

**PROOF**



**New South Wales**

*Legislative Assembly*

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

FIFTY-SECOND PARLIAMENT  
SECOND SESSION

WEDNESDAY 12 APRIL 2000

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Authorised by the  
Parliament of New South Wales

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## ***PARLIMENTARY DEBATES***

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Mark Faulkner  
Acting Editor of Debates

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# LEGISLATIVE ASSEMBLY

Wednesday 12 April 2000

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

**Mr Speaker** offered the Prayer.

## ALBURY-WODONGA DEVELOPMENT REPEAL BILL

**Bill introduced and read a first time.**

### Second Reading

**Mr WOODS** (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [10.01 a.m.]: I move:

That this bill be now read a second time.

The purpose of the bill is to repeal the Albury-Wodonga Development Act 1974 and dissolve the Albury-Wodonga (New South Wales) Corporation. Under the Albury-Wodonga area agreement of October 1973, the Commonwealth and the States of New South Wales and Victoria agreed that a growth complex would be developed in the Albury-Wodonga area and that amenities and services would be provided to serve that growth complex. The Albury-Wodonga Development Act 1974 approved the Albury-Wodonga area agreement and established the Albury-Wodonga (New South Wales) Corporation to acquire and develop land. Similar legislation was enacted by the Commonwealth and Victoria giving rise to three corporations with common membership and which sit concurrently.

The corporations are accountable to a tripartite ministerial council comprising New South Wales, Victorian and Commonwealth Ministers with regional development responsibilities, which is chaired by the Commonwealth Minister. New South Wales, Victoria and the Commonwealth all agree that this approach to regional development is no longer appropriate. The current arrangements are unnecessarily cumbersome and inefficient with decisions requiring the agreement of three Ministers and corporation members being appointed under three Acts. The Albury-Wodonga Ministerial Council agreed at its 1995 meeting to wind up the corporations and dispose of all land and assets in an orderly manner and without distorting the market.

A subsequent scoping study endorsed by the ministerial council recommended that market forces should determine the rate at which the assets are sold in order to preserve property values in the area. The ministerial council resolved in February 1997 that the best way to progress the winding up of the scheme was for New South Wales and Victoria to repeal their Acts and withdraw, allowing the Commonwealth to take sole control of the administering of the winding up process.

This bill will facilitate these arrangements for the future management and eventual winding up of the growth complex and is required to implement the decisions of the Albury-Wodonga Ministerial Council. New South Wales legislation will be integrated with both Commonwealth and Victorian legislation to abolish State corporations and confer the assets, rights and liabilities of the State corporations on the Commonwealth corporation. The withdrawal of the States from the scheme at this juncture will allow a more flexible, simplified management structure and streamline the functions to be implemented for a single corporation under a Commonwealth Act.

An Albury-Wodonga area development winding-up agreement will be negotiated between New South Wales, Victoria and the Commonwealth, which will deal with a range of transitional arrangements including details of functions that may be transferred to the Commonwealth corporation.

I commend the bill to the House.

**Debate adjourned on motion by Mr J. H. Turner.**

**LOCAL GOVERNMENT AMENDMENT (FILMING) BILL**

**Second Reading**

**Debate resumed from 5 April.**

**Mr J. H. TURNER** (Myall Lakes) [10.06 a.m.]: The Opposition congratulates the Government on this bill for two reasons: firstly, it is an acknowledgement of the growth of the film industry in this State and country; and, secondly, it is an admission by the Government that its appalling ability to legislate means fix-it bills such as these are required to undo overprescriptive, poorly drafted legislation—a trademark of the Carr Labor Government. What does the bill do? It streamlines the council approval process for filming on council land; it removes the need for multiple approval applications if filming is conducted in certain areas, which, in turn, will lessen bureaucratic tape for councils and filmmakers; and it gives a legislative basis to the yet-to-be-seen filming protocol. We are told that this protocol will provide the framework for councils, filmmakers and communities when determining an approval for filming on council land.

Naturally the Opposition is happy to support any attempt by the Government to minimise wastage of resources, whether it be in the public or private sphere. It is essential that both parties assist each other to pursue their ends. We need a vibrant economy for governments to be able to charge taxes so that they can put money back into communities through health, education and the like. Government and non-government agencies will only achieve this goal if there is co-operation and a clear understanding of each agency's position and responsibilities. As the Minister commented when speaking in the second reading debate, the film industry in New South Wales is undergoing a major boom. This is great for tourism and, therefore, the economy.

As shadow Minister for Tourism I agree that anything that can be done to encourage the film industry in New South Wales is to be applauded; it will be a great boon for rural and regional New South Wales. Up until now 175 councils in New South Wales meant 175 various practices and procedures in the approval of filming. Like governments and other companies, filmmakers have strict financial budgets as well as schedules to work within and anything that can be done to help this process is a very good thing. However, consistent with this Government's lawmaking style, the devil is likely to be in the detail. The all-important filming protocol is yet to be completed. This protocol will contain all the detail, and, of particular interest, the schedule of fees.

The Opposition has total faith in the Local Government and Shires Associations and the variety of film industry representative groups which are responsible for formulating this document. However, the protocol must be signed off by the director-general of the Department of Local Government, which may provide the Carr Government with an irresistible opportunity to overprescribe and undo the valuable work of this great initiative. I hope that the Government will contain itself on this occasion. However, in true Carr Labor style this amendment is really an awkward attempt to revise some of the more abysmal legislation to have come out of the office of the Minister for Local Government.

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Examples such as legislation relating to companion animals and septic tanks show that this Government loves to draft bad legislation and regulations and then fumble its way towards a solution when the community demands to know who is responsible for the mess. The legislation to which I refer in this instance is the Local Government Amendment (Community Land Management) Bill. The bill currently being debated is set to amend the overprescriptive mess of the community land management act. When debating the community land management bill in another place, my colleague the Hon Duncan Gay said:

...the thrust of any reform was intended to control "the extent to which community land may be alienated from general community use"...

Once again the intention has been hijacked by poorly planned legislation that will leave the community in no better position. It is about cynical tree hugging and getting green votes, not the environment.

The bill now being debated amends the Local Government Amendment (Community Land Management) Bill and its overprescriptive definitions because that Act was about "cynical tree-hugging and getting Green votes". In the Minister's second reading speech on this bill, he stated that

... that film-making will be permissible—with council approval—on community land...

This statement almost makes sense. If someone wants to film on community land, that person makes an application to the council which then takes all factors into consideration when deciding whether to approve filming on community land. Unfortunately, for almost two years that has not been able to happen on certain parcels of community because the plan of management did not list filming as an approved activity. If people wanted to film on these parcels of land, they had to ask the council to amend the entire plan of management, which is a costly and time-consuming exercise to say the least. Only by enacting this bill will filming be enabled to take place on community land where plans of management do not currently make specific reference to filming.

The Opposition predicted a result of over-bureaucratised parcels of community land that are not properly and fairly enjoyed by all of society, and look at what has happened. The Opposition would also be interested to know how this bill will impact upon the western division. As the Minister stated, \$500,000 will be made available for regional filmmaking post 2000. Will the protocol provide direction for unincorporated areas and the film industry when they are dealing with each other? This may be an aspect that the Minister should consider before finalising the protocol.

The Opposition will support this bill. Members of the Coalition are happy to help the Government clean up its bad legislation if it means that business, local councils and communities can work more effectively and efficiently, thereby enhancing tourism in New South Wales.

**Mr NEWELL** (Tweed) [10.12 a.m.]: I am proud to be part of a Government that sponsors this type of legislation to continue the Government's strategy of promoting film and television production. That strategy is already reaping great benefits for New South Wales. Bureaucratic processes can be very frustrating for people who do not have much contact with government. Filmmakers are often working to tight budgets and within limited time frames. The Government has heard of and responded to the concerns of the film industry. This bill will assist filmmakers by providing a single application process for council approvals and, through a filming protocol, consistency in the application of laws.

A filmmaker will no longer need to complete multiple application forms or write the very same information over and over again. For approvals granted by local councils under a variety of legislation, one single form will be sufficient. Councils will have a clear obligation to tell a filmmaker the fees that are required for each approval. I understand that the filming protocol currently being developed will contain a model scale of fees for various approvals. The streamlined approval system will not derogate from substantive legislative provisions requiring a council to consider relevant matters set down in legislation. It will not negate any public notice or concurrence requirements in any statute and it will not affect any other process that must be carried out before an approval can be granted.

The bill provides for a quick, efficient administrative process while preserving proper requirements that are already set by legislation. In this vein, just as the attractiveness of community land for shoots is recognised, so is the need to protect community interest, which is also addressed by the bill. Subject to permission being granted, even though a plan of management does not specifically refer to filming, community land will be able to be used. That provision is balanced by additional notification requirements when land is environmentally sensitive or has cultural significance owing to the presence of Aboriginal items. There is also an obligation to restore community land upon completion of filming. These provisions demonstrate respect and concern to ensure that the environment and culture of our community are protected while the benefits of filming are not lost if the two interests can coexist.

The bill refers to a filming protocol that may provide guidance on essential matters such as fees and other common practices. The development of the protocol has enormous advantages. First, it

provides the basis for a consistent approach to filming-related approvals across all councils. Filmmakers have raised concerns that council A applies the laws a certain way while neighbouring council B takes a completely different approach. I can understand how confusing that can be. Consistency will result in greater efficiency and goodwill on both sides of the counter. Second, the protocol will reduce any misunderstanding that each party may have in relation to the other. It will explain the approval process to filmmakers and give councils an appreciation of what is important to production teams. In that way the protocol will ensure that both filmmakers and councils each have a good understanding of the other's requirements.

Additionally, the protocol will facilitate the proper management of any effect on community amenity. Third, this will have the flow-on effect of less conflict between the parties. Councils and the applicant will have a common basis of understanding from which to more quickly discuss any substantive issues and ways in which to resolve them. Fourth, I note that the protocol is being developed in extensive consultation with the film industry, local government and all relevant government agencies. The Minister for Local Government has given a commitment that the protocol will be consensus based. I commend the Minister on his approach to the whole issue.

Some time ago the local council in the Tweed electorate, the Tweed Shire Council, undertook to work very closely with the film industry. I commend the officers of the council for their farsightedness in implementing a local protocol prior to introduction of this legislation to ensure that applications could be dealt with speedily. The Tweed electorate is situated less than one hour's travelling time from a Warner Bros Movie World on the Gold Coast. Movie World is within the sphere of the Tweed Shire Council's operations and film-makers travel to on-location shoots. Because the Tweed is an attractive area, many applications have been made to the local council by not only Warner Bros but also by other interested parties in the film industry.

In the past six months, the Tweed Shire Council has received more than six applications for shoots. The applications included shoots for two or three days as well as major shoots. When the telemovie *Wahini* was produced, the application was for three weeks of filming to be undertaken at the Cabarita headland. The provisions of the bill are probably more applicable to major productions than to the more plentiful single day shoots of advertisements. In the last month or so, advertisements were filmed for a German car company and the Japanese car company. The benefits of filming advertisements include the involvement of Australian film companies whose employees are overseen by overseas production crews and supervisors to provide quality assurance. Filmmaking activity provides an employment boost for the Gold Coast in the Tweed area. Even if the footage is shown only overseas, that indirectly results in a good advertisement for the Gold Coast area.

Because of the attractions and the location of the Tweed electorate, the Tweed Shire Council receives many applications for approval from filmmakers. Although the Tweed Shire Council has worked with the filmmakers in the past, I know that its officers look forward to the operation of the legislation. Their only concern was to ensure that when the provisions are implemented, there will be sufficient flexibility to enable the council to very quickly approve applications for filming in the shire area.

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The officers quickly understood that any delay in the process would encourage film companies to go elsewhere. They were keen to overcome any problems which would be to the detriment of the Tweed shire. Council officers, having looked closely at the bill and having received assurances from the department and the Minister, do not have any concerns. I congratulate my local council for its part in the process. The bill is part of the continuing process that the Government has put in place to ensure that industries, such as the film industry, are able to work and survive under the regulations.

**Mr CAMPBELL** (Keira) [10.20 a.m.]: I support the Local Government Amendment (Filming) Bill, which has important regional economic and development benefits. I was stunned by the contribution of the honourable member for Myall Lakes. My recollection is that the Local Government Act, which he roundly lambasted, was a Coalition bill that came into effect in 1993.



Again, we hear condemnation of the Opposition from one of its own members. More importantly, I will focus on the bill and the benefit it brings.

Film production brings economic, social and cultural benefits and advertises the superior quality of technical and other personnel in our State. Recent Oscar winners—for example, the *Matrix*—are evidence of our expertise. The value of film production in the State has increased from \$109 million in 1995-96 to \$289 million in 1997-98, and the flow-on effects to the New South Wales economy can be counted in multiples of this investment. Local film production allows for the artistic expression of our communities, as well as encourages the development of a wide range of technical skills. Further, it provides the opportunity for unskilled people to work as labourers on film sets, creating employment in the traditional blue-collar areas.

A number of films have been shot on location in regional towns, which boosts the local economy. For example, \$100,000 was spent in one week in the Monaro region during the shooting of the feature film *Passion*, \$450,000 was spent in Griffith during a seven week shoot of *Doing Time for Patsy Cline*, and \$750,000 was spent in Grafton when *Oscar and Lucinda* was shot over 13 weeks. I want to talk about initiatives in the Illawarra and Wollongong regions. Honourable members would be disappointed if I did not. The Illawarra region provides a diversity of landscapes, with coastal railway towns giving way to the industrial landscape of Port Kembla and the cityscape of Wollongong. The Southern Highlands, with its pastures and rolling hills, and home to the *Babe* movie, contrasts with the rugged escarpments to the west and the remote river valleys of the Shoalhaven. Such diversity is ideal in meeting the requirements of many various film-makers.

For this reason, Film Illawarra, a joint initiative of Wollongong City Council and the Faculty of Creative Arts at the University of Wollongong, was established in August 1999. I take a minute to boast that as the Lord Mayor of Wollongong I called people together and started the initiative to establish what has become Film Illawarra. The charter of Film Illawarra is to attract film production to the Illawarra and to develop regional infrastructure, so as to create a viable film industry in the region. It has received the endorsement of the Illawarra Region of Councils [IROC] and, accordingly, represents the interests of Kiama, Shellharbour, Shoalhaven, Wollongong and Wingecarribee councils. Film Illawarra stage one has focused on raising the profile of the Illawarra amongst film-makers. I pay tribute to support for this initiative from Sharon Bell, the dean of the Faculty of Creative Arts at the University of Wollongong, some private sector support and a great deal of encouragement by Dr Stephen Anderson and Mrs Mary Anderson and Film Illawarra project officer, Ms Julia Hammett-Jamart. These people, along with others, have ensured that the initiative of Film Illawarra is off and running.

Some of the achievements of Film Illawarra to date include securing the 1999 Australian Screen Directors Association [ASDA] national conference for the Illawarra. Last year was the first time that the ASDA conference has been held in a regional area. Also, an online database has been established to showcase the region's locations, facilities and expertise to prospective film-makers. The data base, which is a research tool for location managers, will be the first of its kind in Australia. A regional film policy that has been drafted by the Illawarra Region of Councils is designed to streamline application procedures for film-makers and the five member councils. The implementation of this policy represents a first for New South Wales. The policy is consistent with the bill. I am informed that Film Illawarra and IROC fully endorse the approaches that have been taken in this legislation.

A letter of commendation for the initiatives has been received from the director of the New South Wales Film and Television Office [NSWFTO] and the Illawarra region has been accredited as film friendly by the NSWFTO locations handbook entitled "Stack of Facts—2000". Stage one has resulted in an inordinately high level of interest from the film industry at an earlier juncture than anticipated. During the past six months, the organisation has been contacted by numerous production companies seeking information about locations and conditions of filming in the Illawarra. The number of inquiries received last year has surpassed that of previous years. Between August and December 1999 the Film Illawarra office fielded inquiries from 15 productions, of which four were large budget United States films, four were Australian features, two were Australian television dramas and five were television commercials. All of the television commercial productions went ahead, and three of the larger productions are committed to filming in the Illawarra pending final financing. I understand

that in June director David Caeser will commence filming a movie called *Mullet*. That movie is not about a fish but about a young man called Mullet. I look forward to seeing the project unfold.

A commitment of three major productions for the 2000-01 financial year represents a 200 per cent increase on current figures. In addition, many councils have reported an increase in the number of television commercials being produced on location in the Illawarra. Recently, Ford shot a commercial in the suburb of Coaldale, which caused a great deal of excitement and enjoyment amongst the locals as they watched the technical aspect of this industry. Filming brings a social benefit by attracting the community onto the streets to watch and talk about a production, as well as economic and technical benefits that flow to the broader community. The increasing level of activity highlights the importance of this legislative proposal.

The bill has two broad aims: one, to provide a single approval scheme for film-makers who seek council approvals; and, two, to establish a filming protocol which will provide a consistent framework for the consideration and determination of film-related approvals. The intent of the bill is to enable an applicant to lodge one application for a filming project, which may incorporate a number of approvals. It deals with the process rather than the substance of an approval system. Further, the bill will preserve all substantive parts of other approval requirements. The provisions only relate to approvals which councils can grant under the Local Government Act or any other Act. A council's obligation to consider all relevant issues under the relevant legislation when assessing applications is preserved by the bill.

Whilst amendments have been made to facilitate the use of community land for film-making, provisions have also been incorporated to protect environmentally sensitive land and land which has Aboriginal significance. Public notice requirements relating to the use of community land for film-making have been strengthened. Additionally, there is an obligation on film-makers to restore the land upon completion of filming. The proposals will enable greater consistency, clarity, simplicity of process and predictability to foster continued growth of the film industry in New South Wales. The protocol that has been developed in consultation with key stakeholders—including the New South Wales Film and Television Office, the Local Government and Shires Association, individual councils, the New South Wales Police Service, the Roads and Traffic Authority and other agencies—will outline responsibilities and expectations of the parties involved, that is, film-makers, councils and the community, balance the interests of all parties involved, assist film-makers in making applications, and facilitate informed decision-making.

Recently, a research study commissioned by Pittwater Council found that filming has a positive impact on the economic and social environments of an area. Overall, residents support filming in their area. The study related to the filming of episodes of *Home and Away*.

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The positive feedback is related in part to the methods used by the film-maker, which include consulting residents and informing them of what is being proposed. Furthermore, locations are planned so that little or no disruption will be caused to residents. Communication and planning are often key factors in gaining community support, as is respect for the area and the community whose amenity may be impacted upon.

Filming in an area can also provide a sense of glamour and excitement for residents at the prospect of being involved in, or in some way connected with, filming of a feature film, television series, documentary or advertisements. It is in that spirit, if everybody works together on such projects, that we will see a continuing development of the film industry, the technical expertise, opportunities for unskilled positions and the creation of economic activity in regional centres and remote locations, and, in particular, an overall enhancement of the reputation of this State as a place in which to do business and to gain employment. This bill will facilitate that working together and consultation. I commend the bill to the House.

**Mr YEADON** (Granville-Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [10.30 a.m.], in reply: I thank honourable members for their contributions to the debate and the Opposition for its support for the bill—even if, in giving that support, Opposition members, in their usual fashion, were somewhat miserable and begrudging. It is good to see the interest shown by members on this issue.

Honourable members recognise the value of film-making to the New South Wales economy. We have heard in this debate specific examples of how film productions have impacted on local communities as well as on the economy of this State. We have also heard that the economic value of film-making does not begin and end with the director shouting "action" and "cut". The flow-on effect of just one film production on other industries such as retail, accommodation and hospitality can be huge. I have mentioned before in this House that the cast and crew of *Oscar and Lucinda* spent \$750,000 in Grafton, which is in the electorate of Clarence, during the 13 or so weeks of filming and more than 170 local people were employed.

More importantly, the movie has left a lasting image of Grafton and other parts of the North Coast not only on viewers across the world but on film-makers planning their next shoot. As I have said before, New South Wales is reaping more than its fair share of film productions. We are also witnessing the recognition that our talented and innovative film-makers are enjoying across the world. On the weekend, the British academy of film and television awards were presented in London. Once again, two Australians scored a British Association of Film and Television Arts [BAFTA] award for their work on *The Matrix*. I have recently seen reports that *The Matrix* is likely to return to Sydney for two more instalments.

This bill is an attempt to capitalise on our already successful track record and to attract more investment. The bill recognises the important role that councils play in this process, on the one hand to ensure that they are able to attract film-making in their area and on the other to protect the interest of the community and property. The amendments achieve a more simplified and streamlined approach that all stakeholders can understand and apply to their individual circumstances. What is unique to this bill is the adoption of an accompanying protocol.

I am very pleased with the work that the stakeholders have done in developing that protocol. The protocol will provide a consistent framework for the consideration and determination of film-making approvals. In reference to the points raised by the honourable member for Myall Lakes, the shadow Minister for Tourism, the protocol will be an expression of a partnership between the film industry, councils and government agencies. The Director-General of the Department Local Government will call on the protocol only after stakeholders have been able to reach an appropriate agreement. I note the concern that this bill does not extend to the unincorporated area. I will ask my department to consult with the Western Land Commission with a view to having the protocol adopted in the unincorporated area.

The protocol will act as a guide to both film-makers and councils about their responsibilities. In fact, the legislation will require that councils consider the protocol when considering applications. The protocol will detail a set of fees and conditions for various approvals. The most important point to be made about this bill is that councils will still have discretion in granting approvals. This is not about removing that discretion. It is about providing a more simplified, predictable and consistent approvals process so that everyone knows where they stand. The partnership we have seen between the film and television industry and local government with the development of the protocol is very encouraging.

We have received letters of support for this bill. One, from the Federation of Australian Commercial Television Stations [FACTS], states:

FACTS supports in principle the proposals to streamline the procedures for obtaining council permits for filming.

The Australian Screen Directors Association [ASDA] states:

ASDA would like to express its full support for the process of review to streamline the filming permit processes of local councils in New South Wales, that is being undertaken by the New South Wales Government.

The Screen Producers' Association of Australia states:

SPAA believes that an improved permit system for location filming is essential for efficient production in New South Wales and to overcome some of the obstacles previously encountered. We hope these changes will help facilitate growth in the industry.

In the years following the Olympics there will be huge opportunities and increased demands for productions that depict the scenery and the way of life in New South Wales. I hope that all those involved in the industry are aware of the potential and continue their efforts to achieve that potential. This legislation is part of the Government's commitment to the industry prospering and to the increased provision of job growth across New South Wales. I again thank all honourable members for their contributions to this debate. I am confident that this bill will be an important tool in the continued growth of the film and television industry.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **ACCESS TO NEIGHBOURING LAND BILL**

### **Second Reading**

**Debate resumed from 11 April.**

**Mr YEADON** (Granville-Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [10.37 a.m.], in reply: I thank honourable members representing the electorates of Ballina, Miranda, Baulkham Hills, Port Stephens, Wakehurst, Bega and The Hills for their contributions to the debate. The honourable member for Ballina led on behalf of the Opposition and indicated that the Coalition does not oppose the legislation. The honourable member for Ballina raised some concerns about the ability of the bill to protect, in all circumstances, a neighbouring property from damage by the applicant in the process of gaining access to do work on the applicant's adjoining land, and also to access utilities that cross neighbouring land that are related to the applicant's property.

Throughout the course of the debate, for want of a better term, a number of colleagues of the honourable member for Ballina sought to develop that concept and further embellish the notion. It is perhaps somewhat disturbing that a number of Opposition members who contributed to the debate have a legal background. In the debate last night they seemed not to trust or understand the jurisdiction in which they previously practised. What is even more disturbing is that they do not appear to understand their role as law-makers in this place. They need a brief lesson. They should go back to school to study Government 1 and Law 1. First, in broad terms the object of this bill is to provide an applicant with access to private neighbouring property in order to undertake work on the applicant's property or, indeed, on utilities crossing the neighbour's property that relate to the applicant's property.

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The process that has been adopted in this bill to bring about a satisfactory way of operating in these sorts of situations is, first and foremost, that the applicant must take the matter to the court. The purpose of that is to allow the court to hear both sides of the argument and then to provide access. When such access is provided, a whole range of conditions can be put in place. The reason the bill stipulates that people must go before the court, rather than simply allowing someone to have access to a neighbour's property, is to enable the circumstances of each matter to be taken into account and anticipated, to minimise against any unnecessary damage to neighbouring property. Bearing that in mind, the crucial clauses in the bill are clauses 16, 24 and 26.

As lawmakers we cannot anticipate every situation that may occur or potential for damage when accessing a neighbour's property, which is why applications for access to a neighbouring property will go before the court. Last night a number of honourable members raised different circumstances and situations, some more esoteric than others, that could occur when accessing a neighbour's property. The potential for the number of different circumstances could be endless, that is why the applications will go to the court. Clause 16, conditions of access orders, states:

- (1) The Local Court may specify such conditions in an access order as, in its opinion, are reasonably necessary in the circumstances.
- (2) Without limiting subsection (1), the conditions may include the following kinds of conditions...

One issue raised last night was that litigation could arise if the cost to rectify the damage to a neighbour's property was so high that the applicant did not have the ability to pay. It was suggested that the neighbour would have to take the applicant to court, but at the end of the day the applicant may not be able to pay for the damage. Clause 16 (2) (d) states:

conditions requiring the taking out of insurance cover by the applicant against such risks, if any, as may be specified.

If there is potential for significant and costly damage to the applicant's property the court can ensure that the applicant takes out insurance to cover any such cost. Clause 16 (2) says, "conditions may include the following". The conditions provided in paragraphs (a) to (g) of clause 16 (2) are a guide for the court to the sorts of mechanisms that can be used to ensure that the neighbour's property is properly protected. An up-front cash bond from the applicant was suggested as some form of surety. Under clause 16 (2) the court is able to demand an up-front cash bond if it believes there is a need for the applicant to put up a surety against any damage to a neighbouring property. The bill gives the court discretion to look at the circumstances of the application at the time it is made and to take whatever action it deems necessary to protect the neighbouring property. The court is certainly not limited to the conditions that appear in subclauses (a) to (g). Clause 24 states:

A Local Court may vary or revoke an access order on application by the applicant for the order or by any other person affected by the order.

Honourable members were concerned that, if damage were occurring on a neighbouring property, the neighbour could appeal only to the Land and Environment Court on matters of law. That is correct, but honourable members who made that point overlooked the provisions of clause 24, which states that either party can take the matter back to the Local Court and have the access order revoked, or have changes made to the access order. If untoward damage is occurring, or something is occurring on the neighbour's property with which the neighbour is not happy, the neighbour can apply to the Local Court to have the access order revoked or varied. If that occurs, the applicant must move away from the area he or she is operating in, or take some other action that will address the concerns put forward by the neighbour. Clause 24 covers the situation.

Clause 26 deals with compensation. If damage or injury, including damage to personal property, financial loss and personal injury arises from the access, the owner of the neighbouring property can go to the Local Court to seek compensation. The neighbour has three years, not six years, to seek such compensation. Six years may be the period under the statute of limitations in the normal course of events, but six years could be too long for the neighbour to seek recourse from the applicant. If damage had occurred, one would assume it would have been evident almost instantaneously, but perhaps it may take sometime for damage to trees, for example, to manifest itself.

However, any damage would certainly be obvious within three years. Clause 26 allows plenty of time for the neighbour to seek compensation if he or she has been injured by damage to their property, but by the same token it does not allow the situation to drag on for years and years. Clause 26 seeks to strike a balance, and it is a reasonable balance. Either the honourable member for Wakehurst or the honourable member for Bega stated that the bill did not provide for a tenant to be involved in the process and suggested that that would be desirable. However, clauses 7 (1) states:

A person who, for the purpose of carrying out work on the land owned by the person, requires access to adjoining or adjacent land may apply to a Local Court for a neighbouring land access order.

Subclause (2) states:

A person who, for the purpose of carrying out work on land owned by another person, requires access to adjoining or adjacent land may apply to a Local Court for a neighbouring land access order with the consent of the person on whose behalf the work is to be carried out.

Clause 7, subclauses (1) and (2) clearly provide for a person who is not the landowner, but who could be a tenant in that it is land owned by another person. The provision for a tenant to be involved in the process is certainly contained within the bill. All of the issues that have been raised by the Opposition are more than adequately addressed in the bill. The legislation will be a very robust vehicle.

We must recognise that this legislation is designed to protect the right of people, wherever they live in New South Wales, to maintain and repair their homes, properties and utility services. Though it is anticipated that the provisions of this bill will be used mainly by neighbours in residential circumstances, these measures can also be used in relation to commercial, industrial and rural properties. The bill is therefore wide-ranging in its operation and its provisions may be used to resolve commercial disputes as well as neighbourhood problems. This will provide a speedy and practical resolution of problems which, up until now, have been largely insoluble. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **CONVEYANCING AMENDMENT (CENTRAL REGISTER OF RESTRICTIONS) BILL**

### **Second Reading**

**Debate resumed from 5 April.**

**Mr D. L. PAGE** (Ballina) [10.51 a.m.]: I lead for the Opposition on this legislation, which the Coalition supports. Prior to the establishment of the Central Register of Restrictions [CRR], a separate inquiry had to be made of each of a number of departments or instrumentalities in relation to property. However, the CRR now provides a single point of inquiry for those authorities that participate in the scheme. The CRR is a database for recording and disseminating land-related information. A prospective purchaser, as part of his or her investigations of a property, usually searches a number of government departments and instrumentalities to establish whether any works or proposals affect all or part of the property. The Central Register of Restrictions was established by the Greiner-Murray Government in 1990, but that was only through an administrative arrangement between the Land Titles Office and the individual public authorities that participated in the CRR. The authorities participate in the CRR pursuant to the terms of written agreements entered into between the Land Titles Office and each authority when joining the CRR.

The essential elements of the bill are: firstly, it will authorise the Registrar General to formally establish and maintain a register to record and disseminate information about land, a register that currently operates in formally under the name of CRR—in other words, this legislation confers legal status on the CRR; allows the Registrar General to determine the form and manner of searching the CRR; and provides that a search result or a certificate issued by the Registrar General may be relied upon as if it were issued directly by the relevant public authority. I understand that one of the reasons for this legislation has been that there has been some uncertainty in relation to the status of information provided by the CRR where that information may have been, or thought to have been, inconsistent with information provided by the relevant instrumentality itself. That is a good aspect of the legislation.

Another essential element of the legislation is that it confirms that it is the responsibility of the concerned public authority to enter and update information. So it is not the CRR's responsibility, but the responsibility of the individual authority or organisation, to make sure that the information it supplies to the CRR is relevant and can be relied upon by people who seek that information. Further, the bill provides for mutual indemnities between the Registrar General and the authorities. It also provides—I suspect importantly from the Registrar General's prospective—that a commission can be paid in relation to the administration of the CRR, so that there is some money to be earned as well.

The Opposition believes that the formal creation of the CRR will promote greater participation in the CRR itself by various government authorities and instrumentalities. Formalising the existence of the CRR also will give its users more security, an important point. As a result of this legislation, people who want to access information from the CRR will know that it has been given legal status and will provide more security. That will facilitate the development of better client services, along with the application of new technologies, which of course are always coming onstream. These measures will result in greater efficiency in the administration of property transactions, and hopefully will reduce the costs of conveyancing. The bill will remove any doubt as to the status of the CRR and the extent to which people who, when doing searches on property title

through the CRR, can rely on the information provided by it. This legislation will mean that those people will be able to rely legally on the information provided.

The Minister identified in his second reading speech just five instrumentalities that are currently associated with the CRR. Those are TransGrid, the Environment Protection Authority, the State Rail Authority, AGL and the Heritage Council. I am somewhat disappointed that only five organisations are currently with the CRR. That begs the question why more organisations are not registered with it. I say in a spirit of optimism that perhaps this legislation, through its conferring of legal status on the CRR, together with its other elements, may in fact provide some sort of incentive for other organisations to participate in the CRR. If that does not occur, the Government may well think about taking measures that will force organisations to participate with the CRR, because all persons involved in any sort of property transactions—whether a seller required to provide information to potential buyers, or a buyer requiring security regarding clear title or encumbrances that may attach to a title—really need to know that the information with which they are being provided is accurate and that it is timely and relevant to one's inquiries.

I would have thought it to be in the interests of good government to ensure that as many organisations as possible involved in the property area whose activities may impact on the status of properties are if not encouraged than perhaps compelled by this legislation to provide their information through the CRR so that the system can be made even more efficient than hopefully it will be once this legislation is passed and becomes operative.

**Mr LYNCH** (Liverpool) [10.57 a.m.]: I am happy to support this legislation, which is a good, commonsense proposal. I am drawn to participate in the debate because some 20 years ago I was a registration clerk for a firm of city lawyers, and subsequent to that spent a couple of years as a practitioner involved with a large amount of conveyancing. For those reasons I have some particular knowledge of the sorts of issues that this legislation aims to deal with. Certainly, the process of conveyancing has changed, both in practice and in law, over the 20 years since I last practised in the field. Nonetheless, the concept of purchasers making sure that property is effectively safe to buy is as relevant now as it was 20-odd years ago.

It really is a commonsense matter that one wants to make absolutely sure that the house one intends to purchase does not have any difficulties associated with it; that is, that it is not proposed by a government department to put a road through the middle of the house, or to acquire the property for the purpose of building a school, and so on. One search that was of some interest was to determine whether any outstanding land tax obligation attached to the property such that the obligation moved with the land rather than the owner of it. Those sorts of practical issues are at the core of this legislation, which gives statutory and legislative import to a scheme that started to develop in 1990. Instead of people rushing about to a whole plethora of government agencies and statutory bodies to find out whether those agencies or bodies have an interest in a particular property, a person wishing to do searches can go to one central location.

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That has many advantages, the most obvious of which is that it is more efficient. Instead of sending off lots of letters, chasing around getting duty stamps and doing all those sorts of things, one inquiry can be made. It is a matter of commonsense. People will receive the results of searches more quickly because they will be able to make one inquiry at one location for all searches.

The instrumentalities and government departments currently on the register include the Department of Education and Training, TransGrid, East Australian Pipeline Limited, the State Rail Authority, the Environment Protection Authority, EnergyAustralia, the Heritage Council and the Office of State Revenue. I understand that negotiations are proceeding between the Land Titles Office or the Registrar General's department on the one hand and the Roads and Traffic Authority and Integral Energy on the other hand to determine whether they too can be involved in the central register. Obviously, there would be scope for further additions to that list of instrumentalities and departments. One would hope that giving this scheme statutory and legislative input would encourage any bodies not involved to become involved expeditiously. I commend the bill to the House.

**Mr MERTON** (Baulkham Hills) [11.00 a.m.]: As the honourable member for Ballina stated, the Opposition does not oppose the Conveyancing Amendment (Central Register of Restrictions) Bill. This is an excellent principle, and one for which the Minister certainly should be commended. I am

being kind to him today; he was not so kind to us this morning. For many years in the early 1960s I worked as an articled law clerk. When I was called upon to make inquiries on different properties it was my job to write out each inquiry—by hand—to various government instrumentalities. At the end of the day I would have processed five properties—I probably was not as quick as I should have been because I did not want to make any mistakes—and that was a day's work.

I am pleased to note that that situation has changed radically. The proposal outlined in the bill has been carried out on a somewhat informal basis for some time. The bill seeks to give the practice legislative authority, which makes sense. I have not have the opportunity to peruse the bill clause by clause. I ask the Minister to ensure that I am correct in stating that so far five instrumentalities have become part of this agreement; let us hope that more will become involved. I note that the Roads and Traffic Authority [RTA] is significant by its absence, especially when road widening and road affectation is a major item.

This legislation covers the following situations. When a person wishes to buy a house he seeks to ensure that three months within his moving in someone does not knock on the door and say, "We are going to put an expressway through your backyard." That might be okay if he likes cars but, if not, he would not like to have an expressway running through his backyard. In addition, someone from the electricity authority could say, "What a nice big backyard you have here. We might put up a power pole." Someone under 15 years of age might think a power pole is another challenge, something he would like to climb. However, because people do not want to be in such a situation they go to a lawyer whose job is to make inquiries of the RTA, the electricity authority and other authorities to ensure that such things do not happen.

In the old days the lawyer sent off about 15 forms, including forms to the education department, State Rail, the Department of Housing, the Department of Main Roads and so on. It was a big job. Under this bill an application will be made to a central authority, which happens to be the Registrar General's office, and five of the government agencies—that is, the Environment Protection Authority; TransGrid, which is the electricity authority; the State Rail Authority, to make certain that no trains will run through the backyard; the Australian Gas and Light Company; and the Heritage Council—will reply in bulk and provide one set of replies to the application form.

