) Regulation 1999 prohibiting the use of liquefied flammable gas in the air-conditioning system of a motor vehicle has not been properly assessed by WorkCover in compliance with the requirements of the Subordinate Legislation Act.

The committee recommends to the Minister that he expedite an assessment, in accordance with the provisions of the Subordinate Legislation Act, of clause 242 of the Dangerous Goods (General) Regulation 1999, prohibiting the use of liquefied flammable gas in the air-conditioning system of a motor vehicle, in order to determine whether the regulation is justified. The committee recommends further that assessment should be carried out by persons competent in that field and involve consultation with appropriate representatives of consumers, the public, relevant interest groups and any sector of industry or commerce likely to be affected by the regulation. The assessment should be tabled in the Parliament by the Minister for Industrial Relations when it is finalised.

At the conclusion of its meeting the committee resolved to support the giving of notice of a motion for disallowance of clause 242 and the subsequent adjournment of that motion for a sufficient period solely for the purpose of allowing members of Parliament to consider the action that should be taken following the completion by WorkCover of its assessment of clause 242. I understand a motion for disallowance of clause 242 has been moved in another place.

On 27 October 1999 the Minister informed the committee that an internal review by WorkCover of the Granherne report would be completed by 17 November 1999 and that the assessment of clause 242 would be completed by Friday 18 February 2000. I understand that the report is to be tabled in Parliament this week. I understand the caution of the WorkCover people involved in the task relating to the gas provisions, because if it were sustained that the gas is highly flammable it would be a danger to people using motor vehicles, and that therefore people should act cautiously and accordingly. In saying that, I am very appreciative that WorkCover has been able to re-examine the issue. I await the tabling of that report.

I want to thank the Parliamentary Secretary, the honourable member for Wyong, for his observations and support in regard to this matter. I thank the honourable member for Southern Highlands, the Hon. I. Cohen and the Hon. J. F. Ryan for their contributions to these proceedings. I thank also the Attorney General, and Minister for Industrial Relations because once certain things were pointed out to WorkCover and the Minister, WorkCover was very quickly moved to try to comply with the Act and to bring down the report. That report may support the original view that the gas is dangerous. If so, at least people will be able to rely on that report in making assessments on whether clause 242 should remain in the regulation. I commend all parties that have been involved — industry, stakeholders, people from the environmental movement, WorkCover and the Attorney General, and Minister for Industrial Relations, as well as my own parliamentary committee, particularly the honourable member for Camden, who was very actively involved in this matter. I commend the report to the House.

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Dr KERNOHAN (Camden) [1.10 p.m.]: We have to remember that what we are talking about in this report is not just another regulation. This is the dangerous goods regulation governing the transport and handling of explosives. It is one of a small number of regulations which are of fundamental importance for public safety. It can equally have a major effect on the industries that deal with these goods. It was, therefore, essential for the committee to seek a briefing from all the stakeholders to ensure that the regulation was properly assessed. As the Chairman has indicated, WorkCover took a number of short cuts with the regulatory impact assessment process, which are not authorised by the Subordinate Legislation Act. It simply rolled over the old regulations as a temporary measure pending the making of a new national standard.

The Subordinate Legislation Act does not recognise temporary measures when it comes to assessing the impact of regulations, and nor should we when it comes to matters that are vital to industry and to public safety. The main concern that most of the stakeholders had with the regulation was the ban on the use of hydrocarbons as a refrigerant in motor vehicle airconditioning units. These can only be used as flushing agents but cannot be used in the same system as a refrigerant. The use of hydrocarbons as a motor vehicle airconditioning refrigerant is legal in the Australian Capital Territory, Victoria, South Australia and Western Australia. There have been no reported incidents of explosions occurring in Australia or overseas with the use of hydrocarbons as a refrigerant in motor vehicles.

In our briefing we found that an independent engineering company specialising in risk assessment in the oil and gas sectors had assessed the safety of the hydrocarbon blend ER12 and found that the risk was significantly lower than the risks faced by drivers and passengers in their everyday use of vehicles on the road. The report of that company's findings—the Granherne report—was still being assessed by WorkCover. I asked the representatives of WorkCover at our briefing whether they knew of any recorded cases of explosions involving hydrocarbon refrigerant in the States where its use is legal. They were unable to point to any such explosions or any occurring during the wrecking of cars that contained hydrocarbon refrigerant.

Dr Maclaine-Cross of the University of New South Wales said that his studies found that in most vehicles on Australian roads it was impossible to get a flammable concentration of hydrocarbon from airconditioning units and that this has now been confirmed by the independent Granherne report to which I referred earlier. At the conclusion of our briefing the Parliamentary Secretary, the honourable member for Wyong, informed the committee that he would ensure that WorkCover completed its review of the Granherne report by 17 November 1999. The fourth recommendation of our report states as follows:

The Committee recommends to the Minister that he expedite an assessment, in accordance with the provisions of the Subordinate Legislation Act, of clause 242 of the Dangerous Goods (General) Regulation 1999, prohibiting the use of liquefied flammable gas in the air-conditioning system of a motor vehicle, in order to determine whether the regulation is justified.

Further, that assessment should be carried out by persons competent in that field and involve consultation with appropriate representatives of consumers, the public, relevant interest groups, and any sector of industry or commerce likely to be affected by the regulation. The assessment should be tabled in the Parliament by the Minister for Industrial Relations when it is finalised.

The Committee supports the giving of a notice of motion for disallowance of clause 242 of the Dangerous Goods (General) Regulation 1999 (and the subsequent adjournment of that motion for a sufficient period) solely for the purpose of allowing Members of Parliament to consider the action that should be taken following the completion by WorkCover of its assessment of clause 242.

A motion for disallowance of clause 242 has been moved in another place, following on from this recommendation, in order to ensure that appropriate action is taken by the Government in the light of this evidence. It currently stands adjourned until Wednesday 24 November 1999.

However, the Minister . . . informed the Committee that while an internal review . . . will be completed by 17 November . . . our fourth recommendation would not be completed until Friday 18 February 2000.

We were told that that review would be tabled this week. We are still waiting to see that report, even though it was due five months ago. I point out that this assessment should have been carried out in the regulatory impact statement before the regulation was published in August last year. If it had not been for the committee raising the matter it would never have been done.

Report noted.

Report: Postponement of the Staged Repeal of the Public Health Regulation 1991

Mr NAGLE (Auburn) [1.14 p.m.]: This report sets out the committee's consideration of the third postponement of the staged repeal of the Public Health Regulation 1991, so far as it relates to part 6 of the regulation—microbial control. When the regulation was first considered by the committee in 1992 it reported to Parliament that part 6 of the regulation concerning the prevention of legionnaire's disease contained a number of defects, including the lack of co-ordination between the code of practice for regulation and the relevant Australian standard. In response, the then Government proposed the formation of an interdepartmental advisory group to address these concerns.

The regulation was due for staged repeal under the Subordinate Legislation Act 1997, but the repeal has now been postponed on three occasions. In view of the importance of this regulation, the committee called for a briefing on the third postponement by the relevant stakeholders on Thursday 11 November 1999. It emerged in the course of the briefing that, despite several reviews commissioned by the Department of Health and some consultation with industry, the position has largely remained unaltered since 1992. There is still a lack of co-ordination between the code of practice, the regulation and the relevant Australian standard. The main reason for that is that the department has coupled the review of the regulation with the review of the Act under the Competition Principles Agreement.

While there may be good administrative reasons for this approach the consequence of it is that part 6 of the regulation lags seriously behind changes to the current standard on microbial control that it professes to adopt. The committee has resolved to report to the Minister and the Parliament its view that he should expedite the assessment and review of the Public Health Regulation 1991, in particular part 6 of that regulation, concerning microbial control, in accordance with the provisions of the Subordinate Legislation Act, in order to ensure that new legislation will be in place by the due date for staged repeal, 1 September 2000. It would appear that there is some doubt as to the version of the standard AS/NZS3666 that applies under the regulation, and this matter requires urgent clarification.

One option that should be examined for expediting the matter is to consider publishing separate regulations for each of the major parts of the existing regulation, in particular part 6, if it appears that the review of the legislation will be further delayed. The lack of clear progress in the review of the regulations over several years urgently requires the drawing up of a management plan for the project and an appraisal of current staffing levels to support the review project. A copy of the management plan and staffing review should be made available in due course to the Regulation Review Committee. I have some concerns in regard to the progress of part 6 of that regulation. Because of the seriousness of legionnaire's disease and other diseases I call upon the Minister to expedite all amendments and assessments so that the new regulations can come into force. I commend the report to the House.

Report noted.

Report: Tow Truck Industry Regulation 1999

Mr NAGLE (Auburn) [1.18 p.m.]: This report sets out the committee's consideration of the Tow Truck Industry Regulation 1999. As a result of concerns expressed on several aspects of the regulation by industry and interest groups, the committee held a briefing on the regulation on 15 November 1999 at Parliament House. The main focus of concern related to the job allocation scheme [JAS], for tow truck operators under the regulation. The committee noted that the decision to introduce this scheme was a matter of government policy and the various provisions relating to the scheme were currently the subject of legislation before the Parliament. Accordingly, as required by section 9 of the Regulation Review Act 1987, the committee did not question the Government's policy of introducing a JAS, but considered whether the regulation adequately amended that policy, taking into account other feasible alternatives that were available.

The committee's recommendations covered the need to put in place a program to monitor the operation of the JAS, the need to carry out additional consultation with certain parties, and the need to address certain weaknesses in the regulatory impact process that may have occurred, but which are disputed. The principal recommendation was that the Minister and the Tow Truck Authority put in place a program to monitor the operations of the JAS over the six months from its commencement and an assessment of the scheme should then be conducted and tabled in Parliament when it is finalised. Other recommendations were as follows:

That the Minister and the Tow Truck Authority examine the feasibility of other options for setting boundaries for the purpose of the Job Allocation Scheme, apart from the use of electoral boundaries, prior to the introduction of the scheme.

That the Minister and the Tow Truck Authority provide the Committee with advice as to progress in June or July 2000 so that the Committee can re-examine the matter.

That the Minister and the Tow Truck Authority examine any departures from the Subordinate Legislation Act in the making of the regulation as set out in the report.

That the Minister and the Tow Truck Authority undertake additional consultation with the heavy vehicle users, that is, users of vehicles of 41/2 tonnes and upwards, the insurance industry, motor traders and repairers and relevant unions, and if possible, that it be carried out prior to the introduction of the Job Allocation Scheme.

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The regulation was recently amended by the Tow Truck Industry Amendment (Job Allocation Scheme) Regulation 2000, which provides for the Minister to determine the start time of the JAS by order published in the *Gazette*. The JAS was previously due to start operating from 10.30 a.m. on 6 March 2000. However, this amendment has put back the commencement of the JAS and, accordingly, the time at which the committee can review the matter. Therefore, I have written to the Minister seeking details as to progress on the committee's recommendations, particularly those concerning the consideration of other options for the boundaries of the JAS and for further consultation. I have also sought advice as to when it is anticipated that the scheme will commence.

I thank Mr Peter Anderson, the Chairman of the Tow Truck Authority, a former member of this House and a former Minister, for the excellent work his staff and he have put in to assist our committee. I thank all the stakeholders who participated in the briefing, particularly an old friend of mine, Mick Simpson, and also industry representatives. All should remember that it is not the committee's function to look at the principal Act or the policy of the Government but to look at the regulation and whether that regulation has complied with the Subordinate Legislation Act and in so doing whether the regulation in law can operate effectively in accordance with that legislation. I commend the report to the House.

Report noted.

[Mr Acting-Speaker (Mr Mills) left the chair at 1.21 p.m. The House resumed at 2.15 p.m.]

MINISTRY

Mr CARR: In the absence of the Minister for Health the Minister for Police will take questions on his behalf.

AUSTRALIAN LABOR PARTY LEADERSHIP ANNIVERSARY

Mr SPEAKER: I draw the attention of the House to the fact that today is the twelfth anniversary of the election to the leadership of the State Parliamentary Labor Party of the Premier and the Deputy Premier. I understand this is a record achievement.

2/18TH BATTALION ANZAC MARCH

Ministerial Statement

Mr WHELAN (Strathfield—Minister for Police) [2.16 p.m.]: Yesterday the honourable member for Ku-ring-gai gave notice of a motion relating to the 2/18th Battalion AIF Association. I am pleased to advise that following further discussion, the local area commander at Chatswood and the Ku-ring-gai local area command agreed to support the march at the proposed time of 10.00 a.m. and manage traffic accordingly. Local police were supportive of the event. The issue now is one of traffic management at that time. I take this opportunity to wish the men and women of the 2/18th Battalion AIF Association a successful march. It is a very brave battalion, many of whose members lost their lives—152, in fact, murdered by the Japanese in Sandakan. I hope they have a pleasant day.

Mr O'FARRELL (Ku-ring-gai-Deputy Leader of the Opposition) [2.17 p.m.]: I thank the Minister for Police. This is the first time in five years that I have had any sort of response to the giving of a notice of motion moved in this House. I thank the Minister for Police and Superintendent Alan Clarke for their co-operation.

DISTINGUISHED VISITOR

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of a very distinguished visitor. Her name Mrs Violet Donnelly, and she is 100 years of age. She is in the gallery with her family, and on behalf of the members of New South Wales Parliament I wish her all the very best.

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PETITIONS

Drug Reform

Petitions praying that the establishment of heroin shooting galleries be opposed and that consideration be given to the introduction of legislation for drug reform, received from **Ms Hodgkinson** and **Mr Stoner**.

North Head Quarantine Station

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

Adaminaby Police Staffing

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

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**.

Bellbrook Public School Downgrading

Petition praying that Bellbrook Public School will not be adversely affected by the proposed new teachers award, and that it will not be downgraded, annexed to another school or closed, received from **Mr Stoner**.

Disorderly Houses Act

Petition praying that the Disorderly Houses Act will be amended to confer on councils and shires the right to ban the establishment of brothels in towns of less than 20,000 people, received from **Ms Hodgkinson**.

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** and **Mr Rozzoli**.

Ku-ring-gai Municipality Transport Study

Petition praying that a comprehensive transport study will be undertaken to investigate and recommend short- and long-term solutions to problems caused by increased traffic movements in Kuring-gai municipality, received from **O'Farrell**.

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**.

State Environmental Planning Policy No. 5

Petition praying that a moratorium will be placed on State Environmental Planning Policy No. 5, received from **Mr O'Farrell**.

National Parks Entry Fees

Petition praying that the proposal to introduce a \$5 entry fee per car per day into national parks will be rejected, received from **Mr Stoner**.

Willoughby Paddocks Rezoning

Petition praying that the Legislative Assembly will advocate for the retention of all vacant land in the area historically known as the Willoughby Paddocks and its development as public parkland for the enjoyment of the community, received from **Mr Collins**.

Septic Tank Inspection Fees

Petitions praying that septic tank owners be exempted from inspection and registration fees, received from **Ms Hodgkinson** and **Mr Stoner**.

Compulsory Competitive Tendering

Petition praying that the introduction of compulsory competitive tendering for roadworks in regional and rural areas be opposed, received from **Ms Hodgkinson**.

Lake Macquarie Closure to Professional Fishing

Petition praying that the decision to close Lake Macquarie to professional fishing will be reversed, received from **Mr Orkopoulos**.

Recreational Fishing Licence Fee

Petition praying that a licence fee on recreational fishermen be not imposed, received from **Mr Stoner**.

REGULATION REVIEW COMMITTEE

Reports

Mr Nagle, as Chairman, tabled the following reports dated April 2000:

Report on the Meeting of the Working Group of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees—Parliament House, Darwin, 14 and 15 February 2000
Report on the Marine Parks Regulation 1999

Ordered to be printed.

JOINT COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report

Mr Hunter, as Chairman, tabled the report entitled "4th Meeting on the Annual Report of the Health Care Complaints Commission".

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

NEW CHILDREN'S HOSPITAL SURGERY WAITING LISTS

Mrs CHIKAROVSKI: My question is directed to the Premier. Can the Premier explain to the House why, despite all the promises he and his Ministers have made over the past five years, there are 1,896 children across the State waiting for vital surgery at the New Children's Hospital, including 37 children who have already been forced to wait more than 12 months for ear, nose and throat operations?

Mr CARR: I will refer the question to my colleague the Minister for Health.

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

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GRAFFITI

Mr STEWART: My question without notice is to the Premier. What is the next stage of the Government's plan to fight graffiti?

Mr CARR: Graffiti is a blight on our society. It leaves a lasting impression on visitors and residents and costs our community an estimated \$50 million every year.

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

Mr CARR: A study commissioned by the New South Wales Government in 1999 found that police recorded 6,870 incidents of graffiti. That is undoubtedly an underestimation. The study does, however, provide indicative trends of the extent and whereabouts of the problem. The figures show that the top 10 graffiti spots for New South Wales are Wollongong, Bankstown, Campbelltown, Penrith, Newcastle, Sutherland, Blacktown, Lake Macquarie, Gosford and Hornsby. Cleaning these areas and preventing graffiti is a tough problem. We will not be throwing in the towel, as the previous Government did. We will be expanding our efforts in the following ways.

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

Mr CARR: First, by 1 July the State Government will provide councils representing those areas with high-powered, environmentally friendly graffiti-blasting machines. This method of clean-up is based on the successful Chicago Graffiti Blasters program. As one of the previous pilot areas, we have already provided Newcastle with a graffiti blaster. The Blue Mountains will be provided with a blaster as the next hot spot. Second, a \$2.5 million, 72-hour rapid removal program for graffiti-plagued rail corridors will commence in the new financial year. The rail corridors to be targeted are Parramatta to the Blue Mountains, the Richmond line, the Illawarra line, and the Bankstown line. This approach is based on the established fact that rapid removal decreases the chance of reoffending at the same location.

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

Mr CARR: Offensive and abusive graffiti is to be removed within 24 hours of reporting. Yesterday afternoon one train was vandalised by graffiti on the Richmond line, reported before the morning peak hour, and is presently being cleaned at the Eveleigh railway workshops. This funding is in addition to the \$7 million spent each year on graffiti clean-ups by State Rail and the Rail Access Corporation.

Third, I have announced the Government's plans to make available to councils, on request, 66,000 hours of community service time from non-violent, non-serious offenders. To date, the response from councils has been slow. This is an opportunity for councils to enter into a partnership with the Government and do something to both clean up the graffiti and teach these young offenders respect. It is an opportunity that must not be lost. So that councils can easily join the scheme, 16 clean-up teams will be set up, 10 for city areas and six for the regions, and transport, supervision and cleaning materials will be provided by the State Government. The cost to participating councils will be zero. I again urge councils to take advantage of this free graffiti removal service.

Fourth, from 1 June this year police will include graffiti crime in operation and crime reviews, renewing the police focus on catching graffiti criminals. Fifth, the Minister for Education and Training will write to all school principals to reinforce Government policy—that is, students who paint graffiti on school property will have to clean up the mess. The graffiti strategy task force will review the success of these plans over the next year.

Mr Souris: Sounds tough!

Mr CARR: This clown said it sounds tough. So it ought to be tough. The Coalition did nothing about this problem while it was in government.

Mr Tink: Point of order: The Coalition when in government set up the graffiti task force, and the Premier abolished it. It was our initiative, and the Premier abolished it.

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

Mr CARR: The Government has given consideration to four further actions: first, a ban on the sale of spray paint to under 16-year-olds—a ban that would mirror the successful knife laws—second, a design requirement for the assertion of whistles in spray paint cans; third, fines for parents whose children commit graffiti offences; and fourth, rewards for information about graffiti offenders.

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

Mr CARR: Each of these proposals has untested merit. I want our current plans and programs to be evaluated first. We will then consider the implementation of these more extreme approaches. We want to build partnerships with councils and the community. We are doing all we can, and I want councils and the community to do the same.

ELECTIVE SURGERY WAITING TIMES

Mr SOURIS: My question without notice is directed to the Premier. Will the Premier explain why he spends his time contemplating the colour schemes in Pyrmont and issue related to graffiti, while the number of elective surgery patients at Lismore Base Hospital has blown out to 1,380 and Dr John Ashwell's 73 patients will have to wait up to two years for joint replacement surgery because operations are restricted as a result of a budgetary measure?

Mr CARR: Members opposite wait for the day when the Minister for Health is absent from the Parliament on pressing personal business to ask questions about health.

Mr SPEAKER: Order! The behaviour of members of the Opposition during the last two answers has not been such as to call for the statement I propose to make. I would have expected the leadership of the Leader of the Opposition and the Deputy Leader of the Opposition to have shown more positive results than it has. The next occasion on which I find it necessary to draw the attention of members of the Opposition to the standing orders, I will do so with the assistance of the Sergeant-at-Arms. The honourable member for Vacluse will understand what I mean by that.

Mr CARR: Members opposite are so confident about the quality of their questions on health that they have had them in a file and they waited for the day when the health Minister was absent on

personal family business, the exact nature of which I do not feel in a position to inform the House about.

Mrs Skinner: Point of order: These questions relate to waiting list figures which the Minister released only yesterday.

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

Mr CARR: The waiting list figures were released a week ago. Members opposite waited until the Minister for Health was absent from the Parliament on pressing personal business before putting questions about health. If they had any research capacity—I am certain we will have more to say about their pathetic attempts at that later in his parliamentary session, perhaps even in during question time today—they would have dared to put the questions to the Minister responsible for that portfolio. They do not have the confidence to do it.

EAST TIMOR ASSISTANCE

Mr LYNCH: My question without notice is to the Minister for Police. How is the New South Wales Police Service helping the families of East Timor?

Mr WHELAN: The honourable member for Liverpool has a very proud record on behalf of the East Timorese people, as do many members of this Parliament. Support for the people of East Timor is one issue that does not divide this House. Over the years many members of this House have maintained a close watch on events as they unfold in East Timor.

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Australia's small neighbour, East Timor, has a special place in the lives of many honourable members who are in the Chamber today. Last year, this House expressed its solidarity with the people of East Timor and many members in both houses of the Parliament, particularly the honourable member for Liverpool, have had a long association with Fretilin.

Public attention has largely been focused on the extraordinary efforts of Interfet under the impressive leadership of Major General Cosgrove. While those men and women led Australia's contribution to the rebuilding of East Timor, they have not been alone. I am proud to say that among those working to establish justice and order in East Timor are members of the our own New South Wales Police Service. Five officers have been seconded to the third Australian Federal Police East Timor Detachment since 14 February. They are Senior Constable Anne Blacker from Brisbane Waters; Detective Senior Constable Gregory Coles from Cootamundra; Senior Constable William Down from City East; Senior Constable Anthony Geddes from the State Protection Group, who specialises in bomb disposal and rescue; and Senior Constable Stephan Wheeler, who is the weapons training specialist from South East Region.

Those officers will work under the direction of the Commissioner of the United Nations Police. They will assist with a wide range of policing tasks ranging from general good order duties to training and investigation. Providing assistance to the East Timorese police is crucial at this time. In the midst of restoring order, the East Timorese police are also charged with investigating many terrible crimes which took place in the aftermath of the vote for independence. A second group of New South Wales police officers will leave for East Timor on 13 May to spend six months helping the United Nations to deliver an orderly transition to peaceful self government. Today I had the pleasure of meeting Detective Senior Constable Jennifer Dyball—one of those who have been chosen for the second contingent which has been drawn from Crime Agencies, this State's peak investigative unit, as well from police units in regions throughout New South Wales.

This group will include officers who are specially trained in homicide and serious crime investigation. It will also include officers who are experienced in weapons training. All of the officers have been selected for their high level of skill and commitment to the task at hand, for their professionalism and for their experience in community policing and conflict resolution—skills that are especially important in a community that is not used to modern, peaceful methods of policing. Each of these police officers stood out for his or her cultural and social awareness. These officers were all able to demonstrate an excellent working knowledge of goals and projects of the United Nations. They will

form part of the largest contingent of Australian police ever deployed to a foreign country and all honourable members should be very proud of them.

State and Territory police have served proudly with the United Nations on many occasions, including a detachment to Cyprus in 1976. In more recent times, New South Wales police officers have served proudly with the United Nations in the Netherlands, Turkey and in Bosnia to help prosecute war crimes. They join a fine team of Australian doctors. I remind to see House of a former member of this Parliament and former member for Manly, Peter McDonald, who is currently in East Timor.

Mrs CHIKAROVSKI: And the Hon. Dr B. P. V. Pezzutti.

Mr WHELAN: I thank the Leader of the Opposition for reminding me of his wonderful contribution. The police officers also join aid workers, legal practitioners, trade unionists, public servants and volunteers from all walks of life who have generously given their time and skills to help in East Timor. Indeed, this State's own Attorney General, the Hon. J. W. Shaw, recently returned from Dili where he has been helping to build a new and better justice system. As I have already said, a member of the Upper House, the Hon. Dr B. P. V. Pezzutti, has likewise been in East Timor providing help. I am very pleased to report to the House on the contribution of the New South Wales Police Service. I commend the efforts of those officers to the House.

ST GEORGE HOSPITAL

Mrs SKINNER: My question is directed to the Premier. Can he explain why, according to official figures released by the Minister for Health after yesterday's question time, the St George Hospital waiting list has, since the last election, blown out by 500 patients to a total of 2,780, with 342 patients waiting for more than 12 months for surgery?

Mr CARR: The Opposition gives this Government no credit for the greatest expansion in Health funding in the history of this State. This State's Health budget has increased by more than 30 per cent since Labor has been in Government and the \$2 billion package announced last month by the Minister goes further than any other State or Territory Government. It goes further than the Howard Government has attempted to go in dealing with what has been recognised by all as a national problem, namely, the expansion of waiting lists across this country. Can members of the Opposition argue for one minute that any other Government would have increased Health spending by more than the 30 per cent that this Government has contributed and then have added a package of \$2 billion as this Government did only one month ago? That is the record of this Government in relation to Health.

[Interruption]

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

Mr CARR: When I opened Liverpool Hospital, Canterbury Hospital, Bankstown-Lidcombe hospital, and Lithgow District Hospital in company with the local member of Parliament, and when my colleague of the Minister for Health opened the Broken Hill Base Hospital and Health Services —

Mrs SKINNER: Point of order—

Mr SPEAKER: I trust the point of order taken by the honourable member will comply with standing orders.

Mrs SKINNER: It certainly will, Mr Speaker. My point of order is about relevance. My question referred to patients, not bricks and mortar. I ask the Premier to answer the question which is about patients waiting for treatment.

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

Mr CARR: I have an announcement from the Minister for Health.

Mr KNIGHT: And it is a hospital announcement.

Mr CARR: It is in fact a hospital announcement. At 2.15 p.m., his wife gave birth to a girl, not yet named, who weighs 3.78 kilograms. That is wonderful. I ask all honourable members in this House to join with me in sending congratulations to the Knowles family, not only on the birth of another Labor voter in Sydney's south but also on the Minister's considerable worth in the portfolio by providing for the hospitals that I have mentioned and giving this State the shortest waiting times of the surgery in Australia. He has been a good friend indeed by shortening waiting times.

In January 2000, the average waiting times for booked procedures was five weeks and three days. In January 1999 the average waiting time was seven weeks. The January 2000 waiting time figures equal the lowest waiting times since December 1997. Even though there will be a seasonal increase in numbers of the aggregated waiting lists because the list numbers increase, the January 2000 waiting times figures decreased from those of November 1999 and were steady in comparison to December 1999 figures.

Mrs SKINNER: But how do they compare with other States?

Mr CARR: Why does the honourable member for North Shore not join in the spirit of goodwill in the House? She should have been first on her feet to offer congratulations to the Knowles family and, indeed, to the Minister on accounts such as those I have given in relation to Health.