I acknowledge that parties who provide certificates are bound by the information they furnish and that the legislation provides protection from liability to them and to those who subscribe to the certificates. I have no problems with that part of the legislation. This bill is a great idea. It means that when someone buys their next house they might be able to save a few dollars and also not have to wait six or eight weeks for all of the searches to return; they will be received together within the week. They will be able to move into the new house much quicker, which is what this is all about. If you do not like the kids next door to where you currently live you can move to a new house and have a fresh start! This is good legislation. I invite the Minister to answer my questions during his reply.

**Ms MEGARRITY (Menai) [11.05 a.m.]:** I support the Conveyancing Amendment (Central Register of Restrictions) Bill. The Central Register of Restrictions is designed to provide a single point of inquiry for government and semi-government interest in land. Australia has a relatively high level of home ownership. Certainly the purchase of a house or home unit is one of the most financially and emotionally important transactions undertaken by citizens of this State. The Latin phrase caveat emptor, which translated means buyer beware, is a concept familiar to nervous home purchasers, especially those with big mortgages. This Government has demonstrated its commitment to improving the efficiency of conveyancing and to minimising as far as possible the costs and difficulties associated with the investigation of a property and the acquisition of a title to the property. Like some of the stories we have heard already this morning, my first job was in the Department of Education's property section as a class A clerk—I humbly admit—in 1979. My job was to open a huge bundle of pink forms every day.

**Mr Merton:** Did you really?

**Ms MEGARRITY:** Yes, indeed.

**Mr Merton:** I used to send those off.



**Ms MEGARRITY:** They were probably from the honourable member! These forms inquired about the likelihood of my department's future intentions for the property they were hoping to acquire. After carefully unfolding all forms, I would check each against the department's register of properties potentially affected by future development proposals. I consulted that document so frequently in the first few weeks that it was not too long before I had committed its contents to memory. I carefully stamped the forms with a statement to the effect that the department had no current interest—note the word "current"—in the property, and I then returned them to the centres.

From memory, only once in the six months in this extremely challenging position did I come across a property that was potentially affected by the department's plans. I confess, I almost stamped it! However, in addition to the satisfaction derived from that achievement, I did apply my expertise in searching old and new systems of property titles at the Land Titles Office. As a consequence of that experience, several times during the following years I undertook conveyancing activities on behalf of various family members purchasing properties.

**Mr Hazzard:** Did you have indemnity insurance?

**Ms MEGARRITY:** There is no law against it.

**Mr ACTING-SPEAKER (Mr Lynch):** Order! This is not a meeting of the Law Society. The honourable member for Wakehurst will resume his seat.

**Ms MEGARRITY:** I found myself applying to a string of authorities for information that may affect land to be purchased. Each authority had a different form for people to complete, charged different amounts for the information it supplied and had a different response time. At that time even an exchange of contracts on properties could not occur until searches were completed. This was time consuming and costly, and fuelled frustration and the ever-present fear of gazumping. I was pleased to discover in 1990 the existence of the basic Central Register of Restrictions. It was a significant step forward in the efficiency and progress of conveyancing in the interest of a number of authorities.

Over time an increasing number of government and semi-government authorities and instrumentalities decided to participate in the Central Register of Restrictions. Those authorities included the Department of Education and Training, TransGrid, the Environment Protection Authority and East Australian Pipeline Limited. Currently the Land Titles Office is negotiating to have other authorities join the central register, including the Office of State Revenue and the Roads and Traffic Authority. I agree that they are arguably two of the most important government authorities and instrumentalities to be searched by prospective purchasers.

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The purpose of the bill is to provide a legislative basis for the Central Register of Restrictions. Up until the present the central register has existed purely as an arrangement administered by the Registrar General, and it functions in accordance with agreements between the Land Titles Office, as the administrative arm of the Registrar General, and those organisations that have agreed to join the central register. Whilst this arrangement has worked reasonably well, Parliamentary Counsel has advised that it is not possible to even refer to the Central Register of Restrictions in other legislation until it has been formally established. As such, under the present arrangements it is not possible for provisions to be placed in other legislation requiring notification of interest in land by an instrumentality or authority.

The formal creation of this register by legislation will increase the status of the register, which should in turn encourage other authorities—which I know is a concern of the Opposition—to join in and participate by recording their interest in the central register. The bill will increase conveyancing efficiency by reducing the cost of making conveyancing inquiries, reducing the delays and inconvenience that I mentioned earlier and allowing the conveyancing community to obtain more efficient access to information by the provision of online access to the Central Register of Restrictions. In addition, increased participation in the central register will provide consequential benefits to the authorities which utilise the Central Register of Restrictions as it will substantially reduce the administrative expenses associated with each authority or instrumentality conducting its own inquiry service. I support the bill and I commend it to the House.

**Mr HAZZARD** (Wakehurst) [11.11 a.m.]: As indicated by the honourable member for Ballina, the Opposition does not oppose the bill, which is a logical extension of what the Greiner Government introduced some years ago in an informal sense but which has progressively built up through various government departments coming on board with the so-called Central Register of Restrictions. I point out that the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney stated in his second reading speech:

A number of different organisations now participate in the central register to record an interest or proposal that affects land. These include TransGrid, the Environment Protection Authority, the State Rail Authority, AGL Networks Ltd, and the Heritage Council.

Whoever prepared the Minister's speech—and presumably gave him the same advice that he received for the neighbouring land bill which was discussed last night and this morning—needs to do a bit more homework, because he is clearly wrong in so far as one of the major Government departments from which inquiry has to be made is the Department of Education and Training. It is well and truly involved in the Central Register of Restrictions. The honourable member for Menai just acknowledged that. So there is inconsistency on the Government benches. There is inconsistency with the advisers. Nothing surprises the Opposition. The Liberal and National parties would make sure that we had these things right.

I was listening to the Minister in my office this morning when he was carrying on. He has a little chip on his shoulder. He was having another go. The lawyers tried to talk about the legislation in the Chamber last night. The Minister is totally, utterly and completely wrong on the neighbouring land bill. He had a wet behind the ears go at us this morning. There is more capacity in one Opposition member sitting here than there is in probably half the Government front bench. The Minister should listen to what his advisers tell him. He should analyse and go back to them and ask them some incisive questions. When he finds out that they are wrong he should get his advisers up to speed, because they will not get any better at it unless the Minister makes them get better at it.

I am holding in my hand a land information system certificate sent to a central Sydney law firm in the last few days. It comes from the New South Wales land information system office, the Central Register of Restrictions. In response to the inquiries made it states, "The following authorities have no interest recorded in the above property". It then lists the Department of Education and Training, in respect of which it states "no present interest in acquisition of the abovementioned land". The department is clearly part of the register now. It is giving responses through the Central Register of Restrictions. That is a fact. The Minister can have a look at it later. All I am saying is: Wake-up Carr Government. Get your facts right when you come into the Chamber. You are actually the Government of New South Wales. Get it right. In relation to TransGrid it states, "TransGrid has no right or interest in the land or any TransGrid board approved proposal which would affect title to the land". It also says that, "the Environment Protection Authority currently has no statutory notices issued under the provisions of the Unhealthy Building Land Act".

The present certificate states, "The following authorities have a possible or actual interest in the above property. Your inquiry has been referred to them for direct response." It then lists the various other core government departments that one would send these inquiries to—in this case the Office of State Revenue, Parramatta; the Roads and Traffic Authority Sydney office; the State Rail Authority of New South Wales; Sydney Water; South Sydney City Council; and EnergyAustralia. This form is a very convenient way to receive that response. It is an early and quick response from the various government authorities that the Central Register of Restrictions can respond on behalf of and it is very worthwhile.

The Minister indicated in his speech that no fee is charged at the moment. He said that the Land Titles Office was not able to charge fees at the moment. In fact the Land Titles Office does charge fees at the moment. It has been charging \$20 for acting as the central register where all of the inquiries are sent, on one form, from any particular law firm or licensed conveyancer. As was pointed out a minute ago, even people who are not licensed, who breach the law, and who send inquiries will also be responded to.

**Ms Megarrity:** There is no breach of the law.

**Mr HAZZARD:** It is a breach of the law. It is illegal.

**Mr ACTING-SPEAKER (Mr Lynch):** Order! If the honourable member for Wakehurst wishes to make an attack on another member he should do so by way of substantive motion.

**Mr HAZZARD:** I am responding to an interjection.

**Mr ACTING-SPEAKER:** Order! I am drawing the honourable member back to the leave of the bill.

**Mr HAZZARD:** I am responding to an interjection and there is a long precedent in this House that I can do that. It is not an attack; it is a simple statement of fact. This register is operational as a result of the Greiner Government introducing it. The Carr Government is simply now putting into place, with obviously not a lot of nous, the formalities to enable it to continue and to grow. The \$20 figure that the Minister does not know about at the moment will then have some statutory basis. We welcome that. It should be formalised. It is a good system. It will make it a lot easier to access, and is currently making it a lot easier to access, information about restrictions on the title of land that people are interested in buying. We welcome the fact that is being formalised but we strongly encourage the Minister to get his advisers up to task, make sure that he gets himself up to task, and start delivering the correct information on all the bills he is bringing before the House. If he stops giving the lawyers a hard time they might actually sit down with him quietly and explain some things so that he can get it right.

**Mr Merton:** He would not understand.

**Mr HAZZARD:** I think he would if he would get the chip off his shoulder, if he would settle down, if he did not have a smart attitude to the Parliament and the Opposition. We are not opposing the bill. Last night no Opposition members were rude to the Minister. We were raising issues that will come up time and again for Mr and Mrs Average. When they try to rely on the legislation they will find that there are problems. The Minister actually has the power in his hand—briefly; not for that much longer—to get it right. What we are saying to you is: Get it right.

**Mr Merton:** We are here to help you.

**Mr D. L. Page:** The Opposition is here help you.

**Mr HAZZARD:** As the honourable member for Baulkham Hills and the honourable member for Ballina have said, we are here to help you—because you are one of the Ministers that need a lot of help.

**Mr YEADON** (Granville-Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [11.19 a.m.], in reply: I thank the honourable members who have participated in the debate—the honourable member for Ballina, the honourable member for Liverpool, the honourable member for Baulkham Hills, the honourable member for Menai and the honourable member for Wakehurst. The honourable member for Ballina, leading on behalf of the Opposition, indicated that the Opposition would not oppose the bill. Indeed, I think that he even indicated support for it. Only two issues were raised during the debate. The first was by the honourable member for Baulkham Hills in relation to whether a utility or an authority would still be liable for incorrect information or the like. If he looks at new section 209 (1) he will see that the Registrar General is designated as the agent of the participating parties and therefore does not assume any responsibility or liability for them. So the liability still rests back with the authority.

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The honourable member for Wakehurst raised an issue that has no real substance in the overall scheme of this bill and that is not based on fact. He said that I stated in my second reading speech that only five organisations are designated as participants on the Central Register of Restrictions. However, in my second reading speech I said that 10 organisations will participate in the central register to record an interest or proposal that affects land, and I then listed five organisations. The honourable member for Wakehurst seemed to think that that was definitive, but it was not. I said that 10 organisations will participate. He has exhibited a major problem with detail, as indeed he did last night.

The Conveyancing Amendment (Central Register of Restrictions) Bill will provide a solid foundation for the continued operation and improvement of a service that has operated successfully since 1990. The bill makes a significant contribution towards simplifying conveyancing and containing conveyancing costs. I am confident that a whole range of organisations will join the register now that it is a formal arrangement. I take on board the comments of the honourable member for Ballina, who said that every organisation with an interest in land or which may impact on land should become involved in the register. I will monitor that situation. If, as anticipated, organisations do not become involved voluntarily it may become necessary to make it compulsory in the future. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **BUSINESS OF THE HOUSE**

### **Bill: Suspension of Standing Orders**

**Motion by Mr Face agreed to:**

That standing orders be suspended to allow the resumption forthwith of the adjourned second reading debate on the Gambling Legislation Amendment (Gaming Machine Restrictions) Bill.

## **GAMBLING LEGISLATION AMENDMENT (GAMING MACHINE RESTRICTIONS) BILL**

### **Second Reading**

**Debate resumed from 11 April.**

**Mr OAKESHOTT** (Port Macquarie) [11.23 a.m.]: A number of Opposition members may wish to speak to this bill and I hope that they will be given an opportunity to do so given that it was not listed on the business paper. The Coalition acknowledges the paradox for the rapid passage of this bill, which contains an amendment to allow clubs with building programs currently in place to continue with those programs despite the fact that the New South Wales club industry is opposed to the bill in total. They find themselves in a contradictory position because those building programs must be completed. Therefore, the Opposition supports the speedy passage of the bill.

This bill reflects the brave new world of the Department of Gaming and Racing. The Premier and the Cabinet have become more involved in the department and, to some extent, the Minister has been shunted sideways. I am not sure whether the Premier taking a far greater role in issues concerning gaming and racing means that the Minister may be clicking down a few gears. Earlier speeches by the Minister in this House have demonstrated a difference of direction between the Minister and the Premier on legislation such as this.

Members of this place are now in the biggest gambling anonymous service in New South Wales. This bill acknowledges guilt by the Government over the past five years in that it has an addiction to the tax revenue raised from gambling. Since this Government came to office there has been a massive increase in the number of poker machines in New South Wales, and those figures have been widely circulated. In 1995 there were approximately 60,000 gaming machines and there are now between 95,000 and 99,000 gaming machines. There has been an enormous growth in gaming machines under this regime.

A recent Attorney General's report stated that there was a 16 per cent increase in the amount of tax revenue collected by this Government in just two years. The State budget is being propped up by \$1.4 billion from gamblers' pockets. Interestingly, gambling comprises about 10 per cent of the State budget, which has not shifted much, even though there has been this massive increase. One must ask why. The answer is that other taxes have been introduced at the same time, resulting in a higher tax environment. Taxes such as land tax are keeping the percentage steady, despite the massive increase in tax collected on poker machines.

Despite the Government's admission of guilt I am still sometimes surprised by its attitude towards problem gambling in New South Wales. I would love the Minister in reply to suggest how this bill will help even one problem gambler in New South Wales. The Government has not tackled the real cause of the problem or the issues driving community sentiment and debate in New South Wales. The Government has missed the mark with problem gambling in New South Wales.

Less than six months ago the Minister compared different types of addiction in New South Wales. For example, he compared an addiction to chocolate and an addiction to fixing motor vehicles with an addiction to gambling. I find that comparison incredulous; it is inappropriate. It is an indication that the Government is not taking the issue seriously and that it should look at its own addiction to gambling revenue. Perhaps that is the fundamental problem in New South Wales: it is not just a problem of individuals going into hotels or clubs and sitting at poker machines; it is also a problem that the Government is addicted to the revenue it takes from poker machines. It is a problem because, on the one hand, this Government—as with most governments—is playing the role of tax collector and, on the other hand, it is the social conscience of the community and it should be looking after so-called problem gamblers.

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That contradiction must be addressed. Indeed, the Premier acknowledged that recently when he addressed a meeting of the Council of Churches. A report of his speech, which appeared in the most recent edition of *Southern Cross* magazine, stated:

At a NSW Council of Churches meeting some time ago, Premier Bob Carr assured members he was unhappy about the proliferation of gambling facilities in this State. He recognised the growing dependence of the State government on gambling tax revenue and said he hoped that dependence would decrease.

The report continued:

But it hasn't, rather the opposite. There was, in fact, an announcement of more gambling facilities within hours of Mr Carr's words to the Council.

It is a smoke and mirrors trick: the Premier is looking for a headline by calling for a freeze while not addressing the guts of the issue. Problem gamblers are driving the debate in the community and the Government is reluctant to make a genuine effort to address the problem. If the Government were serious, it would do something in the next twelve months to address its addiction to tax revenue. The Coalition has consistently called for the establishment of an independent gaming authority. We took that call to the last election, and I notice that the Hon. R. T. M. Bull, the former shadow Minister for Gaming and Racing, is in the Chamber, following this debate closely. Why is the Government so opposed to the establishment of an independent gaming authority in New South Wales when the two key independent reports into the issue, the Independent Pricing and Regulatory Tribunal report and the Productivity Commission report, argued the case for establishing such a body?

The Government is again sidestepping the truth and searching for ways of retaining its access to the tax revenue that it collects from gaming. I ask the Minister why an independent gaming authority has not yet been established in New South Wales. If the Government were serious about this issue, it would be considering what it intends to do about its duty rate levels. The GST review is under way so there will probably be some percentage decreases. However, we should not be fooled because that is a revenue neutral exercise; the GST process does not allow profiteering. The Government will probably announce in the next month or two that duty rates are to decrease by a certain percentage. The key time will be about January or February next year when duty rates will be reviewed. At that time I suspect there will be some changes, and potentially some increases, in duty rates in New South Wales.

The Government's fundamental problem is the amount of tax that it is taking from the existing number of machines and the contradiction between the Government's social nannying of the community versus its tax collecting. Why is the Government not freezing duty rates while it is putting a freeze on the industry and the community? If this is the breather to which the Government and the Minister referred, why has the Government not also frozen increases in duty rates? That would at least be an indication that the Government is genuine and is taking the problem seriously. It is fair to refer to the position in which smaller clubs in New South Wales have found themselves since hotels got poker machines two years ago. Small clubs will struggle if substantial changes are introduced in the next twelve months. Such clubs, particularly those with turnovers of less than \$5 million, are bearing the full brunt of the introduction of poker machines into hotels.

Figures showing the revenue raised from poker machines demonstrate that the smaller clubs are not making the sorts of profits that the community assumes. They will bear the brunt of any long-term changes that result from the freeze process. The Government must consider the smaller clubs of New South Wales and balance their plight with the revenue that it is collecting from gamblers' pockets. If the Government were serious about this issue, it would consider the amount of money it is raising versus the amount of money that it is spending to address problem gambling. There are all sorts of industry-driven programs in this area. The Minister said in his second reading speech that up to \$30 million has been spent in an attempt to solve the problem of gambling in New South Wales. That is fine, and that \$30 million is certainly much needed. However, if that sum is compared with the \$1.4 billion that has been derived from gambling in New South Wales, it is obvious that the percentages are not great. There is room for the Government to do much more to address the fundamental problem of gambling in New South Wales.

If the Government were serious about this issue, it would also fund more advertising and education programs, which come in many forms, that encourage people to gamble less. I acknowledge the introduction of regulations for gaming rooms, which is a positive move. However, when will there be some television advertising that addresses problem gambling? Why has the Government not made any commitments in that regard? There is State-funded advertising for everything else, so why is there no television advertising campaign to address this issue? Unfortunately, the Government is not taking the issue seriously. The Government says, "We do not have a cap on clubs; we are simply freezing clubs". That is semantics. It is a clayton's cap—the cap you have when you do not have a cap—but it is certainly restricting the number of gaming machines in clubs. I believe the Minister has been railroaded to a degree by the Premier in this debate. In his second reading speech less than six months ago about the first stage of harm minimisation in relation to gambling, the Minister argued strongly against capping clubs in New South Wales. The Minister said:

If a cap is the answer to minimise problem gambling in the community, it must be recognised that both the Independent Pricing and Regulatory Tribunal [IPART] and the Productivity Commission were highly sceptical of the effectiveness of such a strategy... IPART and the Productivity Commission suggested that a cap was the panacea, but that suggestion did not appear in their reports. In my second reading speech I quoted extracts from both reports. It is worth repeating IPART's comment on this point. It stated:

The availability of a State-wide "cap" (limit) on the total number of gaming machines to control growth in problem gambling is doubtful. Victoria has 29% of the gaming machines operated in New South Wales, yet generates a turnover of 61% of New South Wales turnover.

The Minister continued:

The reality is that a cap does not minimise gambling. That has been proved. The report clearly indicates that placing a cap on the number of machines would not result in a decreased turnover.

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They are the Minister's words. He continued:

Players would simply play the same machines more often. A submission to IPART from the Wesley Gaming Service, which I deeply respect, stated:

... there can be no suggestion that placing a cap on the number of poker machines will be of any assistance in controlling problem gambling.

The Productivity Commission draft report drew similar conclusions in relation to this State, where machine gaming has been a part of registered clubs for more than 40 years. Before one introduced a capping arrangement, one would need to take into account the effect of such an arrangement on the club industry as a whole, and not merely focus on containing the growth of one or two large clubs.

What is going on now? If this was a clayton's cap or a freeze, the Minister has changed his view in the past six months. That has caused concern in the industry, which is having difficulty in shaping its direction. In his second reading speech the Minister said that problem gambling would not be addressed by imposing a cap or a freeze on clubs. I wonder who is running the Department of Gaming and Racing and why the Government's direction has changed in the past six months. In his recent contribution to the second reading debate the Minister has missed the point about accessibility of machines. He used the following statement from the Productivity Commission as an argument for capping:

Overall, the Commission considers that there is sufficient evidence from many different sources to suggest a significant connection between greater accessibility—particularly to gaming machines—and the greater prevalence of problem gambling.

I do not have a problem with that argument, but I do have a problem with it being used to argue the case for a cap on gaming machines. That is not the point that the Productivity Commission was making; the commission was speaking against capping and said that to a degree the horse has bolted in New South Wales. A cap may work in other States but in New South Wales the problem is not the number of machines, but the accessibility to machines. A clayton's cap or freeze does not deal with problem gaming, because problem gaming is still driven by accessibility. The point made by the Productivity Commission is that people can access machines and the Minister has tried to turn that into an argument in favour of a freeze. He has completely missed the point.

I turn now to the installation of gaming machines in shopping centres, something that the Coalition feels strongly about. The Coalition had input into the introduction by the Government of restrictions on the installation of poker machines in shopping centres. The Minister will address some of the anomalies, through regulation if necessary. This morning I spoke with John Griggs, a long-standing member of the community who runs a good bar and brasserie at Bong Bong Road, Bowral. He has some concerns about the legislation, because he is caught on its periphery. I hope that he and others who have been caught can be helped by means of regulation. The legislation has the broad support of the club movement, the Australian Hotels Association and the Coalition.

Shopping centres are not suitable locations for poker machines and the Coalition would be pleased to have that part of the legislation implemented as soon as possible. I was a little amused when, only a week before this announcement on 28 March, the Minister sideswiped me for my suggestion that something should be done about poker machines in shopping centres. The headline in my local on 27 March read, "We didn't approve 'bandits'-Face". The article suggested that as a relatively new shadow minister I had to do better, or I would be out of a job. But only a day later that is exactly what the Minister did.

**Mr Merton:** You still have a job anyway.

**Mr OAKESHOTT:** I am still here—just!

**Mr Fraser:** That was an about-face.

**Mr OAKESHOTT:** That is right. The honourable member for Coffs Harbour has made a good point: it might be called an about-face. To some degree the freeze is artificial but the Coalition will not oppose it. For once the Government is trying to take this issue seriously and trying to achieve something during the next 12 months. The Coalition is willing to support the Government. Indeed, we wanted to be included in the process to make sure that the Government treated it seriously. I highlight the artificial nature of the freeze. In the next 12 months there could be about 15,000 more machines in New South Wales. The hotels could still fulfil their cap arrangements. In the next 12 months the TAB will probably roll out about 1,000 machines into hotels.

It was nice for the Premier to get that headline, but it should not be forgotten that it is probable that more machines will be installed in New South Wales. During the next 12 months there will also be software changes. Nothing is stopping hotels or clubs from changing the software on their machines so that they can keep attracting gamblers. As the Minister said in his attack on capping six months ago, it is probable that the number of people who play machines will increase in the next 12 months. To some degree this is an artificial freeze and a nice headline grabber for the Premier, but it does not deal with the guts of the problem.

I turn now to the changes to the Casino Control Act. I note there has been ministerial policy input into the Community Benefit Fund. While the Minister assured me that it is not a takeover and that the fund is not being politicised, I flag that the Coalition will continue to watch over and comment on any further erosion of the autonomy of the fund. If the fund is politicised we will highlight that. As a matter of priority the Coalition would like to have dollars from the fund spent on solving problem gambling. We are concerned that to some degree the fund is being butchered and that the real issues of problem gambling are not being addressed as they should be. We hope that the focus of the Community Benefit Fund on problem gambling is not lost.

The Coalition seeks several commitments from the Government to enable it to determine whether the Government is serious about a 12-month freeze. We would like to know what is to happen with duty rates and what the Government proposes to do with the increased tax revenue derived from machines in New South Wales. If the Government is serious it will certainly give a similar commitment to that which has been imposed on the industry. The industry is taking a breather; it is investigating its tax collection policy as well as the policies of the broader community on how problem gambling should be addressed.

It will be interesting to hear what the Minister has to say about that. Perhaps we should ask the Treasurer to come into this Chamber and comment on it. It would be good to get commitments from the Government on its plans to evaluate and monitor problem gambling as well as on the broader issue of the conflict between tax collection and social conscience. How will the Government break that nexus over the next 12 months, if it is to be broken at all? A detailed response would be welcomed. Will the Government increase its return from problem gambling rather than get off scot-free? Let us not forget that it raises \$1.4 billion per annum from New South Wales gamblers.

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Finally, the Opposition would like to see something on the table in response to its proposal to establish an independent gaming authority. This bill is part of the brave new world of the Department of Gaming and Racing. The department is now being run by the Premier; the Minister has been shunted. The Government continues to skim the cream and prop up its budget out of the pockets of problem gamblers. The Government continues to ignore the fundamental issue, which is providing assistance to problem gamblers. The Opposition does not oppose the legislation. However, we consider it is a small step and wonder cynically whether the Government has yet got the point.

**Mr MERTON** (Baulkham Hills) [11.50 a.m.]: There is little doubt that problem gambling is the latest social and home-wrecking disease of New South Wales. In its wake it leaves a heart-rending trail of ruin, crime and family breakdowns. New South Wales has 10 per cent of the world's poker machines and electronic gambling devices. An even greater indictment of the Government's is the reliance it places on the 20 per cent of its revenue that it derives from gambling. The revenue received from gambling in this State has increased by about 50 per cent since the Carr Labor Government came to power.

Last year poker machine revenue jackpotted to a record \$867 million, an increase of 24 per cent. Tragically, most of it comes from the poorer members of our society. By allowing this industry to continue, the Government is dipping into the savings and ruining the lifestyles of many battling Australian families, forcing them to go under. As the honourable member for Port Macquarie said, if the Government were serious about the responsible management of gambling in this State, it would introduce an independent gaming authority as the centrepiece of its policies. Anti-gambling warnings are not enough. It is vital that the Government spends a great deal of money to assist those who have a problem with gambling. Tragically, its record is to the contrary. Last year the Government underspent by \$3.4 million the funds that were earmarked to assist habitual gamblers.

This legislation seeks to impose a 12-month freeze on the installation of poker machines. Let me analyse the problems. A recent report emphasised that problem gamblers comprise 15 per cent of those who regularly gamble. Of those problem gamblers, one in four reported divorce or separation as a result of a gambling addiction and one in ten said that they had contemplated suicide. That is tragic. Faced with that indictment, which is almost overwhelming, the Government has introduced legislation which seeks to impose a freeze for at least 12 months on the installation of additional gaming machines in clubs. It also prohibits the use of gaming machines in hotels that are located within retail shopping centres. I will deal with the second matter first. The prospect of gambling machines in shopping centres horrified the people in the electorate of Baulkham Hills. My office was inundated with complaints from people about poker machines in their neighbourhood shopping centres. In a letter to me Parramatta City Council stated, among other things:

The council is of the opinion that the installation of poker machines is not in the best interests of the community and the approval of any application along these lines would see councils promoting an activity not generally associated with shopping centres.



The letter was written in the context of applications to install poker machines in shopping malls in the municipalities or communities of Marrickville, Chatswood, Ryde and Burwood being before the Local Court or the Land and Environment Court. The horse had bolted and, quite rightly, Parramatta City Council said that it did not want poker machines installed in shopping centres. The Minister has acted in response to that concern, albeit he was probably dragged screaming to the altar. New section 161A, which is headed "Approved gaming devices not permitted in retail shopping centres", defines "retail shopping centre" as a retail shopping centre within the meaning of the Retail Leases Act 1994 and includes any adjoining building or anything declared to be a retail shopping centre by the regulations. I understand, although I stand to be corrected, that under the Retail Leases Act a retail shopping centre consists of five shops.

A one-off shop—for example, a single shop standing beside a hamburger shop—which is one kilometre from the nearest retail shopping centre is not covered by the provisions of the bill. Therefore, this legislation makes it possible for a shop that does not form part of, or is not adjacent to, a retail shopping centre to have gambling devices. In that respect the legislation is defective. If I wanted to set up a gambling shop I would select a shop that is one kilometre down the road from a retail shopping centre and is next to a hamburger shop or a shop that sells milkshakes to young people. This legislation simply provides that gambling devices are not permitted in retail shopping centres. It does not provide that gambling devices are not permitted in single freestanding shops or in a group of fewer than five shops. A group of as many as four shops is not considered a retail shopping centre and is not covered by this legislation.

Clearly, the legislation is defective. It is still possible to establish a gambling shop within a group of shops or in a freestanding shop. I have a great deal of faith in the Minister. I believe that he is trying to do his very best under enormous pressure. I ask him to give consideration to that defect. I will not add to what the honourable member for Port Macquarie has said about the imposition of a freeze for at least 12 months on the installation of additional gaming machines. Tragically, the real problem has been overlooked. In essence, gambling is a disease. People in the community are desperately crying out for help. They need more than a freeze on the installation of poker machines. It was wonderful for the Premier to announce a freeze. However, the freeze is not a cure-all. We must look at the source of the problem. Why are people gambling? Why are battling Australian families putting their weekly earnings on the line trying to get a few extra dollars? It is a disease, a problem which the Government has a responsibility to overcome.

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It appals me that some \$3.5 million of the money allocated to look after problem gamblers is still sitting in the coffers somewhere. It is not good enough! In some respects the bill is a step in the right direction. However, I am gravely concerned about the fact that it prohibits the use of gaming machines only within retail shopping centres. I am concerned that the freeze on poker machines for 12 months is, at best, a token effort. It is about time the Government said, "Something is wrong. We are dependent on gambling for 20 per cent of our total revenue." Last year's budget papers indicated that an amount of \$1.5 billion in gambling revenue was projected for this financial year.

The figures are alarming and they are not good enough when one considers the social ramifications of gambling. Some 15 per cent of people regularly gamble. One in four problem gamblers report divorce or separation as a result of gambling addiction and a tragic one in 10 state that they have contemplated suicide. The Minister has a difficult job in trying to achieve a balance. But let us try to look at the real cause of the problem, let us try to find out why problem gambling is the latest social disease and home wrecker, leaving a trail of financial ruin, crime and family breakdowns in its wake. It is not good enough.

**Mr FRASER** (Coffs Harbour) [12.01 p.m.]: I support the thrust of the bill, but I would like to highlight the hypocrisy of the Government. Last year, as the honourable member for Port Macquarie said, the Minister stated in this House that there would be no cap on the number of poker machines. But the Premier has decided this is a populous issue, that he will make policy and announcements on the run, and force his Minister to introduce legislation into this House that will impose a freeze on the installation of additional gaming machines in clubs for at least 12 months. Clubs in regional and rural NSW are major employers. Since the announcement of the introduction of this legislation I have been lobbied by Coffs Harbour Ex-Servicemen's Club—I know the Minister is aware of it—which is a great facility not only for the locals but also for tourists. It has 17,500 members, a wages bill each year of \$4.5 million and is in the process of refurbishing and rebuilding.

The club took over the bowling club next door and is in the process of upgrading that section of the club as part of an overall plan. The club's current refurbishing and rebuilding plans were based on previous statements by the Minister that there would be no cap on gaming machines. A general study showed that a club the size of the ex-servicemen's club in Coffs Harbour and with its commitments to debt needed about 300 gaming machines to be viable. It currently has 280 machines. It is the largest club in the area and a great tourist facility. The club, which employs in excess of 160 people, is the third-biggest employer in the Coffs Harbour local government area. It is committing on behalf of its members \$6.5 million worth of redevelopment, which will give them a total financial exposure of \$12 million. Local tradesmen depend on it and local businesses depend on the flow of business from the club. The club has submitted an application for an extra 10 gaming machines to make the extensions viable, but the bill indicates that it really does not have much chance of getting those extra machines.

The ability of the club to service its debt will be called into question if its application is not successful. The club has always been a great supporter of community events. It heavily supported financially the millennium celebrations in Coffs Harbour this year: it paid for the fireworks. The club assists not only its members in sporting endeavours, but other groups within the Coffs Harbour community that do not have the ability to raise funds for themselves. This club, and others in the area support them rather heavily. I would be sorry to see clubs, such as this one, placed in jeopardy because of the knee-jerk reaction of the Premier who has said that we will have the freeze because it is a popular decision. I would like to see these clubs given a fair go. In the past six or eight weeks this club has referred two problem gamblers to the appropriate authorities and given them assistance. The club is responsible and looks after its members. If the club is aware of anyone with a gambling problem it refers that person to the appropriate authorities.

Like other speakers from this side in the debate I would like to see more done with the Casino Community Benefit Fund. I have spoken to the Minister on a number of occasions about the local credit union in my area that provides financial advice to low-income families, a number of which, unfortunately, have problems with gambling addiction. They see gambling as a way to pull themselves out of the mire. If a large jackpot is to be had they will chase it. I would like the Government to support financial institutions, such as the Banana Coast Community Credit Union and other community groups, that could provide financial advice and assistance to low-income families and families that may have gambling problems, to ensure that such families can continue to pay the mortgage, to ensure that their families do not suffer and to ensure that the person with the gambling problem does not suffer. We need an assurance for clubs, such as the Coffs Harbour Ex-Servicemen's Club that they will not go out the door backwards because of financial exposure of their membership based on previous indications from the Minister that there would not be a cap on gaming machines.

The Coffs Harbour Ex-Servicemen's Club has not applied to increase its number of machines by 50 per cent; it merely wants 10 extra licences. The Minister has previously said in this House that if a cap is the answer to minimise the problem of gambling in the community, it must be recognised that both the Independent Pricing and Regulatory Tribunal and the Productivity Commission were highly sceptical of the effectiveness of such a strategy. Yet the bill is, in effect, a cap, but it is a clayton's cap because it will impose only a 12-month freeze. It gives the Premier a good one-day headline, but at the same time it puts the management of the Coffs Harbour Ex-Servicemen's Club under great pressure in so far as its financial viability is concerned. The Minister has mentioned that the number of clubs in New South Wales will be rationalised. We want to know what he means by rationalisation. Does that mean that clubs will go out of business? If so, will clubs, such as the Coffs Harbour Ex-Servicemen's Club, be put out of business? I hope it does not. I am sure its management is good enough that it will not mean that.

However, the generous nature of the club and the community donations it has made will not continue because it will need that money to service the debt it has raised on the basis of previous indications given by the Minister. We want to know what form rationalisation will take and which clubs, if any, will close. Which communities will see the demise of their local sporting club, ex-services club, golf club, or bowling club because of this rationalisation? They are fair questions that are being asked by communities in regional New South Wales. Although I know that clubs and gaming machines can cause a problem for people with a gambling addiction, a fund is available and the Minister should consider providing money from the fund to community organisations and local

financial institutions that are prepared to tackle this problem head on and assist their clients to stay away from the clubs.

A couple of weeks ago a woman came to my office and finally admitted that she had a gambling problem. In the past 12 months she lost \$15,000 on gaming machines. Instead of going to Gamblers Anonymous she has placed herself on a very strict regime. She has informed the local Woolworths that she has a problem, they get the money out of the bank for her so that she can pay for her groceries and she is not left with cash in her pocket wherever she goes. Those sorts of people need assistance. I urge the Government to provide assistance for problem gamblers by putting more money from the Casino Community Benefit Fund back into regional communities.

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At the same time we want to ensure that those clubs that are large employers, such as the ex-servicemen's clubs at Coffs Harbour and at Sawtell, and the bowling club and ex-servicemen's club at Woolgoolga, Dorrigo and Bellingen, are not disadvantaged. They are major employers in their communities and major contributors to the economy of their communities with their purchasing power and that of their employees.

I ask for assurances to be given especially to the ex-servicemen's clubs and other clubs that have given themselves exposure that they would not otherwise have given except that they believed there would not be a cap on the number of poker machines. I referred to the Minister's comments and those of the Independent Pricing and Regulatory Tribunal when those clubs were given that assurance not too long ago in this House. The Government has an obligation to ensure those clubs will not be put in a situation whereby exposure is too great and they find themselves in difficulty. As I said, I support the legislation, but I believe it is only window-dressing; it does not address the real issues of problem gambling within society.

**Mr RICHARDSON** (The Hills) [12.10 p.m.]: The Gambling Legislation Amendment (Gaming Machine Restrictions) Bill is straightforward legislation and is clearly understood by members of both sides of the House but, of course, the ramifications are perhaps more complex. The overview of the bill states:

The object of this Bill is to restrict the keeping of additional poker or other gaming machines in clubs and hotels. In particular, the Bill:

- (a) imposes a freeze for at least 12 months on the installation of additional gaming machines in clubs, and
- (b) prohibits the use of gaming machines in hotels within retail shopping centres, and
- (c) requires a social impact assessment to be made before additional gaming machines are installed in a club, or before gaming machines are installed in a new hotel or a hotel whose licence is transferred from another locality.

It is not straightforward in the context of the Minister's second reading speech or his remarks in reply to the responsible gambling bill on 22 September last year. I participated in that debate and was present in the House when the Minister spoke specifically to the issue I raised of capping the number of gaming machines. He did not believe that was an option the Government should entertain. In his speech of 22 September the Minister said:

I refer to capping the number of gaming machines—which seems to be the answer to everything, according to some honourable members on the Opposition side—

presumably that included me—

and others within our community.

...The knee-jerk reaction of some Opposition members is for a limit to be imposed.

...The reality is that a cap does not minimise gambling. That has been proved ... Players would simply play the same machines more often.

...Before one introduced a capping arrangement, one would need to take into account the effect of such an arrangement on the club industry as a whole, and not merely focus on containing the growth of one or two large clubs.

If gambling machines were abolished, small bowling and golf clubs, particularly in country towns, would go to the wall. There is not a great deal of rationale for the comments of some members today. There is a real prospect that a global cap on clubs across New South Wales will increase the value of existing machines and severely disadvantage smaller clubs, particularly in country areas, and medium-size venues. At the same time, imposing a cap on the number of machines held by individual clubs will do little to reduce the overall pool of machines available for operation by clubs as a whole.

He concluded this segment of his speech as follows:

...this complex policy issue requires careful and mature consideration.

We were accused of engaging in knee-jerk politics because we believed some sort of cap should be applied to the number of poker machines being introduced into New South Wales clubs and hotels. The Government has been brought kicking and screaming to a position where it has now decided to implement a 12 month freeze on the number of poker machines allowed in clubs. I do not know why the freeze is for 12 months and not two years. I challenge the Minister to explain to the House how he has taken into account the effect of such an arrangement on the club industry as a whole, and whether this is a considered decision by the Government. Has the Government merely attempted to appease those within the community who are—as indeed are members of the Opposition—concerned about the proliferation of poker machines in our community and the proliferation of problem gamblers as a consequence? In his second reading speech the Minister referred to the Productivity Commission's report on gambling. He said that 92 per cent of people who had been surveyed by the Productivity Commission were against expanding the numbers of gaming machines in our community.

**Mr Hazzard:** What was that percentage again?

**Mr RICHARDSON:** It was 92 per cent.

**Mr Hazzard:** Tell the Minister again.

**Ms Hodgkinson:** What was that again?

**Mr RICHARDSON:** He said that 92 per cent of the people surveyed by the Productivity Commission opposed the expansion of the number of gaming machines within our communities. Yet, this is the Minister who decided to introduce poker machines into hotels! This is the Minister who presided over the largest expansion of poker machine numbers in our State's history, increasing the number from 62,000 to nearly 100,000. My community is typical of electorates across New South Wales in that the vast majority of residents oppose the expansion of the number of gaming machines in The Hills electorate on sound grounds.

The bill will impose a freeze on the number of poker machines for clubs only. It will not impose a freeze on poker machine numbers in hotels. More than 10,000 poker machines are still available for installation in hotels, so we can expect the total number of poker machines in New South Wales venues to grow over the next 12 month regardless of this proposed freeze. What will the social impact of gaming devices prove to be? Section 88AL "Content of social impact assessment" states in part:

- (3) The social impact assessment is to address social and economic impacts and set out any net social and economic benefits to the local community.

Therefore it is highly probable that most of the social impact assessment will address the benefit to the community. Nobody denies there are substantial benefits for employment and money flowing into the community from the club movement, but that is the major emphasis of the social impact assessment; it will not be on the additional number of problem gamblers that an increase in the number of poker machines is likely to cause. Section 88AL continues:

- (4) The social impact assessment is to contain details of the following:
- (a) the number of approved gaming devices already kept by the club and the number kept by other registered clubs having the same or a similar local community (and by any hotels in the neighbourhood),
  - (b) past increase in the number of approved gaming devices so kept,

- (c) the public demand for gambling within the local community,
- (d) the incidence of problem gambling within the local community,

I am not quite sure how the social impact assessment will examine the incidence of problem gambling in the local community. The Productivity Commission report estimated that in New South Wales 2.8 per cent of the population were problem gamblers—a significantly higher proportion than was the case for any other State. Why? The Productivity Commission actually provided an answer. It suggested it was because we had more poker machines in this State. It is very easy to establish a nexus between an increase in the number of poker machines and an increase in problem gambling. It seems that the Minister has belatedly worked this out.

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He has had a conversion on the road to the Damascus. Only six months after he told us in this Chamber that there were no benefits in having a cap on the number of poker machines he has said that we shall have a cap on the number of poker machines. Nobody is quite sure what will happen at the end of 12 months. Nobody really knows. If the cap is lifted there will be an enormous pent-up demand, I would have thought. Before being a member of Parliament I used to be in magazine publishing. In the era of high inflation for a while we kept our magazine cover prices down. It was one of the worst things that we could have done because after two or three years when we had to raise cover prices to cover our costs of course there was buyer resistance. We will see a similar phenomenon in this case. The pent-up demand for an increase in poker machine numbers will be substantial. I do not know how the Government intends to address that. The Minister has given no indication in press statements or in his second reading speech of how the Government intends to address that issue at the end of the 12-month period.

I strongly support prohibiting the use of gaming machines in hotels in retail shopping centres. Honourable members may remember that there was a substantial amount of publicity surrounding the proposed establishment of a hotel, to be called the Ettamogah Pub, in Castle Hill in my electorate last year. One of the issues that the Stop Pubs in Castle Hill, SPICH, group was particularly strong about was the issue of the Ettamogah hotel be in a shopping centre and poker machines going into the shopping centre where children and young people might have access to them. Obviously, they would not be permitted to play them but the machines would be present where those young people were. That was identified by my community as being a significant problem. For those reasons I commend the Minister. I will be reasonable about this. Praise where praise is due. I commend the Minister for introducing that provision in the bill.

**Mr Hazzard:** He only did it after the Leader of the Opposition called for it in a press release. Do not give him too much credit. He can read a press release.

**Mr Richardson:** Almost everything this Minister does is in response to initiatives or ideas brought up by the Opposition. We know that. Still, introduction of that provision is worthy of support. It is also well worth supporting a freeze on the installation of additional gaming machines in clubs. I am glad to see that, once again in response to representations made by the Opposition, clubs that already have expansion programs in place will have those taken into account so far as the freeze is concerned. That is provided in new section 88AF, for the benefit of the honourable member for Wakehurst, "Exceptions to the freeze". That certainly is needed. Castle Hill Returned Services League club in my electorate was planning a major expansion and that expansion would obviously have been put on hold for 12 months at least. We cannot say indefinitely because we do not know what the Government proposes after 12 months. That is a welcome provision.

In conclusion I say that the Minister, so far as the whole issue of problem gambling, responsible gambling, is concerned should take the next 12 months to rethink his own position on the important issues that have been brought to this House time and again by the Opposition. They are not going to go away; there is a very high incidence of problem gambling in our community. Insufficient attention is being paid to the problem by the Government. While we do not oppose the bill we still see it as very much a knee-jerk reaction and we would like to see the Government in future take a more considered approach to these issues rather than simply grandstanding.

**Ms HODGKINSON** (Burrinjuck) [12.24 p.m.]: While I am not opposed to the bill, as other Opposition members are not, many people in New South Wales will agree that the bill just does not go far enough. The honourable member for Baulkham Hills pointed out that the Government is addicted

to gambling revenue. I agree. He stated that the Government relies on it for 20 per cent of its revenue, and in the last five years gambling revenue to government has increased by 50 per cent. That is outrageous. It just goes to prove that the Government is addicted to gambling, and probably addicted to a lot of other things that we should not mention in this House. Over the past few years there has been an absolute blow-out of poker machines in clubs and hotels. Much more needs to be done to monitor and to alleviate problem gambling.

A constituent in my electorate is a self-confessed problem gambler. He works as a teacher. When he is paid every fortnight the money goes into his account automatically, as is the case with many people, and he cannot help himself: He has to put his wages through the poker machines at his local club. This has served him very poorly. While he admits that he has a problem with gambling, he cannot help himself. He still lives with his mother. He is 47 years old. I seriously doubt that he will ever have a proper serious relationship. He is one of the first to admit that gambling is a social disease. He knows that he has a problem. But how do we assist people with problem gambling? As the honourable member for Coffs Harbour and the shadow Minister stated, the 12 months cap is a clayton's cap. After 12 months what will we see? Will there be a review or extension or will the cap be just lifted. Will there be an awful lot of pressure applied to the Government to have the cap lifted?

According to the honourable member for Baulkham Hills, 92 per cent of people surveyed by the Productivity Commission are opposed to any expansion of gambling. So it will be interesting to see what happens in 12 months time. The blow-out in poker machines in hotels and clubs over the past five years should never have been allowed. Now New South Wales has 10 per cent of all the electronic gambling devices in the world. It is the people who can least afford it, the battlers, who seem to have so many problems in relation to gambling. A few months ago on a current affairs program there was a story of a young mother who was a self-confessed gambling addict. She drove her car to the hotel or club or wherever it was that she was using the machines and left her children in the car for hours on end. That report really hit home to me as a young mother. I certainly could never do that myself but this woman must have had an absolutely torturous addiction to allow that situation to occur.

How do we reduce the problem of gambling addiction? Fifteen per cent of all gamblers are addicted to gambling and of these a quarter suffer marital problems and a tenth contemplate suicide. The problem needs drastic action as soon as possible. The proposal to have a social impact assessment made by the Licensing Board before more machines are installed is not enough. The Coalition has been calling for a very long time to have an independent gaming authority to review any increases, not just a social impact assessment by the Licensing Board. Establishing an independent gaming authority is really the only answer in relation to any expansion of gaming devices in this State. The Government should take action in this direction as soon as possible. This policy was put forward by the Coalition during the last election campaign and we still support it. I commend it to the Government. I hope that the Minister will take action in that regard in the not too distant future. I commend the Minister, as the honourable member for The Hills has, in relation to the prohibition on the use of gaming machines in hotels within retail shopping centres. I agree that that is something that should be put into legislation.

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I commend the Government for its prohibition on the use of gaming machines in hotels. This is a clayton's cap in relation to a freeze for at least 12 months on the installation of additional gaming machines in clubs. The Government should implement an independent gaming authority rather than use social impact assessments by the licensing board on additional gaming machines being installed into clubs.

**Mr HAZZARD** (Wakehurst) [12.30 p.m.]: The Opposition does not oppose the bill but it has enormous concerns about whether it addresses community needs with regard to the ever-billowing problem of gambling. The bill seeks to impose a freeze for at least 12 months on the installation of additional gaming machines in clubs. I cannot imagine that any lawyer or draftsman would use those words unless a politician was breathing down his or her neck. The words that cause me considerable concern are "at least 12 months". What sort of rubbish is that?

**Mr Richardson:** Who was the politician?

**Mr HAZZARD:** Presumably it was the Minister for Gaming and Racing and his illustrious gambling frenzied Premier, Bob Carr. It means that the mob on the other side—who currently have their hands loosely on the controls of New South Wales—do not know how to handle the situation. Government members know that there is a problem because they have been listening to the Opposition and the community. They have had the benefit of reading press releases from the Leader of the Opposition, which have been placed immediately on Bob Carr's desk. He has been told, "Premier, you have to respond. Get your head out of the Etruscan sculpture books and out of the German dictionaries. They are actually gambling out there and it is causing us grave problems."

**Mr Face:** Point of order: I am loath to take points of order during debate, however, the debate must be relevant. Unfortunately, there are members on both sides of the House who from time to time cannot control themselves. Mr Acting-Speaker, I ask you to bring the member back to the leave of the bill and to not put us through this misery.

**Mr ACTING-SPEAKER (Mr Mills):** Order! I am sure that the honourable member for Wakehurst will return to the leave of the bill.

**Mr HAZZARD:** To the point of order: No standing order relates to what the Minister has just said. Similarly, no standing order deals with boring and inappropriate submissions to the Chair. I ask that the Minister be ruled out of order on the point of order and that I be allowed to continue with my contribution, which was within the guidelines of the bill.

**Mr ACTING-SPEAKER:** Order! I do not intend to rule one way or the other. I suggest to the honourable member for Wakehurst that he should continue his speech.

**Mr HAZZARD:** The Premier has no policy on how to address this fundamental problem in the New South Wales community, which now has 10 per cent of the world's poker machines. One does not need to go far from the Parliament to find them. This translates into real problems for real people. A balance must be found and this Government does not know how to, or perhaps does not even wish to, find that balance. No-one really knows what will happen at the end of this 12-month clayton's freeze, which reeks of being a politically opportunistic response to an issue about which the Government has finally realised the community's concern. However, the Government does not know what to do and the clubs and the community suddenly do not know what is going on. The community would like to see a freeze on or a reduction in the number of poker machines. Most interesting of all, the Government of New South Wales—loose hands on the steering wheel—does not know what is going on. Twelve months from now no-one will know what will happen, not even the Government, and that is unacceptable.

I will tell a story for the benefit of those who do not believe there is a problem with poker machines. Recently I used the services of a mechanic, who took the opportunity to say to me, "Mr Hazzard, if you ever get a chance to say something in the Parliament about this issue, I would ask you to do so. I am in my thirties and my whole life has been shattered as a result of my father's addiction to gambling. I can remember as a little kid my dad came home week after week with apparently no money and my mum had to go out and struggle to get us food. We did not have food on the table night after night, proper clothes to wear and could not do the things other kids did because of my dad's gambling addiction. He would gamble on anything and everything."

It was his view that the Carr Government was branded by the community as the gambling addicted government of the late twentieth century. He did not want poker machine in hotels. He said that in the past a young bloke who was 18 years of age could go down to the pub, sit around with his mates, have a few beers and talk without either pressures or temptations. He believes that the Carr Government is creating a whole new generation of poker machine gambling addicted young people. We will have to wait and see whether that turns out to be true. It is a pretty reasonable hypothesis that if young men and young women enter a hotel to have a drink and share social camaraderie and poker machines are over on the wall they will play them.

For some years in New South Wales there has been a strong club culture. Many people like to attend clubs and occasionally put money through the poker machines. A few people put far too much money through the poker machines and hence the problem. Various estimates have been given of people with huge gambling problems, but the range is between 2 per cent and 3 per cent of the

population. As a responsible group of legislators we should take that seriously, not just come up with the knee-jerk response of a freeze for 12 months. It is only a so-called freeze because there are exemptions. No-one knows what will happen. The Government should have thought this matter through. Unfortunately, it is asleep at the wheel, and has been perhaps for the last 4½ years. We must provide policy directions to assure the public that we are in partnership, that we want to get the right balance and that we want gambling under control in New South Wales. We do not want smoke and mirrors or 12-month freezes.

The Government even got it wrong in its announcement. The one thing this Government does well is get things wrong. The way the legislation was introduced terrified local clubs. Generally, the big clubs have sufficient insulation to cope with the stupidity of legislators but small clubs are worried when such pronouncements are made. They make a major contribution to the community through their charitable work. I received a letter from the Collaroy Services Beach Club Ltd, a small club in my electorate of which I am a member, which stated:

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I understand that Government Legislation is to be introduced shortly.

The letter is obviously talking about the proposed freeze on poker machines. The letter continues:

This Club is one that has entered into a Building program to improve the comfort of Members and Guests. The cost to the Club being \$1,100,000.00, and is scheduled for completion late May 2000.

It was decided to apply for an additional five (5) poker machines to assist in paying for the building project.

The proposed Legislation, whilst understood, should provide for consideration of our cause in allowing for those Clubs who have received Council approval and L.A.B Licensing Court approval to continue with their projects and not cause possible financial hardship.

New section 88AF takes account of such situations, but the Government could not even get that right: it could not introduce those proposals in a sensible and co-ordinated manner without causing grief and harm to those who provide services to the community. The Government has mucked them around yet has not done anything for the rest of the community. Another part of the legislation is of particular interest to me as the member representing the electorate of Wakehurst. The legislation also prohibits the use of gaming machines in hotels that are situated within retail shopping centres. Even though the Government has screwed up both in introducing the legislation and in making its announcements, I welcome that provision. Interestingly, the measure was introduced just 2½ weeks after the Leader of the Opposition issued a press release calling for a complete ban on poker machines in facilities within shopping centres. Some of the Minister's advisers must have stayed awake for a while and noted the comments of the Leader of the Opposition. The Government responded to that call because it had to, but I welcome that decision.

Warringah Mall is situated in my constituency. It is a very good shopping complex that has grown like Topsy in the past few years and is now the focal point of the community. The honourable member for The Hills referred to a proposal to build a pub—the Ettamogah Pub—with poker machines in a shopping centre in his electorate and the concerns expressed by his constituents. My constituents have similar misgivings. I cannot believe that large companies—such as AMP, which runs the Warringah Mall—have not heard the Prime Minister's clarion call to accept their community responsibilities and start doing things for the community. In that context, the Prime Minister was probably talking about giving money to various charities, but there is another aspect to the issue. If companies claim to have a community conscience, they must ensure that they do not create havoc in the community. They should not encourage anyone to build any sort of facility that the local people do not want.

I am enormously disappointed in AMP, which has declined to state clearly that it will refuse an application to build a 1,300-person tavern at Warringah Mall. It is proposed to locate the tavern on the same level as the entrance to the Hoyts cinema complex, which would be one level above the takeaway food shops. AMP has told those takeaway shops that the tavern will attract both young and adult cinema patrons and that the shops will benefit from the extra trade. Yet AMP is simultaneously telling the community that the tavern clientele will be kept separate from Hoyts patrons. At present, families view the mall as a family-friendly shopping centre. Families often leave their adolescents at the mall to go to the cinema and to McDonalds in safety. No families want that situation to change.



AMP must take its responsibilities seriously. It can make \$13 million payments to its chief executives in an effort to get rid of them so it should be able to apply a little commonsense to this issue. It must acknowledge that we do not want a tavern at Warringah Mall that will attract that number of people. I am also concerned that, when the freeze is lifted, poker machines will be installed at the mall in the tavern. In the context of this legislation, I call on AMP to take its community responsibilities seriously and to forget the tavern idea. It should tell the applicants that there will be no tavern, which will save them and the community money and stop a fight.

**Mr O'DOHERTY** (Hornsby) [12.45 p.m.]: I join other honourable members in thanking the Government for responding to an agenda that the Opposition has promoted keenly in the past few months. It is an agenda that the people of New South Wales clearly support and that is in their interests. The Minister for Gaming and Racing is genuine about wanting to tackle this issue and I thank him for his personal effort in that regard. Like other Opposition members, I have tried to limit the amount of revenue that is taken from the pockets of New South Wales families for the purposes of gaming in New South Wales. Many figures have been cited in this debate, but a few will suffice to illustrate my point.

About 11 per cent of the New South Wales budget is now supported by gambling revenues of various kinds. The Government might claim that that is some sort of recycling process from which the community benefits. However, the community does not benefit if that revenue has come from the pockets of people who cannot afford to pay. As a shadow Minister, I am always asking the Government to spend more money and, as a member of Parliament, I often ask for that money to be spent in my electorate. Nevertheless, we must find other ways to provide for the needs of New South Wales without ripping money from the pockets of families who can least afford to pay. I note for the record that the Minister is nodding his head in agreement. I again thank him for his personal commitment to this issue. The figures tell us that per capita losses in New South Wales to gaming have now reached close to \$1,000.

**Mr Face:** It is \$930.

**Mr O'DOHERTY:** This figure says \$960. Nevertheless, it is close to \$1,000 per person. My wife and I do not gamble in any form; I find it unedifying and uninteresting. I ensure that every cent of the money that is available to me is put to good purpose on behalf of my family. I make a deliberate choice not to waste that money on any form of gaming, which means that some other family is losing \$2,000 every year. I know that other honourable members take a similar position: the honourable member for Wakehurst made a similar point the other day. So another family is losing \$4,000 a year from gambling. These per capita figures hide the facts: they would have us believe that every person is gaming to the same extent. However, we are not, so someone else—probably families who can least afford it—is incurring our losses.

I have just come from a meeting with people who work with families from Sydney's south-west who are in difficult circumstances. They run an excellent program called Families First, which is an early intervention program for children with disabilities. It is not funded by the State Government—that is a separate issue that I will take up with the Minister for Community Services on another occasion. That organisation is in contact with a father who gets off his train one stop early so that he can save 50¢ a day on his train fare. Over a month, that family saves enough money to buy a pizza. There are stories like that from all over New South Wales. It is a simple tale, but it illustrates the point. That guy walks an extra few kilometres a day to save money so that he can buy his family a pizza at the end of the month. How can we allow the working poor to be preyed upon by the gaming industry, which is an ever-growing monster?

I acknowledge that people in the industry operate within the law and according to the regulations that have been established by various governments over the years. They have every right to do that. I acknowledge also that, over the years, they have introduced reforms, which have become known as responsible gambling practice.

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It is irresponsible of the State and the industry to allow revenues from gaming to increase greater than the population rate. We have an overall responsibility to limit the State's reliance on gambling because the State has its fingers dirty.

The State is not a disinterested party, which is why many of my colleagues and I support the establishment of an independent gaming authority in New South Wales. Over the years in other policy areas we have clearly separated the poacher from the gamekeeper and we need to do that on this occasion. The Government, which benefits to the tune of 11 per cent of its budget from gaming, should not determine the number of machines. Even a small increase in the number of machines is enough for a club to reap a substantially increased revenue from its community. The Government came up with an interesting word trick: it told us about the great community facilities that could be built from this increased revenue. I suspect that many families would prefer their breadwinner to bring the money home and spend it on meals for the children rather than spend it at the end of the month on the enlarged community facilities that are being built from unequal contributions through poker machines.

Honourable members would know that Westfield is undertaking a significant development in Hornsby at its site and the Northgate site which, when finished, will be Westfield's largest shopping centre in the southern hemisphere—that is, until the next one comes along. The Hornsby community is very much looking forward to the Westfield development. That development has community support because it will bring jobs, entertainment and lifestyle options not currently available in Hornsby. On balance, it is very good for the community. However, in recent weeks I have written to Westfield Limited asking it whether it is planning to include a tavern as part of the development. That had not been made clear in any of its plans. On 29 March I received a letter from Westfield Development and Asset Management which caused me some alarm. The letter stated:

I am aware that this issue is currently under consideration by both the Government and Opposition and attach a letter to the Leader of the Opposition from the Shopping Centre Council of Australia indicating its position on this matter.

I will refer to that letter later. The reply continued:

Westfield concurs with this position as it is interested in creating dynamic entertainment and lifestyle precincts and Taverns, Bars and Restaurants would be a part of such an area.

I was hoping I would not get that sort of answer. If Westfield had its way it would put a tavern with gaming facilities at Hornsby. As the local member, I wrote to Westfield indicating that I do not think that a tavern with gaming facilities is appropriate. I do not believe that my community would think it was appropriate either. The Hornsby community is very concerned about the social impacts of those kinds of developments. It is my view, and I believe the view of the majority of my constituents, that Hornsby has enough gaming facilities; we do not want additional gaming, particularly in a shopping centre. I thank the Government for discussing this. I acknowledge the initiative taken by the Leader of the Opposition, who has said that the Liberal and National parties firmly state that shopping centres are inappropriate places for gaming machines.

The Parliament has taken a bipartisan approach to not allowing gaming machines in shopping centres and the Government has included that restriction in the bill. I reaffirm my view that a tavern with gaming machines at Westfield, Hornsby, would be counterproductive for the community. Westfield could say that as other shopping centres will include them, it does not want to miss out. If that is the case, it is good that Parliament will pass legislation to make sure that there is one rule for everyone. As the local member I do not want gaming machines at Westfield, Hornsby, nor, I am sure, does the community.

I am glad that I will have the opportunity to vote for a bill to make one rule for everyone and that there will be no poker machines in shopping centres. That would be an inappropriate mixture, and I am glad that the House agrees with me. I am also concerned about two other developments in my electorate, one at the Hornsby RSL club and another at the Berowra RSL club. Some months ago the Hornsby RSL club presented plans to acquire the war memorial building adjacent to the RSL club and turn it into a casino. That plan is not supported by me or by many committee members to whom I have spoken.

The Hornsby RSL club plays an important part in the social and cultural life of Hornsby and is supported by its many members and is well utilised by the community. It would be inappropriate for the club to continue with its plan; clearly the council took that view some months ago. If the plan surfaces I will continue to be of the view that it would be singularly inappropriate for the RSL club to take over the war memorial hall and put a casino in it. For the Minister's information, I advise that the

hall was built many decades ago from public subscriptions. The war memorial committee eventually saw the establishment of the RSL club when it sold land to the club.

But the war memorial hall is not the RSL club, although the club likes to think of the hall as part of its ambit. It might seem like a simple manoeuvre to merge the two, but they are separate and distinct entities. The hall is important to the sacred memory of those who gave their lives. In the front of the building there is an eternal flame and the RSL sub-branch meets there and many acts of remembrance take place there. As I said, it would be singularly inappropriate to have a casino in that building. To my mind it would be almost a desecration of the memory of the people who gave their lives during the war. I and many people in my community do not want to see that take place. Because the RSL club is a community-spirited organisation I am sure it will find another way to conduct its development. Having said that, I repeat that Hornsby should not have increased gaming machines; it has enough.

Similarly, the Berowra RSL club is planning to expand onto a site currently occupied by a bowling club. That site is close to residences and two schools. To finance the proposed redevelopment the Berowra RSL club wants an increase in gaming machines. Berowra is a finite community. The large-scale development of residences has largely finished, although the population is growing, as it is in the Hornsby shire, at a small rate. Nonetheless, there are no large new developments to come on stream, particularly if the Government accedes to my request and rededicates the LandCom land for environmental protection—but that is a separate issue for a separate day.

To use additional gaming machines to underwrite a big development in Berowra would mean that the RSL club would need to take more money out of the community. It would be a disadvantage to the community to have more gaming machines, and more money taken out of family pockets. For that reason I cannot support the increase in gaming that would be represented by the Berowra RSL club's expansion. I have written to the council on two occasions asking that it carry out a social impact statement before it approves any redevelopment for the Berowra RSL club at on the bowling club site. I am pleased to advise that the council, perhaps for that reason or perhaps the others, has twice knocked back that development application.

The matter will go before the Land and Environment Court. As the local member, it is my view—and it is the view of most of the community—that any increase in gambling that might take place as part of the expansion would be inappropriate in Berowra and contrary to the community's interests. We have an opportunity to take a balanced approach to this problem. I support the approach taken by the Government, as encompassed in the bill. However, I would like to see the Government go further and separate the poacher and gamekeeper roles. For example, there should be an independent authority and social impact statements should be very much a part of the scene when we look at individual developments and the State's reliance on gaming revenue. I strongly support the bill.

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**Mr FACE** (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [1.00 p.m.], in reply: I thank honourable members for their contributions to the debate on this important legislation. The Gambling Legislation Amendment (Gaming Machine Restrictions) Bill is the second key piece of gambling harm minimisation legislation that I have introduced to this Parliament in as many sessions. The bill follows the groundbreaking Gambling Legislation Amendment (Responsible Gambling) Act and the accompanying regulations, which I introduced in September last year. I well recall that the Opposition spokesperson, whom I congratulate on his first speech as the shadow Minister for Gaming and Racing, when representing the Hon. R. T. M. Bull in another place referred endlessly in the debate on that legislative package to smoke and mirrors. Fortunately, other members who are more experienced in and more qualified to deal with gambling matters took a more sensible and informed view.

I will deal first with the urban myth about the Premier and myself, which was referred to by National Party members. As I have indicated, the Government came to a decision in August last year to take a whole-of-government approach to a range of matters designed to address the problem of gambling in our community. I did not introduce the harm minimisation legislation until later in the year. The whole process that is now before the Parliament was decided at that time, including the matters referred to by the honourable member for Hornsby relating to shopping centres. On at least three occasions I told representatives of both the hotel and club industries, who continually claim that they were not given any warning, that the harm minimisation legislation was the first step. The whole-

of-government committee, which was chaired by the Director-General of the Premier's Department, sent a minute of its conclusions to Cabinet. This legislation is the result.

I am pleased to note that the final Productivity Commission report, at pages 16.51 and 16.52, singled out the New South Wales responsible gambling legislative package as containing prescriptive elements which, the commission suggested, might be included in a model regulatory approach to harm minimisation. The commission published its report some months after the Government had set up a committee and I had introduced the responsible gambling legislation. Gaming Ministers and gaming regulatory agencies from other Australian States and Territories, and recently from New Zealand, have shown a particular interest in the lead taken by New South Wales in the responsible gambling package. I note with some pride the recently introduced reforming legislation in Victoria, which is effectively the model that I introduced last year.

Gambling in whatever form is something about which almost everyone has an opinion, informed or uninformed. From the contributions of some of those opposite, one would think that the gambling problem has emerged only recently. Gambling has been around since the First Fleet. However, at present, the general community view on gaming machines appears to be as close to unanimous as it is ever likely to get. From recent extensive surveys of the Australian population, the Productivity Commission found that 80 per cent of people gamble, 70 per cent believe that gambling does more harm than good, and 92 per cent do not want to see a further expansion of gaming machines. This legislative package echoes those concerns. The bill imposes an immediate 12-months freeze on gaming machine acquisitions by clubs in all but the most exceptional circumstances. Honourable members opposite have repeatedly asked what the Government will do at the end of the 12 months. They can read the concluding remarks I made yesterday.

The bill makes retail shopping centres no-go areas for the location of gaming machines by the hotel industry. For the edification of the Australian Hotel Association, it is obvious from the contributions today that many Opposition members are opposed to the location of gaming machines in hotels. The Government allowed poker machines into hotels for a variety of well-known reasons, and members opposite will have to live with it. One Opposition speaker cast an aspersion on smaller clubs. I am not one to blow my own trumpet, but no person in this State has done more to try to assist small clubs than I have. The Government gave small clubs a break by not taxing the first \$100,000 and imposing only 1 per cent on the second \$100,000 at the time poker machines were introduced into hotels. The Government realised that small clubs, particularly those in country areas, would be disadvantaged. I know John Griggs of Bowral—I saw him as late as last Monday night—and I am aware of his concerns. The difficulty with every piece of legislation that I have ever introduced is that it fixes some issues but affects others. I give an assurance to the House that I will try to address his concerns.

The honourable member for Port Macquarie claimed that the bill will not make any difference to problem gambling. The bill is primarily designed to control accessibility to gaming machines and to curb their proliferation so that options for their future growth can be carefully considered during the 12-month period of the freeze. The Productivity Commission took the view that that aspect was a key issue in the minimisation of gambling harm. The bill builds on last year's landmark responsible gambling bill, which is widely recognised as progressive, and legislation that addressed other aspects of problem gambling. The honourable member for Port Macquarie also asked why the Government does not place a freeze on duty rates as well as on machine numbers. He is confused. Duty rates are frozen until the end of January 2001. Unfortunately, the honourable member does not understand. The freeze will allow all elements of future control of the industry to be examined and further problem gambling measures to be addressed in a less pressing environment. As I have repeatedly said, the bill is not a problem gambling bill. The freeze is a means of achieving an end. The bill creates better decision making processes in relation the confusing area of gaming machine proposals.

The Opposition also raised the old chestnut about setting up a gaming commission. Whether the present regulatory structure continues or a different structure in the shape of an authority or commission takes its place is an issue the Government has under active consideration. As I have informed the House, the whole-of-government approach will continue and that issue will be addressed. The honourable member for Baulkham Hills talked about capping. I understand where he is coming from, and I understand the make-up of his electorate. From time to time we all play to the

audience. At a recent opening of a tavern in his electorate, I said that I understood that the people of that electorate would not be desirous of having gaming machines in a shopping centre. Although under the old rules the installation of gaming machines in a shopping centre may have got through the net, it was acknowledged as being unacceptable. The honourable member for Burrinjuck and the honourable member for The Hills continually used the figure of 20 per cent.

**Mr Richardson:** I did not.

**Mr FACE:** I withdraw that remark in relation to the honourable member for The Hills. The honourable member for Burrinjuck and another member used the figure of 20 per cent as the proportion of gambling tax in the State budget. In 1990-91, under Premier Greiner, the gambling tax represented 10.19 per cent of the State budget. In 1992-93, under Premier Fahey, who is now in Federal Parliament, it was 10.38 per cent. In 1993-94, again under Premier Fahey, it was 10.31 per cent. In 1998-99, under the Carr Government, it is 10.06 per cent.

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**Mr DEPUTY-SPEAKER:** Order! The honourable member for Port Macquarie has the choice of remaining silent or leaving the Chamber.

**Mr FACE:** The honourable member for Wakehurst was confused, but his confusion is forgivable. He behaved reasonable today; obviously, he has taken his medication. He trotted out the old chestnut about New South Wales having 10 per cent of the world's gaming machines.

**Mr Oakeshott:** Poker machines, he said.

**Mr FACE:** No, he said "All machines." If one were to count all the gaming machines in the world, including Nintendo and the rest, New South Wales would have about 2.3 per cent of the world's gaming machines. Once again, the honourable member's statements were not accurate. The Government acknowledges and shares the concerns of the community about the loss of country hotel licences and the impact of that loss on rural communities. This morning ABC Orange rang me about the concerns of another country area in New South Wales. I am on the record as saying, and I will repeat it, that the Government regards local hotels as vital socialising venues for the residents of and visitors to country areas. I have introduced appropriate legislation to put that view beyond doubt, and it is obviously also the view of Parliament as a whole, as the legislation was passed unanimously. Local hotels also make a significant contribution to the local economy. That is why the Government and, in turn, the Parliament, took positive action to ensure that rural communities could continue to enjoy the benefit of hotel-like venues.

The introduction by the Government of community liquor licences for rural communities will allow community groups in remote areas of the State to operate hotel-like venues for the benefit of local residents and visitors. The new licence includes provision for take-away as well as on-premises sales of liquor. However, gaming is not permitted. The reason that many country towns have not gone to dine-and-drink is that it would stop liquor sales off the premises. The first of the new licences was recently granted to Pleasant Hills, a community in southern New South Wales which is just outside Albury. The community has welcomed the new licence. The community will be able to operate its own community hotel and the licence can never be removed from the local area. The Government was not prepared to sit idly by and watch rural communities lose their traditional watering holes.

I am aware that other communities are interested in community liquor licences, and I encourage them to put in the necessary applications. The prime reason hotel licences have been removed from country New South Wales is the gaming privileges attached to them. However, I must point out that some of the communities are so small that the licences are not viable. It is also important to point out that the measures contained in the bill will reduce the likelihood of licence removal. In other words, the bill creates disincentives for licences to be removed for any reason at all, whether it be economic or a one-off windfall. No longer will relocated hotels have an automatic right to machines. A social impact assessment will be necessary, and that may prevent a licence removal if the hotelier is not able to operate gaming machines.

It is also important to recognise that hotel licences are removed because a market is created for them by the provisions in the liquor laws, such as the needs test. Those provisions will restrict competition in the liquor industry. An review of the liquor laws as they relate to the national

competition policy is under way. That review will consider whether those anti-competitive provisions are in the public interest. Some claim they are not because they can disadvantage smaller communities that are not able to afford huge prices for the licences. They also limit the number of hotel licences available, thereby encouraging licensees to move to more profitable areas in the State. The review may result in changes to those provisions and that could also assist rural communities to retain their hotel venues. The legislation will make that somewhat more difficult.