LEADER OF THE NATIONAL PARTY EXPENDITURE COMMITMENTS

Mr HICKEY: My question without notice is directed to the Premier. What is the Government's response to spending commitments made by the Leader of the National Party on 23 February on the Internet?

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Mr CARR: Scattering promises into cyberspace might have been considered a safe pastime by the Leader of the National Party. He might have assumed that no-one on this side of politics was watching the flickering screen. However, the Stasi were at their listening posts. I am in a position to give a full accounting to the House of the commitments that were recorded in what they promote as "The Coalition online interview with George Souris". George was gabbling into cyberspace for a total of 120 minutes. The Stasi report to me that he was pretty liberal with his commitments in that time, and I am in a position now to tell you what he said to each of the people who phoned in. Within a few minutes George made a commitment, in answer to a question from "Anonymous", for a whopping \$5 million in extra country infrastructure. Was that cleared with the shadow Treasurer? Did that go to the shadow Treasurer? It did.

What we will have to do is get that old *Daily Telegraph* pork-barrel register. We will have to record all this because that was only the first answer. Then someone called "Bemused" of Cootamundra phoned in and George shuts "Bemused" up by promising an extra \$45 million for country health. The mercury is rising. It is going up faster than the Leader of the Opposition's disapproval rating. Then the next one comes in and, no, it is not from "Walt" of Bondi; this is from "Puzzled" from Wilcannia. "Puzzled" asked, "Will you cut payroll tax?" George Souris said, "You bet we will, \$930 million dollars per annum." The mercury is going up and up. Was that cleared by shadow Cabinet? That was cleared by the shadow Treasurer. Yes, good, so it is official. There was \$5 million for starters, \$45 million for a warmup and another \$1 billion to keep going. We are going to have that pork-barrel register but here comes a really interesting one; this comes from "Desperate" of Dubbo.

[Interruption]

Oh, no, the bloke who won Dubbo from the National Party is not desperate because he knows that at the next election he is going to romp right back in. "Desperate" of Dubbo rings with a question. He says, "Hi there, George, I have got a question I would like to ask. First, one thing I remember about the State election last year is that you promised to build a highway over the Blue Mountains." "Desperate" of Dubbo continues. He says, "I think this is a great idea and much-needed. Will you promise to build it if you win next time?" Which way does George jump? He is going to go ahead

with the road over the Blue Mountains but this time it is going to be "an environmentally sensitive route". But he incriminates himself further. He says, "It is all going to be a tunnel."

You can imagine the emissions stack. You are there at Echo Point, and looking at the Three Sisters and, bang, they have got a sibling and she is a smoker! This tunnel would be the longest in the world. The Leader of the National Party has been reading Jules Verne. This is *Journey to the Centre of the Earth*. The engineers of the Roads and Traffic Authority tell me there would be enough waste material constructing this tunnel to build a causeway from Australia to New Zealand. "Desperate" of Dubbo starts to get more cool. He gets enthusiastic about railways, does our George. He endorses as a State project the proposed Sydney to Canberra very fast train, only he wants to make it run from Melbourne to Brisbane. According to the Department of Transport that is \$20 million.

Then he says that the Melbourne to Darwin rail line is something that he endorsed—that is 4,000 kilometres of track—that would be \$10 billion. George, are you getting bored with State politics? He then said, "This rail construction across the nation" that the Souris enthusiasm "is a new vision for nation building" but he quickly tells "Confused" of Cowra that the National Party does not have a plan to bus 1.2 million migrants to country areas. He rules that out; he clarifies that. One can understand why Cowra was confused because in the *Sunday Telegraph* a few months earlier he said, "Country New South Wales could withstand a 50 per cent increase in population" that is, 1.2 million people. So here is George's grand vision. What is the total cost by the time he goes off air? The total cost is \$38 billion. We calculate that at \$319 million a minute. The Deputy Leader of the Opposition has popped a button at that. The shadow Treasurer has had a fainting spell. The eyes of the honourable member for Gosford are like saucers as they contemplate the spending. I wondered if we could find out what their online chat room says about the next cyberspace interview from the Opposition. We consulted it today.

Mr Hazzard: Point of order—

Mr SPEAKER: Order! The member for Wakehurst will resume his seat. There is no point of order. If the member seeks to take a point of order in the correct manner the Chair will give him the call.

Mr Hazzard: Get on with it Premier, you are boring us all senseless.

Mr CARR: I have never seen you more excited. This is the galvanising effect your policy announcements have. While I was being sat down with all these points of order I asked the staff to go out and consult the e-commerce cyberspace *Coalition.com* chat line to see what additional interviews we can expect. They have even got an answer which says that the New South Wales *Coalition.com* chat line feedback of upcoming interviews, "No online interviews are currently scheduled."

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WESTERN LAND LEASED TENURE

Mr SLACK-SMITH: My question is directed to the Minister for Agriculture, and Minister for Land and Water Conservation. Given the Federal Court ruling that pastoral grazing leases do not extinguish native title, what urgent action will the Minister take to restore the integrity of western land leases and remove the confusion and uncertainty now plaguing thousands of Western Division farmers and graziers?

Mr AMERY: Might I first congratulate the honourable member for Barwon, in his capacity as shadow Minister for Agriculture, on his first question to the Minister for Agriculture since his appointment some 13 months ago.

Mr O'Doherty: Point of order. Twice in the last five minutes members on the Government benches alone have applauded during question time. Mr Speaker, you have called other members of this House to order for similar conduct on many occasions during the past two terms of this Parliament. Half an hour ago you placed every Opposition member on three calls to order. I ask that you now exercise the same discretion in relation to Government members.

Mr SPEAKER: Order! I have not placed all members of the Opposition on three calls to order. However, the point or order taken by the honourable member for Hornsby has some validity.

On certain occasions the Chair extends a degree of latitude to members in relation to hand clapping. Nevertheless, the honourable member is correct when he says that during the past two sessions of this Parliament members have been called to order for doing so. The standing orders stipulate that members should not engage in hand clapping in the Chamber.

Mr AMERY: I thank the honourable member for giving me some help. It was a great achievement! Being Minister for Agriculture these days is a lot easier since the honourable member for Upper Hunter became Leader of the National Party. There is no doubt about that. I have been sitting here for a year trying to provoke some questions from the Opposition, but particularly from the shadow Minister. The reason it is easier to be Minister for Agriculture these days rather than in the first term of government is that—unlike the honourable member for Lachlan, who used to chase me around the electorate in aeroplanes, bump into me at airports and quiz me on different questions, sometimes beating me to the media and so on—the honourable member for Upper Hunter sits on a porch somewhere in the Upper Hunter dictating his press releases through a computer system. Bring back Ian! You ought to get around more, George. I don't like flying either, but you have to get around this State in aeroplanes.

Mr Souris: This is a good answer!

Mr AMERY: Sorry?

Mr Souris: Keep up the good answer. We will fax it out to country people.

Mr AMERY: Are you going to fax it around New South Wales? You don't fly around the State, so you are going to fax it around New South Wales.

Mr Souris: We will ensure that those in the Western Division get your answer.

Mr AMERY: Honourable members will be aware that the High Court handed down its Wik decision in December 1996. Following that decision the Government received legal advice that it was not certain that native title had been extinguished by the grant of a western lands grazing leases. The Commonwealth received similar advice. The question which the honourable member for Barwon—the shadow Minister—asked in his first question of the year related to a decision handed down by the High Court only last week as a result of an action taken with the support of the New South Wales Farmers Association. That was a test case on this very question commenced by the New South Wales Farmers Association in 1999. On 5 April the Full Bench of the Federal Court unanimously applied the Wik decision and held that the grant of a western lands grazing leases did not extinguish native title in the land.

At this stage the effect of the Federal Court's decision on western lands grazing leases is minimal. The question of whether native title does in fact exist still has to be demonstrated. The existing leases, which have already been deemed valid as a consequence of the Wik decision, will continue to be recognised and the basic tenet that the rights of the lessee prevail over the rights of a native title holder where there is inconsistency still applies. The decision will not stop any holder of a grazing lease from using the land under lease for grazing purposes and for activities ancillary to grazing. However, if the lessee wishes to diversify into other primary production activities such as cultivation, forestry or aquaculture, then this can be permitted under the Native Title Act. The requirements of that Act are not onerous and the Department of Land and Water Conservation, which is responsible for the administration of western lands grazing leases, has a well-established procedure for progressing proposals for diversification.

Mr Slack-Smith: Why don't you join the farmers in their appeal?

Mr AMERY: You are a sorry lot.

Mr Souris: I would like to hear the answer to that one.

Mr AMERY: You have not even got a policy on native title. Why don't you shock us all—

Mr SPEAKER: Order! The Minister will address his remarks through the Chair.

Mr AMERY: They might shock us one day with a policy document. It is the Government's aim to provide for diversification of land usage through indigenous land use agreements with native title holders. Those agreements are capable of providing an even more streamlined means of dealing with native title issues and at the same time advancing the reconciliation process.

Mr Souris: Don't go flying out in the west next week with that answer!

Mr AMERY: There is no way I would see you on a plane. I have to say I do not like planes myself, but you have to use them. If you want to win the 400-metre freestyle event, George, you've got to jump in the water. If you want to be Deputy Premier of New South Wales, you have got to fly around the State.

Mr Souris: But you don't like aeroplanes!

Mr AMERY: They are scary. I jumped in one the other day, looked out at the emergency and rescue vehicle in front of us, and it had the Lord's Prayer on it. John Cobb issued a press release recently expressing concern about the decision and its impact on graziers, particularly those in the western division. He said that he was talking with his legal advisers on the question of whether the New South Wales Farmers Association would consider appealing that decision. So let's find out what they are going to do about that issue. In the meantime, the Premier's Office, the Cabinet Office and my department are working their way through the legal processes—

Mr Souris: The integrity of this State's land system will depend on the Farmers Association.

Mr AMERY: Are you still getting upset over there, George? Calm down! Leave him alone next time, boss. The Leader of the Opposition is interjecting. I have noxious weeds with a higher approval rating than she has. I will take this matter up with the New South Wales Farmers Association and see what options are available.

REGIONAL AIR TRANSPORT

Mr BARTLETT: My question without notice is to the Minister for Transport. What is the latest information on the Government's move to improve regional air transport?

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Mr SCULLY: I am pleased to inform the House that the Government's new policies for regional air services are already yielding results. Last year I announced that from 26 March 2000 there would be major changes to regional air transport. Those changes are: first, the lifting of restrictions on the number of airlines operating on routes to and from Sydney airport with annual air patronage exceeding 20,000 people; and, second, continued protection for routes that carry fewer than 20,000 passengers a year to protect smaller country towns' air connections.

The Government proposed this managed competition model for two reasons: first, to increase the availability of services on major regional routes and, second, to drive down ticket prices for country passengers. But we also wanted to get the balance right by protecting smaller routes that might have been threatened by full deregulation. We wanted to ensure that smaller towns retained their air links, so important to rural and remote areas of the State. Country Labor has had a lot to say about this area, as it often does about things that impact on the bush. Country Labor wanted to see cheaper fares. Country Labor wanted to make sure that the smaller towns across New South Wales also had protection. Country Labor wanted to ensure that the New South Wales Government's policy on intrastate air travel had the right balance between encouraging competition and protecting smaller towns across the State.

Country Labor has been a strong advocate for the bush and a strong advocate for a balanced approach. Country Labor brought to the attention of the Government the need to ensure viable air transport links across this State for business, for families wanting to access hospitals, health care and schools and for those wishing to come to Sydney to do their business. Country Labor had a constructive role in a Legislative Council inquiry, headed by that Country Labor stalwart, none other than Tony Kelly. A big tick for Tony; he did a great job. Tony Kelly and his Country Labor team brought their concerns to the Labor Government and, I might add, so did some great country mayors,

like the former mayors of Dubbo and Armidale. They have benefited from the fact that Opposition members never listen to people in the bush; they never advocate the cause of those in the bush and they have never achieved a balanced approach for air transport in this State.

An open application process was undertaken for the 26 routes in New South Wales that have patronage below 20,000. One licence for each of those routes has been issued; in other words, services have been continued. Where there was more than one applicant advertisements were placed in the local papers and, like we always do on issues that require some resolution, we invited community comment. We asked the local community which air service they preferred and which airline they thought was providing the best services to the local community. All existing operators have continued their services. They have the protection of knowing that their air route is secure. It took a Labor government to look after the bush in this area.

In respect of the 17 larger routes, 86 per cent of all New South Wales regional air passengers currently fly on those routes, transporting more than 20,000 passengers annually. Opening up these routes to competition is already reaping dividends for country New South Wales. There are more choices. More entrants started operations just last week. On the route from Sydney to Ballina Hazelton is now the second carrier; on the route from Sydney to Tamworth Hazelton is now the third carrier; and on the route from Sydney to Armidale Impulse is now the third carrier.

[*Interruption*]

I did not think the honourable member could bring himself to acknowledge the role of Country Labor in providing something for his community. We might have another Independent like Tony Windsor running for election in Ballina. I can see it coming. In addition, brand new routes were opened last week as a result of this policy. Newcastle to Tamworth has two carriers, which I am sure will receive a big tick from the honourable member for Tamworth. Newcastle to Lord Howe Island has one carrier. I know that that will be welcomed by the honourable member for Port Stephens. I can announce further good news for regional air travellers.

Eastern Airlines has decided to commence operations on three additional routes as a result of Labor's air transport policy: Sydney to Ballina, Sydney to Albury and Sydney to Lismore. Lismore passengers will have a choice between Hazelton and Eastern Airlines; Ballina passengers will have a choice between Kendall and Eastern; and Albury passengers will have a choice between Kendall, Hazelton and Eastern. That means more seats, more frequent flights and more discounted fares. I am told that Hazelton, on its new service in Tamworth, is offering a discount fare of \$149, which I am advised compares with a standard fare of \$388. That is great news for the people of Tamworth and for a stalwart of the bush, working with Country Labor and the Labor Government. A big tick for Tony.