The 12-month freeze imposed by the bill reflects the attitude of society. It will make shopping centres no-go areas. It will provide a formal process to the social impact assessment. It is my firm view that history will regard the responsible gambling legislation and the legislation restricting gaming machines as two of the most significant gambling reform measures ever brought before this Parliament. I acknowledge that there will always be those who believe the Government has not gone far enough and will believe strongly, for whatever reason, that more restrictions, controls and provisions should have been put in place. However, I have also heard many people say that the Government has gone too far, that the new control measures are over the top and that they will result in problems.

Any sensible approach to gambling policy in this State needs to acknowledge the simple fact that for most people gambling is completely harmless; it is enjoyable and a beneficial pastime. However, as has been pointed out on both sides of the House, gambling can be disastrous for others. Overall, the Government's gambling harm-minimisation philosophy is built on a strong appreciation of that fundamental balance. We must keep our minds open and look at the performance of gaming providers. The largely legislative responses are necessary to curb activities that have gone too far. That should serve as a notice to industry to lift its performance. If it does not the Government will take action. More work remains to be done. The Government will get on with that work in the coming weeks and months. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

*[Mr Deputy-Speaker left the chair at 1.16 p.m. The House resumed at 2.15 p.m.]*

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## MINISTRY

**Mr CARR:** I advise the House that in the absence of the Minister for Small Business, and Minister for Tourism, the Minister for Local Government will answer questions on her behalf.

## BUSINESS OF THE HOUSE

### Routine of Business

*[During notices of motions]*

**Mr SPEAKER:** Order! I suggest the honourable member for North Shore submit the motion of which she has just given notice in a form different from that which she read to the House. It was more in the form of a speech than a motion.

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## PETITIONS

### McDonald's Moore Park Restaurant

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

### Kings Cross and Woolloomooloo Policing

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

**Surry Hills Policing**

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

**Adaminaby Police Staffing**

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

**Bondi Pavilion Olympic Stadium Proposal**

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

**Coffs Harbour Health Services Funding**

Petition praying for increased funding for health services in the Coffs Harbour area and a reduction in surgery waiting lists, received from **Mr Fraser**.

**Shellharbour Hospital Maternity Unit**

Petition praying that the Illawarra Area Health Service will ensure the continuance of the maternity unit at Shellharbour Hospital, received from **Ms Saliba**.

**TAFE Funding**

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

**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**.

**Cardiff Railway Station Disabled Access**

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

**Moore Park Passive Recreation**

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

**Moore Park Light Rail**

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

**Oxford Street Pedestrian Crossing**

Petition praying that an additional signalised pedestrian crossing be installed on Oxford Street, Paddington, received from **Ms Moore**.

**Eastern Distributor Tunnel Ventilation**

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

### **Old-growth Forests Protection**

Petition praying that consideration be given to the permanent protection of old-growth forests and all other areas of high conservation value, and to the implementation of tree planting strategies, received from **Ms Moore**.

### **Animal Experimentation**

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

### **Animal Vivisection**

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

### **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**.

### **White City Site Rezoning Proposal**

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

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## **BUSINESS OF THE HOUSE**

### **Reordering of General Business**

**Mrs SKINNER** (North Shore) [2.34 p.m.]: I move:

That General Business Notice of Motion (General Notice) No. 19 relating to health funding, of which I gave notice today, have precedence on Thursday 13 April 2000.

This motion must take precedence because the Government has led people to believe that there will be a massive increase in the health budget that will lead to more people being treated in our hospitals. I have never heard of more deceptive, dishonest behaviour on the part of any Minister or any government. There will not be an additional \$2 billion for the health budget. It is all flim-flam, triple counting and a sham.

**Mr SPEAKER:** Order! The Leader of the House has indicated that the Government will not oppose the motion to reorder general business for tomorrow.

**Motion agreed to.**

## **QUESTIONS WITHOUT NOTICE**

### **PUBLIC HEALTH FUNDING**

**Mrs CHIKAROVSKI:** My question is directed to the Minister for Health. Why did the Minister mislead the public in claiming that he would provide substantial additional money for the New South Wales health system when an independent report commissioned by the Australian Medical Association [AMA] has now concluded that the Minister counted the same money up to three times in a way described by Access Economics as "shameless" and "a neat, little public relations trick"?

**Mr KNOWLES:** Did honourable members notice the oxymoron: an independent report by the AMA! There will be a \$412 million cash injection in the next financial year, \$691 million the year



after—just over \$1 billion—and \$985 million the year after that, giving a total cash injection of \$2 billion. That will take the recurrent State health budget from \$6.9 billion to \$8.1 billion over the next three years.

**Mr SPEAKER:** Order! I call the Leader of the National Party and the honourable member for North Shore to order.

**Mr KNOWLES:** Is it any wonder that we have testimonials such as the one from John Dwyer from the Prince of Wales Hospital, who said:

<24> This is probably the most significant development in health in New South Wales in the last couple of decades.  
The quote continues:

It's a real win for the patients in our state ... There is a very real injection of spendable money announced today by the Government ... Secondly, the structural reforms that have been announced are really most encouraging as well ... People who are in the frontline—

and, I might add, people who are not and who lead politico-medical organisations—

of delivering health care services are being listened to.

*[Interruption]*

The Leader of the Opposition is having a very taxing day. The document continues:

We are grateful for a major initiative which has seen such a significant injection of cash into the system.

**Mrs Skinner:** How much pressure have you applied to John Dwyer?

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

**Mr KNOWLES:** The honourable member for North Shore asks how much pressure I have applied to John Dwyer—of all people—to get that quote. Goodness me, I wonder how much pressure I would have had to apply to Professor Malcolm Fisher, who runs the intensive care unit at Royal North Shore Hospital. He said:

The Minister for Health, Mr Knowles, had delivered what we asked for, what we said were the tools we needed to deliver the system.

Lou McGuigan—I will not identify his political affiliations, but I suspect some in the Liberal Party might know them—says very clearly—

*[Interruption]*

Opposition members do not like this.

**Mrs Skinner:** I don't like your lies.

**Mr KNOWLES:** We have plenty of time for questions today. Let me make one observation.

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

**Mr KNOWLES:** The Opposition really do not like it.

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

*[Interruption]*

**Mr KNOWLES:** The Opposition says, "What about some policy?" What about some policy from the Opposition about what it would do? I refer Opposition members to Dr Dwyer and Dr Fisher.

Lou McGuigan, who was until recently Chairman of the Medical Staff Council at St George Hospital, said:

Rather than throw money at those areas crying the loudest he has attempted a major overhaul of health in this State. The initiatives announced in his statement of March 8 not only inject—

*[Interruption]*

It is important that Opposition members listen to this as I will talk about what they are doing in a minute—or perhaps I should wait for the next question about that independent document from the AMA! Lou McGuigan continued:

The initiatives announced in his statement of March 8 not only inject the much-needed funds into the system but they establish a framework for intelligent cost-effective implementation and governance. As citizens we often criticise our politicians harshly and many times they deserve that criticism, but on this occasion I would like to congratulate Mr Knowles for his efforts to bring about fundamental change in health delivery.

What about Neil Merrett from Bankstown Lidcombe Hospital, and Richard Kefford and Graeme Stewart from Westmead Hospital? Dr Stewart said that he could not remember news this good in the 30 years since he graduated. It goes on and on. I like the testimonials from National Party members because they really value what we are seeking to do. The honourable member for Albury is pleased that multipurpose services are being set up in his area. Opposition members do not like to hear this; they hate this stuff, and I have pages of it. I have volumes of letters from right around the State. I am told that the honourable member for Albury is a Liberal member.

*[Interruption]*

I have plenty of time. I have all day, so Opposition members can ask me all five questions—and I hope they do.

**Mr SPEAKER:** Order! I place the honourable member for Davidson on two calls to order.

**Mr KNOWLES:** I refer to the honourable member for Port Macquarie, some fellow called Oakeshott.

**Mrs Skinner:** Point of order: The question relates to a report by Access Economics and does not refer to any other documentation. It asks about the use of a triple-counting technique. I ask you to ask the Minister to answer the question.

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

**Mr KNOWLES:** If Opposition members ask questions, they will get answers.

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

**Mr KNOWLES:** The honourable member for Port Macquarie said that the people of his region deserve this. I agree with him. Here is a quote from someone we all remember: Gerry Peacocke, who is now the mayor of Dubbo. He said that it would be possible for the health system in the region to expand. He continued:

It would be childish in the extreme not to congratulate the Minister on his great achievement.

I will not read the rest of the quotes as they are too embarrassing. The Lismore, Hastings, Kyogle and Bingara councils also offer support. It goes on and on. However, I would like to make a comparison. Let us work on this thesis: the AMA may not like what we propose and may not like the \$2 billion cash injection into the health system over the next three years that will move our budget from \$6.9 billion to \$8.1 billion, which is a quarter of the State's budget. But what would it have done if the Coalition were in power? We should bear in mind that a great amount of that money will go to rural and regional New South Wales. More than \$500 million will be redistributed to areas that have been historically underfunded, such as the mid North Coast, the Northern Rivers and the Central Coast. Some \$40 million will take away all the historic loans that have been sitting there for 10 years. That is

something the Opposition promised to do but could not deliver. To be precise, the sum is \$506 million.

**Mr SPEAKER:** Order! I place the honourable member for Pittwater on two calls to order.

**Mr KNOWLES:** Let us make a comparison with what we would do in rural New South Wales.

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

**Mr KNOWLES:** We have \$506 million, which excludes the money for the 34 new multi-purpose services around the State that will result of the Sinclair report. Let us look at what the National Party would do. I got a shock the other day when I received a clipping from the *Singleton Argus*. It was a letter to the editor from the honourable member for Upper Hunter masquerading as the Leader of the National Party in New South Wales. I thought that he had gone one better than me because, whereas we propose to spend \$506 million over three years, he said that if the Coalition were in government it would have delivered \$400 million to bolster rural health services 12 months ago. I want to be clear about this point. That is exhibit A, but exhibit B is a blinder! The Leader of the National Party said that the Coalition would have delivered \$400 million if it had been elected. Come in, spinner! He went on to say that in addition to the \$400 million last year—and I hope that everyone is clear about that figure—the Coalition would have excluded salaries, which would have been additional to that figure. He also said that the figure excluded capital expenditure, which is the building program.

**Mr Souris:** Additional salary growth.

**Mr KNOWLES:** It is in addition to the elimination of total debt, additional to significant capital expenditure and additional to salary growth.

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So, \$400 million. It was launched by the same man, or maybe another person cloned to look like him, on 21 February 1999 at the National Party policy launch in Grafton. It states:

Immediately on gaining government the Coalition will implement a rural health rescue package.

We will provide an additional—

And you would expect the amount to be \$400 million, based on what I have just read. Honourable members probably think this states \$300 or \$200. But, no, it states:

We will provide an additional \$100 million each year in the form of enhancement funds to the amount which at present is being provided to rural area health services.

Not \$400 million. The document continues:

That increased level of funding will be maintained in following budgets, representing a \$400 increase in rural health funding in our first term of office.

Notice the difference! It is to be \$400 over the term of government. Spot the obvious difference, \$506 million dollars injected into rural and regional services over three years and \$400 million over four years. Of course, not only does it not exclude those factors, it explicitly includes them. For example, the document states:

Funds will be allocated on a population needs basis—

the Government has done that—

and used to reinstate urgently needed medical services, pay off debts, re-employ staff and start up long-promised and much delayed services.

There it is. And when one turns the page it states:

We will build multipurpose centres in smaller communities;

We will upgrade country hospitals and health facilities on a priority basis.

The Government has not only exceeded that and delivered a package which hundreds of people around the State have welcomed—including clinical staff who were traditionally opposed to the Government, many of whom have been the strongest adversaries of governments over generations—but we have also provided money and the opportunity for clinics to be involved in the planning process. And we have done it with a great deal more finesse and style, and certainly more promptly than the Opposition has ever proposed.

#### UPPER HUNTER TELSTRA SERVICES

**Mr HICKEY:** My question without notice is to the Minister for Emergency Services. What is the latest Telstra war story from the Upper Hunter?

**Mr HARTCHER:** Point of order: Under the standing orders questions must seek information and not be prejudicial or argumentative. That question was clearly designed to be argumentative and, I submit, is out of order.

**Mr SPEAKER:** Order! I ask the honourable member for Cessnock to restate his question.

**Mr HICKEY:** My question without notice is to the Minister For Emergency Services. What is the latest Telstra war story from the Upper Hunter?

**Mr HUMPHERSON:** Point of order: It has been the convention that questions have to relate to the portfolio for which the Minister is responsible. Telstra and wars do not fall under the Minister's portfolio.

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

**Mr FRASER:** Point of order: To my knowledge there is no war in the Hunter Valley.

**Mr DEBUS:** It is getting to be like a war out there.

**Mr SPEAKER:** Order! I remind members that a number of them are on two calls to order.

**Mr DEBUS:** When I last checked, the emergency services did use the telephone. I thank the honourable member for Cessnock for his ongoing interest in this matter. The House will recall that last month Country Labor members of Parliament, the Hon. Tony Kelly, and the honourable members for the electorates of Cessnock and Maitland, revealed that Telstra had failed the Central West by cutting two key phone lines into Mudgee District Hospital and they remained cut for almost four days.

**Mr SPEAKER:** Order! I call the honourable member for Kogarah to order. I call the honourable member for South Coast to order. Yesterday I appealed to members to cease conversing amongst themselves while Ministers were answering questions. It seems to me that a number of members have taken no notice of that warning. Under normal circumstances I would not ask the Sergeant-at-Arms to remove a member from the House merely for conducting a private conversation. However, the stage has almost been reached at which members are ignoring the standing orders. I will ask the Sergeant-at-Arms to remove the next member I see indulging in a private conversation rather than listening to the answer being provided by the Minister. This is the second warning of this nature I have given members in the past two days.

**Mr DEBUS:** Mudgee hospital made contact with Telstra on 13 March but it was not until 16 March that the telephone lines were repaired. Today, I reveal that it has happened again. On 29 March the New South Wales Fire Brigade in the tiny Central West town of Dunedoo, north of Mudgee, experienced more problems with Telstra. The telephone system in Dunedoo went down and that meant that the Dunedoo Fire Brigade was without emergency phone services—an emergency service without an emergency phone line! The service was unable to receive vital emergency calls. Additionally, the pager system went down. Pagers are vital to emergency workers because mobile phone coverage cannot be relied upon in many locations, but the pagers were not working either.

**Mr Souris:** You have got the wrong valley. You ought to know that, you are the Minister for Emergency Services.

**Mr DEBUS:** If the Leader of the National Party spent a little more time worrying about being in his own electorate, and Dunedoo is in his electorate, and less time—

**Mr Souris:** It is not in the Hunter Valley, my dear.

**Mr DEBUS:** Nevertheless, if he spent a lot more time in his electorate and a bit less time trying to cut into my electorate we would all be better off. On 29 March, for an entire 24 hours, the Dunedoo fire station was completely uncontactable through the emergency service call-out system. No-one from Telstra had contacted either the Dunedoo brigade or the New South Wales fire brigade.

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

**Mr DEBUS:** The New South Wales Fire Brigade had to send a unit from Dubbo to Dunedoo to find out why the Dunedoo brigade had disappeared off the face of the earth. Eventually a fire brigade officer who live in Dunedoo and owns a satellite phone told the brigade's communication control centre at Katoomba about the breakdown. In desperation, the brigade sent a truck from Dubbo, equipped with a satellite phone, to Dunedoo, a distance of about 100 kilometres. The fire brigade had to advertise the new emergency number of the local radio.

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The 800 people of the community of Dunedoo were without guaranteed fire protection for 24 hours. On 29 March no calls for assistance through the emergency service call-out system could be received at the Dunedoo fire station. As a consequence, people's lives were at risk. Telstra had left the community vulnerable, which is one thing. However, it did not even tell them of the danger, which is another. If we relied on Telstra, local firefighters would be rushing through the streets of Dunedoo in horse-drawn carts ringing handbells to raise the alarm.

How can the loss of 10,000 more Telstra jobs not result in a further reduction of services and further incidents of this nature? Knowing that must be the case, how can the Liberal Party and National Party support the full privatisation of Telstra? Why are they not supporting Country Labor's fight against the further sale of Telstra? The communities of country New South Wales need to be confident that their hospitals and emergency services can be contacted and that Telstra will not let them down. The privatisation of Telstra will further jeopardise these vital services and will cost thousands of jobs in rural and regional Australia. We must continue to oppose the further sale in the strongest possible terms.

#### **AREA HEALTH SERVICE FUNDING**

**Mr SOURIS:** My question is directed to the Minister for Health. Do proposals by country area health services, such as the Mid North Coast Area Health Service, to delay paying bills to local businesses because they are short of money confirm the conclusion by Access Economics that the funding package the Minister announced recently was a total sham and will leave country hospitals in a state of crisis?

**Mr KNOWLES:** It is extraordinary that the Leader of the National Party does not talk often enough to members on his side of the House to know that to use the mid North Coast, of all regions, in a question is bizarre in the extreme. As all honourable members would realise, one of the fundamental policy underpinnings of the Sinclair and Menadue reports was for an equitable redistribution of health funds. The inequity had been the bane of governments for more than 20 years. How many honourable members, at least on this side of the House, have argued in this Chamber and in their electorates for a fair share of health dollars and a redistribution of health dollars around the State to deal with some of the historic inequities that have manifested themselves in respect of health for many years? Only a few short years ago people in the south-west of Sydney, where I live, had to travel to the central Sydney region to access cancer treatment or heart surgery. Why do people who live on the North Coast, or indeed the mid North Coast, have to travel long distances, and be dislocated from their families, to access services that we would all agree should be located centrally?

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

**Mr KNOWLES:** The fundamentals of the underpinning policy prescriptions of Sinclair and Menadue were that a great deal of extra money be injected into the system and that clinicians be involved in the planning and delivery of clinical services. For example, clinical service plans for obstetrics, paediatrics, coronary care and trauma services were all based on the premise that the money would be fairly and reasonably distributed. Which region in the State got the lion's share of the redistributed health funds? It was the mid North Coast, with a 29.4 per cent increase over the next three years. It received a huge cash injection of recurrent funds. A couple of weeks ago I was on the mid North Coast turning the sod and inspecting construction work, which is well under way, of a new \$82.5 million hospital, which the Opposition could not deliver when it was in government. This Government advanced stages one and two, and did it all in all one go.

**Mr SPEAKER:** Order! I remind the honourable member for Coffs Harbour that he is on three calls to order.

**Mr KNOWLES:** For too long the honourable member for Coffs Harbour—who became a member of Parliament on the same day I did 10 years ago—has been on record arguing for stage one of the hospital, a \$53 million project, which is a large amount in anyone's language. The Government has built both stages in one go and given a 30 per cent increase in funding for the mid North Coast. For the first time clinicians can plan locally for the delivery of services in a brand new hospital that will provide acute care services and, after many years of failure by successive governments, psychiatric facilities, which up until now could only be described as Dickensian. The Leader of the National Party is out of touch. He has the temerity to talk in this Chamber about funding problems on the mid North Coast. He masquerades as the National Party leader, yet he does not even understand that, as a result of these two reports, the Government has delivered fundamental reform in health services.

**Mrs Skinner:** Point of order: The question relates to the fundamental flaws in the health funding, as set out in two reports. The question does not relate to the two reports being flourished by the Minister. I ask that the Minister be brought back to a relevant answer.

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

**Mr KNOWLES:** People around this State who traditionally have criticised the Government and the previous Liberal-National Government have said that this is the best news for 20 years.

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

**Mr KNOWLES:** Where is Thomas George, the honourable member for Lismore? Is he in the Chamber today? I remind him of what he said at a press conference in the Northern Rivers area, standing by my side on the day of the announcement.

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

**Mr KNOWLES:** The day before the announcement in the mid North Coast the honourable member for Coffs Harbour said, "What we need is our fair share of cash, and delivered in three years." The next day the Government delivered.

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

**Mr KNOWLES:** I come back to the central point. The Opposition has to demonstrate to the clinical work force—the doctors, nurses and ambulances officers—and their communities what it would do different to the Government's actions. Would it roll back three years of budgets? Would it roll back the equitable distribution of funds around the State?

**Mr SPEAKER:** Order! I ask the Serjeant-at-Arms to remove the honourable member for Oxley.

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

**Mr KNOWLES:** Would the Opposition roll back three years of health funding? No. Would it roll back the equitable distribution of funds around the State? No. I will not embarrass some of the Opposition members who phoned me and said, "Good on you. You have done things that we cannot do." Would the Opposition roll back the involvement of clinicians in the planning and delivery of services? Would it take away the \$45 million for chronic and recurrent conditions and improvements in the way those conditions are treated? Would it take away the money for accidents, emergency and intensive care? Would it stop the information technology roll-out to general practitioners in the acute system? Would it stop the multipurpose service program?

**Mrs Skinner:** No, increase them.

**Mr KNOWLES:** According to the National Party policy, the Opposition would decrease them. Would the Opposition stop the increase in funds for Isolated Patients Transport and Accommodation Service [IPTAS], a \$500,000 extra cash injection for people living in isolated areas for their transport needs? No, of course it would not. The Opposition is left with asking questions on behalf of the Australian Medical Association, because it has nothing to say and nothing to offer. The Leader of the National Party at least documented a policy statement at the last election. I searched for the Liberal Party policy on health. I could not find anything

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But there is late news. In the anniversary statement from the Leader of the Liberal Party, the Leader of the Opposition and, of course, the Leader of the National Party, which will forever be documented as the "Maitland Statement" or the "Maitland Agreement", we have at last, 12 months into the election, the Liberal-National Party Coalition health policy. It will not take long, so I will read it; it will take only two seconds. The health policy states:

We believe everyone is entitled to expect the best health care possible when that care is needed most. Our priority must be the patients and not the process. We must support front-line health staff with adequate resources.

That policy represents 10 months of solid work. Hundreds of testimonials about the best news for health, versus only two sentences. One has to go back a long way to find a really good effort by the Opposition at a policy. I preface my remarks by saying that I do not necessarily agree with everything that is in this document, but at least it has the semblance of a policy. It talks about restructuring needs, medical advances, productivity initiatives and the sorts of things one would expect to find in a policy document. Who do you think wrote it? Peter Collins! The only problem is that it is 10 years old. Two sentences versus the document says it all!

### GOVERNMENT CLEANING CONTRACT

**Mr BROWN:** My question without notice is directed to the Minister for Public Works and Services—

**Mr SPEAKER:** Order! Because of the interjection by the honourable member for Pittwater the Chair was unable to hear the question. I ask the honourable member for Kiama to repeat it.

**Mr BROWN:** My question without notice is to the Minister for Public Works and Services. What is the latest information on the Government cleaning contract?

**Mr IEMMA:** I am pleased to report that the industrial dispute involving the liquor and hospitality miscellaneous workers union [LHMU], the cleaners union, and the Menzies Property Group has been resolved. This morning cleaners in the Illawarra accepted a recommendation by their leadership to return to work. That follows a recommendation that was accepted by cleaners in other

parts of the State on Monday and Tuesday to return to work. Cleaners employed by Menzies were concerned about productivity changes that Menzies wanted to make under the government cleaning contracts, which are worth \$762 million and involve three companies—Tempo, Broadlex and Menzies. Those contracts were let last year. They involve the cleaning of 3,200 public buildings across the State, of which 2,200 are schools, by 5,900 cleaners.

Each of the three companies proposed productivity changes under the contracts. Menzies proposed productivity changes of 33 per cent and the other two companies proposed changes that were substantially less. In November last year the union expressed its concern to the Government that the changes sought by Menzies were unreasonable. The union sought to have the Menzies targets brought more into line with the productivity changes proposed by the other two companies, Tempo and Broadlex. The union also asked for an independent review of the Menzies contract to determine the reasonableness of its proposition. The Government accepted the submission made by the union and gave the Independent Pricing and Regulatory Tribunal [IPART] a reference to examine the Menzies contract, look at the productivity targets proposed by Menzies and make recommendations.

IPART reported in February, and concluded that the Menzies productivity targets were ambitious, but that there was scope for some productivity changes. The report also called for the two parties to sit down and negotiate with each other to come up with some form of an agreement. Those negotiations have been taking place since November. It is regrettable that last week they broke down and resulted in this latest round of industrial disputation. But the parties returned to the negotiating table and reached an agreement on the Menzies contract, bringing in productivity changes of 12 per cent, which is roughly in line with what has been proposed by Tempo and Broadlex. At mass meetings on Monday and Tuesday members of the LHMU accepted their executive's recommendation to return to work.

The Illawarra members met today and voted to return to work, thus ending the dispute with Menzies. Over the remaining four years of this contract the Government will save in excess of \$150 million, money that can be set aside for hospitals, schools and essential services. I congratulate the leadership of the LHMU, Eddie Owens and Ian West who were the two leading officials in negotiations; Alan Hollway, the industrial advocate for Menzies; officers of my department and others who have been involved in the long-running process of discussion and negotiation on bringing this dispute to an acceptable end. The agreement signed by the LHMU and Menzies and ratified by the Industrial Commission is a fair and reasonable outcome. It represents the sort of outcome that can be achieved when a sensible approach is taken to industrial relations, when both parties are prepared to sit down to talk and look at the problems and come up with an acceptable agreement, and when the Government is willing to facilitate that process. I acknowledge the work of all the parties involved.

### **HOSPITAL WAITING LISTS**

**Mrs SKINNER:** I direct my question to the Minister for Health. Given that an independent study has found his three-year financial package amounts to "no real increase" and possibly even a "real decrease", how will he account to the more than 56,480 patients currently waiting for surgery in New South Wales hospitals?

**Mr KNOWLES:** She had a policy, too. It was awful! During the last election the Coalition promised \$100 million to western Sydney. We provided \$210 million.

### **IMPULSE AIRLINES HEAVY MAINTENANCE, TRAINING AND ADMINISTRATION CENTRE**

**Mr J. H. TURNER:** My question is to the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs. Why did he fail to attract a multimillion-dollar Impulse Airlines heavy maintenance, training and administration centre to Newcastle Airport that would have employed some 400 people when he had the inside running, but was outmanoeuvred by Kate Carnell's ACT Government and Canberra Airport?

**Mr WOODS:** I especially thank the honourable member for Myall Lakes for that question, because it goes to policy issues of both the Opposition and the Government. I must admit, for the past



year I have been searching for Opposition policies. Under every rock, in every tree, Country Labor members are looking for some policies.

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

**Mr WOODS:** That is why I was so thankful to the Premier last week for telling me about the Opposition policy that appears on the web. It is a completely different approach to what we have. Time and time again—

**Mr SPEAKER:** Order! I call the member for Pittwater to order for the third time. I call the honourable member for Port Macquarie to order for the third time.

**Mr WOODS:** It is based on rigour, hard decisions and hard work; it is based on a belief in country New South Wales and on building on that belief in policy and strategy. It is the same with airline services.

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It is the same with airline services. Whilst the Federal and State Coalition parties struggle on issues such as the Bankstown Airport, we continue to make the hard decisions and undertake the hard work on those issues.

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

**Mr WOODS:** Where the Opposition sees problems, we see success; where it sees failures, we see opportunities; where it lives in despair, we see hope for country New South Wales. The Opposition is a miserable and lousy lot. We will see better airline services under this Government than we could ever imagine under the Coalition.

### COALITION POLICY STATEMENT

**Mr TRIPODI:** My question without notice is to the Premier. What is the Government's response to the Coalition policy document released in Maitland on 27 March?

**Mr CARR:** Mr Speaker, I have misled the House. Honourable members will recall me saying last week that the Opposition had no policies. However, during question time today the Minister for Health placed in my hands a document called "Policy Directions from the Coalition" or a commitment to the people of New South Wales. It was released in March but it received no publicity. The Minister for Health and I want to correct the situation. We want it to give this document all the publicity it is capable of receiving. The document commences:

Today, 27 March 2000—

in case this was in doubt—

one year since the last State election—

in case this was disputed—

and three years before the next [State] election—

in case nobody knew—

[here] in Maitland—

a revelation to those who thought they were meeting in Thredbo—"a seat we hope to win at the next State election." In only 28 cunning and riveting words we are told what day it is, what day it was a year ago, what day it will be in three years time, what town they are meeting in and what party hopes to represent that town at the next State election! Have they got their act together! It took them 12

months, but here it is: 18 paragraphs of policy! At that rate it would have taken Tolstoy 777 years to write *War and Peace*! But it is quality that counts! For example, on education the document states:

Children in the new Millennium will need new skills in information technology.

If only we had been told that before we put 90,000 computers into schools and connected all of them to the Internet! But it is on health, as the Minister said a moment ago, that we see a boldly innovative approach in policy making. The document declares, in words that will transform the health debate not only in this State but in other States, and not only in this country but across the world:

Our priority from now on—

wait for it—

must be patients.

Now do not laugh! There are no ifs or buts. Many people thought the priority in the health system was the cultivation of the smallpox virus. This document sets us straight in words that cannot be misunderstood. While on the issue of health, this is what the Opposition said in its policy document about the all-important question of resourcing health. I wish we had seen this before the Minister for Health's recent \$2 billion package! Listen to this groundbreaking and innovative thought. The document declares:

The resources for health—

a drum roll and build-up of feverish tension—

must be—

here it comes: the breakthrough, the revelation—

adequate.

There you have it! Every government in the western world is grappling with health funding issues and these busy little people have produced a document that declares without a shadow of argument or doubt or equivocation that the resources for health must be adequate! Imagine the work that went into that! The document says something about broad social directions. One can imagine the turmoil that went into the preparation of this document. It must have been produced by a writer—do not tell me this was not prepared by a professional writer. You can talk about F. Scott Fitzgerald; I give you Luis M. Garcia! There was some writer behind this document! About society the document states:

We believe in a just and humane society.

You go around thinking they believe in an unjust and inhumane society and now you are set right. It is on the environment policy that we get the full force of policy rigour and detail. How is this for an example? The document states:

We believe in clean air.

They might have added, "And we believe it should circulate!" I call that nuts and bolts policy; rigour, detail and attention to every last possibility. Policy-making on both sides of politics cannot be the same after the production of this document. But who am I to pass judgment? An outstanding newspaper stated:

It would be preferable for her—

that is, the Leader of the Opposition—

**Mr O'Doherty:** Point of order: My point of order relates to verifying newspaper reports. The Premier has quoted a newspaper report without indicating which newspaper, the author, the day on which it appeared nor whether he could verify, as the standing orders require into, the accuracy of the report.

**Mr CARR:** How grateful I am for the honourable member's point of order. I can verify absolutely that this newspaper report came not from the *Green Left Weekly*, not from *Marxism Today* and not from the *Australasian Spartacist*; it came from the Liberal Party heartland, the feeding ground of Bronwyn Bishop and Tony Abbott, and the great Liberal Party stalwart, David Oldfield. The *North Shore Times* said this about the Leader of the Opposition:

It would be preferable for her to keep her mouth shut and let the electors think the Opposition has no policies, rather than opening her mouth and letting them know it has none.

Whoever put their signature to this generalised slop—

**Mr Hazzard:** Point of order: I have a number of points of order.

**Mr SPEAKER:** Order! The honourable member is permitted to take only one point of order.

**Mr Hazzard:** I will not raise the point of order about tireless repetition. I will raise the point of order that the Premier should address you. He has not. He has addressed the television camera for the last five minutes. Would you please direct him to not turn his back on the Chair. He should show some respect.

**Mr SPEAKER:** Order! No point of order is involved.

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**Mr CARR:** It is no reflection on you, Mr Speaker. It is a reflection on the inviting and beaming faces I see in the public gallery. I make this point: whatever collection of members of Parliament put their names to this generalised slop, whatever members of Parliament, shadow Ministers so-called, signed up for this compendium of the crass and commonplace, this memorandum of monumental mediocrity, have no right ever to contemplate being in government in this great State.

#### WINDOURAN SHIRE COUNCIL

**Mr MAGUIRE:** My question is directed to the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs. Now that the Institute of Chartered Accountants has investigated and dismissed his false and slanderous accusations against the Wagga Wagga firm Adams Kenneally White, will he apologise publicly for the damage he has caused to the firm's reputation?

**Mr WOODS:** When I dismissed Windouran Shire Council on 2 February this year I asked my department to get up a review of procedures for the appointment and removal of council auditors. At the same time I reported the auditors of Windouran Shire Council to the Institute of Chartered Accountants. Clearly there was and still is a problem at Windouran, and I felt obliged to act following the inquiry report. The department's assessment of Windouran found that the council had no cash investments at all, had experienced an operating deficit over the last four years and had severely run-down infrastructure. It had no funds to replace or even repair infrastructure, including a dangerous wooden bridge. Nor were there funds to cover the employees' leave entitlements.

Mr Stan Droder, Director of the New South Wales Division of Certified Practising Accountants, who carried out the inquiry, stated—the remarks have been misquoted as being mine but they are not mine; they are Stan Droder's—that the auditors did not display the level of professional independence that was required. Given that quote in the report, the Windouran auditors themselves suggested that council had been living hand to mouth for a number of years. In a letter to my department on 28 September 1999 the auditors say that such comments could be made about a number of rural councils. We have received the report by the institute and it concluded:

Generally, concerns appear to have arisen from a lack of understanding as to the statutory and professional duties of an auditor. Based on the available evidence, being that submitted with your letter—

that is, the letter of my director-general of 3 February 2000—

the institute has determined that there are no grounds which will warrant the instigation of any disciplinary action against the auditors.

Counsel auditors should provide the best information to council and ratepayers on the actual financial position. In the letter from the director-general to the Institute of Chartered Accountants there was another independent appraisal of the council's financial position. Mr Graham Bradley was engaged by another council considering merger proposals with Windouran Shire Council. Mr Bradley's report, dated 11 August last year, indicates that council has experienced severe financial difficulties. He also indicated:

I am unable to support the auditor's contention that the 'working funds' (whatever that means) is 'still sound' and that 'Council is living within its means and the financial position is sound subject to receiving approval for grant monies etc'.

Given that information, the Opposition would have a real complaint if I did not act in some way.

**Mr MAGUIRE:** I ask a supplementary question. Given the Minister's answer, will he ask Mr Stan Droder to apologise to Adams Kenneally White now that the Institute of Chartered Accountants has had two accounting firms check the records and exonerate Adams Kenneally White?

**Mr WOODS:** Mr Speaker, you will notice from the quotes I gave that the matter was not decided only on the quotes from Mr Stan Droder. It was a decision following a public inquiry and a public report.

### HIGHER SCHOOL CERTIFICATE

**Mr BARTLETT:** My question is for the Minister for Education and Training. What is the latest information on the new Higher School Certificate [HSC]?

**Mr Carr:** The Leader of the Opposition is not interested in education.

**Mr AQUILINA:** The Liberal Party is not interested in education, it has no policies—the current policy comprises 6½ lines. I had to go back 10 years to find a Liberal Party policy on education. I came across one by Terry Metherell headed "Where the School Axe Will Fall". I thank the honourable member for Port Stephens for his question. He is a former teacher and he is genuinely interested in educational matters. He is interested in educational policy matters. That is what drives education on this side the House. I am pleased to tell the House that today we have reached another milestone in reforming the Higher School Certificate. From today teachers and students will be able to see what the exam papers for the new HSC will look like. This is the style of the exams that students will sit for at the end of next year.

**Mr Hazzard:** It is a bit late. They are all doing the trials right now.

**Mr AQUILINA:** It is next year, you dope. It is in the year 2001 that year 11 students will sit for the new HSC. The first 23 of the new look specimen exam papers went up on the Board of Studies web site earlier today. People logging onto the board's web site can now see specimen exams for English, chemistry, physics, general mathematics, music, drama, design and technology, legal studies and seven languages. These exams have been designed in consultation with teachers, education groups and other experts. I acknowledge the great contribution made by thousands of teachers in the development of the new HSC. Thousands of teachers have worked on the new HSC and they have done an excellent job. There has been massive consultation of and input by teachers.

The specimen exams will give all students the chance to show how good they are. The results will be reported against standards which explain what they know, understand and can do. Unlike the situation with the current HSC, there are no limits to the number of students who can obtain top marks. Exams will be marked in relation to the standard, not in relation to who gets a top mark, who gets a bottom mark and everybody is scaled in between. The questions are clearer, more challenging and will more thoroughly test what students have learnt through the new syllabuses that we have reviewed, rewritten and improved for 59 subjects.

All the courses have been revised and brought up to date so that what students are learning is relevant to the modern world. The syllabuses are now up to date and reflect the best practice in teaching and learning. As an example, the original science syllabuses were introduced 20 years ago. The syllabus that our current year 11 students are working from encompasses massive scientific advances and prepares students for the challenging scientific frontiers of the new millennium. There are also seven new vocational subjects that will help prepare young people for work or further training. These subjects have proven to be very popular with the students and the teachers. The subjects are also recognised for university entrance.

Specimen exams for 59 subjects are being sent to all secondary and central schools to help teachers and students prepare for the first exams under the new HSC. They are available on paper, on CD-ROM and on the web site. We always said that the new HSC would be fairer, better and more challenging for all students. In 18 months the first group of students—I repeat: 18 months time—will be sitting for the first exams of the new Higher School Certificate. Reforming the HSC has been the most important and comprehensive improvement to education in New South Wales in 30 years. I encourage members to get hold of the specimen exam papers—I will be very pleased to distribute them—and to look through the questions that are outlined to see the way in which the questions have been improved. They are clearer and more demanding.

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The Government has spent more than four years consulting the community, and conducting extensive research and review. Teachers and academics have carried out tens of thousands of hours of work. The Carr Government has invested \$30 million to improve opportunities for the young people of New South Wales. This investment will help to secure the future of these young people. It is an investment based on solid work, policies, consultation and planning.

**Questions without notice concluded.**

**PORK INDUSTRY ASSISTANCE**

**Urgent Motion**

**Mr W. D. SMITH** (South Coast) [3.41 p.m.]: I move:

That this House:

1. supports the ongoing campaign by Country Labor and rural Independents to secure Federal assistance for New South Wales' pork industry;
2. notes the Federal Government's claim earlier this year that pork imports into New South Wales were not rising;
3. observes that since that time, Danish and Canadian pork imports have risen 600 per cent, forcing an about-face by the Federal Minister for Agriculture, Warren Truss, who now supports Country Labor's campaign; and
4. calls on the Federal Government to bring in a package of pork assistance measures forthwith, including lifting the GST on livestock, to protect Australian jobs.

This motion for urgent consideration relates to the lack of action by the Federal Government. The importation of pig meat threatens 1,000 direct on-farm jobs in the pig industry and some 4,000 flow-on jobs. The increased importation of pig meat and concern about jobs in the industry increases daily, hence the need for an urgent debate on this issue. The New South Wales pork industry is one of the most efficient in the world. It employs more than 1,000 local families across the State, but it is predominantly located in the north-west region. Pork farms in this State are located principally in Tamworth, the South Coast, Forbes, Albury, Wagga Wagga and the Tweed. The industry generates more than \$200 million a year for New South Wales. Most New South Wales pig farms are family owned and run.

The Australian pig industry has undergone sufficient restructuring over the last two decades. In 1980 there were 19,279 pig producers in Australia. By 1996 this number had declined to 3,522. Despite this reduction in the number of producers, there has been a relatively constant number of breeding sows maintained over this period. The restructuring has caused smaller producers to leave the industry while the large producers have increased herd size. In 1996 producers with more than 400

sows accounted for only 2.8 per cent of pig producers yet produced almost 50 per cent of the pigs. In my electorate the largest farm has only 50 sows. That is hardly on par with multinationals in Canada or Denmark, yet our farmers have enjoyed enormous success in the export trade, with minimal support from the Federal Government.

Australian pork farmers recently seized a hefty share of the Singapore, Malaysian and Japanese markets, traditionally the most restrictive in the world. Almost 10 per cent of Australian pig meat is now exported to Japan and Singapore alone, bringing in valuable export dollars. However, despite this export success Australian pig farms are in danger of losing control of our domestic market in the face of continuing record imports from Denmark and Canada. The reason for this is clear: Denmark is the world's largest pork exporter, producing a little over one million tonnes for international markets. Half of this goes into the protected European Union internal market, which is off limits to Australian producers. The rest goes to markets in Asia and America in direct competition with Australian family farm produce.

The difference between Australian production and Danish production is that the Danish Government gives regular massive financial support to lower the cost of their exports and undercut other countries' production. There is evidence that the Danish Government deliberately targets other countries' domestic markets to force local pig farmers out of business. This clears the way for continued Danish imports and the gradual removal of subsidies as local competition fades. Coalition members, who rarely travel out of Sydney, will no doubt ask for evidence that our local farmers are under threat from the flood of imports. The evidence is not hard to find.

On 12 February I raised concerns about the rise in pork imports, which had reached the record high of \$3 million in one month. The Federal Government declared that there was no cause for alarm. It said that the record import surge would fade away, that it was due to the Christmas rush and that there was no need for any action. Last month pork imports were recorded at \$17.4 million, an increase of up to 600 per cent. It is now April and there is no Christmas rush. This issue was raised with me by a pig farmer in my electorate. The Kerr family operate a piggery at Woollamia, about 25 kilometres south of Nowra. They have a small property and run a relatively small piggery of 50 sows. Although I suggest it is small in comparison with major players in the industry, it is quite significant for an independent operator.

The Kerr family has been in the industry for about 30 years and has never made a fortune from the sale of their product but has managed to make ends meet, although the struggle has been tough. They are battlers, and mighty determined ones at that. Tom and Pauline Kerr invested in the pig industry primarily to ensure a sound future for their son, Ben, who was born with quite severe hearing problems and as a result experienced learning difficulties at school. Unfortunately, he was given a hard time by other students, who had little or no understanding of his congenital problems. Pauline and Tom wanted to provide a secure income for Ben in an industry with a future and provide a career for him in which he could have control of his destiny and make decisions for himself.

Sadly, Pauline passed away just before Christmas. In discussions with her some time before her death Pauline expressed to me her desire for a stable, long-term future for her son long after she and Tom were no longer on the scene. The investment in terms of finance and time would be well and truly worth it. I am most concerned that this investment is under threat, that Ben's future is not secure and that Pauline and Tom's vision for him may not be realised as a result of inaction by the Federal Government in not addressing imports of pig meat. This is a hardworking father and son team, with Tom having excellent practical skills, being able to fix machinery and build just about anything. Ben has developed his computer skills to bring to the business the necessary information and technology skills so vital in the new millennium. They are self-contained, they work long hours and they have thought long and hard about ways to cut costs over almost 30 years in the industry. To threaten the Kerr family is to threaten the very fabric of the pig farming industry.

This is a looming disaster for one of our most efficient and cost-effective industries. The relentless refusal of the Federal Government to offer any long-term industry support to pig farmers is endangering their future. Every time the industry is under pressure the Federal Government offers them a one-off, short-term package. The last one was last year involving \$24 million to help them seek new export markets. The program worked. However, it was a short-term measure with a lack of vision for the future. It helped support the industry for another few months but it is not enough. The

pork industry needs a long-term assistance package that maintains a permanent aggressive marketing presence overseas and helps restrict the flood of subsidised imports into this country.

The Federal agriculture Minister must do more than secure one-off packages, however effective they may be in the short term. The time has come for genuine consideration of the future of this industry and ways to protect Australian jobs, not just this month or this year but for the rest of the decade. In 1998 the Federal Government rejected 80 recommendation by the Productivity Commission to impose a tariff on pork imports despite similar tariffs being placed on our exports around the world. For example, the United States of America has a 100 per cent pork tariff. We have none. Australia is the only country on a level playing field. This is madness. Once again the Federal Government is putting economic rationalism before practical policy, yet Liberal Party and National Party members of Parliament sit idly by and watch it happen.

Today I call on the Federal Government to institute a genuine long-term package of industry assistance to help support the 1,000 families in the New South Wales pork industry. The Federal Government says that its hand is tied and that it cannot help Australian agriculture because it signed up for the world trade organisation agreements. This claim is false. World trade organisation rules provide that a country may impose duties on imports if it could be established that those imports were subsidised and were causing material harm to the target country. This is precisely the case for Danish pork imports to Australia. The Federal Government has the power to act to protect Australian farmers and to help preserve Australian jobs. It has the power to impose tariffs to protect this vital rural industry. The time has come for action to be taken. The very fabric of this industry is being threatened on a daily basis with the increase in imports and a slight decrease in exports. It is time for action to be taken so that pig farmers in my electorate and across New South Wales continue to bring home the bacon.

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**Mr SLACK-SMITH** (Barwon) [3.50 p.m.]: I move:

That this motion be amended by deleting all words after "House" with a view to inserting the following:

- (1) supports the pork industry of New South Wales;
- (2) endorses the campaign by the Australian Pork Council to ensure continued Federal assistance to the industry;
- (3) acknowledges the assistance of the \$24 million granted by the Federal Government in 1998-99.

I have never in my life heard as much garbage as the speech by the honourable member for South Coast. He cunningly failed to mention some figures. In January 1998 Australia imported 530,000 kilograms of pork and exported 868,000 kilograms. So it is obvious that we are exporting more than we are importing. In January this year, the total value of imports into this country was \$83 million and the value of exports was \$136 million. It seems that the honourable member for South Coast has got his wires crossed. Paragraph 4 of his motion proves that he has no idea about the livestock industry in New South Wales. It reads:

- (4) That this House ... calls on the Federal Government to bring in a package of pork assistance measures forthwith

There is no problem about that: the Federal Government has already given the industry \$24 million. What else does the industry expect at this time? The motion also calls on the Federal Government to lift the GST on livestock. The honourable member is a hypocrite: he wants to lift the GST on livestock, but it is a fundamental part of that industry. He does not have a clue about the livestock industry. He wants to exempt it from GST, but what will happen to the cash flow? If GST is lifted from livestock sales, farmers will be worse off at the end of the financial year. The Federal Minister for Agriculture, Fisheries and Forestry, Warren Truss, has gathered evidence and presented it to the World Trade Organisation [WTO]. He believes that Danish pork has been dumped unfairly onto the Australian market.

I have heard absolutely nothing about that from this Government—and we have not heard much on that subject from the Federal Labor Party. It does not care about the industry, it does not know anything about the industry and it is not prepared to examine the matter. Denmark is the world's biggest pork exporter; it exports half a million tonnes per annum. It not only sells pork in the protected

environment of the European Union but is permitted to dump another 500,000 tonnes onto the world market. The Federal Minister has approached the WTO about the issue of Danish pork being dumped unfairly onto the Australian market, and I support him completely.

**Mr Martin:** The honourable member for South Coast just told you that.

**Mr SLACK-SMITH:** Warren Truss approached the WTO about two months ago, so it is obvious that he is on the ball and that Labor members opposite are not. Australia is exporting more beef and pork products to the Asian market. Tim Fischer and the Federal National Party did some fine work in finding markets in Taiwan and other Asian countries in which swine fever was endemic and which could not produce pigs. Tim Fischer stepped in, and as a result, we have an important and viable pig industry. As I said before, in January last year Australia exported \$136 million worth of products to overseas markets compared with \$83 million worth of imports. The balance is well in our favour.

Unfortunately, the Danish and Canadian pork industries are well subsidised. They take advantage of cheap grain prices and are able to supply pork to our country at very competitive rates. Even though grain prices in Australia this year have been abysmal—we will not discuss that subject now—imports are still protected, and overseas countries can export their products at prices that are more competitive than those of Australian producers. The motion calls on the House to note the Federal Government's claim earlier this year that pork imports into New South Wales were not rising. Yet the figures show that there has been a steady increase from July 1997 not only in imports but in exports. Unfortunately, many pork producers in New South Wales have not gone the distance, and that is very sad. What has the honourable member for South Coast done to support the pig industry in New South Wales? Has he offered that industry any form of assistance?

**Mr W. D. Smith:** Yes.

**Mr SLACK-SMITH:** Since when? The Federal Government put its money where its mouth is and gave \$24 million to the Australian Pork Corporation to promote pork. When a product such as pork, chicken, beef or lamb is advertised, consumption increases. That is exactly what has happened in this case. The figures show that the \$24 million given to the Australian Pork Corporation for promotional purposes has done the job. What has the New South Wales Government done to promote the pork industry? Ministers have simply carped about the problems in that industry. They should put their money where their mouth is and not just talk the talk, but walk the walk. Pork producers need a hand and the New South Wales Government has done absolutely nothing to help any agricultural industry. I will not discuss dairy deregulation, even though the Minister for Agriculture, and Minister for Land and Water Conservation was the first person to sign on the dotted line.

We may call the Premier the Roadrunner, but the Minister was even faster: he was first off the blocks to sign. The former Minister, Bob Martin, was often quoted as saying that he totally supported deregulation and that it should have happened years ago. The Premier ran down the road to Canberra and signed up for the GST: he was the first on the list. However, he is now carping about it. That is funny because some of his Ministers are saying that the GST is good for New South Wales, and I agree with them. The second Roadrunner was the Minister for Agriculture, who was quick to race down and sign his name. Let us not be hypocritical about that. The Carr Labor Government does not know what it is talking about; Ministers have no idea what goes on in the pig industry. They should talk to pig producers about the problems that they face and, if they are fair dinkum, the Government will do something about it. Ministers do not have a clue. Country Labor is all talk; it is still controlled by Sussex Street. It has no say, no hope and no chance. Country Labor is totally insignificant.

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**Mr MARTIN** (Bathurst) [4.00 p.m.]: I entirely support the comments of the honourable member for South Coast. He mentioned insignificance, and insignificance has just sat down. The only organisation in this Parliament with a popularity rating lower than the Leader of the Opposition is the National Party. Pork imports, predominantly those from Canada and Denmark, have increased six-fold in the past three years. That is a massive increase in competition for Australian pig producers, who are in the main efficient at producing a quality product. New South Wales pork producers make up one-third of the national industry. I will quote real figures provided by the Australian Pork Corporation. In



July 1997 Australia imported about 950,000 kilograms of pork worth about \$3.7 million. That level remained fairly steady until July 1998. In January 1999 imports increased to about 1.23 million kilograms worth almost \$4 million. In July 1999 imports increased again to about 1.8 million kilograms worth about \$5.5 million. In January 2000 imports rose again to about 3.25 million kilograms of pork meat worth about \$11.6 million. That is what the Federal Government claims was not happening. As the honourable member for South Coast pointed out, the figures are startling.

The figures have jumped significantly, but it gets worse. Pork imports in February this year were at a record high: 4.67 million kilograms of imported pig meat worth a massive \$17.5 million. Those worrying figures have resulted primarily from a steady increase in Canadian imports and a sharp increase in Danish imports, which are protected and subsidised, from 402,000 kilograms of imported Canadian pig meat in January 1997 worth \$1.6 million to 1.8 million kilograms worth \$6.4 million in January 2000. Danish imports have increased from 4,800 kilograms worth \$28,000 in July 1997 to a massive 1.3 million kilograms worth \$4.6 million in January 2000—and still the Federal Government denies that it is happening! I do not believe that anyone could question those figures or suggest anything other than that pig meat imports are rising at an astronomical rate. Australian pork producers are suffering the consequences and having to redouble their efforts to find new markets.

The pork industry in Australia has not been sitting on its hands. It has worked hard to re-establish itself in both the domestic and overseas markets, and the results are very positive. Total exports in January 1998 were 870,000 kilograms worth about \$3.4 million. In January 1999 that figure increased to 1.25 million kilograms worth just over \$6 million. In January 2000 our total pig meat exports weighed in at 3.3 million kilograms and were worth a little over \$13 million. That has been achieved thanks to the advisory work of New South Wales Agriculture and the opening up of new markets in Asia, particularly in Singapore. There was an element of luck: the debilitating virus that swept through the Singapore pork industry some years ago opened up a window of opportunity for our industry just when it needed it. It had nothing to do with miraculous Federal Government intervention. It is important that our pork producers and processors continue to expand their markets. I suggest that the Federal Government should continue to support the industry as the State Government does.

Mr Howard is voicing concern for the bush: here is a chance for him to do something practical about it. New South Wales Agriculture is helping the industry to improve production with its quality assurance program, its management skills and in other ways. It is a well-worn cliché, but the playing field is not level: it is slanted against the pork producers in Australia. This is an important industry and one which deserves our support. It deserves the support of both sides of this House. Instead of apologising for its Federal colleagues, the National Party should get with Country Labor, the leading force in these matters, and defend all pork producers, big and small, so that this industry continues to be viable.

**Mr GEORGE** (Lismore) [4.05 p.m.]: I support the amendment to the motion. I have been disappointed by the debate since Parliament resumed, because every issue that is discussed is a Federal issue. We are again making excuses and the pawns in the argument are the people from regional and rural New South Wales, in this case the pig farmers. We have to get behind them, regardless of which side of the House we sit on.

**Mr Martin:** That is what I have just been telling you.

**Mr GEORGE:** I would like the honourable member for Bathurst to listen to me, because I listened to him. Members of Parliament should get behind rural people, regardless of which side of the fence they sit on, and not turn this debate into a Federal Government argument. We need to address the issues faced by our constituents, and the sooner we all do that the better off we will all be. In my electorate there is a pig meat exporting facility, and I seek Federal and State government support to increase its capacity. Meat from that plant is the brand preferred by overseas markets. Its success is attributable to the pig industry on the North Coast, not through the support of the State Government or the Federal Government.

The price of imports has dropped 26 cents a kilo this year. Current domestic pig prices are above the rate for the same time last year. Let us not forget that, because pig farmers have been through a very hard time. I accept the summary given by the honourable member for South Coast of pig farmers in the electorate. Each and every representative of regional New South Wales has pig

farmers in his or her electorate who have struggled during the past three or four years. While we argue over who did this and who did that the problem is not being addressed properly. Domestic pig prices are higher than they were last year, but they would be much lower if there were not exports to Singapore and Japan. Those markets have contributed to keeping prices at the current level and those markets have been enhanced by Federal Government support, not by the support of the State Government.

I emphasise that as representatives of regional New South Wales we need to get behind the pig producers, because they certainly need our support. We import certain products, but at the same time our exports are increasing. To balance the table we need to get behind the industry to make sure it keeps growing. If members want to turn this into a Federal debate, they should remember Paul Keating's pig interests in the Hunter Valley, which are under scrutiny. Members are playing political jokes, but we should all work for the pig industry and for the pig farmer in this State and not worry about whether assistance come from the Federal Government or the State Government. We need to get behind them so that their exports and their industry is enhanced.

**Mr Martin:** The Federal Government controls exports and tariffs, not the State Government.

**Mr GEORGE:** No, but by the same token—

[*Interruption*]

The honourable member for Tweed has not visited the pig plant in his electorate. He should have a look at it, because it needs the support of both governments. I have pleasure in supporting the amendment moved by the honourable member for Barwon.

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**Mr PRICE** (Maitland) [4.09 p.m.]: I support the motion moved by the honourable member for South Coast. I am surprised that the honourable member for Barwon supports the imposition of the goods and services tax [GST] on live beasts.

**Mr George:** Do your figures!

**Mr PRICE:** I know my figures; I live in the patch. I am surprised that the honourable member for Barwon is prepared to support that move, which is detrimental to the industry generally and to the pig meat market particularly. I am pleased to support this urgent motion, which demonstrates the State Government's support for this important industry. A few years ago the pork industry was in crisis. Various speakers have talked about that crisis and the various resolutions that were implemented. The number of producers in the industry increased to an unsustainable level. In the 1960s Australia had about 40,000 pig producers. Currently, it has about 3000, and that is probably a form of rationalisation that has made the industry, to coin a phrase, mean and lean.

Pig producers have the support of the Federal Government through some of its marketing programs. Nevertheless, the level playing field problem that this country continually suffers from is attitudinal, and it is certainly Treasury-driven. However, sooner or later, we must see the light. Whilst prices may have fallen during the period of cutback within the industry, our local operators have extreme difficulty competing with the level of imports. The level of imports almost equates with our level of exports. The loss of the Asian market in any way, shape or form will cause a serious deficiency and our producers will suffer. The State Government has supported pig meat producers in this State, and will continue to do so. The industry has been through some tough times. The Federal Government has seen fit to free up imports from Canada and Denmark. As we have heard, both those countries still maintain a subsidy program for their exports. Recently, the Tasmanian Government had a similar problem with the import of salmon, which is detrimental to its local trade.

The Government, under the leadership of Premier Carr, has stood by the industry and helped it through its crisis. The industry is now fighting back. New South Wales Agriculture provides extensive services to the industry in the areas of advice, research and education. In the electorate of Maitland a strong input is coming from New South Wales Agriculture's C. B. Alexander Agricultural College at Tocal. The college is an excellent centre which fits well into the State Government's

commitment to education and training. It provides external business management programs for the pig industry, as well as for other rural-related industries. It also assists operators within the supply chain, such as grain growers who supply feed to pig producers, and other ancillary organisations that are agriculturally related. One of my predecessors, Mr Walsh, was involved in the opening of a boar stud at the college when the crisis was in its resolution process. The Tocal college has taken a keen interest in the industry ever since.

New South Wales Agriculture is also conducting management skills training programs across New South Wales. Next week departmental staff will begin working with the industry on a certificate four level training program for piggery managers. The first participants in that course will be in the Central West region. The program is a combination of workshops and training courses that will focus on a wide range of management skills. It will include issues such as nutrition, effluent management and effective staff management. This is the first time that the pig industry has been involved in certificate four level training. It can only help its progress in this competitive arena. New South Wales Agriculture is also working with a group of North Coast producers, a major feed supplier and a major meat processor. This work will assess the potential for small producers to meet the market requirements for export pig meat. The project involves a feeding trial on barrow pigs and follow-up assessments on pig carcasses to determine the suitability and practicality of producing quality pig meat for the expanding Asian market. The State Government, through New South Wales Agriculture, is also providing assistance on the industry's quality assurance program. I look forward to hearing of further successes in the pig meat industry. I support the motion moved by the honourable member for South Coast.

**Mr W. D. SMITH** (South Coast) [4.14 p.m.], in reply: I thank the members representing the electorates of Bathurst, Maitland, Barwon and Lismore who have participated in the debate. I wish to reply to some of the comments made by the honourable member for Barwon and the honourable member for Lismore. As to the issue of imports and the support that the Federal Government has given in the past, such as the \$24 million, the honourable member for Barwon missed my point. My point was that the industry needs long-term security, rather than a short-term fix. We must ensure the security of pig farmers in my electorate such as the Kerrs, and the future of young people like Ben. The problem requires a long-term solution, not a bandaid solution.

In February imports had already increased 3½ times the record level of 1,000 tonnes, which was achieved in March 1999. In April the figure is nearly five times that March 1999 record figure. The level has gone up to 4,672 tonnes, with a value of \$17.5 million. Hence the need for a long-term solution to this problem. As to the goods and services tax [GST], we should look at the numbers to work out the impact of the GST on pig farmers. Pigs are sold in a number of categories: light porkers weighing from 30 to 40 kilograms fetch between \$85 and \$115; heavy porkers, 45 to 55 kilograms, fetch between \$110 and \$138; light bacon porkers, 60 to 70 kilograms, fetch between \$110 and \$138; heavy bacon porkers, 70 to 80 kilograms, fetch between \$125 and \$155; and old sows used for smallgoods, weighing about 200 kilograms dressed, fetch between \$160 and \$240. The prices at the saleyards vary between \$85 to \$240.

Taking \$100 as an average, a 10 per cent GST will result in each animal costing \$110. The buyer at the markets might say that he can only afford to pay \$100. Who loses? The pig farmer, of course. The buyer cannot afford the increase brought about by the GST, so the pig farmer loses and only gets \$90. The pig farmers will lose on average \$10 per pig at the saleyards. If one does the sums, one will see that the GST will adversely affect pig farmers in a major way. As to the efforts of the Federal agricultural Minister, Mr Truss, the Pork Council of Australia in its April 2000 bulletin states:

In his address at the recent PCA AGM the Minister for Agriculture, Fisheries and Forestry, the Hon. Warren Truss announced that the issue of subsidised pork exports will be raised with the Danish Government. Minister Truss has requested that the issue be placed on the agenda for the forthcoming EU discussions. If there is any question of Danish product coming into Australia under specific export subsidies, he will be protesting very strongly to both Denmark and the EU and looking at what action the Australian industry can take.

That is like being hit over the head with a wet lettuce. The amount of effort and energy involved is incredibly small. It shows a lack of effort on the part of the Federal Government to act positively. What does the Federal Government mean when it says that it is looking at what action the Australian industry can take? When the Minister says that he will be protesting very strongly, they are merely words. We want a long-term solution, not just mindless rhetoric from the Federal Minister. Long-term

solutions are required to enhance and support this industry, which is under great threat. Honourable members need to support the Australian campaign by Country Labor to ensure that we get rid of the GST for farmers. I ask the House to support my motion.

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**Question—That the words stand—put.**

**The House divided.**

**Ayes, 50**

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

**Noes, 32**

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 Tink
Mr Humpherson	Mr Torbay
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr Maguire	Mr Webb
Mr McGrane	Mr Windsor
Mr Merton	
Mr Oakeshott	<i>Tellers,</i>
Mr O'Doherty	Mr Fraser

Mr D. L. Page

Mr R. H. L. Smith

**Pairs**

Ms Allan  
Mr Knowles  
Ms Nori  
Mr Nagle

Mr Armstrong  
Mrs Chikarovski  
Ms Hodgkinson  
Mr O'Farrell

**Question resolved in the affirmative.****Amendment negatived.****Question—That the motion be agreed to—put.****The House divided.****Ayes, 54**

Mr Amery  
Ms Andrews  
Mr Aquilina  
Mr Ashton  
Mr Barr  
Mr Bartlett  
Ms Beamer  
Mr Black  
Mr Brown  
Miss Burton  
Mr Campbell  
Mr Collier  
Mr Crittenden  
Mr Debus  
Mr Face  
Mr Gaudry  
Mr Gibson  
Mr Greene  
Mrs Grusovin  
Ms Harrison  
Mr Hickey  
Mr Hunter  
Mr Iemma  
Mr Knight  
Mrs Lo Po'  
Mr Lynch  
Mr Markham  
Mr Martin

Mr McBride  
Mr McGrane  
Mr McManus  
Ms Meagher  
Ms Megarritty  
Mr Mills  
Ms Moore  
Mr Moss  
Mr Newell  
Mr Orkopoulos  
Mr E. T. Page  
Mr Price  
Dr Refshauge  
Ms Saliba  
Mr Scully  
Mr W. D. Smith  
Mr Stewart  
Mr Torbay  
Mr Tripodi  
Mr Watkins  
Mr Whelan  
Mr Windsor  
Mr Woods  
Mr Yeadon

*Tellers,*  
Mr Anderson  
Mr Thompson

**Noes, 28**

Mr Brogden  
Mr Collins  
Mr Debnam  
Mr George

Mr Piccoli  
Mr Richardson  
Mr Rozzoli  
Ms Seaton

Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Souris
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 D. L. Page	Mr R. H. L. Smith

#### **Pairs**

Ms Allan	Mr Armstrong
Mr Knowles	Mrs Chikarovski
Ms Nori	Ms Hodgkinson
Mr Nagle	Mr O'Farrell

**Question resolved in the affirmative.**

**Motion agreed to.**

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### **BUSINESS OF THE HOUSE**

#### **Matter of Public Importance: Suspension of Standing and Sessional Orders**

**Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to permit eight additional speakers to address the House for up to five minutes each on the matter of public importance.

### **REGIONAL AIRLINES AIRPORT ACCESS**

#### **Matter of Public Importance**

**Mr WINDSOR** (Tamworth) [4.33 p.m.]: This matter of public importance relates to guaranteed access and quality of access for country airlines and country commuters to our capital city airport, Kingsford Smith airport. This is a crucial regional development issue. I listened with interest to the honourable member for Lismore when he said he was a little sick of this House debating Federal issues. I am inclined to agree with him, but some Federal decision making relates to this issue and it is critical to the development of New South Wales. I urge all honourable members in this Chamber to support this matter of public importance.

Access to Kingsford Smith airport has been an issue for some time. In 1996 the Country Summit that was held in Tamworth was attended by members from 150 different organisations. The issue of great concern was that if there were to be changes to the ownership of Kingsford Smith airport that country commuters and regional airlines be given quality of access to our major airport. By quality of access those at the Country Summit meant the capacity to land aircraft at Kingsford Smith Airport at an affordable price.

Since then there has been much toing and froing. For years there has been talk about a second international airport at Badgerys Creek along with suggestions that Bankstown Airport be used for regional aircraft and those who currently use that airport, which is one of the busiest in the world, be shuffled off to Camden or some other far-flung place. All sorts of debate have taken place on this issue, but unless we in country New South Wales are guaranteed access at affordable rates to our major airport, the effect will be dramatic on the capacity of country businesses to operate and relate to our capital city.

The Minister for Regional Development in this House and the appropriate Minister in the Federal Government, Country Labor members, Independents and country members of Parliament can say what they like about regional development, but this is a key issue to securing all the other things about which we talk and preach. There should be no negotiation on this issue. For many years the Federal Parliament has procrastinated on this matter. I do not believe the boffins in Canberra have bothered to address the number of available easy solutions.

When one examines the current use of Kingsford Smith airport, one can see that there has been political intervention in recent years in relation to the noise cap placed on the movements of aircraft in and out of Kingsford Smith airport. When one looks more closely, one learns that because of potential political implications through the changed usage of Kingsford Smith airport regarding noise of some aircraft, a political judgment was made to restrict the number of movements in and out of that airport. That was an artificial adjustment that has had an unwarranted effect on country commuters because the aircraft they use does not make the noise.

Currently Kingsford Smith airport has a cap on the movements of about 80 aircraft an hour. That is rarely reached, but that number is assumed to be the capacity of the airport. It is an artificial cap that has been placed on aircraft for artificial and political reasons. In my view, and I am sure in the view of many others in this place, that cap could relate to noisy aircraft. Given that the capacity of the airport is probably 120 movements an hour, regional aircraft could be allowed into the airport without impacting noise on southern Sydney residents. For the life of me I cannot understand why the Federal Minister or the Federal Government will not consider it. I encourage Labor Party members in this House and Liberal members who have seats in southern Sydney to talk to their counterparts about this particular issue because it is a simple issue to solve if they are prepared to examine it closely.

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Most country people are assuming that the Minister for Transport and Regional Development, John Anderson, is looking at moving country commuters to Bankstown, in which case the people using Bankstown will be moved out to Camden or somewhere else. The real issue involves the sale of Kingsford Smith airport and the price that can be derived. There are a number of players in the debate, including some of the major international airlines, and particularly Mr John Fahey and Mr Peter Costello, the Howard Government Ministers who are very much involved in the determination of a price. What worries many country people in particular is that the people who purport to represent country people in the Federal Parliament are being taken in by the game that Fahey and Costello are playing.

Many of us remember John Fahey from his time in this Chamber. He is concerned about the possible loss of seats in western Sydney, including his own, if a major airport is built at Badgerys Creek, hence the suggestion that a mini Badgerys be looked at. But the easiest solution for his seat and other seats is to relocate the country folk, as he would probably refer to them, to another airport, a paddock somewhere, to save his skin. That action, which would have Mr Costello's agreement, would result in a much higher price for Kingsford Smith airport. That is not good enough for country people. We deserve some equity in terms of access to this major airport. I know that country people will fight to force the Federal Government to do the right thing.

Federal Minister for Transport John Anderson says that he has been listening. In 1996 150 different organisations demanded that this happen, and 185 organisations at a country summit held in Wagga Wagga demanded that this happen. It is about time that John Anderson stopped "listening" and actually heard what people are saying. Country mayors, country airlines, and a whole range of people across country New South Wales, including members from all sides of this Parliament, are demanding that we have equality of access into our major airport. In my view this is a real litmus test for the Federal National Party. If it does not agree on this issue it means that it is neutered in terms of its political contribution to regional Australia, because this is a key issue for regional New South Wales.

The scenario that a number of country people, including myself, fear in relation to this argument is that the current Federal Minister will present country people with a choice. I believe that one of the regional airlines may well have been bought off already. People will fly into Kingsford Smith airport or go to Bankstown airport. The Costello-Fahey arrangement is to use pricing policy, because of the smaller numbers of passengers on the smaller planes, to force the smaller planes out over a period. If that is as allowed to result it will be tantamount to the National Party turning its back on country people. As I said, it would be the ultimate litmus test for the Federal National Party. One of

the major regional airlines, Hazelton Airlines, has postponed investment decisions and decisions in relation to its head office because of the lack of a decision by the Federal Government.

Finally, I suggest that as the noise cap, which has artificially cordoned off Kingston Smith airport, has been put there for political reasons, as Bankstown is being considered for political reasons. The warning for the Federal National Party in particular and for the Federal Government is that if they assume that they can do this and not have a political backlash in country seats they are fooling themselves. There is a definite view in rural areas that if this cannot be delivered there will be a political threat in a number of seats. Perhaps the Deputy Prime Minister and Minister for Transport, the man who has carriage of this issue, will be unseated if he cannot carry this issue on the day. The great concern that country people have is that he does not have the spine to carry it.

**Discussion adjourned on motion by Mr Whelan.**

## **BUSINESS OF THE HOUSE**

### **Consideration of Legislative Council's Amendments: Suspension of Standing and Sessional Orders**

#### **Motion by Mr Whelan agreed to:**

That standing orders be suspended to permit the reporting of a message from the Legislative Council on the Olympic Arrangements Bill and the House going into Committee to consider the Legislative Council amendments forthwith.

## **OLYMPIC ARRANGEMENTS BILL**

**Bill returned from the Legislative Council with amendments.**

### **In Committee**

**Consideration of the Legislative Council amendments.**

## **Schedule of amendments referred to in message of 12**

### **April**

- No. 1 Page 8, clause 15, line 14. Insert "between the hours of 8.00am and 8.00pm" after "Sundays".
- No. 2 Page 21, clause 34, line 4. Insert "and must also take into consideration the noise impacts, or the likely noise impacts, of the activity or activities on residents" after "the declaration".
- No. 3 Page 46, clause 72. Insert after line 30:
- (2) This section does not limit or otherwise affect the civil liability of a person for negligence that causes personal injury to a person or the death of a person.

**Legislative Council's amendments agreed to on motion by Mr Knight.**

**Resolution reported from Committee and report adopted.**

**Message sent to the Legislative Council advising it of the resolution.**

## **REGIONAL AIRLINES AIRPORT ACCESS**

### **Matter of Public Importance**

**Discussion resumed from an earlier hour.**



**Mr WOODS** (Clarence-Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [4.45 p.m.]: I appreciate the sentiments that the honourable member for Tamworth expressed on this issue. I have heard those sentiments time and again as I travel through County New South Wales. The stance that he has expressed, that this issue will not be negotiated, is the correct stance. Country people deserve guaranteed access on an equitable basis to Kingsford Smith airport. It is a stance Country Labor has taken from day one. It has opposed any move to divert regional airlines to Bankstown. It is my strong view, as it is obviously the view of the honourable member for Tamworth, that that is not in the interests of country people. The Premier has written to the Federal Minister for Transport. That letter reads in part:

The New South Wales Government remains firmly opposed to any Federal Government proposal to forcibly transfer regional airlines away from Kingsford Smith airport.

That is as clear as a bell. It is clear from Country Labor's point of view; it is clear from the Labor point of view. On this side of the House we have not wavered in our efforts to ensure this. Nine months ago I went to Bathurst. There I gathered with other Country Labor members—the honourable member for Bathurst, the Hon. Tony Kelly from the upper House and the honourable member for Maitland—at Bathurst airport. The Labor member for Bankstown joined the protest on behalf of his local community. But most telling of all was the presence of Hazelton Airlines chief executive, Andrew Drysdale. He is also a member of the Regional Airlines Association of Australia. The news was grim. We were informed that any move to relocate regional airlines to Bankstown airport would result in massive job losses. Mr Drysdale had fired off an urgent letter to Mr Anderson, and he warned us of the consequences of redirecting regional services to Bankstown airport. He told us that for Hazelton a move to Bankstown would result in the reduction of services to Bathurst, Orange and Parkes as the passengers would seek out other means of travel. And he did not rule out the reduction of services to the other centres serviced by his airline, including areas on the North Coast in the electorate of the honourable member for Lismore.

He said that the move would have very serious ramifications for Hazelton and that regardless of how much money was spent the upgrading of Bankstown and the creation of rail links to Kingsford Smith would result in massive inconvenience and frustration for country air travellers. We know what the airlines anticipate—massive inconvenience, frustration, reduction of services, massive job losses and an inability, as the honourable member for Tamworth mentioned, to make the most of economic development opportunities that might arise in country areas.