I am advised that about 70 per cent of air travel involves business. Later this afternoon we will discuss a matter of public importance. I understand that the honourable member for Tamworth and other speakers want to say a few things about regional air services into Bankstown. This Government totally opposes the Howard Government's proposal to move regional air services from Sydney to Bankstown. Labor in the city is working with Country Labor in the bush and other Independents to oppose the move by the Federal Government to push regional airlines out to Bankstown.

I will say one thing in relation to that debate. Opposition members who have strong connections with the National Party in Canberra ought to remind John Anderson that he is not only Minister for Transport; he is Minister for Regional Services. He ought to think about this proposal, which will rip the guts out of rural air services in New South Wales. This Government has endeavoured to get the balance right in improving competition in urban areas of country New South Wales and in protecting smaller towns by providing opportunities for additional air services, cheaper fares, and more flights. But all that will be wasted and spoiled if John Anderson and John Howard get away with their attempt to move regional services to Bankstown.

POLICE SERVICE CABRAMATTA COMMAND

Mr TINK: My question without notice is directed to the Minister for Police. Has a Cabramatta police sergeant, who made allegations that numerous crime scenes involving attempted

murder, malicious wounding and home invasions had not been attended to by detectives to avoid incurring overtime, just been transferred out of the Cabramatta command? If so, why?

Mr WHELAN: I will ascertain the details in relation to the matter in Cabramatta. I remind the honourable member of his legal obligations.

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

Mr WHELAN: He has a copy of a document.

Mr Tink: It has been sent to the Police Integrity Commission.

Mr WHELAN: Good. I am glad you did. It is your obligation to do so.

[Interruption]

Get out of the habit of having the Police Integrity Commission's inquiries dealt with in this Parliament. Why don't you comply with the law? Why don't you start being a law-abiding member of Parliament? Why don't you stop using this Chamber for illegal purposes?

Mr SPEAKER: Order! The comments of the Leader of the House were uncalled for. He should direct your remarks through the Chair rather than respond to the interjections of the shadow Minister. If he does not, I will direct him to resume his seat.

STATE ENVIRONMENTAL PLANNING POLICY 5

Mr COLLIER: My question without notice is directed to the Minister for Planning. How is the Government responding to concerns about the abuse of State environmental planning policy 5?

Dr REFSHAUGE: I welcome Mrs Violet Donnelly, who is in the gallery, and I thank her grandson, young Barry from Miranda, for his question. All members of this House would agree that we need to look after our older citizens. Over the next 25 years the number of people in this State older than 55 will almost double, from about 1.4 million to about 2.5 million. One policy that this Government already has in place to look after their housing needs is State environmental planning policy 5. That is specifically designed to encourage the provision of housing for older people and also people with disabilities.

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This policy is causing concern in parts of our community. Some of my colleagues, in particular those from Ryde, Sutherland and St George, have raised concerns that this policy is being abused. There is concern that developers are using this policy to get medium-density developments approved through the backdoor. Let me be very clear: this will not be tolerated. There are other concerns. More guidance is required to ensure that older and disabled people who live in SEPP 5 developments have easy access to services such as shops, transport, health services and recreation facilities.

Late last year I asked the Department of Urban Affairs and Planning to review SEPP 5. The department consulted with local government, the development industry and groups providing aged and disabled housing. It also surveyed more than 20 councils, and considered recent judgments on SEPP 5 appeals in the Land and Environment Court. As a result of that review, today the Government is releasing a discussion paper for public comment. A number of changes are being proposed to make sure developments are in keeping with local areas and to ensure that the people they are meant to help actually get to use the housing.

The proposed changes include: restricting development to a maximum of two storeys in low density areas; requiring development applications to show compatibility with the surrounding area; requiring that a proportion of the housing be adaptable to meet the needs of ageing residents, for example, wheelchair use; requiring more information about reasonable access to services such as shops and transport; requiring developers to make financial contributions to councils, as they do with

other medium-density developments; and amending the policy to prevent development inappropriately extending onto rural land; and ensuring that councils can take into account bushfire and flood hazards.

I want us to work together as a community to make sure the older members of our community have the right kind of housing to help them live independently for as long as possible. We need to make sure older people can feel secure in their homes. They need homes that require less maintenance. They need homes that can be easily adapted to make life easier for them as they get frailer. By providing such choices we can help people remain in their homes longer, rather than having to go into nursing homes. But at the same time, we need to do this in a way that encourages good quality development, and that is in keeping with local communities. In the longer term it might be that councils could be exempted from SEPP 5 if they can show that they are meeting the needs of older people with their own policies.

This discussion paper is being released for public comment. I encourage the community to have their say. This is an important step in making sure that SEPP 5 works as it is supposed to work. In addition, key stakeholder forums will be held in June. That will encourage even further debate and will help shape the final recommendations. The Department of Urban Affairs and Planning will take submissions until 12 May. I am pleased to say that this is yet another example of how the Government listens to the community and responds to its concerns.

Questions without notice concluded.

DEATH OF JACK NEARY, AM, OBE

Ministerial Statement

Mr AQUILINA (Riverstone—Minister for Education and Training) [3.22 p.m.]: It is with regret that I inform the House of the death of Mr Jack Neary, AM, OBE. Jack Neary was a giant of the Australian entertainment industry and a key influence in the development of many hundreds of young people from New South Wales government schools who have aspired to be popular entertainers. Jack passed away at St Vincent's Private Hospital overnight. He was in his eighties. Jack Neary was a young policeman when he formed a quartet called The Four Guardsmen, entered them in *Australian Amateur Hour* and won. Success followed. They became national stars of radio and the Tivoli circuit.

Jack moved from entertainment to managing entertainers. Bobby Limb, John Laws and the orchestra leader Bobby Gibson all began their careers with Jack. Later he extended his activities, started booking overseas artists to come to Australia and moved into television production and film making. Jack brought many famous artists to Australia, including Winifred Atwell, Harry Secombe, Dave Allen and Jack Benny. He was involved in touring the von Trapp Family Singers, but the highlight of those years was his signing of the Beatles for their Australian tour. Jack served on the Broadcast Control Board for radio and television for many years and was the Vice-Chairman of Arena Management, which runs the Sydney Entertainment Centre.

However, Jack Neary will be particularly remembered in public education for two projects he initiated. He was the driving force for many years behind the Schools Spectacular and the Talent Development Project. In 1984 Jack Neary, in association with Bruce and Rolf Harris, was responsible for the presentation of the first-ever Schools Variety Spectacular. The Sydney Entertainment Centre was provided as a venue to showcase the exciting talent of young entertainers from New South Wales public schools. The Schools Spectacular has been produced at the Entertainment Centre ever since, and last year more than 2,500 students performed to packed houses.

Arising out of the Schools Spectacular, Jack was the driving force behind the establishment in 1991 of the Talent Development Project. Each year the Talent Development Project takes a number of young people with talent and a desire to perform professionally from New South Wales government schools and, with the assistance of consultants from across the entertainment industry, transforms them into the next generation of entertainment industry professionals. The Talent Development Project has had many successes, not the least being four boys from Hurlstone Agricultural High School who went on to become Human Nature. Jack was intensely proud of all the graduates from the Talent Development Project and was deeply moved at last year's graduation when Human Nature returned to sing a special tribute to him—*Danny Boy*.

Jack Neary had a great talent as an artist manager, concert promoter, theatrical entrepreneur, and film and television producer, but he often said that his greatest pleasure was to see young performers develop and make their mark in their chosen profession. In this regard he had another great talent: a capacity to bring other skilled professionals to a project and work collaboratively with him towards a common objective. A generation of young entertainers will always be in Jack Neary's debt. The public schools of New South Wales will always be in his debt. My express my condolences to his wife, June, his family and his many friends, particularly throughout the entertainment industry.

Mr O'DOHERTY (Hornsby) [3.26 p.m.]: The New South Wales Opposition joins with the Government in paying our tribute to Jack Neary and our respect for a man who was a great promoter of talent in this country. We express our deep sympathy to his wife, June, his family and his many friends in the entertainment industry. The names would run to pages. Jack Neary was a great impresario in Australian terms. Shortly before question time I was speaking with Mary Lopez, one of his great friends and a person who worked with him on the Schools Spectacular and in the Talent Development Project. I also worked with Mary Lopez at various times in my own association with school music issues when I was in the radio industry.

Mary asked me to say that Jack loved talent; he never used it for his own purposes. That is the true mark of a great man. She said that he was very generous, and she wanted me to say that he was the absolute gentleman of the talent industry. What stood out was his respect for talent. Referring to his own days in *The Four Guardsmen*, as the Minister said, he said, "I never had talent myself, but I have always admired it." Mary said that was a great mark of Jack Neary. She said his greatest fear was that the Talent Development Project would not have funding, but I know that the Government will support it for a long time to come.

The Liberal Party-National Party Coalition is very proud of the association we had with the Talent Development Project from its beginnings in 1991. It grew out of the Schools Spectacular. Former Minister for education Virginia Chadwick, who became a very firm friend of Jack Neary, will be sad to hear of his passing. I tried to call Virginia earlier this afternoon. The honourable member for Willoughby, former Minister for the Arts, also expresses his condolences. He also was working with Jack in those days, trying to develop New South Wales talent. Jack was unwell for a long time.

Last year there was a tribute to Jack which was attended by Human Nature, one of the many groups that has come from the Talent Development Project, out of the public schools of New South Wales, and through the Schools Spectacular, which was developed by Jack Neary and the many consultants who worked with him—people from the entertainment industry who recognised what he was trying to do. Alan Jones attended that same tribute, playing such an important role, as he does, in promoting talent. Alan Jones, who is on the council of the Talent Development Project, remarked that these days young talent in Australia is being overlooked by talent scouts; that there is no vehicle on television to promote their talent. I tend to agree with what he says. He is right. We need people like Jack Neary.

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We need the kind of vision that resulted in the School Spectacular growing out of what was initially a sound check. Frank Meaney, who passed away a number of years ago—he was another greatly loved public education figure—and Bruce Harris, who is the brother of Rolf Harris, said, "We need to get together a mass choir of students from New South Wales schools to do a sound check for the Entertainment Centre." In those days the Entertainment Centre was the subject of much controversy because people thought it had the acoustics of a brick. Much acoustic reinforcement is required to put on a show: the former Minister for the Arts is nodding his head. Out of that sound check in 1983 grew the School Spectacular in 1984. Mary Lopez was mentored out of Epping Boys High School, where she was a music teacher, and she went on to do great things. We encourage her to continue in Jack Neary's legacy. We pay tribute to Jack, and we join with the Government in expressing our sympathy to his family.

CONSIDERATION OF URGENT MOTIONS

Mandatory Sentencing

Miss BURTON (Kogarah) [3.30 p.m.]: My motion should be debated as a matter of urgency because young, disadvantaged children in the Northern Territory are being incarcerated while the Federal Government in Canberra is arguing about what to do. This issue should be debated in the House today.

Homelessness

Mr HAZZARD (Wakehurst) [3.30 p.m.]: I acknowledge that the honourable member for Kogarah has raised an important issue of considerable significance and that it should be debated at an appropriate time. However, it is more important for the House to deal with the problem of homelessness in New South Wales. The Carr Government has said much about planning all aspects of the Olympics, including transport, sporting facilities and accommodation for athletes and officials. All of that planning is designed to ensure a great Olympic experience for athletes, officials, visitors and residents, but the homeless have been ignored. My motion should be dealt with as a matter of urgency because the number of homeless people in New South Wales, particularly in Sydney, Newcastle and Wollongong, has increased dramatically in the lead-up to the Olympics.

My motion should be debated as a matter of urgency because the number of beds available for homeless people has stagnated or declined while the demand from homeless people has escalated dramatically. My motion is urgent because the number of calls received by the Homeless Persons Information Centre run by Sydney City Council has increased from 16,500 in 1995, when the Carr Government took office, to more than 30,000. That figure is of extreme concern. The figure has increased by 100 per cent while Bob Carr has been the Premier. The Premier and the Government have the capacity to do something about the homeless. My motion should be debated urgently because the House needs to focus the Government's mind on ensuring that those who are currently homeless are given assistance. The honourable member for Lachlan told me that eight homeless people were still outside Parliament House when he arrived for work this morning. Many nights there are up to 15 to 20 people sleeping alongside this building and the State Library, and they are visible from the Premier's office. Those figures reflect the increasing number of homeless people in the broader community.

My motion is urgent because the classical image of someone who is homeless is not what is on people's minds; rather, a whole host of people are homeless. The figures show that 40 per cent of homeless people are women with children, 65 per cent have never stayed in a refuge, and 48 per cent come from outlying areas of metropolitan Sydney. This morning I spoke to a person at the Homeless Persons Information Centre. I congratulate the staff of the centre on the fantastic job they do. February was the shortest month of the year, but the number of calls for assistance to the Homeless Persons Information Centre was an all-time record; there were 3,222 requests for assistance in the shortest month of the year. If the figures continue to increase a record number of homeless people will be seeking assistance this year alone.

My motion should be debated urgently because the Government needs to realise that there is a huge disparity between the number of beds available for the homeless, which has stagnated, and the demand for beds. Some good work is being done by the agencies, but at present the Carr Government is not supporting those agencies. The Government has not developed a holistic approach to homelessness. People who are homeless usually have a myriad of problems. Often they are victims of domestic violence. The family may be dysfunctional or it may have broken down. Homeless people may be suffering mental illnesses, substance abuse or substance dependency. They may be Aboriginal children or former prisoners. They do not need to be shoved onto a bed, if one can be found; they need a holistic approach. They need to be given support and they need to be case managed. In the past five years the Government has done absolutely nothing to help homeless people, but it has presided over a 100 per cent increase in the number of homeless people. If the Government is to be seen as a caring, compassionate and able government it needs to get serious about those who are less fortunate in our community. My motion is urgent.