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In the eyes of Country Labor this proposal is absurd. It first arose from the Tourism Task Force and deserves no more than a second glance. Obviously, the honourable member for Tamworth and I are hearing similar rumours that the Federal Government is seriously considering this proposal. One should consider the response from the Federal Minister for Transport, Mr Anderson—and there has been very little response. Once and for all he has to rule out this proposal that discriminates against country people.

**Mr Windsor:** He is still having secret meetings and trying to talk it through.

**Mr WOODS:** In a media release dated 16 February Mr Anderson said that the Federal Government would make a decision about Sydney's long-term airport needs in the near future. After six months of dithering this is the only commitment he can give to the people of regional New South Wales. However, as the honourable member for Tamworth said, he continues to have secret meetings. On 25 February the National Party web site stated:

NSW National Party leader George Souris says he is confident the Federal Government will protect regional airline access to Sydney's Kingsford Smith Airport.

I hope that is right because it is not the rumour we are hearing from Canberra. I wonder how the Leader of the National Party feels about the endorsement now.

**Mr Souris:** I will come back with a response straightaway.

**Mr WOODS:** Good. I would like Mr Anderson to repeat what you have said here today. In his release Mr Anderson said:

I want to make it clear that the Government will not alter the 80 movements per hour cap at Sydney airport.

**Mr Windsor:** It is madness.

**Mr WOODS:** Absolutely. I wonder whether the secret is up, when one considers the secret meetings. If the Federal Government wants more planes to land, it will mean more jumbo jets at Mascot. The only avenue open it is to move regional airlines to Bankstown Airport under present Federal Government rules. The Deputy Prime Minister just cannot bring himself to say so. Is it because he is weak or cannot handle the policy issues, cannot stand up to Howard and Costello? His record on access to Sydney (Kingsford Smith) Airport speaks for itself. It is an example of the Federal Leader of the National Party and the Deputy Prime Minister supposedly standing up for the interests of country people when in fact he is not. He is being stood over by Howard and Costello.

On ABC radio *Countrywide* on 19 August 1999 he said, "I am not going to talk about what is happening around the Cabinet table." Is that the sort of courage National Party members in this House want from the Federal leader of their party? During a motion for urgent consideration on this very topic last year the New South Wales Leader of the National Party said:

If the peak number of aircraft that will pass through Sydney airport during the Olympic Games can be accommodated together with regional airline access, then no question should arise for some decades beyond the Olympic Games. So as far as the Opposition is concerned it is a complete furphy.

That came straight from his own lips.

**Mr Souris:** I will say it again in a moment.

**Mr WOODS:** But it is not a furphy because we are hearing it continually from the Federal Government. The Leader of the National Party in this House cannot sweep it under the table any more. He is treating the matter with contempt and sees it as a complete furphy.

**Mr Souris:** What?

**Mr WOODS:** I do not know what you are saying; maybe you do not know what you are saying. If you cannot impose your will on your Federal leader you, too, will suffer. It is no wonder that the National Party's own members are begging the honourable member for Tamworth to stand against the Deputy Prime Minister. And he will beat him on this issue. National Party members in this House are simply a silent faction of the Liberal Party who stand for nothing and believe in nothing. National Party members in this House had to be dragged kicking and screaming into this debate. On the other hand, Country Labor has set about trying to get guarantees so that regional airlines and country people will continue to have access to Mascot.

It is not just Country Labor that is beating the drum. My colleagues the honourable member for East Hills and the honourable member for Bankstown, amongst others, have told me that if regional airlines are taken from Mascot it will mean more jumbo jets taking off and landing in their place. That means more noise for the people of Sydney. The honourable member for East Hills in a debate on this issue last September said:

Members opposite would do well to remember where their electorates are, especially if they are in Sydney—and there are still a few Liberal electorates on the North Shore—because they will all be affected.

This is Country Labor and our city brothers working together, which is good news. However, the major implications are for country communities. We have heard Hazelton's views on the effects this will have on country travellers. It will result in major inconvenience and frustration, a decrease in services, an increase in costs and a reduction in economic growth and job prospects. It will add up to an hour on every journey for country families. It will also cause major disruptions to the one in four regional passengers who go through Sydney on the way to other destinations. Why should a person from Bathurst or Orange face an extra 45 minutes to one hour on their journey? It is not fair and should not be done. The day I was in Bathurst the honourable member for Bankstown said:

We know country New South Wales is renowned for its hospitality. How can Bankstown return this hospitality when country families would be forced to wait for buses and trains just to get back to Mascot? This is hardly the impression we would want our country neighbours to take away with them.

[Time expired.]

**Mr SOURIS** (Upper Hunter-Leader of the National Party) [4.56 p.m.]: I am pleased to have the opportunity to speak on country access for regional airlines to Sydney (Kingsford Smith) Airport. I say at the outset that this is a fundamental issue of equity and that country people should have access to Sydney airport. Priority should not be given to overseas passengers rather than country passengers. Sydney airport is an important link for those country people doing business in the city and the 30 per cent of commuters who make their connections at Sydney airport. I reiterate the points already made that if Sydney airport is capable of handling the volume of passengers arriving in Sydney during the Olympic Games, it has the ability in the future to handle a significant capacity.

While ever Sydney airport continues to use its facilities for general aviation, private aviation, corporate aviation, charter aviation, freight-only aviation, and even helicopters, I have no interest in taking seriously the demands and assertions of the Federal Airports Corporation and the Tourism Task Force of New South Wales that country commuters ought to be chased out of Sydney (Kingsford Smith) Airport. All other air transport landing at Sydney airport should be moved first and the last people should be country commuters. In particular, I want to take to task the Tourism Task Force, which represents Sydney hotel interests.

How dare that task force promise that there will be freeways, very fast trains into the city and connections between the airport? A little lobby group that represents nobody other than a few of its direct client interests has made multibillion dollar promises. One can imagine the time that would be taken in environmental impact statements and the other problems associated with major infrastructure in the metropolitan area, let alone the billions of dollars required. That certainly would not entice anyone from rural New South Wales into Bankstown Airport.

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I note that the Federal member for Grayndler, Mr Anthony Albanese, jumped up and said that he was passionately concerned about the welfare of country people and their access to Sydney (Kingsford Smith) Airport. Far from being worried about country access to the airport, he was concerned only that the slots that would be removed if this fanciful and idiotic suggestion gets any wings would be taken by larger, noisier jets, which would fly over his electorate. He has a personal interest in the matter, and I endorse his comments to the extent that they coincide with country interests. However, I must point out that his motivation for saying that he is personally concerned for country commuters: he is worried—as he should be—about his constituents.

We seek guaranteed access to Sydney (Kingsford Smith) Airport, but not through incentives or penalties. I condemn the activities of the Federal Airports Corporation, which has acted alone out of corporate self-interest rather than in the public interest. It has no social conscience and no social obligations. I condemn it for constantly pushing the issue of relocating regional aircraft from Sydney (Kingsford Smith) Airport to Bankstown Airport. It serves its interests if larger and more customer-involved jets land at Sydney airport. This is a heartland issue for people in country areas and it is a heartland issue for the National Party.

I object to the Minister's remarks about a "silent faction". There could be no faction more silent than Country Labor, which is a faction of the Australian Labor Party. We have tested Country Labor time after time. We tested it yesterday when we asked the Parliament to consider debating—and that is all—the issue of workers compensation and the impact of that totally out-of-control disaster on the Carr Government. We wanted to discuss its effects on country New South Wales, but Labor members—every last one of them—voted against us.

**Mr PRICE** (Maitland) [5.01 p.m.]: I rise to support the motion before the House and congratulate the honourable member for Tamworth on his action. Like the Minister for Local Government, I was in Bathurst on 31 August last year talking to Andrew Drysdale, the chief executive officer of Hazelton Airlines. I was accompanied at that meeting by my colleagues the Hon. A. B.

Kelly, the honourable member for Bathurst and the honourable member for Bankstown. I was stunned to hear Mr Drysdale outline the likely results of moving commuter airlines out of Sydney airport.

Maitland Airport is situated in my electorate and is serviced by a small airline, Yanda Airlines. Yanda was severely punished by the recent Mobil dirty petrol scam when it could not operate for some weeks. It requires assistance desperately and a move to Bankstown Airport would not improve Yanda's lot. The situation is the same for Aeropelican, which provides an excellent service—I use it from time to time—and Impulse Airlines from Williamstown. Flights would be less frequent because the customer base would be reduced. That would severely damage Newcastle Airport, which relies entirely on commercial activity—unlike Maitland Airport, which is supported by the Royal Newcastle Aero Club. There are severe problems associated with trying to move commuter airlines out of Sydney airport and away from the metropolitan system.

Such a move will have other significant effects. One in four passengers who currently use Mascot airport are transit passengers and they would have extreme difficulty getting from the Bankstown site to the metropolitan airport. That would create problems for the road transport system and affect the maintenance of flight schedules. Passengers' travelling time would increase by at least an hour-and-a-half and all schedules would need to be altered. Such a move would not encourage country New South Wales to consider itself part of the State of New South Wales.

As honourable members from both sides of the House have said, life is pretty tough in the country and the double talk of the Federal Minister for Transport and Regional Services, John Anderson, has not helped the situation. He speaks confidentially to country communities and says that he supports retaining access to Sydney airport, while refusing to positively rule out a move to Bankstown. Let us face it, he controls both of those airports and it would be easy for him to make a positive statement before, after or during caucus or Cabinet meetings. It seems to me that the Minister is concerned and confused by the pressure placed on him by the coalition arrangement.

My electorate and adjacent electorates rely heavily on tourism to make up for the loss of jobs in the manufacturing and mining sectors. Tourism in country New South Wales will certainly be affected by this move. It is already hard to get people to take commuter flights from Sydney airport to country locations. If we force people to travel to Bankstown to catch commuter flights, they will not bother to travel to country areas: they will spend their time in metropolitan Sydney or at nearby holiday resorts that can be reached by road. That can only be counter-productive for this State, and certainly counter-productive for country communities that look anxiously for the tourist dollar.

We have been forced into this situation by the level playing field and, while it may be Treasury driven at a Federal level, it will not do much for my constituents in the Dungog shire and areas to the west. I am concerned that any serious consideration of Bankstown as the site for commuter airlines will do nothing but create confusion, further unemployment and complete dislocation of the tourism industry outside metropolitan Sydney. It will not only bring New South Wales into disrepute as an inconvenient place in which to travel but will be considered a mark against Australia.

**Mr ARMSTRONG** (Lachlan) [5.06 p.m.]: The honourable member for Tamworth is well versed in this issue. As he knows, he attended a meeting that I convened in this Parliament three years ago at which I first raised this matter. If the honourable member seeks to introduce personal politics into this debate, he will devalue this important issue. Other honourable members who have spoken in the debate this afternoon—with the exception of the honourable member for Maitland, who probably did not understand what he was saying—have missed a crucial point: the fastest-growing traffic in commuter airlines is outward bound. That is some of the most important traffic using commuter airlines.

Workers in the information technology industry and the agricultural and industrial machinery sectors commute to rural New South Wales. Most of those people who use outward bound flights are highly paid, high-cost consultants, and it is essential that they reach factories in Moree or Tamworth or a major agricultural operation in Griffith and return on the same day. Such consultants cost up to \$1,000 a day and lost time is important to those industries that need people with specialist expertise. The number of commuters from the financial services sector is also increasing. Financial services have contracted from the bush to the cities and many financial institutions—including insurance

companies, private lenders and banks—send specialist managers to country areas on a daily basis to assess new businesses, offer advice about existing businesses, conduct staff training and to assist with general staff relations. That is another area of high expense, and people must be able to return on the same day. Other major users of commuter services are those employed in the high-cost health and legal fields.

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Twelve months ago I wrote to country shires and 44 responded. Guess what? They were 100 per cent in support of services remaining at Sydney (Kingsford Smith) Airport. That is one reason why I am pleased that we have got a commitment from an Independent member and from Country Labor. I notice that the Minister carefully avoided committing the Government; he committed only Country Labor. He did not commit 1¢ on behalf of the Government to assist country commuters. All he did was play a little bit of cheap politics and disenfranchise the Government, the Australian Labor Party. He really is playing hard politics. He made an idiot of himself in that exercise.

It is essential that Parliament supports the continuity of Kingsford Smith as the major port for egress and ingress for country commuters and the rural tourism industry. The number of country areas is growing significantly as a result of the policies of the current Federal Government, particularly the Riverina and the Central Coast. Again, a new generation of aircraft is on order by major air companies. In the last three days another player has come into the commuter industry: Impulse Airlines. It services the coast and New England and has provided new competition in the industry. It is essential that airlines have access to Sydney (Kingsford Smith) Airport and that the Government—Country Labor and Labor—provide a far better transport system within the Sydney central business district so that people can travel to and from country commuter services. We need an on-time, in-time service for rural people.

If decentralisation is to succeed the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs might acknowledge that he has responsibility to ensure a Government commitment—and that means money—to continue to access to Kingsford Smith airport. It makes a mockery of his portfolio if the Government is not prepared to commit to decentralisation and only play politics.

**Mr MOSS** (Canterbury-Parliamentary Secretary) [5.12 p.m.]: Last week the Minister for Transport reported to the House on the Carr Government's success in introducing a regional air transport policy for the State. Two days before restrictions were lifted on country services to allow more services to operate in larger country towns, it was my pleasure to announce, on behalf of the Minister for Transport, that additional services would be provided. This policy is about encouraging economic growth in rural New South Wales, about providing cheap air travel, and about providing better air links and giving greater choices to country air commuters.

Under the Carr Government's air transport policy we are seeking renewed growth in the regional airline industry. These new entrants will fly between Ballina and Sydney, Armidale and Sydney, Lismore and Sydney, Tamworth and Sydney, and Albury and Sydney. This means better business links between country New South Wales and Sydney and new opportunities for regional tourism. Therefore, customer service is at the fore of the policy. The Government's plans stand in stark contrast to the Federal Government's proposal to force regional airlines to relocate to Bankstown Airport.

This relocation means that regional air passengers will need to travel from Bankstown Airport to Sydney (Kingsford Smith) Airport to make interstate and international connections. It also means significantly longer journeys if they want to do business in the Sydney central business district. It makes a same-day journey more difficult and increases the cost of a business trip to Sydney. I maintain that people in rural areas rely more on the convenience of Kingsford Smith airport than do travellers from interstate, freight transport and travellers from overseas. The great majority of other travellers spend more time in Sydney, but the great majority of intrastate travellers come to Sydney for one day and want to return home the same day.

Further, the redevelopment of Bankstown Airport—one of the busiest airports in the world—is strenuously opposed by local residents. There are no clear transport plans for links to Kingsford Smith airport. I join with the honourable member for East Hills and the honourable member for Bankstown in their strong opposition to any increase in services at Bankstown. The honourable

member for Tamworth, being a Bulldogs supporter, is very familiar with the problems experienced at Bankstown Airport. This discriminatory policy for regional New South Wales is opposed by the Carr Government, Country Labor, regional airline operators, chambers of commerce across the State, the Independent members for the electorates of Northern Tablelands and Dubbo, and the mover of the motion, the honourable member for Tamworth.

I know at first hand that the Country Mayors Association of New South Wales is also opposed to Bankstown Airport redevelopment. Recently I visited Mudgee on behalf of the Minister for Transport regarding a rail issue. While I was there two mayors spoke to me about their concerns of the real threat of regional airlines having to move over to Bankstown Airport rather than continuing to operate from Kingsford Smith. The Federal Coalition is out of touch with the wishes of country people about air services. The Premier has written to the Federal Minister for Transport and Regional Services, urging him to do something about it, but he remained silent. He should be reminded that his portfolio covers regional development.

The actions of the Howard Government to date, and the inactions of John Anderson, in not opposing this proposal, is stagnating rural development. There is a real challenge here for the State Opposition to unanimously support the motion. The proposal for Bankstown Airport will put all the gains achieved by the Carr Government's forward thinking in increasing regional services in this State at risk. Therefore the motion deserves the full support of the House.

**Pursuant to sessional orders business interrupted.**

#### **PRIVATE MEMBERS' STATEMENTS**

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#### **ALBURY MERCY HOSPITAL RALLY**

**Mr GLACHAN** (Albury) [5.18 p.m.]: I inform the House of a rally that was held in Albury last Sunday week, attended by approximately 3,000 people, in support of the Mercy Hospital and the work of the Sisters of Mercy in that city and surrounding districts. A few years ago Mercy Hospital was an active general hospital and was held in very high regard by people of the Albury area. It was established in Olive Street, on a site now occupied by the Hume Building Society. In the 1950s a new multistory hospital was built on the site presently occupied by the hospital on the corner of Poole and Keiwa streets, Albury. Over the years, through funding cuts and Government policy, the hospital has been reduced and its activities have been severely curtailed.

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Not long ago a former Labor Government closed the obstetrics wing at Albury Base Hospital and gave responsibility for obstetrics in the area to the Mercy Hospital. In the last term of this Government the obstetrics wing at the Mercy Hospital—although a great deal of money had been spent on it, much of it provided by the Sisters of Mercy—was closed and obstetric services contracted out to the Victorian Department of Health. Women in Albury and the surrounding area go to Wodonga in Victoria for their children to be born. Currently, the Mercy Hospital has been reduced to 41 beds. Of those 41 beds, 20 are geriatric assessment beds, 17 are nursing home type beds, two of which are for respite care, and four are hospice beds. The Mercy Hospital provides palliative care services for the district and support services in a wider area, even across the border into Victoria. There are 120 volunteers involved in the palliative care service. The hospital also provides a service for parents and babies which is highly regarded by the people in the area. The service is widely used and is held in high esteem.

Speakers at the rally, of which I was one, were concerned about moves by the Greater Murray Area Health Service and the Department of Health to close the Mercy Hospital at its present site and to move its activities to the new base hospital site. The Sisters of Mercy believe that they will lose control of their operations and, to some extent, their identity if go to the new facility at the base hospital site. Many people of Albury agreed with the Sisters' assessment of the situation. They turned up in great numbers, approximately 3,000, to show their support for the Sisters of Mercy and their appreciation for what they had done over many years. The Greater Murray Area Health Service suggested that one of the reasons the Albury Base Hospital is in a poor state, as far as being able to

deliver the health care that is needed in the area, is because money that is going to the Mercy Hospital could be redirected to the base hospital.

When questioned about finance for the Mercy Hospital, the Greater Murray Area Health Service said that Albury receives its fair share of money from the service according to the population level. The service does not take into account that people travel great distances to Albury-Wodonga because it is considered a centre of excellence in health, with 75 specialists, general practitioners and some excellent hospitals. The people who come from Victoria and the wider areas of New South Wales to avail themselves of health services in Albury put an extra load on Albury Base Hospital, which is not being properly funded by the Department of Health and the Greater Murray Area Health Service. It is wrong to say that this funding shortage is in any way due to the activities of the Mercy Hospital. The Sisters of Mercy have shown compassion and care for the people who use their facilities. They are renowned for their service to the community. I and the 3,000 people who attended the rally support them strongly in their continued activities on the present site.

### COLLEGIATE HIGH SCHOOLS COMMUNITY SYMPOSIUM

**Mr McBRIDE** (The Entrance) [5.23 p.m.]: On Monday 10 April a three-day community symposium on collegiate high schools at Terrigal Memorial Country Club was opened by the Assistant Director-General, Secondary Education, New South Wales Department of Education and Training, Dr Alan Laughlin. The community symposium was another step in the detailed community consultation process, which began in July 1999, by the District Superintendent for Education and Training on the Central Coast, Bill Low. The importance of community involvement and consultation in the decision process was clearly reflected in the depth and breadth of the symposium speakers and the issues canvassed. On my estimate, more than 350 people attended the opening session, which indicates both an interest by the community and the importance given by professional educators and education consumers to improvements and changes to the State education system on the Central Coast.

The Central Coast is going through a cultural transition that significantly impacts on the importance of senior secondary and tertiary education. Forty years ago the power industry kicked in on the Central Coast. For the following 30 years, a period equivalent to nearly three generations of young Australians, the power industry was the employment engine room of the Central Coast. At its peak, more than 15,000 residents were employed in power construction, generation and maintenance or the coal industry. This employment, coupled with the residential building construction that followed, led to a boom in the building and heavy industry trades. Young people could leave school early to go into a trade and earn good money in the booming power or residential building industries. They could confidently expect a secure employment future and a good income. Unskilled or semi-skilled workers who were employed in these industries could also expect secure employment and good wages, and they did for more than three decades.

Undoubtedly, the Central Coast was a great place to grow up, to work and to live, as the massive migration to the area testifies. Over that period, the Central Coast population quadrupled to the 280,000 population of today. That makes the Central Coast the third largest population centre in New South Wales, surpassing Wollongong. However, today the power and coal industries employ about 2,500 people, and they are continuing to reduce staff. The largest single employer now is the Central Coast Area Health Service, with more than 3,000 effective full-time employees. The two municipal councils, Gosford City Council and Wyong Shire Council, are the second largest employer groups. Young people on the Central Coast now require a higher level of education and training to acquire secure well-paid employment. Accordingly, a review of how the State meets this change in public education is timely.

Although decisions as to future directions are still open, the collegiate model would be a significant step in improving the quality of education and the scope of curriculum, as well as providing higher retention rates. In particular, it will reverse the current attitude of confrontation and competition between State high schools to a culture of co-operation and mutual benefit. Co-operation between schools, TAFE, university, students and the broader community would be to the mutual benefit of all. The Australian Capital Territory already has a collegiate system. Schools outside the border of the Territory lose their pupils to Canberra for years 11 and 12. People are voting with their

feet. People who live in an area of New South Wales that borders on the Australian Capital Territory send their children to collegiate high schools in Canberra to complete years 11 and 12.

The State of Tasmania has a collegiate high school system. A number of collegiate high schools, such as Chifley, Wyndham and Georges River now exist in New South Wales, with two new schools, Oatley and Dubbo, coming on line next year. Each of these schools is crafted to the needs of the local community. I would expect that such finesse would also be associated with whatever blueprint evolved for the Central Coast. I ask the community to give careful consideration to the debate and support the outcome that would most benefit the youth of the Central Coast. A good education system is the most valuable asset that a State can give to its youth. A good education is the key to a better future, both for our youth and for the whole of the community. As someone who has experienced the current comprehensive high school system and the collegiate system, as both a student and a parent, I believe that collegiate high schools are the way forward for public education throughout the State.

#### **MANNING VALLEY LEGAL AID FUNDING AND WOMEN'S SERVICES**

**Mr R. W. TURNER** (Orange) [5.28 p.m.]: The matter I raise has State and Federal overtones. I seek additional legal aid for the Manning Valley area and, as an adjunct, more services, particularly for women who are victims of violence. Legal aid is conducted by the Legal Aid Commission, which makes decisions on the allocation of resources. Clearly, from the level of correspondence I have received from individuals, groups and peak bodies, legal aid funding for the Manning Valley, particularly for family welfare matters, is insufficient. Greater Taree City Council notes in its correspondence that its recently finished crime prevention plan indicates that the township of Taree has a considerably higher average than the New South Wales average for convictions for assault. The majority of those offences are family-related, with domestic and family violence being the most common cause for a police response.

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At present the local legal aid service is limited to child support and maintenance matters and is available only one Tuesday each month. The service is provided by the Taree Community Legal Service, which is an offshoot of the Hunter Community Centre. Members of that group have also written to me about the problems with legal aid, particular those associated with family situations. I have also had correspondence from the Manning District Emergency Accommodation, a women's refuge in the area that does outstanding work. I have received correspondence from representatives of the Global Friendship Group, which is a Manning Valley multicultural group. Those groups and others have met and identified a number of points. One of those points is the increasing number of people who are unable to obtain proper legal advice before signing binding property agreements. Another is the growing number of women seeking to escape from violent and abusive relationships who are unable to obtain legal advice or representation when seeking parenting orders. Even more worrying are the women who are unable to obtain legal assistance to recover their children when they are taken away from them by violent partners.

Obviously, the lack of legal aid means that in many cases the people about whom I am speaking have to conduct their own affairs. That has an impact on the court system that has to deal with them. It is causing unnecessary distress and heartache. If they had access to a legal service their stress might dissipate somewhat, although in the circumstances in which they come before the courts there is always an element of stress. If these people were able to access legal aid the court process would be streamlined. If the Legal Aid Commission could find a way to assist the Manning Valley community generally by providing additional legal aid, particularly through the Outreach program of the Hunter Community Legal Centre, I am sure it would be worthwhile. Those who provide the service indicate that they are frustrated with the level of service they are able to provide. They come to the area on a regular basis but they say they are only scratching the tip of the iceberg. However, their funding and the provision of legal aid generally is not sufficient to tackle the unfortunately high number of family law problems.

We are not happy about the problem, but it is a community problem that we should be able to address. The various groups acknowledge that in recent times there has been some increase in Commonwealth funding of legal aid, but they believe that the funding is used across the whole spectrum of court cases and is dissipated before it gets to those who need it. Each of the groups says that the needs in and around Taree require funds to be assigned specifically to that region. I endorse



that view and hope that the Legal Aid Commission and the State Government will look sympathetically at the needs of Taree and the Manning Valley and reassess what they can do to provide additional funding for legal aid directly to practitioners, and perhaps through such groups as the Hunter Community Legal Centre.

### **PENRITH CITY SPORTS HERITAGE DINNER AND DISPLAY**

**Ms BEAMER** (Mulgoa) [5.33 p.m.]: I congratulate Penrith City Council on its hosting of the recent Penrith City Sports Heritage Dinner and the sports heritage display. The dinner was held in March at the Penrith Civic Centre. The number of outstanding sportspeople in various sports—athletics, canoeing, kayaking, softball, motor sports, rugby union and rugby league—who come from the Penrith area is remarkable. They were all represented at the dinner, which was hosted by Ray Hadley. The ancestors of Ray Hadley lived in the Penrith area. Hadley House, which was owned by his ancestors, is the oldest house standing in the Penrith area. I also congratulate the historical society and particularly Lorna Parr on putting together an excellent display in the library to highlight past sporting events of the Penrith area. It was certainly a great evening. As honourable members would be aware, nothing unites a community like sport.

Penrith's win in the Rugby League Premiership in 1991 had a unifying effect. We were lucky to have people like Greg Alexander at the dinner, even though Panthers were playing that night. They played particularly well and beat the Broncos. Every 15 minutes during the evening an updated score was relayed to us. I sat next to Mr Alexander, who was very much aware of the score in the game. I want to pay tribute to a one or two of Penrith's sporting greats and to their achievements. Joe Donovan went to the 1968 Mexico Olympic Games. During his career took part in 159 fights and won an impressive 150 of them, including 40 knockouts. He told me that he weighed 47 kilos at his best fighting weight, and he probably does not look as fit now as he did then. He is one of Penrith's residents who will carry the Olympic torch through his home town of Kempsey. He was very proud to be recognised by the city of Penrith.

Natalie Titcume, a young softball player who attended the dinner, went to the 1996 Atlanta Olympics as a reserve for the Australian Olympic softball team. She has since been named as a member of the Australian softball team to play in the Sydney Olympics. Natalie is a long-term Penrith resident. Her distinguished career was recognised when she was given the batting award for the year 2000 at the Australian championships. I understand that Natalie was extremely thrilled to learn that she would represent her country at the upcoming Olympics. What she had to say was interesting to listen to. I would also like to mention Peter Fenton, a rugby union great, who guided Parramatta to its first premiership in 43 years.

However, he has been persuaded that Penrith is the place to be and now trains Penrith's team. Peter regaled us with a number of his poems. He is indeed a marvellous character. I congratulate the mayor on organising this well-attended event. Those who attended the function enjoyed hearing stories of Penrith citizens who were and are greats. Two of the Australian men who are trying out for the Australian kayaking team brought members of the Sweden and Ireland kayaking teams to the dinner as their dates. They certainly demonstrated that international relations are progressing well in the Penrith region. Honourable members would be aware that Penrith is the host city for the kayaking.

### **EAST BAULKHAM HILLS TRAFFIC**

**Mr MERTON** (Baulkham Hills) [5.38 p.m.]: A large number of my constituents attended a public meeting held at the Baulkham Hills Shire Council Chambers on 16 February this year to discuss their concerns about the increased traffic in the east Baulkham Hills area. It was agreed by the residents present that I should make representations to the Minister for Roads and invite him to visit my electorate to witness the traffic problems experienced during peak hours. The following day I faxed the Minister an invitation. As of today's date I have received no acknowledgment, despite the fact that I also posted the correspondence to him the next day. One aspect that I raised in the correspondence was the need for a second left-hand turn lane from Old Northern Road into Windsor Road at the Baulkham Hills junction.

Currently two westbound lanes in the Old Northern Road go straight through this intersection to Seven Hills Road with the third lane being a left turn only lane onto Windsor Road towards Parramatta.

In October last year I first queried why the middle lane could not be made an optional left turn lane and I approached the Castle Hill police traffic section for its comments. It supported the idea and informed me that the issue had been taken up with the Roads and Traffic Authority [RTA], which had indicated it would not support such a change. Correspondence received from Councillor John Griffiths, Mayor of Baulkham Hills shire council dated 30 March advises that council had forwarded two earlier requests to the Roads and Traffic Authority regarding the provision of an additional left turn lane in Old Northern Road at Windsor Road. Councillor Griffiths said that the local traffic committee had also supported this facility at three previous meetings, but the Roads and Traffic Authority had advised that the matter was not the responsibility of council or the committee. As so many residents, as well as the local police, believe that the number two lane in Old Northern Road would function more efficiently as a left turn-straight ahead lane similar to the number two lane in Seven Hills Road on the opposite side of the intersection, I believe the Minister should inspect the situation first hand.

I believe it is the responsibility of the Minister for Roads to look into this matter and to experience what happens at the intersection, particularly during the morning peak period. Many residents, Baulkham Hills shire council, the local police and the Baulkham Hills shire traffic committee believe action is required to alleviate traffic congestion. It is believed that it would stop the increasing number of vehicles trying to thread their way through narrow residential streets, such as Edward, Munro, Cary, Cross and Cook Streets. Motorists are frustrated that action has not been taken to widen Windsor Road and that the Baulkham Hills junction intersection has remained unchanged since the construction of the M2. Motorists are frustrated further by the fact the lanes at this intersection have remained unchanged despite the presence of the M2. If such a simple measure can alleviate stress on motorists, surely it must be implemented. My electorate office is on Old Northern Road probably one kilometre from the intersection. At most times of the day traffic chaos is experienced at the intersection of Old Northern Road and Windsor Road and on the other side of Windsor Road, which is known as Seven Hills Road.

This matter certainly requires immediate attention because on many occasions traffic simply banks up over that one kilometre. This matter is supported by the police, council and local residents, but the RTA in its wisdom, or lack thereof, simply claims that it cannot be done. It is interesting to note that motorists coming from the other side of the intersection from Seven Hills have the option of the two right-hand turn lanes into Windsor Road but motorists from the Baulkham Hills side are confined to one lane. Anything that can be done should be done to ease the frustration caused to motorists who face enormous traffic problems in my area. As I indicated before, Windsor Road has enormous problems and the Minister is attempting to address those problems. I believe that is happening too slowly and more should happen. I believe also that what will happen will be totally inadequate. At the end of the day this matter can be attended to immediately and with little financial expenditure by the Government.

### **BANKSTOWN MILLENNIUM BUZZ**

**Mr STEWART** (Bankstown—Parliamentary Secretary) [5.43 p.m.]: Last Thursday evening I attended, with the Minister for Education and Training, a spectacular local school-based event: the Bankstown the Millennium Buzz. Without doubt this event was an absolute sensation. The Minister and I were extremely impressed with the performance. This spectacular was held at the magnificent Dunc Gray Olympic Velodrome, which is the site for the Olympic cycling sprint races. Bankstown has never witnessed a show of this magnitude. It was an absolute knockout from beginning to end. More than 4,000 students drawn from 71 local schools were involved in the production. The choreography and musical items were breathtaking. Indeed, everything was breathtaking. I am very proud of those who were involved in making this massive production the huge success it was. Performances were held over several nights and special matinee shows were presented for local students to attend.

In all more than 12,000 spectators attended the Bankstown Millennium Buzz. To give the House an idea of how well this production was received in my local area, the proceeds of ticket sales

on the first day amounted to more than \$75,000. Without question, some of the individual student performers in this spectacular were outstanding by any standard. These young people clearly are the future stars. There are too many to mention comprehensively but worthy of strong mention are performers like Pauline Curuenavuli, who was one of the main vocalists. Pauline was a student at Bankstown Girls High School. Until about a year or so ago she had never sung in her life. Now she probably has the opportunity to pursue a career as a professional singer. She certainly was noticed in the Buzz performance. It would be remiss of me not to mention Laura O'Sullivan from Mount St Joseph Girls High School, who also gave an outstanding vocal performance. Laura happens to be my cousin, and without intending to show any bias, I must say I am proud of her contribution to this magnificent production.

The people behind the scenes deserve special mention also. They helped to make such a massive production magnificent, outstanding and workable. They included particularly Dianne Duff, the principal at Tower Street Public School, Panania, and Ian Millard, who is the principal of Revesby South Public School, who both co-ordinated this massive event putting in hours of their free time over a 2½ year period to make it work; dance directors Michele Austin, Pat Dance-Wilson and Sandra Copeman; the musical team, Wendy Tierney, Jon Smith, Helen Pain, Marie Wilson, Michael Mae, Auzanne Gruchot, Brigitte Eiberger and Michael Rohanek; and the props team headed by Pat Ebsworth. Costumes were designed by Laurel Barannikow, who did a fantastic job. The stage management team was under the control of Jim Bennett and Peter Piaud. Of course, Bankstown City Council needs special mention. It put in a magnificent effort supporting this terrific event.

The council team comprising Kerry Sebio, Julie Hayes, Mandy Hall, Mick Moonen, Rodney Douglass, Teena Riley and Hayley Delicata were instrumental in making this event happen. Special mention should be made of Ian Stromborg, Mayor of Bankstown City Council, who put in a lot of time towards the presentation of this spectacular. He attended every performance and was proud of the Bankstown community that supported this initiative. Of course, the Bankstown Millennium Buzz was held in the East Hills electorate. I am sure the honourable member for East Hills, who is present in the Chamber, will talk also about this magnificent event. He put in a lot of time towards this show, consulting with local schools and teachers to make this the magnificent event it became. I commend also the many hundreds of community volunteers who were behind the project. They are too numerous to mention. This show was something to behold. More than 4,000 students took part and it was certainly a spectacular the likes of which Bankstown has never seen, held as it was on the eve of the Olympic Games.

The show was designed in co-ordination with the Olympic event to be held in Bankstown, which will have American officials as visitors to the city. Local teachers, support staff, parents and community workers must be congratulated on putting together this great show and on drawing together such immense talent from local school students in the Bankstown city area. The Bankstown Millennium Buzz spectacular did not end last week. This event has enhanced harmony within our community and given young people a sense of pride and purpose they deserve in the great city of Bankstown. I know such an event will have reciprocal flow-on throughout the community. It has provided cohesion in a community that is put under the spotlight by the media on many occasions for the wrong reasons; it is an area also that is made a stereotype for the wrong reasons. We have shown that we have the best in Bankstown, that we are here to stay and that we are proud of our community. Our children are the future. [*Time expired*]

**Mr AQUILINA** (Riverstone—Minister for Education and Training) [5.48 p.m.]: I am delighted to join my colleague the honourable member for Bankstown in his enthusiastic applause for the outstanding work carried out in relation to the Bankstown Millennium Buzz. I anticipate that my colleague the honourable member for East Hills will also pay a similar tribute to the teachers, students and Bankstown community who worked so hard together to produce this outstanding production, which I understand took three years in the making. As Minister for Education and Training I have many opportunities to view the work of students. I always take great pleasure and delight in doing so. On Thursday evening, the opening night, it was a pleasure for me to attend with the honourable member for Bankstown and view the outstanding work of thousands of young people and many hundreds of teachers who gave much of their time voluntarily to help young students produce such an outstanding Buzz.

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"Buzz" is a very fitting word because the whole place was alive and buzzing with the enthusiastic enjoyment of so many young people. They were full of enthusiasm and anticipation in relation to what they were about to produce. I take this opportunity to place on record my appreciation, and indeed the appreciation of the whole of the Bankstown community, to the teachers—of both government and non-government schools—and the students and their parents for what was produced. I sincerely hope that it is not a one-off only, that there will be a repetition of it, because it has set a very high standard which should be emulated in future years. I appreciate only too well the enormous amount of hard work that goes into something like this. In recognition I will issue to all the schools that participated a certificate of appreciation, which I will be forwarding to them together with a letter of appreciation from me.