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

The House divided.

Ayes, 51

Ms Allan	Mr McBride
Mr Amery	Mr McManus
Ms Andrews	Ms Meagher
Mr Aquilina	Ms Megarrity
Mr Ashton	Mr Mills
Mr Bartlett	Ms Moore
Ms Beamer	Mr Moss
Mr Black	Mr Nagle
Mr Brown	Mr Newell
Miss Burton	Ms Nori
Mr Campbell	Mr Orkopoulos
Mr Carr	Mr E. T. Page
Mr Collier	Mr Price
Mr Crittenden	Dr Refshauge
Mr Debus	Mr Scully
Mr Face	Mr W. D. Smith
Mr Gaudry	Mr Stewart
Mr Greene	Mr Tripodi
Mrs Grusovin	Mr Watkins
Ms Harrison	Mr Whelan
Mr Hickey	Mr Woods
Mr Hunter	
Mr Iemma	<i>Tellers,</i>
Mr Knight	Mr Anderson
Mrs Lo Po'	Mr Thompson
Mr Lynch	
Mr Markham	
Mr Martin	

Noes, 34

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

Pairs

Mr Knowles
Ms Saliba

Mr Armstrong
Mrs Chikarovski

Question resolved in the affirmative.

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LEADER OF THE NATIONAL PARTY EXPENDITURE COMMITMENTS**Privilege**

Mr SOURIS (Upper Hunter-Leader of the National Party) [3.40 p.m.]: I raise a matter of privilege. It is a sad day when the Premier of our State answers a question completely fictitiously, full of false and inaccurate statements.

Mr SPEAKER: Order! The Leader of the National Party must explain how his ability to perform his functions as a member of Parliament have been impaired by the actions of the Premier. He should not enter into a debate.

Mr SOURIS: The Premier answered a question in which he referred to an online interview that I conducted. I have a printout of the online interview, and I have searched for the references made by the Premier. My reputation—

Mr SPEAKER: Order! The member must advise the Chair how the fair and reasonable performance of his duties has been interfered with by the actions of the Premier. Thus far the member has not done so.

Mr SOURIS: Part of the proper functioning of this Parliament and of our democracy is the ability to communicate honestly and accurately with the public. The communications I have undertaken with members of the public via the Internet stand on their own record; they are available in a factual way. It impairs both my ability to act as a member of Parliament and the proper working of our democracy if the Premier should abuse the privilege he has as a member of this House by creating a totally fictitious and artificial answer to a question which did not exist. There are no such references as those referred to by the Premier. He should hang his head in shame. My privilege has been impaired by what has happened in the House.

Mr SPEAKER: Order! The matter complained of by the Leader of the National Party is such that I do not believe his authority or his ability to perform his duties have been interfered with. There is no *prima facie* case of a breach of privilege.

MANDATORY SENTENCING**Urgent Motion**

Miss BURTON (Kogarah) [3.48 p.m.]: I move:

That this House:

- (1) condemns the Northern Territory's mandatory sentencing laws as unfair, unjust and discriminatory;
- (2) calls on the Northern Territory administration to repeal its mandatory sentencing laws forthwith; and
- (3) calls on the Federal Government to overturn the Northern Territory mandatory sentencing laws should the Northern Territory administration fail to do so.

Much debate has taken place during the past few days on mandatory sentencing.

[Interruption]

Mr SPEAKER: Order! The honourable member for Murrumbidgee will resume his seat. If the honourable member for Coffs Harbour addresses the Chair from beyond the bar, he will not return to the Chamber.

Mr Fraser: Point of order—

Mr SPEAKER: Order! The honourable member for Coffs Harbour will resume his seat.

Mr Hazzard: Point of order—

Mr SPEAKER: Order! The honourable member for Wakehurst will resume his seat. The honourable member for Murrumbidgee is a new member. One of the basic tenets of this House is that members should not wander up and down the aisles addressing the member with the call. The House would be in chaos if every member acted in that way. The actions of the honourable member for Murrumbidgee were unparliamentary. If he again behaves in that way I will direct that he be removed from the Chamber.

[Interruption]

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Mr SPEAKER: Order! I ask the Sergeant-at-Arms to remove the honourable member for Murrumbidgee from the Chamber.

[The honourable member for Murrumbidgee left the Chamber, accompanied by the Sergeant-at-Arms.]

Miss BURTON: Mr Speaker—

Mr HARTCHER (Gosford) [3.50 p.m.]: I move:

That the honourable member for Kogarah be not further heard.

The House divided.

Ayes, 30

Mr Brogden	Mr Richardson
Mr Collins	Mr Rozzoli
Mr Debnam	Ms Seaton
Mr George	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Souris
Mr Hazzard	Mr Stoner
Ms Hodgkinson	Mr Tink
Mr Humpherson	Mr J. H. Turner
Dr Kernohan	Mr R. W. Turner
Mr Kerr	Mr Webb
Mr Maguire	
Mr Merton	<i>Tellers,</i>
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr R. H. L. Smith
Mr O'Farrell	
Mr D. L. Page	

Noes, 55

Ms Allan	Mr McGrane
Mr Amery	Mr McManus

Ms Andrews	Ms Meagher
Mr Aquilina	Ms Megarrity
Mr Ashton	Mr Mills
Mr Barr	Ms Moore
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 Carr	Mr Price
Mr Collier	Dr Refshauge
Mr Crittenden	Mr Scully
Mr Debus	Mr W. D. Smith
Mr Face	Mr Stewart
Mr Gaudry	Mr Torbay
Mr Greene	Mr Tripodi
Mrs Grusovin	Mr Watkins
Ms Harrison	Mr Whelan
Mr Hickey	Mr Windsor
Mr Hunter	Mr Woods
Mr Iemma	
Mr Knight	<i>Tellers,</i>
Mrs Lo Po'	Mr Anderson
Mr Lynch	Mr Thompson
Mr Markham	
Mr Martin	
Mr McBride	

Pairs

Mr Armstrong	Mr Knowles
Mrs Chikarovski	Ms Saliba

Question resolved in the negative.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Urgent Motion: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield-Minister for Police) [3.58 p.m.]: I move:

That standing orders be suspended to provide time for the honourable member for Kogarah to speak for 10 minutes.

Mr HARTCHER (Gosford) [3.58 p.m.]: I oppose the motion because it proposes to suspend standing orders for the benefit of the honourable member for Kogarah. When the Leader of the National Party attempted to take a significant point of privilege in this House, he was denied the opportunity to do so. The Premier of this State gave an answer to a contrived Dorothy Dix question about the Leader of the National Party which was totally fictitious and false.

Mr Whelan: Point of order—

Mr SPEAKER: Order! If the Leader of the House wishes to take a point of order he should do so from where he is now standing on the Opposition side of the Chamber.

Mr Whelan: On a point of order: My point of order is one of relevance. The suspension is for the benefit of the honourable member for Kogarah. It does not relate to any other honourable member.

Mr SPEAKER: Order! That is not a point of order. The Leader of the House is making a speech in reply.

Mr HARTCHER: I am explaining why I oppose the motion for suspension of standing orders. When the Premier answered the question honourable members of this House were entitled to believe that the information he was giving was genuine. It now turns out that it has been falsified. There are no such people as the Premier claimed were in existence. We have this extraordinary scene of the Premier of New South Wales waving a false document and giving false information to this House for the most purely party-political reasons.

Mr Whelan: Point of order: My point of order is that if the honourable member for Gosford is continuing with that argument, and he has evidence of some substantive abuse by any member, he should inform the House. He should use known forms of the House rather than use a motion for suspension to begin an unsubstantiated attack on another member.

Mr SPEAKER: Order! The Leader of the House is seeking to guide the Chair. I am extending a degree of latitude to the honourable member for Gosford.

Mr HARTCHER: As I have explained, that is why I am opposing the point of order. If the Leader of the House wishes to give advice on the standing orders I am free to receive it at a later time. We are entitled to believe that the Premier's answer and the information he gives this House is genuine and correct. We will have a debate next week when we bring this matter on. We will go through the Premier's answer and the information that was supplied and we will show how he has misled this House. He may wish to use his numbers to try to stop debate but he cannot stop the truth. The truth is that the Premier did not have a genuine case when he stood here this afternoon. It was controlled and it was false.

Mr SPEAKER: Order! The Leader of the House has moved to suspend standing and sessional orders to restore the speaking time of the honourable member for Kogarah. The honourable member for Gosford should direct his remarks to that motion.

Mr HARTCHER: I will now. I thank you for your guidance and the Leader of the House for his information. The honourable member for Kogarah wants take the time of this House to talk about the Federal Government and Federal legislation. We have had a debate on Telstra—a Federal matter. We have had a debate on the goods and services tax—a Federal matter—and every Federal issue they can dream up but we have State issues. What is happening in south-west Sydney? What is happening to the children of this State who are denied access to hospitals? What is happening to the railway? What is happening to the state of the trains? Why does the Premier not tell us about that instead of the goods and services tax, Telstra and mandatory sentencing?

Mr Whelan: Last night we gave Opposition members an opportunity to make a speech about protecting children and they voted against it.

Mr HARTCHER: We will debate any State issue the Premier wants. The Premier should not hide behind the Federal Government. [*Time expired.*]

The House divided.

Ayes, 56

Ms Allan	Mr Martin
Mr Amery	Mr McBride
Ms Andrews	Mr McGrane
Mr Aquilina	Mr McManus
Mr Ashton	Ms Meagher

Mr Barr	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 Carr	Mr E. T. Page
Mr Collier	Mr Price
Mr Crittenden	Dr Refshauge
Mr Debus	Mr Scully
Mr Face	Mr W. D. Smith
Mr Gaudry	Mr Stewart
Mr Greene	Mr Torbay
Mrs Grusovin	Mr Tripodi
Ms Harrison	Mr Watkins
Mr Hickey	Mr Whelan
Mr Hunter	Mr Windsor
Mr Iemma	Mr Woods
Mr Knight	
Mrs Lo Po'	<i>Tellers,</i>
Mr Lynch	Mr Anderson
Mr Markham	Mr Thompson

Noes, 30

Mr Brogden	Mr D. L. Page
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	<i>Tellers,</i>
Mr O'Doherty	Mr Fraser
Mr O'Farrell	Mr R. H. L. Smith

Pairs

Mr Knowles	Mrs Chikarovski
Ms Saliba	Mr Armstrong

Question so resolved in the affirmative.

Motion agreed to.

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MANDATORY SENTENCING

Urgent Motion

[*Debate resumed.*]

Miss BURTON: There has been much debate over the last few days about mandatory sentencing laws in the Northern Territory and whether the Federal Government should intervene. It saddens me that that I have to stand in the House today, 116 years after this State dumped mandatory sentencing because it was so harsh and unjust. So here we are today, 116 years later, urging the Northern Territory to repeal these laws. They did not work here 116 years ago, they are not working now in the United States, and they certainly will not work in the Northern Territory. Make no mistake, mandatory sentencing is an attack on young disadvantaged people. It locks up young people for petty theft crimes regardless of the circumstances surrounding them.

There is no discretion under mandatory sentencing for judges to impose sentences based on the circumstances or facts of the case. These Northern Territory laws incarcerate children as young as 16 years for such heinous crime as stealing a piece of pizza. But, before we go into that debate I believe it is important to look at a few of the examples and direct consequences of mandatory sentencing in the United States. There was the case of a man and his girlfriend found dead in the garage of their house in Sacramento, California, in January last year. It was a murder-suicide; the man had shot his girlfriend and then shot himself. He was facing a sentence of life in prison for possession of less than one ounce of marijuana. It was his third conviction, and in California—the home of three strikes laws—any further conviction by an offender means a mandatory sentence of 25 years to life.

Also in California a man is serving a life sentence for snatching a pizza from a group of schoolchildren when he was drunk. That is right, he is now serving a life sentence for stealing a pizza. His first two convictions were on robbery and drug counts, but his real crime, it seems, is that he was hungry or destitute. I think every Australian would agree with me when I say that the criminal law should operate in such a way that the punishment would fit the crime. Mandatory sentencing achieves the opposite. [*Quorum formed.*]

The recent death in custody of a 15-year-old Aboriginal boy has come as a wake-up call to Australians on the issue of mandatory sentencing. He stole pens, pencils and liquid paper from the local community council officers on Groot Island. Their value was less than \$50. For that crime, under the cruel and inflexible mandatory sentencing laws of the Northern Territory, the young boy was sentenced to 28 days in prison, locked up far away from his home. He was found hanged in Darwin's Don Dale detention centre on 9 February 2000, only a couple of days before he was due to be released.

That boy's circumstance were very tragic. His mother had died when he was a baby, and his father died in a car accident a few years ago. His personal circumstances could not be taken into account by the sentencing judge under the Northern Territory laws. The young boy's sentence was cold and automatic. In early February this year three Aboriginal men were sentenced to terms of one year, one year and 90 days respectively for the theft of biscuits and cordial worth \$23. They committed the crime on Christmas Day 1998. The men were so hungry that they entered a storeroom at the Gemco mine on Groot Island and took the food and drink. I might add that they did not touch any of the expensive equipment stored there, hurt anybody or threaten anybody.

When sentencing one of the three men the visibly upset magistrate questioned the benefit of the custodial sentence but said he had no option under the law. So the Northern Territory will outlay about \$135,000 to hold these young men in custody, not counting the construction costs of the gaol or the costs of the court proceedings. The cost to the community is more than 5,000 times the value of the goods they stole. I would like to quote from a speech made by John Faulkner in the Australian Senate comparing such cases to the case of Alan Bond. Senator Faulkner said:

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He has asked many times and is yet to receive a satisfactory answer from any quarter: Where is the justice in obliging a court to send a person to gaol for one year for stealing biscuits and cordial and allowing someone who has been convicted of the nation's biggest fraud to walk free after little more than three years behind bars? Alan Bond's fraudulent behaviour hurt thousands of small investors. Some of them lost their life savings. The lesson of Alan Bond's case is that in Western Australia and the Northern Territory there is one rule for the rich and one rule for the poor.

The upshot of that is that we give our wealthy, million dollar, white collar criminals a pat on the back and we lock up children for stealing some food because they may be homeless and hungry. That is supposed to be a fair judicial system. That is the fairness which the Leader of the Opposition was talking about on radio—that the reason mandatory sentencing is popular is that the judicial system is not consistent. Is it consistent if it put Alan Bond in gaol for three years after all the pain and suffering he caused many thousands of Australian investors? How much taxpayers' money has been spent on Christopher Skase? I doubt that he will ever return to Australia. Yet three guys are going to gaol for a year because they stole some biscuits and cordial. I do not think that is consistent, nor do I think it is fair. The Labor Party is not alone in its opposition to these laws. Just yesterday the Prime Minister faced a backbench revolt. I congratulate those members of Parliament for having the courage to fight for what is right and just. The Treasurer, Mr Peter Costello, is reported in the *Sydney Morning Herald* today as saying:

We are going to put to Mr Burke the fact that those laws for people under the age of 18 are wrong, and we are going to try and persuade him to either change the laws or to put in place other alternatives for young people.

Marise Payne has also voiced her concerns. She said in a statement released on 13 March:

Mandatory sentencing doesn't work. In my view the most desirable outcome of the inquiry and the public debate on this issue is the repeal of all mandatory sentencing laws affecting young people. I believe that if the Territory's mandatory sentencing laws remain then I recommend that the Commonwealth Government should consider intervention. Mandatory sentencing has been portrayed as a crackdown on crime. But it has yet to be shown that it has any impact on crime rates whatsoever. It is simply locking up young people for petty crimes with hard core criminals.

I draw attention to another matter.

Mr Hazzard: This is superficial drivel.

Ms BURTON: The honourable member might think so but he is not the one who is going to be locked up. He is not in the Northern Territory, and he should be. He should get up there. He should not play that sort of role because he is a redneck. Some Opposition members might not think that this is an important issue, but I am sure that—

Mr SPEAKER: Order! The honourable member will be permitted an additional three minutes in which to speak.

Mr Hartcher: Point of order: The motion moved by the Leader of the House and upheld by this House was that 10 minutes speaking time should be allocated. That 10-minute period has now expired. On what basis is an additional three minutes being allowed when standing orders were suspended to allow 10 minutes and that time has been now completed?

Mr Whelan: To the point of order: I might be able to help the House.

Mr Hartcher: I am taking a point of order.

Mr Whelan: I am speaking to the point of order.

Mr SPEAKER: Order! I will hear the point of order. However, members should not conduct conversations.

Mr Whelan: This is a very important matter. If the House decides that a member is entitled to make a 10-minute speech that time can be interrupted in a lot of ways, not only by the calling of quorums, which is what occurred today, but also by the moving of a motion that a speaker be not further heard. The House made a deliberate decision to allow a member to speak for 10 minutes. If motions in the future—

Mr Hartcher: It did not say that.

Mr Whelan: I want Opposition members to think about this because it will backfire on them. The motion that was agreed to was that the honourable member be allowed to speak for 10 minutes.

That means that she is entitled to 10 minutes of real speaking time, not 10 minutes of parliamentary time that can be interrupted by procedural nonsense, particularly as has occurred in this case.

Mr SPEAKER: Order! I have sought the guidance of the Clerk in relation to allowing the honourable member for Kogarah an additional three minutes in which to speak. I had hoped that the honourable member for Gosford, in the spirit of the vote of the House, would have agreed to allow the honourable member for Kogarah a full 10 minutes. As the Leader of the House has said, the calling of a quorum erodes the speaking time of the member with the call. I would probably set an unfortunate precedent if I did not rule in the way sought by the honourable member for Gosford. The speaking time of the honourable member for Kogarah has expired.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

SOUTHERN REGION OF THE SYDNEY WOODTURNERS GUILD INC.

Mr COLLIER (Miranda) [4.25 p.m.]: It is with great pleasure that I speak today about a group in my electorate, the Southern Region of the Sydney Woodturners Guild Inc. Wood-turning is an ancient craft. In simple terms, it is the formation of wooden articles using a lathe. While the piece of wood spins on the lathe the craftsman or craftswoman uses a variety of tools to shape that wood into items of use. The Southern Region of the Sydney Woodturners Guild currently has 200 members, both male and female, and its membership is growing. The guild began in the Sutherland shire in the late 1980s. Early meetings of the southern region took place with 20 or 30 members once per month at an individual member's home.

Growing numbers meant that by the mid-1990s members were looking for a larger place to meet. When it became aware that Sutherland council was about to demolish a derelict scout hall in Oyster Bay the wood-turners raised the funds, obtained materials and worked extraordinarily hard to fully restore the building. In February 1996 the wood-turners held their first meeting in the hall which they affectionately named the Cubby House. The wood-turners hold regular meetings at the Cubby House for members to exchange ideas and hone their skills. They also hold maxi-days once a month. Those open days attract 120 to 150 people to the hall, including members of the public. I have attended those meetings on numerous occasions and I thoroughly enjoyed myself, as did every other visitor.

Wood-turners do much more than meet the needs of their large and growing membership. The Southern Region of the Sydney Woodturners Guild, through their charity work, their fundraising, their commitment, their camaraderie, their craft and their sheer hard work, regularly make an unselfish and significant contribution to the wellbeing of the Sutherland shire, a contribution which richly deserves recognition. The wood-turners meet the recreational and social needs of a large and growing number of shire residents. Many of its members, both male and female, are pensioners or self-funded retirees. Membership is open to all ages. The wood-turners are well-organised and self-supporting in the funding of their activities, their equipment and their publications. Through their classes, demonstrations, displays, newsletters meetings and open days the wood-turners provide opportunities for members to develop their skills and talents.

The guild conducts training sessions for new members in the Cubby House for a small fee, which includes the lathes, materials and 15 hours of tuition. They are committed to their craft and its long-term growth in the shire. They regularly invite craftsmen and craftswomen from other parts of Sydney, Australia and the world to demonstrate their skills, products and techniques to members on open days. Open days are relaxed and informal and provide opportunities for public displays and for members to exchange ideas and meet with one another. Wood-turners are extremely conscious of their environment. They fashion a wide variety of useful items using burls, which are dome-shaped, unwanted growths on fallen trees, wood offcuts and wood which has simply been discarded as waste. Their emphasis on recycling is simply commendable.

In restoring the once derelict scout hall at Oyster Bay, the Southern Region of the Sydney Woodturners Guild has, through its own initiative and members' hard work, returned a valuable asset

to the community. The wood-turners have raised and spent more than \$15,000 on improvements to the hall since they first restored it and held their first meeting. This once derelict building, which has been marked for demolition by the local council, is now being used not just by wood-turners but by other craft groups on an average of 20 days a month.

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Each and every year members of the Woodturners Guild make wooden toys and donate them to charity—the Salvation Army—for distribution at Christmas. In October 1999, using their motto, "charity begins at home", the wood-turners raised \$9,000 and donated that to the Rural Fire Service. In the year before they raised \$6,000 for the children's emergency ward at Sutherland hospital and I understand this year the wood-turners will be raising money for other local essential services. Their contribution to the present and future wellbeing of my community has been simply outstanding from all points of view: community facilities, membership, the environment, their work for charities and fundraising for local services. I thank the southern region of the Woodturners Guild for its contribution to my community. I am proud to have such a group of men and women in my electorate of Miranda. I have taken the step of nominating the southern region of the Woodturners Guild for a Government community service award.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [4.30 p.m.]: I also congratulate the guild. It is wonderful to have the talents, experience and wisdom of older people recycled back into the community. It is important that we do not lose sight of the talents older people have. Projects like this, that demonstrate to the community at large that they have talents and skills that are largely being lost in our community, are great things. I congratulate the guild. The Sutherland area is lucky to have such good tradesmen.

CENTRAL COAST LAW AND ORDER

Mr HARTCHER (Gosford) [4.31 p.m.]: Anyone who takes a stroll through Kibble Park would be pleasantly surprised at its beauty: a miniature Botanic Gardens in the heart of Gosford central business district. Gosford City Council has spent millions of dollars upgrading the central business district, and Kibble Park, in the heart of Gosford, is a part of this. Unfortunately Kibble Park can no longer be enjoyed by young parents with their children, by workers having lunch or by shoppers taking a stroll. The beauty and ambience of the park are being overtaken by certain persons who seem to delight in drug dealing, swearing and abusing passers-by, drinking alcohol in public and behaving in a generally obnoxious manner.

Little can be done by the police to contain these persons, because of the decision by this Government to centralise policing and remove street policing. As a result, patrons in nearby restaurants and shops are pestered for money and abused if they refuse. Two weeks ago a deputation of shopkeepers came to see me, concerned at the effect of these drug dealers and louts. One shop owner who challenged their behaviour was rewarded with a colostomy bag tipped over the shopfront and a brick thrown through the shop window. This is not the only area affected by declining law and order on the Central Coast.

Only yesterday I received a telephone call from a constituent in East Gosford. This person declined to give his details to me for fear of retribution. The situation could be taken directly from the pages of *Oliver Twist*. A Fagan-like character is sending young people out to burgle homes in the area. These children are instructed to steal electrical goods the first night. They return the next day and take what remains, including in one case a person's underwear. This criminal activity is not contained merely in my electorate. In fact, in the adjoining electorates of Peats and The Entrance the situation is much worse.

In Peats, drug addicts fumble along footpaths right outside the local member's door and congregate in Anderson Park, where they succumb to their daily hit of heroin. Locals in Woy Woy will tell you that this park is the place to score and inject drugs. Once the addicts inject, they hang around Anderson Park to vomit, swear, or simply sleep it off until the next hit, leaving dangerous syringes strewn in the grass and alongside the fountain. It does not end there. Around the corner is a council-owned children's playground, a newly constructed area on the waterfront near Fisherman's

Wharf. It cost \$100,000, and right next to it is a bright yellow syringe bin—\$100,000 has been spent to beautify an area for families, and a syringe bin is placed in the centre.

Local shopkeepers are powerless to prevent these addicts from frequenting the park, despite numerous calls to police. The police appear powerless to prevent such behaviour. The adjacent electorate of The Entrance faces similar problems. I have received a letter from four householders in Citrus Close in which they state that there are six drug dealers in two nearby streets that police are unable to contain. These householders detail horrendous actions by one of these dealers in particular who has terrorised the neighbourhood for the past two years. This person has choked a young woman and threatened her with a screwdriver. Police spent several hours questioning her and taking a statement, but this same man still walks the street in which she lives.

Residents of Citrus Close have been terrorised recently by a young adult male and they are forced to witness constant drunken behaviour, drug use and violence resulting in damage of property. One incident has been documented of an attempted sexual assault on an 11-year-old girl. Despite being known to both the householders and the police, this man also continues to walk the streets. More than 50 children live in this neighbourhood. Clearly it is not a safe place for them to move freely, without fear of harm. The situation at Kibble Park has been brought to the attention of the police on many occasions. The police have responded to the best of their ability by sending down a car virtually every day.

Police patrols in the area have increased but police lack the resources to maintain a continuing ongoing presence to deter the hooliganism, loutish behaviour, the importuning of passers-by, the dealing in drugs and the abuse of alcohol that takes place constantly in Kibble Park. Accordingly, the police are unable to contain the situation. I invite the Minister for Police to visit my electorate—and he may also wish to visit the nearby electorates of Peats and The Entrance—to see first hand the results of policies put in place by him and his Government, policies that have resulted in an ever-decreasing police presence on the streets and in the places where they are needed most. Gosford faces a law and order crisis. I call upon the Government to respond to the crisis. I urge the Minister to act.

ISOLATED PATIENT TRANSIT AND ACCOMMODATION SCHEME

Mr NEWELL (Tweed) [4.36 p.m.]: I bring to the attention of the House the situation with regard to the isolated patient transit and accommodation scheme [IPTAAS]. Earlier this year my office received a call from a young Tweed woman whose husband had been involved in an accident. As a result of a serious spinal injury the husband was taken to a public hospital in Brisbane for specialised spinal treatment. The husband will remain in the spinal unit for some six months. The wife and their four children, who are now in receipt of sickness benefits because the husband is unable to work, were faced with a dilemma. How were they to afford to visit their father and husband and stay with him through the traumatic recovery he is facing?

The wife could not afford to pay for someone to look after the children when she went to Brisbane to be with the husband, nor could she afford to pay for accommodation in Brisbane for herself, let alone for her children as well. Because the family lived within 200 kilometres of the Brisbane hospital they were not eligible for IPTAAS. The family is suffering severe financial hardship. Medical staff at the hospital say the wife's regular attendance at the hospital is an essential part of her husband's current recovery and ongoing rehabilitation. This Tweed family is not alone in its struggle to deal with this type of crisis.

Just last week another Tweed resident came into my office inquiring about IPTAAS. His daughter was in Brisbane with a serious illness. The mother of the child, understandably, wants to stay in Brisbane to be with her young child, who is receiving specialised medical treatment. Once again, this family did not qualify for IPTAAS. Fortunately, the Queensland Cancer Society stepped in to pay for the accommodation for a set period of time. The family does not know how it will cope after the Cancer Society is no longer able to pay for their accommodation. The Northern Rivers Area Health Board will make exemptions, but many Tweed residents do not know that exemptions are possible and therefore struggle through a family crisis and the associated financial burdens.

The senior social worker for the Princess Alexandra Hospital in Brisbane has written to me concerned about the difficulties experienced by New South Wales residents accessing travel and accommodation assistance from IPTAAS. She wrote that the spinal injuries unit at Princess Alexandra Hospital in Brisbane is a statewide specialist rehabilitation service providing treatment for people with spinal cord injuries throughout Queensland and northern New South Wales. New South Wales residents frequently suffer hardship at a time when their lives are already in crisis. Other statewide Brisbane-based units, such as the brain injury unit, report similar problems for northern New South Wales residents.