### BYRON BAY PRIMARY SCHOOL

**Mr D. L. PAGE** (Ballina) [5.51 p.m.]: I draw to the attention of the House and the Minister for Education and Training the situation at Byron Bay primary school. I appreciate very much the fact that the Minister is now in the Chamber. The school has been built on a very small site of only 1.2 hectares. That is less than half the normal primary school site for new schools, which is around three hectares. The enrolment at the school is currently 580 students. Last year there were 608 students. The net result of the combination of high enrolments and a very small site is a serious overcrowding problem. It is significant that according to the Government's own education department guidelines entitled "Enrolment of Students in Government Schools: A Summary and Consolidation of Policy" published in August 1997, Byron primary's enrolment for last year of 608 is around 270 students above the so-called ceiling for enrolments for a school of this size.

Furthermore, according to the department's own guidelines there are insufficient toilets at the school, the canteen is not big enough and the hall is not big enough either. For example, there should be 17 girls toilets for the number of students enrolled. However, there are only 10 at the school. According to the guidelines the canteen should be 44 square metres but in fact it is only 30 square metres. There should be 157.5 linear metres of students seating under the Government's guidelines but at Byron primary there is only 103 lineal metres of student seating. There are currently 21 classrooms on this 1.2 hectare site. Nine of those classrooms are demountables. A major problem at any school with so many buildings on such a small site is obviously that the playground area is very small. Of course, in wet weather the overcrowding problems are exacerbated. Moreover, there is very poor drainage in the central playground area, further restricting the playing area during wet conditions, which are quite common in high rainfall areas such as Byron Bay.

Because of the central location of the school it suffers considerable vandalism and a high incidence of graffiti and damage to school property. The school borders a major local road named Tennyson Street and generally lacks adequate parking facilities, which adds to congestion during school hours. However, the central issue is that the school is badly overcrowded. The educational standards of the school are excellent but it is suffering a major problem with overcrowding. The enrolments have been in the high five hundreds for many years and, as I said, the enrolment last year was 608. Something has to be done to ease the pressure. Unfortunately, this is not a new problem. About a decade ago when similar problems existed the decision was taken to redevelop the existing school rather than build a new school on the nearby recreation grounds.

At the time of that decision another important decision was made, in recognition of the problems down the track, to acquire land at Suffolk Park south of Byron Bay to enable a new school to be built as the population grew. I believe that the time has well and truly arrived for that new school to be built. The site is owned by the department and the neighbouring residential area is well developed to supply the new school with students. Such a move would obviously relieve Byron primary of its serious overcrowding problems. According to the government's own enrolment policy, Byron primary should only have around 340 students, not the 580 it currently has. A new school at Suffolk Park would accommodate 240 students initially, with provision for growth, thereby relieving the undoubted pressure on Byron primary and bringing its enrolments closer to the Government's own enrolment guidelines.

Accordingly, I call on the Government to commence the planning for a new school at South Park. As I indicated earlier, the department has purchased the three-hectare site in anticipation of precisely the situation that has arisen. Now is the time for the Government to get on with it. The

overcrowding at Byron primary is not fair on the students, it is not fair on the teachers and it is certainly not fair on the school community. I recently met with the Byron primary school council, which made it abundantly clear to me that the overcrowding problem is bad for educational outcomes and must be addressed. Building a new school at Suffolk Park, even if it is a staged development, is a logical thing to do and I would like the Minister to provide the funds to enable the school to commence the construction process as a matter of priority. The issue was anticipated by the previous Government in purchasing the site at Suffolk Park. When one visits the school it is obvious that there is an overcrowding problem. I ask the Minister to seriously consider putting the new school on the capital works program or starting the process to bring the new school to fruition. I would appreciate very much any assistance that he can render to the school.

**Mr AQUILINA** (Riverstone-Minister for Education and Training) [5.56 p.m.]: I have listened intently to the comments of the honourable member for Ballina. I give the honourable member an assurance that I will take his representations on board and look at the detail of what he has explained. The issue he raised is not an uncommon one on the North Coast, as well as out on the fringes of Sydney. There is an exploding population in various parts of New South Wales and the pressures to eliminate overcrowding of schools are forever with us. A substantial amount of our school capital works budget goes to the construction of new schools and it is always a struggle to keep up with the pressure for the provision of new schools. This puts to the test the claims being made by the Federal Government about the called enrolment of non-government schools and the impression it is creating about the downturn in enrolments of government schools. Nothing could be further from the truth.

The enrolments in government schools are increasing, as are those in non-government schools, but we have substantially larger numbers. Consequently, every time there are pressures to increase enrolments it is not just a case of building a school here and there; it is a case of having to build several schools in several locations at the one time just to keep up with population pressures. I acknowledge that the honourable member is very concerned about the situation at Byron primary. I do not have the details at my fingertips: It came to me as something of a surprise that he was raising the matter this afternoon. I undertake to look into the matter to see what we can do to alleviate the overcrowding in the schools in his electorate. He would be aware that not very far away a number of new schools are being built.

### **BANKSTOWN MILLENIUM BUZZ**

**Mr ASHTON** (East Hills) [5.58 p.m.]: On Saturday 8 April I had the opportunity to see the final performance of the Bankstown Millennium Buzz held at the Dunc Gray velodrome in my electorate of East Hills. This event showcased the talent of more than 3,500 young people, most students of 71 schools in our region—government and non-government. The Buzz took place over four nights, and there was also a matinee. It was an outstanding success. The performances individually and collectively were exceptionally professional and delighted all those who saw them. The Bankstown Millennium Buzz arose from suggestions more than three years ago that Bankstown should celebrate our active involvement in the Olympics and welcome in the new millennium with a spectacular event involving our youth. No-one could have foreseen then how successful the outcome would be, but also how much we needed to do so that "it would be all right on the night".

I congratulate Bankstown City Council, Mayor Ian Stromborg, the councillors and staff, the major supporter, the Bankstown District Sports Club, the local State Emergency Service and local volunteers, whose assistance was invaluable to the success of the Buzz, and other service clubs and businesses such as the *Bankstown Express* newspaper. What made the event unique was the number of performers, 3,500. They would have nearly outnumbered the audience each night. The velodrome was full for every performance. Citizens of Bankstown come from more than 130 nations and 60 languages are spoken. I had the privilege to serve as a councillor on Bankstown council for 14 years and I know that despite vigorous debate and party politics on many issues events such as the Buzz, the building of a velodrome, and the hosting of the United States Olympic officials this year unite all Bankstownians with a sense of pride and achievement.

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Congratulations must go to Ms Dianne Duff and Mr Ian Millard, who produced the Millennium Buzz. Mr Dennis Mackenzie, the Bankstown district superintendent, actively supported

this event. I know my colleagues the Minister for Education and Training and the honourable member for Bankstown, and Dr Ken Boston, Director-General of the Department Education and Training, all witnessed the Millennium Buzz and were overwhelmed by the effort of the students.

Of course, there were some difficulties to be overcome. Days of rain created havoc on the first night outside the velodrome where the performers had to use tents with no flooring as change rooms and marshalling areas. As today's issue of the *Bankstown-Canterbury Torch* described it, "The mud, the mud and the mud was a bit of a problem" and "many of the children's uniforms were white, the favourite colour of mud across the world". Toilets were blocked and conditions were unbearable. My own daughter called her local member, me, to complain. But quick overnight action by councils, the department and volunteers solved the problem. Also, I give credit to the Minister for the Olympics, his staff and the Olympic Co-ordination Authority for their role in tidying up and getting everything ready for the next three or four days of performances.

I place on record my appreciation of the efforts of the extraordinary teachers, who put in hundreds of hours of unpaid overtime to bring the event together. Our youth cannot just turn up and showcase their talent. They have to be taught, trained, choreographed and supervised. It is a pity that the shock jocks of radio and ill-informed journalists who depict teachers as working 18-hour weeks could not see the hundreds of teachers involved voluntarily in the Millennium Buzz. It is called goodwill and is a result of the enthusiasm and dedication of teachers from both government and non-government schools, whose commitment is to help fulfil a student's potential. How many of these teacher bashers would stand ankle deep in mud for hours because of their commitment to kids?

I also thank teachers in the Bankstown area who did extra—once again, unpaid—work at school to cover the absences of many teaching staff while they were involved in producing the Bankstown Millennium Buzz. I place on record my appreciation of the thousands of parents who made the Millennium Buzz a success, because without that support their children could not have participated. Uniforms for songs, dances and aerobics are not cheap. In addition, for months the students had to be transported to and from rehearsals to bring the Millennium Buzz to fruition. The mother of Mr Brett Dodd made many uniforms for students from Panania Public School because the cost was out of the reach of ordinary kids. I thank those teachers and parents again.

On a personal note, I was thrilled to see some of the students I had taught perform so wonderfully, especially Sean Rennie and Amanda Tunks, but as honourable members are not allowed to mislead the Parliament—as the Premier said here today—I must mention that I taught many of these students history, perhaps a little acting, but no music, singing or dancing. Any member of Parliament who saw the Bankstown Millennium Buzz would have been justifiably proud of our youth, our community, its clubs, businesses, its teachers and the Olympic velodrome facility.

### REDFERN CRIME

**Ms MOORE** (Bligh) [6.02 p.m.]: Tonight I speak about a matter of grave importance for all Australians, but of particular concern in my electorate. The matter relates to the level of crime and violence in the Redfern, Darlington, Chippendale area. I have been contacted by constituents who have suffered machete attacks, had bottles and bricks thrown at them and most recently have been victims of car jackings while stationary in traffic on Cleveland Street. In these most recent cases the victims were women on their own or with children, waiting in the middle lane of traffic with two lanes of moving traffic in the outside lanes and two lanes of traffic travelling in the opposite direction. Car doors were opened and bags snatched by people running across the road kamikaze style.

I also met recently with the Aboriginal Housing Company, which has outlined to me its plans for the Block, referred to now as the Pemulwuy redevelopment project. What that company is seeking to achieve is impressive. However, I fear that efforts to change the culture in west Redfern will be undermined by an inability to effectively combat the fierce drug trafficking problems currently located there.

As I have stated previously, drug dealing and drug use are the number one issues for Eveleigh Street and surrounding areas from which most of the crime, health and safety problems stem. A health-based approach to drug use must be accompanied by tough law enforcement targeting dealers. At present, the various health services in the area appear to be in conflict over the most

suitable approach to the health issue. The Aboriginal Housing Company does not want the needle exchange program run by the Central Area Health Service to be located on its property and the Aboriginal Medical Service does not operate a drug and alcohol outreach service.

The Kirketon Road Centre mobile unit has been withdrawn from service in this area because of threats made against workers. This has meant the loss of primary health care, which was of significant benefit to the community. At the same time, I am informed that police presence in the area has been stepped up, but there has been no noticeable reduction in drug-related crime. Indeed, there appears to be an increase in street crime, particularly targeting women.

Redfern is increasingly a community under siege. This is not simply truth for residents of the Block; it is also true for residents in neighbouring streets. The complex nature of the communities in this area means that knee-jerk, zero-tolerance policing responses are not only bad crime prevention, they are also culturally inappropriate. In the past I have spoken about the urgent need for long-term solutions, particularly for place management in Redfern. On three occasions I have written to the Premier on this matter, most recently on 6 April. I have been told that place management is not culturally appropriate for Redfern. However, I do not believe that the existing broad-based Redfern-Waterloo project is effectively fulfilling its brief.

In a recent article entitled "Beyond Place Management: A National Agenda for Community Renewal", Bill Randolph argues that effective community renewal all requires both top-down and bottom-up approaches in which clear, geographical boundaries are defined based on clearly stated assessment of local needs. My primary concern is that the sphere of operation of the Waterloo-Redfern project is too wide to be able to properly address the specific, tough, complex, local problems in the Eveleigh Street environs.

I am concerned that the Government is unwilling to take creative and effective action for fear of being labelled racist. Although I appreciate the sensitivity required in sorting through the many interrelated issues, this should not preclude action. I urge the Government to respond immediately to the problems I have outlined. Out of control drug dealing and street assault, particularly against women, must be stopped. Conflict between the various health service providers in the area needs to be mediated in order to ensure that a range of services continues to be available.

The role of the four Aboriginal community liaison officers at Redfern local area command needs reassessment to ensure that police responses are appropriate for the communities and effective in targeting crime. Will the Government consider establishing a community renewal fund for Redfern: in Bill Randolph's words, "a major new separate funding mechanism—outside current State and Federal departmental structures, to break away from the silo mentality of state agencies and free up funding to be used across current government agency boundaries and in innovative ways"?

Reconciliation involves taking risks. In a climate in which the Federal Government sanctioned racist laws and rejects the notion of the stolen generation, the onus is on State governments to show courage and leadership. The time has come for this Government to stop disguising inaction as cultural sensitivity, and be prepared to take some urgent action, and even some risks, to assist this distressed community to find new ways of existing.

**Mr MARKHAM** (Wollongong-Parliamentary Secretary) [6.07 p.m.]: I note the concerns expressed by the honourable member for Bligh. I have listened and taken note. It is important that the Minister for Police, the Minister for Health and the Minister for Aboriginal Affairs should read the *Hansard* report of her comments. I know that the Aboriginal community in Redfern is concerned about what is going on. I have visited that area on many occasions and witnessed some of the problems she has referred to so I, too, have concerns. However, I undertake to inform the three Ministers tomorrow of the issues she has raised.

### ASSAULT ON BRADLEY TULK

**Mr O'DOHERTY** (Hornsby) [6.08 p.m.]: I speak on behalf of one of my constituents, Bradley Tulk, who lives in Mount Colah, and who as a teenager was the victim of a serious attack by a gang at Epping station in October 1993. At that stage he was 17 years of age. In that dreadful attack he suffered injuries to his eye, lip, head and shoulder. He also required psychological counselling as

result of that cowardly and vicious attack. In 1995 the Victims Compensation Tribunal awarded Bradley \$5,000 in compensation for his injury, with an additional \$500 for out-of-pocket expenses.

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Bradley received treatment for his injuries following the attack and expended the bulk of his compensation at that time. The problem is that Bradley's injuries have continued since the attack. Despite receiving treatment in 1993, 1994 and 1995, he has ongoing problems. I believe anybody could have reasonably foreseen that this young man would have ongoing problems owing to the nature of his injuries.

I raise this matter tonight as I believe the Victims Compensation Tribunal should allow Bradley to make a further appeal for his decision to be reheard. The tribunal should be a little more generous in interpreting the Act of Parliament that allows it to review the case. The tribunal reviewed the case once at the request of Bradley's solicitors in July 1999 but found that there were no grounds for a review as there was no error in, or omission from, the original determination. Bradley then asked the tribunal to reinvestigate the matter in September 1999, presenting it with new evidence. That evidence clearly showed that there was reason to believe, when the original decision was made, that Bradley would suffer ongoing injuries. However, the tribunal again interpreted the legislation very narrowly and wrote to Bradley saying that it would not extend its generosity and re-examine the case.

The tribunal must find that it was clear in 1995—when the original decision was made—that Bradley's injuries would be ongoing. I have received a letter from Bradley's surgeon, Dr Giutronich, of Hornsby Orthopaedics and Sports Medicine Centre. In that letter dated February 1999, Dr Giutronich points out that he saw Bradley Tulk in January 1994 shortly after he sustained his injuries in that vicious attack. Dr Giutronich refers to the injury to Bradley's right shoulder and states:

Following the injury he had been unable to throw a ball and had experienced pain and clicking in the shoulder... On the day prior to consultation the shoulder had dislocated while swimming with no trauma associated with that dislocation.

Bradley saw his doctor some time during 1994—several months after the accident and after the dislocated shoulder has been put back into position—because he had again dislocated his shoulder playing tennis. Dr Giutronich continues:

I advised Bradley that anterior stabilisation would be required as there was a high likelihood of a further dislocation.

It is clear from Dr Giutronich's letter that Bradley's medical experts understood from the first that Bradley would have an ongoing problem. I do not know why that information was never presented properly to the tribunal: perhaps Bradley was not advised properly. The tribunal should have known that fact. The tribunal now possesses—after the event—a letter which clearly spells out Bradley's ongoing injuries. Bradley and I have both seen a copy of the letter. I suggest that a not very generous interpretation of the legislation under which the tribunal operates would clearly indicate that this is precisely what is meant by an error or an omission in the original Act. I implore the Victims Compensation Tribunal to reconsider the case. Bradley faces serious medical expenses and, through no fault of his own, he cannot pay for them.

### **ROAD TRANSPORT (DRIVER LICENSING) ACT 1998**

**Mr MARTIN** (Bathurst) [6.13 p.m.]: I recently met members of the judiciary, legal profession and related government agencies in Bathurst to discuss certain aspects of the Road Transport (Driver Licensing) Act 1998—specifically section 25A, which relates to driving while disqualified, driving while suspended and driving while cancelled. These offences carry exactly the same penalties: a fine or a disqualification. The group that I spoke to outlined its concerns about the inability of magistrates to take account of individual circumstances when handing down sentences—either fines or disqualifications. The mandatory aspects of the Act are causing concern.

I refer the House to a case study from a country legal practitioner that points to some of the unintended consequences of this generally well-received legislation. I will ensure that I keep the example as anonymous as possible. A 36-year-old single mother of five, Mrs X, lives on a farm 32 kilometres from a large country town. Her husband and father were both killed in a farming accident. Her children go to school in another centre about 20 kilometres away and the closest shopping for all



the groceries and necessities required for the family and the farm is located in the regional town that is quite a few kilometres away. There is no public transport in the area.

Mrs X committed a traffic offence and was issued with a traffic infringement notice. Due to her financial circumstances, she was unable to pay the fine. The processes under the Fines Act 1996 were set in train and her driver's licence was cancelled on the basis of non-payment of the fine. Mrs X, who had no means of making alternative arrangements to provide for her family, continued to drive her car. She was noticed by the highway patrol for another offence and was found to be a cancelled driver. The court convicted her, and Mrs X was disqualified from driving for the mandatory term of 12 months. Her circumstances were unchanged and, still unable to make alternative arrangements, Mrs X had no choice but to drive her car. Mrs X's property is very isolated and can be accessed by only one road. She will come under the notice of the highway patrol time and again, she will accrue further fines, which she will be unable to pay, and the prospect of her ever regaining her driver's licence is extremely remote. Mrs X may never regain her licence and she runs a very real risk of being declared an habitual traffic offender, liable to disqualification for life.

Many people are drawn into a cycle of traffic offending simply because they are poor or live in areas where there is no public transport infrastructure. Scenarios like the one that I have described are repeated around the State. Of particular concern is the legislation's impact on indigenous people who live in communities and on missions in isolated areas. People are unable to pay fines, enforcement action is taken and their licences are cancelled. The majority of such people are well-known in their local communities, their status in relation to traffic violations is known to the local police and they drive easily recognisable vehicles. Police have no difficulty detecting these offenders and enforcing the current law. I point out that the problem is not nearly as serious in the metropolitan area.

When the matter was drawn to my attention, I made inquiries to determine what processes were available to call for a review. There is no doubt that, when the legislation was introduced, it was generally well received and was based on public opinion at the time. It was felt that the judiciary was perhaps too lenient in many cases and prevented people from receiving the appropriate fine. However, perhaps the pendulum has now swung too far in the opposite direction. I am heartened to learn that the Minister for Transport, and Minister for Roads and the Attorney General are to form a joint working party to review the effects of this legislation. I look forward to a timely and objective report from that working party.

**Mr MARKHAM** (Wollongong-Parliamentary Secretary) [6.18 p.m.]: I am glad that the honourable member for Bathurst has brought this important matter to the attention of the House. I have no doubt that every honourable member is aware of similar cases of constituents who have lost their driver's licences but who cannot go about their daily lives without driving and so take the risk. I think it is important for the honourable member for Bathurst to make a submission to the working party established by the Minister for Transport, and Minister for Roads and the Attorney General in order to ensure that not only his views but those of many other honourable members in this Chamber are made known. I congratulate the honourable member on raising the matter this evening.

**Private members' statements noted.**

*[Madam ACTING-SPEAKER (Ms Beamer) left the chair at 6.20 p.m. The House resumed at 7.30 p.m.]*

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**CONVEYANCERS LICENSING AMENDMENT (PROFESSIONAL INDEMNITY  
INSURANCE) BILL**

**Second Reading**

**Debate resumed from 5 April.**

**Mr J. H. TURNER** (Myall Lakes) [7.30 p.m.]: The Opposition supports the bill but raises questions as to why it is necessary. Clearly from reading the bill it would appear that someone, somewhere, got it wrong—and under the Westminster system that would have been the former Minister. On the understanding that the legislation can fix the problem and safeguard people who deal

with conveyancers, ensure that an approved policy of professional indemnity insurance is in place, that the policy is one that the Minister has approved, and that the Minister is satisfied with any conditions to be complied with in relation to that policy, the Opposition supports it.

**Mr WATKINS** (Ryde-Minister for Fair Trading, and Minister for Sport and Recreation), [7.31 p.m.], in reply: I thank the honourable member for Myall Lakes for his contribution and for the support of the Opposition for the passage of the Conveyancers Licensing Amendment (Professional Indemnity Insurance) Bill. I restate that this amending bill is necessary because of what may be a flaw in the current Act. The Crown Solicitor's advice suggested that there may have been a flaw in the original drafting of the Act. Along with the Opposition, the Government wants to ensure that this legislation does not cause problems in the future.

I remind the House that the bill will overcome current difficulties in approving policies of professional indemnity insurance for conveyancers and, at the same time, ensure that approved policies provide adequate consumer protection in the event of a claim against a conveyancer. I also remind the House that the Conveyancers Licensing Act 1995 is currently under review as part of the Government's commitment under the National Competition Policy, and that an issues paper has been released for public comment. I invite people to make submissions by the closing date of 12 May 2000. I also thank for Department of Fair Trade officers who have worked on this bill, Mr Chris Aird and Ms Barbara El Gamel.

**Motion agreed to.**

**Bill read a second time a passed through remaining stages.**

#### **FAIR TRADING AMENDMENT (SUBSTANTIATION OF CLAIMS) BILL**

##### **Second Reading**

**Debate resumed from 5 April.**

**Mr J. H. TURNER** (Myall Lakes) [7.33 p.m.]: The Coalition does not oppose the Fair Trading Amendment (Substantiation of Claims) Bill, which amends the Fair Trading Act 1987 in order to give the Director-General of the Department of Fair Trading the power to issue a notice in writing requiring any person or organisation to substantiate a claim made about a good and/or a service in a published statement. The notice must indicate a claim subject to that notice, it must specify the period in which to respond, detail what a person or organisation must do to comply with a notice, and provide for fines of up to \$5,500 for failure to comply. The bill will increase the protection available to consumers from unscrupulous merchants making outrageous claims about their products or services.

The bill is not unlike the old Sale of Goods Act, which some members in the Chamber might remember. Section 18 of that Act is highly reflective of this legislation and one wonders why we do not sometimes rely on legislation that has been in existence for sometime, such as the Sale of Goods Act 1923, rather than introduce piecemeal legislation, such as this bill. Leaving aside comparison with the Sale of Goods Act, this bill will protect a number of people. I am not making any allegations against the current operators of North Arm Cove in my electorate, but that pre-1919 subdivision was an exercise to determine whether it could be the site of the Australian Capital Territory. That land cannot be built on even though it contains residential allotments.

In earlier days many unscrupulous operators sent messages to people suggesting that they buy the land and build a nice house on it, beside the water. In fact, they could not, and I am sure that the Minister's office would be well aware of this type of problem; it would have been swamped with complaints by thousands of people who bought land from unscrupulous operators. I am not sure that this legislation goes to the core of that problem, but certainly it would have helped in that regard. One of the first candidates to test this legislation should be the Minister for Fair Trading, because of his outrageous comments promising to reduce petrol prices. In this House on 22 September 1999 he said:

I can advise the House that the next stage of Country Labor's fight for cheaper petrol prices in rural and regional New South Wales will start in the next few days.

That was his promise, his claim about his services. Now let us consider the facts. Let us consider what he delivered. Between the time of the re-election of the Carr Government in March 1999 and December 1999 the average price of unleaded petrol in country New South Wales rose from 73¢ to 83¢ a litre, whilst in Sydney the average price of the same petrol rose from 66¢ to 76¢ a litre. This was despite the fact that the New South Wales Government takes 8.1¢ in excise levy on each litre of fuel sold in this State, totalling \$619 million this financial year. Clearly, the Government does not care enough to spend any money on the problem.

**Mr Watkins:** Point of order: Whilst I would love to take this opportunity to debate this matter at length, it is not really within the leave of the bill to do so.

**Mr J. H. TURNER:** To the point of order: Clearly, the bill requires a person to publish, or cause to be published, statements promoting the supply of goods or services or the sale or grant of interests in land to substantiate their claims. The Minister has clearly used words and published statements that he would bring down the price of petrol in this State. And he has been unable to do that. He should be facing a fine of \$5,500, which is applicable under this legislation, at the very least.

**Mr ACTING-SPEAKER (Mr Lynch):** Order! The honourable member for Myall Lakes persuasively argued an inventive point of order. However, it has little substance and I ask him to return to the leave of the bill.

**Mr J. H. TURNER:** The Opposition supports the bill and looks for some leadership on the matters of proof and honesty in dealing with the public. Perhaps the Minister might be that leader and refrain from making outrageous statements such as he has made on petrol prices. As a country member, I would like to be able to rely on the Minister's statement that he will bring down petrol prices. In fact, he has been totally unable to do so.

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**Mr CAMPBELL (Keira)** [7.39 p.m.]: I had hoped that I would be able to acknowledge the positive comments of the honourable member for Myall Lakes in a debate in this place.

**Mr E. T. Page:** You're an optimist!

**Mr CAMPBELL:** I was an optimist. I should have known better than to think that the honourable member might support appropriate legislation and refrain from tipping the bucket. It seems that he is unable to do that. I am extremely pleased to support this legislation. I would have thought that most honourable members would have wanted to support this legislation, if they were in touch with the people in their electorates and listened to what they had to say. This proposal fulfils the Government's pre-election promise to require traders to substantiate that they can deliver on advertised claims.

The proposal also implements a recommendation of the inquiry into the retail supply of personal computers and software—sometimes known as the computer inquiry—that was undertaken by the Fair Trading Advisory Council in 1998. The inquiry found that many consumers were induced to purchase products by offers of very cheap prices through extensive media advertising. These offers were too good to be true, as computer retailers were often not in a position to supply the goods as advertised. More generally, the activities of traders and service providers who make claims in advertisements about goods and services which are obviously false are of ongoing concern to the Government and to any honourable member who listens to his or her constituents.

The people who make such claims are often unscrupulous or fraudulent operators or traders experiencing financial difficulties. The computer inquiry found that the mechanisms currently available under the Fair Trading Act are not always effective in responding to these types of trader conduct. Consumer concerns can be addressed by requiring the trader or service provider to substantiate his or her claims or representations. Similar provisions exist in South Australia and Queensland. That is the background to this legislation. Some of the claims that might be attacked by the Director-General of the Department of Fair Trading, once this legislation receives assent, are get-rich-quick schemes that promise windfall profits. With the availability of email, get-rich-quick schemes appear on our screens from time to time. The latest scheme is to send the email to 10 or 20 other email addresses and you will get a free mobile phone. That email has not appeared on my

screen, but it is around. All sorts of claims are made about miracle diets. Some honourable members might ask why I would talk about miracle diets.

**Mr E. T. Page:** You've never fallen for it.

**Mr CAMPBELL:** Like the honourable member for Coogee, I have never chosen to buy that one. From time to time I have been tempted. There is no such thing as a miracle diet. People who make a claim of a miracle diet should be held accountable and made to substantiate their claims. That is what this legislation does. The way to lose weight is through a change in diet and exercise. I know that I need to take my own advice. People often say they have a cure for baldness. I do not suffer from baldness, but some of my colleagues do. If such claims are made, they need to be substantiated. When they cannot be proven and there is clearly no miracle cure for baldness, this legislation will provide an opportunity to bring to account any person who made such a claim and tried to get rich quick out of others. It will bring the shonks to heel. I will leave virility and Viagra issues out of this debate.

Time and again we hear from our constituents about these schemes. We see advertising in newspapers and magazines that is clearly false and cannot be substantiated. I am delighted that the Government has acted on its pre-election commitment to require such traders to be brought to account by implementing this bill. As I said at the outset, I am pleased that I am able to support the legislation as a member of the Government. I am extremely disappointed that Opposition members have used it as a vehicle to attack the Minister, who is trying to do the right thing by consumers in New South Wales in the best traditions of Labor governments. I am sure that the late Syd Einfeld, a former member of this place, would be delighted that the Minister for Fair Trading is building on his early gains as a Minister for Consumer Affairs. I am delighted to support the bill. I look forward to the implementation of the bill and the shonks being prosecuted and driven out of business so that they cannot rip people off.

*[Debate interrupted.]*

## VISITORS

**Mr ACTING-SPEAKER (Mr Lynch):** I acknowledge the presence in the gallery of the members of the Mosman Chamber of Commerce. I hope that they are enlightened and entertained by the proceedings tonight.

## FAIR TRADING AMENDMENT (SUBSTANTIATION OF CLAIMS) BILL

### Second Reading

*[Debate resumed.]*

**Mr HAZZARD** (Wakehurst) [7.44 p.m.]: I also welcome members of the Mosman Chamber of Commerce. I understand that they are being hosted by the honourable member for North Shore. I welcome the business folk of North Shore to the Parliament. I particularly welcome Mrs Purcell, the president, who is the mother of Anne Purcell, the Labor candidate who stood against me in 1991. I cannot see Mrs Purcell in the gallery at the moment. She is probably enjoying a tour of the Parliament.

**Mr Watkins:** She is out campaigning against you.

**Mr HAZZARD:** The Minister said that Mrs Purcell is out campaigning against me. That is possible, and good luck to her. I hope she helps her daughter, because all mothers should help their daughters appropriately. I have no problems with that. I am sure that she is a very nice person, particularly as she is under the auspices of the honourable member for North Shore. I wish the Mosman Chamber of Commerce the very best.

I will be short and I will not give the Minister a hard time—other members have already done that and the Minister does it to himself sufficiently. There is no need for further statements about the Minister's incapacity to address petrol pricing, despite his promises. This bill is a timely piece of legislation. Anyone who has been a member of Parliament for some years or, as I was, a lawyer for many years would often have people seek their advice and assistance about smart get-rich-quick

schemes designed to take in the gullible and the innocent. If this legislation facilitates the director-general taking some clear action to put people on notice that they cannot dupe people and take advantage of the more innocent amongst the community, then the legislation is to be welcomed. New section 23A states:

The Director-General may require a person who, in trade or commerce, published or caused to be published a statement promoting, or apparently intended to promote, the supply of goods or services or the sale or grant of an interest in land, to substantiate a claim or representation (express or implied) made in the statement.

The Opposition supports the director-general actively pursuing the capacity which this legislation will give him. The activity of the director-general may be used by the current Government to grandstand. Lately, we have heard a great deal of rhetoric but have not seen much action. I hope that it will not be used as a conduit or device for political advantage. Over the years I have seen many people who have been taken in by all range of schemes. There is no limit to the imagination of those people who are prepared to dupe the innocent of mind in business matters. Mosman Chamber of Commerce, and other chambers of commerce, would want people who are not doing the right thing in business to be brought to account. Those who do the right thing in business, such as the members of the Mosman Chamber of Commerce, do not want to have the other people who play silly games dragging down the reputation of all business people.

This legislation follows in the grand tradition of provisions, such as section 52 of the Trade Practices Act. Misleading and deceptive conduct is obviously outlawed under that section, which because it is Federal legislation relates primarily to corporations. Mr Acting-Speaker nods knowingly. There are a few lawyers in the Chamber tonight. The Fair Trading Act extends to individuals rather than to corporations, but is available to both. To that extent, this legislation is welcomed by the Opposition. It is extended to those individuals who are prepared to rip people off. Good luck to the director-general in his endeavours to expose such people. The Opposition looks forward to this legislation being used actively, but not politically.

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**Mr WATKINS** (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [7.50 p.m.], in reply: I would like to thank the honourable members for Keira, Wakehurst and Myall Lakes for their contributions to the debate. I would like to welcome members of the Mosman Chamber of Commerce to the Chamber, who may not be aware that the registering of such bodies is within my portfolio responsibility. As the honourable member for Wakehurst said, the bill should be used as an attack on people who should not be trading. It is not an attack on people who go about their business honestly, but an attack on the shonks who give business a bad name. As he rightly said, the bill is an attack on those who prey on the gullible and the innocent. We are all keen to drive those sorts of people out of the marketplace.

I will leave the petrol accusations for another time and another place. The honourable member for Myall Lakes almost suggested that the legislation is piecemeal. I can assure him it is not. It is about making the Fair Trading Act the central legislation that protects consumers in New South Wales. This will be a new weapon in consumer protection. There are powers within the Fair Trading Act to attack people who are involved in misleading advertising. Taking action against such people can be a rather long and involved process. Often the damage has been done by the time the successful legislation has run its course, and I outlined some of those examples in my second reading speech. When a claim is made that is shonky, when it is not sustainable, the director-general can ask the trader to prove to the satisfaction of the director-general that the trader can substantiate the claim. If the trader cannot, the claim should not be made. If the trader continues to make such a claim a fine will be imposed.

The bill will enable Fair Trading officers to do their jobs more effectively. The bill delivers new powers based on an independent inquiry. Some two years ago an investigation was conducted into problems within the computer retailing industry where, overwhelmingly, false claims were made about computers that were not sustainable, that could not be substantiated. The bill flowed from that inquiry. It is only minor legislation. Perhaps it is a small improvement when one considers the whole range of powers available under the Fair Trading Act, but it is a step forward. It is good policy, leading to good legislation, leading to improved consumer protection. I, like the honourable member for Myall Lakes, have concerns about North Arm Cove. If the legislation can be used in that instance it will be used.

The aim of the bill is to protect the consumers who should not have put in front of them claims that cannot be substantiated. Too often unsubstantiated claims are made in the self-care area—vanity, weight, baldness, et cetera—areas in which people have an emotional investment in trying to find an answer, and they can be captured in a false net. Often such claims prey on young people. I draw the attention of the House to an advertisement that I hope my director-general would scrutinise once the legislation is enforced. An ad appeared in last Sunday's *Sun-Herald* under the heading "Have a sexy six pack with no effort and in no time at all! \$69.95!" The ad says, "Muscle Stimulation Systems usually retail for \$600 or more", but not this one. The ad states "Amazing Results—FAST... and that's a promise." The ad reads:

The Muscle-Tone has the capacity to contract and relax your muscles over 120 times in just 20 minutes. Use for 20 minutes a day for the first three weeks and we guarantee you will find an amazing, visible difference in strength and tone or your money back. Imagine that! In just three weeks time you can bare all with pride.

Get your new body now! It is that very prominent type of advertisement we are seeing all too often in newspapers that the legislation will address. I thank all honourable members who took part in the debate. In particular I would like to thank Mary-Louise Batilana from my Department of Fair Trading for her assistance in reaching this point.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **ZOOLOGICAL PARKS BOARD AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 5 April.**

**Ms SEATON** (Southern Highlands) [7.57 p.m.]: I lead for the Opposition, and I am pleased to say that the Coalition will support the bill. Taronga Zoo and Western Plains Zoo continue to be among New South Wales greatest assets. It is worth noting that it was the former Liberal Minister for the Environment, the Hon. Tim Moore, later followed by the honourable member for Gosford, who led a good deal of the change in both Taronga Zoo and Western Plains Zoo from being places of exhibition and interest and, in some cases, entertainment to real agencies of conservation with worldwide links.

It has been a worldwide trend in leading zoos, and it is very nice to be able to say that two zoos in New South Wales have been very much at the forefront of that trend. Under the leadership of the late Dr John Kelly, who is widely respected in the environment and zoological communities, both zoos developed their conservation programs and put New South Wales on the world conservation map. Dr Kelly also renewed public interest in our zoos with innovative and sensitive upgrading, and relandscaping and representation of Taronga Park to Australian and overseas visitors. As a regular visitor to Taronga Zoo, I very much appreciate it as a destination that is educational for my child.