No other area in New South Wales at such a distance from Sydney has similar problems to those faced in the Tweed. It is a situation with which I have been familiar for too long and I understand it has been brought to the attention of this House on previous occasions, not just by me but by previous members.

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When I was the member for the Federal seat of Richmond I made representations to the State Government about discrimination against the residents of northern New South Wales.

Several weeks ago the Minister for Health announced that extra funding would be provided to area health services in rural and regional New South Wales. I was delighted that the Minister indicated that the guidelines for IPTAAS would be revised and new recommendations put in place. I look forward to assessing the impact of those new guidelines on the people in my electorate of Tweed, because people who travel to Sydney qualify for IPTAAS funding and people who travel to Brisbane to the nearest specialist services do not qualify for IPTAAS funding. I hope that the new guidelines will be more flexible to enable the residents of Tweed can access IPTAAS funding.

WATER QUALITY AND SILTATION

Mr OAKESHOTT (Port Macquarie) [4.40 p.m.]: I draw the attention of honourable members to the water quality and siltation problems in estuaries in the Port Macquarie electorate. These issues are of concern to the people in my local area and, it is fair to say, the people on the east coast of New South Wales. I urge not only the Department of Land and Water Conservation but also the Premier and the Government to take these matters seriously and to provide much-needed funding to deal with these problems. The siltation problem is increasing in the navigable channels in estuaries on the mid North Coast and in the Port Macquarie electorate, and in the Hastings River, the Camden Haven River and the Manning River.

People involved with waterways know about the dangers posed by siltation in navigable channels and areas in which there is a high level of boating activity. There is a huge tourism industry and a huge recreational boating industry in my area, and siltation is creeping into some of these channels. For example, dredging is necessary to clear siltation at the mouth of the Hastings River and in the back channel. Dredging has the support of the community and local agencies on the ground. It even has the support of the National Parks and Wildlife Service—which rare and unique in terms of dredging operations.

Silt in the back channel of the Hastings River is allowing feral animals to enter a unique and precious area of Port Macquarie called Pelican Island. I kayak up the back channel, and these days I walk almost as much as I paddle. So the siltation problem is increasing, and it is affecting water quality and water flows in Hastings River. Yesterday I welcomed my local mayor to Sydney to meet with the Minister to discuss this issue. I hope that the Minister listened to calls from the local community for major improvements to this area. I hope also that the Department of Land and Water Conservation will take this issue seriously and provide much-needed funding, as well as much-needed bureaucratic support.

At present there seems to be a log jam between local councils and the Department of Land and Water Conservation as to who is responsible for providing the necessary funding and support to make this problem disappear. There is a problem with siltation in Crowdy Bay, which is one of the safest havens for fishing fleets and commercial vessels using the east coast of New South Wales. Siltation at the entrance to Crowdy Bay is making it an unsafe place for people visiting this so-called safe port. I hope the department will treat the issue seriously. I understand that funding for Crowdy

Bay may be forthcoming. I hope that the provision of funding can be expedited so that the reputation of Crowdy Bay as a safe port is maintained among commercial and recreational fishers and boat users.

I turn now to water quality in estuaries on the mid North Coast. The oyster industry is making a lot of noise about the decrease in spat counts and the number of oysters being taken from the estuaries. It is fair to say that oyster farmers are the canaries in the coalmine in terms of farming and water quality in rivers on the mid North Coast. When they jump up and down about decreasing spat counts we know that the water quality problem is serious. In particular, the oyster farmers have been talking about the water quality problems caused by acid sulphate run-off. The Government has conducted a hot spots report and recommended several action plans to deal with the problem. However, it has yet to provide funding to implement those recommendations. I urge the Government to act on the hot spots report and provide much-needed funding for our local area.

SWANSEA ELECTORATE COASTAL DEVELOPMENT

Mr ORKOPOULOS (Swansea) [4.46 p.m.]: Once again I address the issue of coastal development in general and the North Wallarah development south of Caves Beach in the electorate of Swansea in particular. Coastal development is a sensitive issue in my electorate. The coastline boundary of the electorate is largely undeveloped; it is one of the last pieces of coastline on the eastern seaboard to be free of development. Indeed, the communities that make up the Swansea electorate are proud of this fact, and I accept the challenge to protect our precious coastline from inappropriate and environmentally destructive development.

The people of the Swansea electorate reject Gold Coast-style development and have kept a constant watch on a precious piece of coastline south of Caves Beach which was rezoned for development by Lake Macquarie City Council in 1988. I have spoken before in this House about the disgraceful and inappropriate zonings that were approved by the Greiner Government. Those zonings included provisions for golf courses in sensitive wetlands and rainforests, eight-storey motels built in the cliffs on the coastline and housing in the gully rainforests. Clearly, such development of these environmentally sensitive lands is inappropriate.

I am happy to report to the House that after all these years a reasonable compromise has been reached between the applicant, Lensworth Pty Ltd, the Department of Urban Affairs and Planning and Lake Macquarie City Council. The rezoning application approved by Lake Macquarie City Council last month preserves 260 hectares of prime environmentally sensitive land under the control of the National Parks and Wildlife Service in public ownership. While I have some reservations about certain details of the latest rezoning, I believe that on balance it is the best result for the environment as a whole.

The latest application for rezoning before Lake Macquarie Council is for a sensitive parcel of coastal land between Red Head and Belmont owned by BHP. BHP's application is for housing between the coastal dunes and the large interlocking stretch of wetlands that act as a buffer to the existing urban settlement of the Belmont township. I am opposed to the rezoning as it currently stands as it provides for housing on sensitive land that has been raped by mineral sands mining for more than 50 years. When a rezoning application pertaining to this land is lodged with Lake Macquarie council I urge the Minister for Urban Affairs and Planning to seriously consider refusing any rezoning for housing on this piece of land. Some weeks ago I wrote to the Minister asking him to refuse any such application.

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The time has long passed for a more appropriate and sensitive approach to coastal development. The coastline of Lake Macquarie needs proper and comprehensive treatment. I ask the Minister to properly consider the application and refuse all housing between Redhead and Belmont on land owned by BHP.

WILLOUGHBY PADDOCKS

Mr COLLINS (Willoughby) [4.50 p.m.]: I draw to the attention of the House an issue that may be familiar to honourable members who have paid attention to petitions presented to this House

in recent days. I refer to Willoughby paddocks. For the benefit of members who are unfamiliar with that parcel of land, Willoughby paddocks is an area on the former Warringah Freeway corridor which was to stretch from where the Gore Hill Expressway begins to the Castlecrag escarpment. In other words, it is the right-hand arc heading north towards the northern beaches, which was 20 years ago to have crossed from Castlecrag to Seaforth, which would have put a bridge there. That idea was rejected a long time ago by successive governments.

The Kirby report rejected the idea of building a bridge at Castlecrag linking Castlecrag and Seaforth. Therefore there is now a corridor of land, which is divided roughly into three major parcels, including waterfront land and escarpment land in Castlecrag, stretching back to a central section known as Willoughby paddocks. There is then an entry section to what I believe would have been a tunnel part of the freeway opposite the Bicentennial Reserve in Willoughby. The people of the electorate of Willoughby who live around the Willoughby paddocks area have petitioned the Government, in particular the Minister for Urban Affairs and Planning, to look into the matter.

I have raised the matter with the Minister. I hope that in the very near future the Minister will receive a delegation led by me and that the Minister for Transport, and Minister for Roads will participate in that meeting. The people of my electorate are very concerned about the proposed overdevelopment of the Willoughby paddocks area, specifically the planned rezoning of current public open space, the reconfiguring of lot sizes, and the changing of current residential zoning to allow medium-density housing, specifically construction of 120 townhouses in the area known as Willoughby paddocks—that is the area bounded by Alpha, Windsor and Mowbray roads, Remuera Street and Eastern Valley Way—which is referred to as site 3 in the abandoned Warringah transport corridor draft development recommendations.

Specifically, my constituents ask the Government to intervene on their behalf to override the Roads and Traffic Authority so that the current vacant land will be retained. They also ask the Government to support the proposal that the current area of vacant land be zoned and developed as public parkland for the enjoyment of the community. Further, they ask that residential zoning remain at existing 2a to ensure that medium-density housing is not allowed. Some members may say that this is another "not in my backyard" campaign. It is not. The Willoughby local government area—I suspect more than any other metropolitan area—has played ball with successive governments in achieving medium density housing targets.

In fact, the local government area of Willoughby is the third fastest growing local government area in the State. That is because Willoughby City Council has played ball and tried to deliver a sensible policy in a way that will not be environmentally destructive. I hope that the Government and the Minister, when he receives the deputation which I lead, will acknowledge the fact that our local government area is prepared to play ball and to seek to achieve targets set by government programs. This is a chance to preserve public open space and to give a bit back to a community that is prepared to go along with government policy. We all know that many local government areas are not prepared to play ball with the medium-density targets set by the Government.

When councils are prepared to try to meet those targets—people who understand the need for a medium-density housing policy—there should be some acknowledgement and reward for that. I earnestly hope that, first, the Minister for Urban Affairs and Planning receives the deputation, second, does not leave it to long, and third, recognises my electorate of Willoughby for making an effort to comply with government policy.

KARIONG FIRE STATION

Ms ANDREWS (Peats) [4.55 p.m.]: I should like to inform the House that on Wednesday 22 March I had the great pleasure of declaring the new Kariong fire station officially open. The Minister for Emergency Services was unable to attend the opening. However, on his behalf I conveyed his congratulations and best wishes to members of the New South Wales Fire Brigades, particularly officers and firefighters who are working from the Kariong fire station and in other fire stations on the Central Coast. The master of ceremonies for the official opening was Superintendent John Langshaw, Acting Zone Commander N7.

The official proceedings commenced with a beautiful rendition of the National Anthem by pupils from Kariong Public School, who were accompanied by Mr Evan Campbell, Deputy Principal, and choir teacher, Ms Linda Turner. Councillor Chris Holstein, Mayor of Gosford City Council, welcomed guests and reminded all in attendance that the fire station was located on land once occupied by the Darkinung people. In his speech New South Wales Fire Brigades Commissioner Ian MacDougall, AC AFSM, acknowledged the importance of the new fire station to the Central Coast and the State's network of stations. The commissioner indicated that members of the New South Wales Fire Brigades at Kariong are working in co-operation with members of the local Rural Fire Service brigades, who were well represented at the opening.

The commissioner paid tribute to New South Wales Fire Brigades officers and firefighters from fire stations throughout the Central Coast for the excellent work they performed in protecting the communities and property from calamity. Other representatives of the New South Wales Fire Brigades in attendance at the opening were Assistant Commissioner John Anderson, Region Commander North; Chief Superintendent Bob Dobson, Deputy Region Commander North; Chief Superintendent Bob Lewthwaite, Zone N3; Superintendent Gary Meers; John Gibbs, Manager Properties; Mark Wylie, Project Manager; and Alan Meek, Senior Property Officer. The fire station was blessed by the New South Wales Fire Brigades Chaplin, Bob Garven.

At the opening I met the new fire station's commander, Allen Smithers, and his staff, which I am pleased to say includes a female firefighter. Station Commander Smithers received the keys to the station from Superintendent Langshaw. Also in attendance at the opening were officers and firefighters not only from Kariong but also Ettalong Beach, Killarney Vale, Wyoming, Woy Woy and Terrigal fire stations. It was particularly pleasing to see the long-serving Captain of Ettalong Fire Brigade, Vince Wiegold, and his wife at the opening. A number of other state government agency representatives were in attendance, including Superintendent Kevin Curry, Commander of the Brisbane Water Local Area Command; Acting Superintendent Tony Baxter of the New South Wales Ambulance Service; Mr Terry Gould, Manager; Mr Greg Corbin of the nearby Frank Baxter Juvenile Justice Centre; and Mr Rod Stewart, Local Emergency Services Management Officer, Northern Region.

The guests included Councillor Craig Doyle; Mr Peter Wilson, General Manager of the Gosford City Council; Mr Arthur Owens, Superintendent of council's Rural Fire Service; Captain Tamie Oliver of Somersby Rural Fire Service; Mrs Reay, the widow of the late New South Wales Fire Brigades chief officer; and Mrs Katrina Fitton, the late chief officer's daughter, who is a resident of Kariong, and a number of other well-known local identities. In the course of my speech I took the opportunity to point out to those in attendance the enormous amount of capital works being done on fire stations around the State at this time.

Over the past five years funding to the New South Wales Fire Brigades has increased by 41 per cent, to a massive \$1.48 billion. These increased funding levels have enabled the Government to open 89 new or upgraded fire stations and increased permanent staffing in country areas by creating 73 permanent firefighter positions. This is proof of a well-resourced, world-class firefighting organisation. The community of New South Wales today enjoys protection from fire and other emergencies that is second to none.

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People on the Central Coast have benefited from the increased funding which has allowed new works and upgrades to go ahead. New South Wales Fire Brigades has played a vital and continuous role on the Central Coast in protecting lives and property for the past 100 years. That point was well illustrated by a fine array of the heavy uniforms, brass helmets and long-legged boots worn by fire-fighters in an era that has now long gone. These exhibits were proudly modelled at the opening ceremony by a number of retired fire-fighters, including the well-known Woy Woy peninsula resident, Bruce Kingston. There was an excellent line-up of fire engines on display outside the new fire station dating from almost the very first motorised fire engine to the latest model.

During the last year, 11 New South Wales fire brigade crews on the Central Coast have responded to more than 4,600 emergency incidents. They protect local families, industries and businesses 24 hours a day, seven days a week, 365 days a year. The opening of Kariong fire station is yet another positive step towards making the Central Coast a safer and more confident community in

which to live and work. To all crew members who are now working and who will work out of Fire Station 341 Kariong in the future, I wish them every good fortune and success.

COOMA CALL CENTRE

Mr WEBB (Monaro) [5.00 p.m.]: I bring to the attention of the House a major achievement for the township of Cooma, the Cooma-Monaro Shire Council and the Federal parliamentary representative for Eden-Monaro, Gary Nairn. The achievement is the award of a Defence Department contract worth \$30 million over two years to facilitate the use of a call centre in Cooma. This is a major initiative because it will create 150 jobs with full potential over time to increase to 450 jobs for the township of Cooma, the surrounding areas of Cooma-Monaro Shire and the Snowy Mountains areas, which include Berridale, Jindabyne, south of Bombala and Nimmitabel. This success coincides with a TAFE initiative to train people to be effective operators in the call centre.

The job opportunities that will be created by the initiative for the townships of my electorate are fantastic and represent a great plus for the Cooma-Monaro Shire Council that has been working for some time to bring it to fruition. This boon will go a long way towards surmounting the \$10 million loss to the town of Cooma and the Cooma-Monaro Shire when the closure of the Cooma gaol occurred, with no thanks to the Minister for Local Government and Minister for Regional Development, Harry Woods, and the Minister for Corrective Services, Bob Debus, who saw fit to close the gaol.

Since that time, the community has been desperate to find opportunities for employment. A feasibility study was carried out and followed by a commitment of \$1.65 million in seed funding to establish the call centre. Together with the successful tendering for a Defence Department contract worth \$30 million, these initiatives represent a big plus for John Howard and John Anderson, who have delivered for the bush in New South Wales. They have recognised fully the need for jobs in rural areas. They realise fully the importance that decentralisation and the creation of jobs play in any country town in New South Wales. I applaud the Prime Minister, John Howard, the Deputy Prime Minister, John Anderson, the Defence Minister, John Moore, and Gary Nairn who never left a stone unturned in his tireless work for the electorate of Eden-Monaro, the State electorate of Monaro, and the residents of the town of Cooma. He certainly came through by winning the commitment to have the call centre built in Cooma.

A week or so ago I visited the call centre. While the colour scheme of pink, mauve and orange did not do me a world of good, I am sure it will create a good environment in which to work. The centre contains state-of-the-art technology and provides access for all types of call centre operators. The centre will include a technology centre which will accommodate managers of the call centre and managers of the technology centre. The operation of the call centre will be continuous and will be able to provide a service for clients with different needs. When the business gets under way, particularly when the Defence Department contract comes on stream, I am sure that the business operators and people who wish to deal with the call centre on a small scale will be able to work in conjunction with government departments and big business. A whole realm of opportunities has been created, particularly as there is also a proposal to provide communications services to the township of Cooma entirely by the use of fiberoptic cable. I believe that this will be the first introduction of that type of technology in the world.

I commend the Mayor of Cooma-Monaro Shire, Peter Cochran; the general manager, Neill Watt; the director of engineering services, David Byrne; and former mayors Tony Keltoun and Roger Norton for forming the limited liability organisation that will operate the call centre. They have already recruited experienced call centre managers. This will be a great partnership between the Cooma-Monaro Shire Council and the community, private business and the Federal Government. I congratulate the people I have mentioned and the Federal parliamentary representative for Eden-Narrow, Gary Nairn, on their approach and success in the winning the call centre for Cooma.

TRANSGRID

Mr TORBAY (Northern Tablelands) [5.05 p.m.]: It is a matter of great concern to me that Transgrid, a publicly-owned authority, has been riding roughshod over a number of land-holders in the Northern Tablelands electorate. I now have a very thick file listing complaints of Transgrid's

bullying tactics, cheating on compensation, lack of consultation and failure to follow due process. Aboriginal land councils have advised me that there have been multiple breaches of the indigenous management plan and destruction of cultural sites. Individual land-holders have found subcontractors trespassing and clearing property before agreement on compensation has been reached. Farmers are also complaining about inadequate weed control plans being put in place and agreements to avoid certain trees having been breached. All this is happening as Transgrid rushes to meet an unrealistic deadline to complete a national grid connection to Queensland by September-October.

The construction of this 330 KV power line from Armidale in northern New South Wales to Texas near the Queensland border involves 130 property owners. They face the prospect of 60-metre wide easements across their land and 540 towers that are 47 metres high along a 250-kilometre route. I am not talking about the impact of ordinary power lines but, rather, the transformation of an entire rural landscape. One of the worst aspects of Transgrid's approach has been the attempts to cheat landowners out of thousands of dollars by undervaluing their compensation. Several landowners have settled, but at present there are approximately 40 landowners who have been offered approximately half of their entitlement.

I cite the following examples: J. Manual of Lochlana—Transgrid's offer was \$13,500 whereas the Valuer-General's determination was \$26,500 and a private valuer's determination was \$26,000; Faye Mayled of Alkoomie—Transgrid's offer was \$21,750 whereas the Valuer-General's determination was \$39,500 and the private valuer's determination was \$41,000; P. and B. Waters, The Valley—Transgrid's offer was \$11,250 whereas the Valuer-General's determination was \$18,250 and the private valuer's determination was \$20,000; Jim Martin, Culool—Transgrid's offer was \$32,500 whereas the Valuer-General's determination was \$55,000 and the private valuer's offer was \$52,000; and B. J. and P. Waters of The Valley—Transgrid's offer was \$11,500 whereas the Valuer-General's determination was \$18,250 and the private valuer's offer was \$20,000; D. J. and J. Wright, Inverness—Transgrid's offer was \$33,000 whereas the Valuer-General's determination was \$94,000 and the private valuer's offer was \$108,000. Those figures represent an almost inexplicable variation. As the valuations applied the same criteria, I would like to know how the valuations could be determined so differently.

One of these cases concerns a widow who recently lost her husband. In a few years she will need to move into town but her small 100-hectare property will have been defaced by the power lines which have been situated 330 metres from her house. When Transgrid was invited to buy the property and lease it back to the owner it refused. To my mind that is evidence enough that the house and land will not have the same value after the power lines have been constructed as it previously had. Despite assurances given by Transgrid early in the peace that all land-holders' rights would be respected, the opposite has occurred. It is disgraceful that the power of a public authority should be abused in this way. Transgrid can resume land or acquire an interest in land as a last resort and is required to undertake extensive negotiation and consultation in the process. In this instance, those provisions have not been strictly observed.

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I believe many landowners on the corridor are still unaware of the size of the project and the visual impact it will have on their properties. This is the first time towers of the size proposed for this scheme have been constructed in the New England area. The 40 percent of landowners who have not settled with TransGrid have not been hoodwinked. They are concerned about all the issues I have mentioned and want to minimise the damage to their property and to the environment. They are also seeking adequate compensation.

I call on the Government to ensure that those property owners receive justice and are not forced into costly litigation in the Land and Environment Court. It is not viable to go to court over the amounts involved in this transaction. It would be very frustrating for them and will only add to their frustration. The discrepancy between TransGrid's valuations and those of the Valuer-General and the private valuers is ludicrous. This project will have a massive impact on the landscape and will affect the resale value of many of the properties involved. TransGrid must be pulled into line. It has offered inadequate compensation and has created maximum disruption and distress through its aggressive bulldozing approach. I ask the Government, through the Minister for Energy, to step in and ensure due process is followed so that the landowners concerned are justly compensated and the environmental access issues are settled in a satisfactory manner.

AUBURN MAYOR LE LAM

Mr NAGLE (Auburn) [5.11 p.m.]: I have spoken a number of times in this House in relation to Auburn hospital. I am concerned about the interference at that hospital by some of the local councillors. The mayor, Councillor Le Lam, who was elected in September 1999, was quoted in an article in the *Review Pictorial* on 20 October 1999 as saying:

We look forward to working hand in hand with you to make the Auburn LGA a better place to live, work and enjoy life.

All she has done since becoming mayor is to divide and upset the community, and heighten people's concerns and fears about the closure or downgrading of Auburn hospital for her own political advantage. She could not care less about the concerns of the people. On 17 February she wrote to me. She never bothered to contact my office to find out if I would be available for a public meeting. She said:

We draw your attention to our concern at the constant downgrading of Auburn Hospital.

That is untrue. The hospital is not being constantly downgraded. The Minister has put a great deal of extra money into the hospital. She continued:

Auburn Local Government Area is already disadvantaged in many areas.

I would say one of them is her being the mayor. She continued:

More than 50% of our residents are from non-English speaking backgrounds, a good percentage are elderly and unemployment is high.

That is true. She continued:

There is considerable community concern that the changes to providing services and down grading will eventually lead to the closure of Auburn Hospital as well.

The Premier visited the hospital, praised it and said it would not be closed. The Minister for Health, the Hon. Craig Knowles, visited the hospital, interviewed staff and doctors and made it clear that the hospital would not be downgraded. He has written numerous letters to council, to myself and to many other people in the area. Despite that, Councillor Le Lam keeps telling everyone, for reasons connected with her own political agenda, that the hospital is closing. She mentioned people having to travel to Westmead if they are sick. Recently I was at that hospital with my son, who had been injured. The work of the staff at that hospital, particularly in the emergency and casualty sections, is excellent. Neither the general manager of the council nor Councillor Le Lam contacted my office and asked whether I was available to attend the public meeting. I responded to Councillor Le Lam on 17 March. I said:

In regard to your alleged concern about Auburn hospital, I question sincerely your motives to save Auburn Hospital. It is just political opportunism of the worst kind when Lidcombe Hospital and St Josephs Hospital were closed by your Liberal Government as acute care hospitals you could not be seen in the campaign to save them.

She was in the area, but did not try to save the hospital. She raises these issues and claims that she is criticised because of who she is. She and the deputy mayor, Councillor Mohamed Saddick, made derogatory comments about me in council chambers. I will discuss Councillor Mohamed Saddick in this House at a later time in relation to matters concerning other people. One of the pamphlets distributed by Councillor Mohamed Saddick and others claimed that the Minister for Health and I had been invited to attend the meeting. We were not, and the matter had not been discussed with me. The pamphlet also claimed that Laurie Ferguson had been invited. We were never contacted by the health committee as to whether we were available on the relevant date; we were never asked what date would be convenient. One would have thought it would be important to have the local member of Parliament present at such a meeting.

Doreen Stanmore, an old Tory from way back, has devoted her life to saving Auburn hospital. However, she was never seen trying to save Lidcombe hospital when the Liberal Party was closing it.

She was never seen when St Joseph's acute care hospital was being closed by the Liberal Party, but she wants to get involved with Auburn hospital. After I complained about the pamphlets being distributed I received a letter from Councillor Michael Tadross from Auburn Council, who rebuked me for not doing anything to save Auburn hospital. I have a great deal of evidence to demonstrate how I have tried to save the hospital. Mr Tadross is a local real estate agent from L. J. Hooker. He is so principled and concerned about the hospital that he joined the Liberal Party two weeks before the council election so that he could get endorsement to win. That is the type of unprincipled person he is. Last but not least they have attacked the Westpac Bank in relation to a signage for the Olympic Games. Westpac Bank is putting a lot of money into the area but the council would not allow Westpac Bank to erect a sign to help the people in the electorate of Auburn. [*Time expired.*]

BEGA ELECTORATE HEALTH SERVICES

Mr R. H. L. SMITH (Bega) [5.16 p.m.]: I bring to the attention of the House a cynical exercise being undertaken by the Minister for Health, that is, the downgrading of health services in the electorate of Bega. In 1997 the Southern Area Health Service released a draft service plan which proposed that surgical and obstetric facilities be removed from both Pambula and Batemans Bay hospitals. The plan swiftly produced howls of outrageous protests from residents in those towns and immediate and catchment areas. Public rallies were held in Bega, Merimbula and Batemans Bay involving thousands of people. If that plan had gone ahead, it was estimated that the Pambula area would have lost five or six local doctors and up to 12 hospital staff. The plan was supposedly dropped, but now, only two years later, here we go again with a backdoor attempt to achieve the same result at Pambula.

Emergency surgery and operative obstetrics were suspended at Pambula hospital, apparently for safety reasons. Late last year the Minister for Health stated that those measures were being taken to improve maternity services at Pambula. Can anyone explain the logic of closing the hospital and claiming that health services are being improved? Pambula hospital is strategically placed to cover a large area from northern Victoria to Merimbula and up to the Monaro area. It played an integral role in the Sydney-Hobart yacht race two years ago. Honourable members know the disaster that happened at that time. Only a few weeks ago the area was completely cut off by flood waters with no access available to people to trying to travel north from Eden to Bega and beyond. The people of Bega were isolated from Pambula hospital.

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People in my electorate have learned from bitter experience that under the Carr Labor Government they have to be ever-vigilant and fight every step of the way to try to hang on to the fast-diminishing State government services that still exist in the area. We had another public rally a few weeks ago; 1,500 people gathered at Hyland Corner in Merimbula on 17 March, desperate to keep their hospital up to a basic standard. Those people have got jobs and businesses to run, but this is an issue of vital importance and concern to them and they are prepared to make the time available to try to get the message through to this Government. Yes, I can tell the House that the message did get through—but the response is still not acceptable.

Under this barrage of protest, the Southern Area Health Service resolved that, yes, it would reinstate full obstetric services at Pambula Hospital—but not for six months! The reason given is that it will take that amount of time to fully reinstate the services that were suspended just a few months ago, that it will take that time to ensure that the services comply with current standards for quality and safety, and that the staff are fully trained. I have been assured by the medical staff that they can fulfil all statutory requirements in just a few weeks. We are talking about professional people in a rural area who are committed and dedicated to providing the best service that they can to their community. The Government must make the funds available immediately to enable the staff to comply with current regulations and to let them get on with their job. A six-month wait is not acceptable.

Private members' statements noted.

SPECIAL ADJOURNMENT

Motion by Mrs Lo Po' agreed to:

That this House at its rising today to adjourn until Tuesday 11 April at 2.15 p.m.

House adjourned at 5.21 p.m.