As a New South Wales citizen, I find it very inspiring. It is also good fun. Its overwhelming contribution to society is as a place where conservation and education about wildlife, both Australian and international, can be seen and used as a positive tool in our community. The level of repeat visitation is evidence of its enduring quality as a product in New South Wales. Recently I made my first visit to Western Plains Zoo. I would like to extend my thanks to Mr John Gibbons, the director of the zoo, and his staff for the welcome they gave me and their efforts to ensure that I learned as much as possible about Western Plains Zoo and its objectives, and that I saw as many of its facilities as possible.

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I acknowledge also the contribution of a former Premier and Minister in this place, the Hon. Tom Lewis, who, I suspect, would probably like the Western Plains Zoo to be one of the things for which he is best remembered. It certainly is something of which he is terribly proud, and I believe the zoo is something about which we should all be proud.

On my visit to the Western Plains Zoo I was pleased to have the chance to learn more about the black rhino breeding program. I was impressed with all of the work that has taken place for the

future of that program. The zoo anticipates an increase in the rhino population and we look forward to news of that in due course. I was keen also to hear more about the Przewalski horses and the Mallee fowl program. Many Australian native animals, alongside international species, are receiving a good deal of attention in the form of research from the staff at the Western Plains Zoo. The zoo plays a major role in the international community in trying to re-establish breeding pairs. I also compliment the Zoofari program at Western Plains Zoo. I recommend that anyone who has not taken part in this program take the time to do so. It is run by extremely expert staff. I particularly commend Sandra Rutherford for the professional way in which she conducted her visitors group and for the amount of information she managed to give us in our 24-hour stay.

The program is certainly is an extremely useful and enjoyable tourism feature of Western Plains Zoo, which certainly makes a big difference to Dubbo and its economy and is most certainly a jewel in Dubbo's crown. The Zoofari trip is something of which all Australians can be proud and I recommend that anyone who has the opportunity to participate in it should do so. It is an innovative program that anyone would enjoy. One of the things that most impressed me about the tour was the education centre for schools, which is part of the Western Plains Zoo complex. Upgrading plans are in place for that centre. We concluded our night tour with a visit to the schools education centre. After seeing so many examples of living wildlife and conservation programs in practice, it was a sobering experience to then visit the education centre.

The centre has on display many examples of the sorts of practices that we all need to take a leadership role in stamping out: the illegal taking of endangered species, particularly in several overseas countries; the illegal importation of fur; the taking of pelts for decorations and floor furnishings; and abuses that I believe none of us would want to encourage to which many of our endangered species around the world are subjected in the name of adornment. My four-year-old daughter who was with us came away from that visit understanding how important it is to respect our wildlife and to make sure we all take a role in working to preserve it for the future. I thank also Dr Guy Cooper from Taronga Zoo for taking time to point out to me on a recent visit some of the behind-the-scenes work of his team. I particularly commend those who designed and operate the free flight bird show. Again, I would recommend that anyone who has not seen this show should take the opportunity to do so.

The honourable member for North Shore is, of course, a frequent visitor to the zoo—it is in her electorate—and she recommended that I see it. For some considerable time she has been telling me about this wonderful display. Instead of seeing the free flight show I saw the training show where zoo staff were trying to put through their paces some younger and less experienced birds who might then take their place in the main show, which is actually an exhibition of bird behaviour. I was impressed by the fact that nowhere in the world could someone see such a spectacular display. With Sydney Harbour as the backdrop this would have to be one of the most attractive tourism destinations in this State. It is a credit to the zoo staff and to the vision of the board.

Much of what we see at Taronga Zoo is made possible through private sponsorship. Herein lies the essence of the amendments in this bill. The zoo has a proud history of sponsorships from individuals, families, schools and companies for individual animals. There is a real sense of public ownership of the zoo by people in New South Wales. The corporate world has responded well to both zoological parks. We value the links between the corporate sector and the public facilities we enjoy. Some of the magnificent new complexes people can now enjoy at Taronga Zoo are testament to those links. Further plans are in place to extend facilities and exhibits at Western Plains Zoo, particularly the safari area, which is yet to be developed. That will be an expensive process but it will be a worthwhile investment in our future.

The purpose of the bill is to give effect to changes that the chairman of the board, Mr Len Bleazel, and others have requested of the Government. The structure that has been in place for some time has served us well until now, but new challenges are ahead and a master plan has been developed which contains some ambitious plans. It is worth taking time to look at the report of the Auditor-General late last year and to note some of the findings. An operational view conducted by Arthur Andersen, chartered accountants, found that the Carr Government had failed to provide adequate funding to allow for the effective operation of the State's two zoos with a 1998-99 operating deficit reaching \$1.9 million. The Auditor-General confirmed that the Zoological Parks Board was reviewing its activities to address the funding crisis, but needed the support of the Government to get on top of the problem. The board is taking seriously the responsibilities that lie ahead of it. It understands that partnerships with the private sector are very much part of its future and it is trying to get itself into a situation where it can maximise its ability to deliver everything that it has ahead of it.

The Auditor-General said the zoo's financial position would not be sustainable without further funding cuts or significant cost reductions. Clearly, that is an important challenge for the zoo. It is for that reason that the Coalition certainly does not oppose the amendments contained in the bill. It is clear that the board needs to focus on the new challenges and to make sure that it maximises the marketing and business acumen available amongst the board members. The months of last summer, particularly December, have been wet. The director of Taronga Zoo remarked to me that he was looking at the new year with some trepidation, wondering whether the weather would improve. Obviously zoos cannot control many of the things which have a major effect on their revenue. I understand that revenue from visitors to Taronga Zoo, over the last Christmas period at least, was down.

It is important that the skills base of the board has the sort of expertise to overcome the seasonal and uncontrollable revenue troughs and to make sure it has a firm footing on which to plan for the future. Only in this way will vital research and scientific aspects of the zoo's work be fully supported and extended. I take this opportunity also to acknowledge the enormous role played by volunteers at both Western Plains and Taronga zoos. The value of their unpaid work would be immense. I understand the Zoo Friends and Volunteers have helped approximately 18,000 visitors a year, which is an enormous number, and give to the zoos approximately 55,000 hours of service a year. In addition, they have been responsible for raising nearly \$500,000 a year for other zoo programs. Volunteers at both zoos are an immense resource. Because of their love of animals people give their time and energy to the zoos in support of the professional staff. They deserve our thanks and appreciation. The changes proposed in the bill take advantage of three existing vacancies. I am assured that the advocates of ethical issues which have been raised will continue to be well represented on other committees of both zoos. I understand also that the Dubbo community and council and the Mosman community and council will continue to be well represented on the new board, on which the membership will be reduced from 13 to 10.

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If the board is to be accountable it also needs the ability to do its job and have the resources—intellectual and financial—to achieve the targets it sets on behalf of the people of New South Wales. The board has designed a board structure which it believes will optimise its ability to deliver that master plan. On behalf of the Coalition I have pleasure in wishing the board well in its future endeavours. I wish it great success. I wish the staff continuing success with their education and conservation programs and particularly wish success to the volunteers of both zoos.

**Mr McGRANE** (Dubbo) [8.10 p.m.]: I support the amendments in the Zoological Parks Board Amendment Bill. The history of the Dubbo zoo goes back to the late 1960s when it was decided that Taronga Park should have a breeding operation. After a lot of discussion around the State the then Minister for Lands, the Hon. Tom Lewis, was instrumental in establishing the Dubbo zoo in an area that was a Royal Australian Air Force Base in World War II, involving some 300 hectares. Along with the member for Dubbo at the time, the Hon. John Mason, they had a long period of what could probably be described in a sense as frustration because not everybody wished to have a zoo in the city of Dubbo. Apparently, the opposition came from members of Parliament, in particular, Tim Fischer, who at the time was a member of this House. Many other organisations, in particular farming organisations, were bitterly opposed to having an open range zoo in the area around the city of Dubbo.

I happened to be the secretary of the farmers organisation called the United Farmers and Woolgrowers Association [UFWA] at the time, the organisation that New South Wales Farmers developed from. As its zone secretary it was my job to write to the various Ministers of the day in regard to problems farmers had in dealing with rural problems. Zone three of UFWA covered the area around the city of Dubbo and surrounding council areas. As secretary I was instructed to write on a number of occasions to the Hon. Tom Lewis pointing out to the Minister that the farmers were not in favour of the zoo being established in the area near Dubbo. Farmers were concerned about exotic diseases and escapes from the zoo. They thought their animals would be endangered by the lions et cetera. It was a very emotional issue. I wrote on three different occasions to the Minister and on the three occasions I did not receive answer. Eight months after the first letter I wrote a fourth letter. The farmers were getting a bit toey with the Minister. The excuse I used was: you cannot trust politicians; they do not answer letters that they do not like. I do not know whether that is true today.

**Mr Orkopoulos:** Not in Dubbo.



**Mr McGRANE:** I think we have all learned a little from this. The farmers wanted to form a deputation to see the Minister. I was feeling a bit afraid at this stage. I did not want to lead a deputation to the Minister because I personally was in favour of the development. But as a good secretary I did what I was told to do. Unfortunately, I had a lapse of memory on three occasions because I did not post the letters. By the time of the fourth letter the project was so far advanced that the zoo had been started. I know that this Chamber is not a confessional but I am baring for the second time in my life a past wrongdoing. Tom Lewis was a man of vision. The development of Dubbo zoo would not have happened were it not for Tom Lewis. At the time he was a Minister and later he became Premier of the State. He was an achiever. He did have vision, as has been said here and in other places. We in Dubbo have hosted Tom Lewis and given him the freedom of the city because of what he contributed to tourism in the Dubbo region, which involves something like \$92 million per annum, and \$28 million of this is generated through the zoo. It employs 165 people, half permanent and half casual. So it is a big employer for the city of Dubbo. It is a catalyst for tourist activity in the region known as the Orana region in the Far West region of New South Wales. It is visited by more than 200,000 people per annum.

The amendments to the bill are to make the board more efficient in dealing with the day-to-day running at the Taronga Park and Dubbo zoos. Up to now there has been a board of 13, which has worked quite well. But, as we all know, sometimes it is hard to get a firm decision from a large board. At times it is hard to get 13 people to come together and have vision. As there are vacancies on the board at present it is appropriate to make these changes now. All the various councils and the friends of the zoo, in Sydney and in Dubbo, are both catered for in the make-up of the new board. I commend the changes to the board. They will put the board on more of a business footing. It has to be on a business footing because it is a big business not only for Dubbo but for Sydney, and it has to be run as such. It needs a lot of input from outside the Government. The Government is a major contributor, of course, in regard to the development of Taronga Park Zoo and the Dubbo zoo but it relies heavily on the public to help in the running of the zoo. The zoos rely heavily on contributions made by various sponsors. Over a number of years sponsors have come forth such as *Women's Weekly*, which sponsored the important development of the black rhino area. The black rhino breeding program put Taronga Park and Dubbo zoo on the map internationally. I commend the bill.

**Mr HAZZARD** (Wakehurst) [8.17 p.m.]: As indicated by the honourable member for Southern Highlands, the shadow Minister for the Environment, the Opposition will not oppose the bill. Indeed, we place on record our very strong support for the zoological parks in New South Wales, particularly Taronga Zoo and the Western Plains Zoo. I was shadow Minister for the Environment for two years. During that time I had a lot to do with the zoological parks. I was very impressed with the commitment of the staff right from the ground level up. At the time John Kelly was director of the zoo. He was very much loved by all staff at the zoo and indeed in the broader community. He had the essence of what zoos should be about in his very soul. He was a wonderful person who, regrettably, faced all sorts of medical issues in the years preceding his passing. Before in this House we have noted the wonderful work of Dr Kelly but I think it is appropriate in the context of revisiting of some of the provisions of the Zoological Parks Board Amendment Bill that we reflect for a moment on the fact that Dr Kelly has done very great things for the zoos, particularly setting high expectations for us now to continue on the path that he had taken us down.

Whilst the Opposition will not oppose the revised structure of the board, which will allow the Minister and the Government to restructure the board as they deem appropriate, I place on record that, whilst the categories of people that will be appointed are entirely appropriate and acceptable, I have a concern that the Minister will now be, if you like, the sole source of power for the appointment of the chairman of the board and the deputy chairman of the board.

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It appears to me that over its years in office the Carr Labor Government has taken the opportunity wherever possible to centralise power—

**Mr E. T. Page:** That is strange, isn't it, as we are the Government!

**Mr HAZZARD:** Speaking of animals that need conservation and animals that do not, perhaps the honourable member for Coogee might keep quiet so that debate can continue.

**Mr E. T. Page:** You have my undivided attention as long as you talk sense.

**Mr HAZZARD:** There are animals that we should conserve and some animals that we should not. The Opposition is concerned that at times during the past five years the Carr Government has sought to take over the power of various boards. Boards are expected to perform well when appointed to various organisations and the basic principle is that they should be the masters of their own destiny and have the power to appoint the chairperson and deputy chairperson. The Opposition does not oppose the bill but will see how it pans out. The Opposition wishes board members the best of success in their endeavours. Many people regard zoos as an exhibition of animals, but those involved in zoological parks throughout New South Wales regard their role as being the crucible of conservation, and that is exactly what they are. They are the core of our conservation efforts and are part of a worldwide conservation effort.

I recollect that in 1991 or 1992 I was privileged to attend Dubbo zoo with the then Minister for the Environment, the highly regarded Tim Moore, for the opening of the black rhinoceros exhibition, which was part of a worldwide campaign to conserve that animal, and the Coalition is sure the Government is committed to conservation. It was a perfect example of the way in which programs can be co-ordinated well. The program at Dubbo zoo in which the bilby is being closely monitored as part of a conservation program is the only program of its kind in New South Wales. The zoo is also looking at developing methods for artificial insemination and breeding programs for Australian native species. That will present a challenge.

As the shadow minister I witnessed the programs in that facility. I congratulate the veterinary surgeons who applied themselves with such skill and knowledge to the increasingly urgent task of conserving our native species as the pressures of urban civilisation impact more and more on them. The Western Plains Zoo not only has a conservation function; it is a major tourist attraction for Dubbo. I have visited Dubbo on a number of occasions and in fact only last Easter I visited the Dubbo area and the zoo with my two young boys, my wife and her parents. Taronga Park Zoo is also an excellent facility about which the honourable member for North Shore has spoken so highly. I cannot count the number of times that I have been to that zoo because my kids and their friends love visiting the place. I had been a member of the Association of Friends of the Zoo for 15 or 20 years and I encourage others, even if they do not often visit the zoo, to consider becoming a quasi-sponsor of the zoo by becoming a member of the Association of Friends of the Zoo, pay the fees and add to the partnerships between business, commercial enterprise and the zoo.

Tim Moore was highly regarded as Minister for the Environment. Indeed, there have been many fine Ministers for the Environment on both sides of politics, including the honourable member for Gosford, Chris Hartcher, who was committed to the conservation aspects of zoos and attended them regularly to show his support of the conservation aspects of zoos. The honourable member for Wentworthville, Pam Allan, also visited many zoos. I do not wish to personally reflect on the current Minister, but the Minister for the Environment is an important role because in the dawn of the twenty-first century major conservation, pollution and environmental issues must all be addressed.

The Hon. R. J. Debus also has the portfolios of Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts and it is ridiculous that he should also have to perform the task of Minister for the Environment. He is a capable person but the environment portfolio deserves the total focus of a Minister, whatever his or her political persuasion. I suggest to the Premier that before his Government comes to a screaming halt in a little under three years, as it most certainly will, he should reappoint a Minister who can focus completely on the environment and nothing else. I congratulate not only the staff and workers at the zoos but also the Association of Friends of the Zoo. Those volunteers put considerable effort into the zoo and have influenced its direction over the past few years. They are present on weekends showing people around, they are busy raising funds and they give support to the zoo.

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I also support the zoo's educational program. I recall how much fun schoolchildren had on visits to the zoo when I was a science teacher some years ago. We always knew that they would receive expert educational advice and learn about conservation in a friendly environment. That educational aspect was promoted under Dr John Kelly, and it has become an even greater focus and a better experience for children. I congratulate the zoo's education section and, on behalf of the

Coalition, I congratulate all those involved in the Zoological Parks Board of New South Wales. I wish them the best in their endeavours to improve conservation outcomes for all species not only in New South Wales and Australia but in the world.

**Mr DEBUS** (Blue Mountains—Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [8.30 p.m.], in reply: I thank the honourable member for Southern Highlands, the honourable member for Dubbo and the honourable member for Wakehurst for their contributions to the debate. I endorse their various comments about the extraordinary commitment of both the staff and the volunteers who serve the zoo and I look forward to a breakfast that I will attend in several weeks with a large group of those volunteers.

The main purpose of this legislation is to create a structure for the Zoological Parks Board that supports more effectively the development and growth of the board's primary activities in species conservation. The Zoological Parks Board of New South Wales is a conservation agency that has as its primary role and responsibility the preservation of animal life on earth. The board plays a major role in species preservation, protection and research and conservation education. I should mention in response to some remarks by the honourable member for Southern Highlands that, in the last budget, an additional \$3.2 million was provided to the zoo specifically for maintenance and to improve facilities. I mentioned in my second reading speech the fact that, as a consequence of the zoo's capacity to raise some Treasury-approved borrowings, Taronga zoo is well on the way to completing construction of a Sky Safari and a new cable car that will run from the wharf at Athol Bight to the top of the zoo. That will have a spectacular effect on zoo visitation rates and on the enjoyment of visitors to the zoo.

As we contemplate the future of the zoo and the necessity to both upgrade many existing exhibitions and continue current important conservation programs, it is clear that the board must be able to use its best commercial endeavours to raise significant income to fund those primary activities. The new board structure brings a range of specialist skills and commercial acumen to the task of securing financial support apart from the support that the zoo will continue to receive from the Government. The recommended board structure, which is incorporated in this bill, is clearly aimed at facilitating the delivery of significant conservation outcomes nationally and globally through effective commercial and managerial endeavour as well as allowing the zoo to continue to operate effectively in its dealings with the Government.

I point out by way of comparison that several similar boards of institutions in New South Wales comprise about the same number of members. All seven collecting and exhibiting agencies, including the Powerhouse Museum, the art gallery and the Australian Museum, have trusts comprising nine members. I understand that the Zoological Parks and Gardens Board of Victoria also comprises nine members. So our 10-member board is within the range of what one might call contemporary management practice. As the zoo is a government trading enterprise, it is also appropriate that the Minister to whom that enterprise reports should be responsible for appointing board members. That is a practice not just of the New South Wales Government but throughout government these days in those sorts of enterprises.

I will put on record the reasons why several board positions have been deleted so that that may be clear to all who have expressed concern about this move. A position that had been occupied previously by a person resident in the Orana region is no longer required. The positions on the board for people representing the Dubbo Branch of the Association of Zoo Friends and Dubbo City Council will adequately enable the board to meet the requirements and interests of the community of the western region of New South Wales. The position called "Official Member", which has been occupied by a person filling a public service position within the Minister's portfolio, was relevant when the board was a subdepartment of the Department of Lands in 1973. As the board is now a government trading enterprise and a statutory corporation that reports directly to the Minister, there is no need for a person from the public service to represent the Minister on the board.

The position that existed for an animal welfare representative is not specifically required—there has been some discussion about the deletion of this position—because all research and animal welfare issues in the zoos are covered by the Animal Research Act 1985, which is administered by the Minister for Agriculture. The Act requires the board to have a properly constituted Animal Care and

Ethics Committee involving external advisers and representatives, including at least one representative from an animal welfare organisation. The board's Animal Care and Ethics Committee has the right of veto on all animal research activities undertaken by the Zoological Parks Board. Two representatives of an animal welfare organisation serve on the committee and the committee has a broader role in the inspection of animal facilities, which it fulfils as part of its normal operations. Furthermore, the Exhibited Animals Protection Act 1986, which is also administered extremely competently by the Minister for Agriculture, governs standards of animal care and husbandry for animals displayed in New South Wales. The board is required to conform to the standards for the display and care of animals that are made under this legislation. The Department of Agriculture carries out inspections of animal holding facilities at least annually, both in connection with its statutory responsibilities for animal research and the exhibition and care of animals covered by the Acts that I have mentioned.

The new position for a person with expertise in zoology, veterinary science or animal welfare or associated research will ensure representation from one or more of these areas of expertise, but we do not propose to prescribe one in this legislation. The position that presently exists on the board for a registered veterinarian surgeon is not specifically required given the significant level of expertise that obviously exists within both zoos in wildlife medicine and veterinary care. The board has six registered veterinary surgeons on staff and it is recognised internationally for its expertise in wildlife medicine. Those are the justifications for deleting several positions that are empty at present and for creating instead a more streamlined board that will be better able to pursue and carry out the core activities of these two splendid organisations. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

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## **PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (LITTERING) BILL**

### **Second Reading**

**Debate resumed from 5 April.**

**Ms SEATON** (Southern Highlands) [8.41 p.m.]: I lead for the Opposition on this bill and indicate at the outset that the Opposition does not oppose it. Litter is one issue which affects each and every one of us. The Coalition has a proud record of taking the initiative on litter control some years ago, under the then Minister for the Environment, Tim Moore. Some of the first and most important initiatives in attempting to control littering behaviour and the effect of litter on our environment were taken in 1987 when the first on-the-spot fines were legislated. The Coalition can stand proud in the knowledge that along with community organisations, such as Clean Up Australia, it led the way on litter reduction and public education. Litter is something we would all like to see controlled as much as possible in a co-operative sense.

We all understand the impact of litter from an aesthetic, commercial and environmental point of view. It finds its way along our waterways into our harbours and oceans and can have a detrimental effect on wildlife by swamping, by destroying marine environments, or by being eaten by marine animals because it causes them bodily harm and, in many cases, death. It is pleasing that this update on littering legislation has been drafted and I understand and accept the arguments put to me by the Government that the current litter fine regime gives those who levy the fines on litterers very little room to move if they think that an offence is worthy of a fine, but perhaps not worthy of a fine of \$200.

Each year New South Wales levies 600 fines compared with Victoria which levies 3,000 fines. Clearly, New South Wales is way out of kilter. If we accept the argument that fining litterers leads to changes in littering behaviour, we will have to find a better way of doing it. I acknowledge that the provisions of this amending bill go a long way to providing the framework under which more appropriate fines can be levied on offenders. I foreshadow that the Opposition will move an amendment which will further strengthen the provisions of the bill, particularly in respect to discarded syringes and lit cigarettes in circumstances which endanger people, animals or property. The

Government has titled one area "aggravated offence" into which those two items fall very comfortably.

The former \$200 on-the-spot fine will be replaced by three new categories. The minor offence category involves a fine of \$60 for a cigarette butt and small items, such as a chip wrapper. That makes good sense, and makes it much more likely that any council ranger or other authorised officer will fine someone for such a minor offence. Previously the officer may have thought twice, and may have legitimately decided that \$200 was too much for a minor offence. Daily, cigarette butts can be seen discarded inappropriately and I welcome any provision that will give people a clear message that dropping a cigarette butt, no matter how trivial it may seem to that person, is not a trivial matter. They can be seen piled up at roadway intersections, in stormwater channels and accumulating on beaches and waterways. They are small in size but large in their impact on the environment.

The second category is for a general offence, and carries a fine of \$200 for larger items such as littering from vehicles or dropping fast-food containers. That is a reasonable amount for an on-the-spot fine of that type. The third category, aggravated offence, is welcomed and I will address that in more detail when speaking to my foreshadowed amendment. The aggravated offence which attracts a fine of \$375 is for offences which would cause harm to people, property or animals. I can imagine many such examples of littering which might involve broken glass, large pieces of machinery or a range of things which could cause that sort of harm or damage to people, property or animals.

The bill creates new offences. One targets a matter of great annoyance and concern to people, particularly in commercial areas, that is, windscreen flyers. They fly off windscreens and can be discarded by people who are annoyed at finding them. They become wet in the rain and find their way onto the tarmac or car park. Another other new offence category involves improperly delivered promotional mail, including political material, real estate advertising and menus delivered by restaurants to residences. It will be an offence to not only improperly deliver it if one is a volunteer or employee of a distribution company, but also if one is the commissioner of that delivery activity and either give people incorrect or improper instructions or neglect to give clear and proper instructions.

It will not be an offence to put advertising in letterboxes marked "No Junk Mail" or "No Unsolicited Material", but it is important to make sure that we follow through on what I regard as a blight in residential areas; that is, a build-up of catalogues or advertising material that has been put in stairwells or front gardens. That material finds its way into our stormwater system and eventually into our harbour. I understand that all these categories of offence can be dealt with by an on-the-spot fine, by penalty notice or prosecuted through the courts, depending on the circumstance of the offence. All offences are court electable by the recipient, similar to traffic fines and parking fines. However, the court fine regime is significantly higher and can incur clean-up costs and orders. Corporate fines are generally double those of individual fines.

Whilst generally acknowledging and supporting the direction that the Government has taken I would like to express some areas of concern and seek some assurance from the Minister. I am particularly interested in how this new system will apply to minors. I understand that under the current system minors can be fined or prosecuted in the Children's Court depending on the type of offence. I am assured that with children aged 10 to 14 years it will be necessary to prove that the child knew that his or her littering behaviour was wrong and unacceptable. For minors aged between 14 and 18 years, it is generally presumed that the child would understand the nature of his or her behaviour and that it constituted an offence.

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There is a presumption that those people who are in a position to issue fines are well-trained and exercise their duties with a degree of commonsense. I will return to that later.

Another issue of concern relates to the improper delivery of promotional mail. Again, I seek some assurances from the Minister. Australia Post has been mentioned as an example. Australia Post delivers mail to a mailbox which it considers to be its province. It finds that the mailbox is full of direct mail and promotional flyers. It removes what is in the mailbox, discards it or puts it somewhere

inappropriately, then puts the addressed mail in the mailbox. Under this legislation that would constitute an offence. I would be interested to know how the offence would be prosecuted. What would happen in a case in which a business vexatiously removed a competitor's material, which had been properly delivered, put it in a place that would constitute an offence, and then put its own item in the receptacle? Would the person who had properly delivered its mail but had the material dumped elsewhere find himself liable to a fine or prosecution? I seek an assurance from the Minister on that important question. It is possible that people who have genuinely done the right thing might find themselves, as a result of vexatious behaviour or even accident, in receipt of a fine. I would be interested in the Minister's comments.

Many people who are intellectually disabled work in mail distribution businesses in supported employment. I have met such people in the former electorate of Goulburn. Will these people who deliver direct mail be liable for putting it in exactly the right place, for understanding and implementing instructions that may require a degree of discretion—such as whether a mailbox was broken or had a lid? Can the Minister give me an assurance that people with intellectual disabilities will not be disadvantaged by this new regime? Equally, would the employers of people with intellectual disabilities, such as Endeavour Industries and Beehive Industries, who genuinely give instructions and training to those people, be disadvantaged unnecessarily if the instructions are not understood and an offence is committed? The supported employment opportunities that are provided by industries such as Endeavour Industries and Beehive Industries are worthwhile. They provide significant employment opportunities for a range of people with disabilities in our community and should not be disadvantaged by these provisions.

I now refer to the important issue of training. A non-statutory task force and eight components of advertising and public information campaign accompany these provisions. Out of a total of \$3.6 million for advertising and public information, \$2.2 million will be involved in a public education campaign. That will be targeted to small and medium-size businesses which manage their own distribution rather than hire contractors to deliver mail. Some of it would go to the training of local government officers and others who become authorised officers under the bill. I seek further details from the Minister about the training program. I have already asked how the system will apply to minors, what commonsense and cautioning will be used, and if discretion will be applied in offences that involve people with intellectual disability or their employers. The training of those authorised officers should be of sufficient quality and cover New South Wales widely. Then we could be confident that people with genuine concerns, who should be given the benefit of the doubt or a caution or word of advice rather than a fine, are treated accordingly.

The number of government agencies that provide authorised officers will be extended. They include councils, the Darling Harbour Authority, Sydney Water and Hunter Water. Authorised officers will be able to fine or prosecute litterers on State or public authority land. I seek the Minister's clarification in respect of the example of a National Parks and Wildlife Service officer littering in a national park. In such a case, could a National Parks and Wildlife Service authorised officer follow up that offence? Similarly, if a council-owned truck spilled its loaded or littered an area, who would be the authorised officer to prosecute that offence, particularly in country areas? There are significant points in favour of this legislation. More flexibility will be given to those who enforce these provisions. The range of more appropriate fines will encourage a greater number of fines. That increased capacity to fine people will change littering behaviour and could save millions of dollars in clean-up costs that councils shoulder on a daily basis.

I put the Government on notice about my other concerns relating to stormwater pollution and the Government's management of it. The link between litter and stormwater pollution is clear. By removing litter from the stormwater stream we will make significant improvements to the quality of our waterways and beaches. Once again, I raise the issue of the stormwater trust. These provisions alone cannot fix our stormwater pollution entirely. Sewage and other effluent contributes to stormwater pollution, which will not be touched by these litter provisions. I continue to be disappointed about the Government's performance on the stormwater trust. I have raised the matter before.

The \$60 million that was promised over three years has not been forthcoming in its entirety. The allocation in the third year should have been \$40 million. In the last budget the allocation was changed to \$40 million over the next two years. That considerably lengthens and waters down the

Government's commitment. When the Minister was asked about it in the estimates committees he said that if one had read the fine print the allocation was "up to \$60 million". That is not what the Premier said publicly. The Premier talked about \$60 million. No more, no less. I put the Government on notice that people expect it to follow through on that promise. Unless we see that \$60 million spent sufficiently and properly and in its entirety, we will not go anywhere near to fixing the stormwater pollution problem.

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Littering is an important aspect of the bill, but it is not the only aspect. Waste minimisation is vital. The metropolitan waste boards have indicated that they will not reach the targets set by the Government in reduction of the waste stream. Earlier this year it was announced that, for security reasons, no garbage bins would be installed in Olympic venues. Although I would not want to second-guess security experts, this move could have quite concerning consequences. People who visit the Olympic venue and enjoy the Olympic Games could keep their litter with them. When they head home, perhaps on a train or a bus, they will deposit their litter at the first opportunity in a bin outside the Olympic precinct.

If the council areas that are immediately adjacent to the Olympic precinct are not able to plan ahead and provide more bins litter mountains will develop. Councils outside the Olympic precinct could be unfairly burdened with an explosive litter problem during that period. I put the Government on notice that this is an important issue. I would like assurances that adequate provisions will be made for the proper collection and adequate disposal of litter from local government areas that could find themselves subject to litter mountains because they have the first available bins outside the Olympic precinct.

I would like further assurances that people will not be unfairly fined and prosecuted for littering offences. The Opposition is pleased to see that there will be some changes to the litter legislation. I sincerely hope that they result in less littering, that people think twice about littering with anything from a dumped car to a cigarette butt. During the Committee stage I will move my foreshadowed amendments. I hope that honourable members support them. I thank the Government and the Minister's staff for the time they spent talking with me about the bill and listening positively to some of the matters I raised with them.

**Mr GREENE** (Georges River) [9.02 p.m.]: It is with pleasure that I support the bill. In January this year, when the Premier announced that a package of measures would be brought forward to control littering, I was one of the many who raised a hearty cheer. The community has become increasingly frustrated with the apparent disregard for our environment, highlighted by the proliferation of litter that we see in our streets and parks. The bill is a demonstration of the Government's commitment to address this important issue. Honourable members would be aware that the name of my electorate is drawn from the river that was first explored some 200 years ago by Bass and Flinders. The same Georges River is now the focus of various clean-up campaigns.

The State Government has committed funds to stormwater management schemes to try to control the impact of litter on the river. Last year Hurstville City Council collected 20 tonnes of litter from just one gross pollutant trap in one stormwater system. This is rubbish that has been carelessly cast aside by those who give no thought to their reckless behaviour, and certainly no thought to the impact this litter has on the river. Of course, this example is repeated throughout the State. Tonight we are reminding these litterbugs of the consequences of their actions. Although the Government has committed enormous resources to protecting our environment, and stormwater trust grants are merely one example of this, legislation is attacking the problem at the source.

The bill will improve the regulation of littering in the following ways. It significantly expands the definition of "litter". The current definition hinges on whether the material being deposited is deemed to have value. The new definition identifies clearly the range of things that can be considered as "litter". It provides flexibility in respect of the severity of littering offences, and hence the fine the offence may attract. For example, dropping a small item will attract a \$60 on-the-spot fine; throwing material from vehicles will attract a \$200 on-the-spot fine; and littering in a way that may harm people, animals or property will attract a \$375 fine. The bill will provide new measures to deal with littering as result of the distribution of advertising material, and will create provisions to

enable the prosecution of littering offences on private land, but in doing so will protect the right of the custodian of that land.

The bill will also make consequential amendments and will clarify the role of local councils as an appropriate regulatory authority with respect to public lands. For the law to work as an effective deterrent to littering there must be a real perception in the community that the behaviour will not be tolerated and may result in a fine. The legislation provides that deterrent. In 1997, with the introduction of the Protection of the Environment (Operations) Act, the Carr Government made it possible to effectively identify and fine people for littering from cars. This time we are targeting all types of littering, large or small. I am particularly pleased that the foreshadowed amendments recognise that littering can be dangerous. Broken glass and other sharp objects recklessly thrown away are real dangers, particularly on beaches, in harbours and rivers. That kind of behaviour must be met with a strong response, and that is what we have before us.

I am also pleased that the Minister for the Environment recognised that the littering problem extends beyond public lands and waters. Litterers should not avoid penalties merely because their grubby habits happen to take place on land held in private hands. This also applies to advertising material. The legislation goes a long way to stop the proliferation of advertising material that we see dumped carelessly on fences, thrown onto lawns in the front of properties, or often just cast aside on footpaths and left to pollute the properties of private individuals. As mentioned previously by the honourable member for Southern Highlands, this material ends up going into our rivers. I am sure all members of the Opposition would agree with me.

In addition to this legislation, the Government has committed itself to a large-scale, public education initiative, including mass media, council education and industry education, support for community-based organisations to run local anti-litter programs and the establishment of a task force to improve public authority management of littering. We all remember the fantastic impact the "Do the Right Thing" campaign had on people to make them aware of their responsibilities for reducing litter. The new education program to be run over three years will, hopefully, produce similar results. The annual clean-up days are a perfect example of the community actively supporting clean-up programs. Financial support will be offered to non-government groups, such as Keep Australia Beautiful, to run specific projects.

Community involvement is vitally important, as it also reinforces the educative process and the sense of civil responsibility as communities take responsibility for preserving their environment. The task force from government agencies will also have a significant role to play. Led by the Environment Protection Authority and including representatives from the State Rail Authority, the Roads and Transport Authority, the Waterways Authority and local government, this group has responsibility for large tracts of land and, hopefully, they will produce strong and effective anti-litter campaigns. I believe the legislation provides effective measures for control of litter. I commend the Minister for his action.

**Mr BARR** (Manly) [9.08 p.m.]: I support the bill. Litter is a serious problem. Not only is it unsightly, but broken glass, syringes and the like pose a threat to public health. It is also a threat to wildlife. Many fish and whales have been found with plastics and bits of balloons in the oesophagus. Litter ends up in waterways via the stormwater drains. It is expensive. In my electorate it costs approximately \$1 million per year to keep The Corso clean because of the large number of tourists, the consumption of takeaway food and the like.

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This bill defines "litter" to include, among other things, cigarette butts, garden remnants and clippings, as well as paper, food and all the usual sorts of things we consider to be litter. What it does not do is capture upstream diffuse source pollution. According to data from Clean Up Australia, we are one of the worst conspicuous consumers in the world and the second highest producers of waste per capita, behind the United States of America. Australians send 18 million tonnes of waste to landfill every year; that is equivalent to one tonne for every man, woman and child; we use six billion plastic bags every year; one-third of domestic waste is made up of packaging; and, of course, waste in landfill is an important greenhouse gas emitter. According to figures from Clean Up Australia, in the 1997 campaign plastics made up 35 per cent of total rubbish collected, including polystyrene; paper, 18 per cent; metal and aluminium, 18 per cent; and glass, 15 per cent.



Of the 86 types of rubbish collected, cigarette butts were the most common item removed from the environment comprising 9 per cent of the rubbish surveyed after the Clean Up Australia campaign. The honourable member for Southern Highlands mentioned that our waste and litter ends up in stormwater. Gross pollutant traps catch 250 kilograms of litter per hectare per year in urban areas, of which 70 per cent is leaf litter; 25 per cent is litter, much of which is drink bottles; and 5 per cent is sediment. Each kilogram of sediment within a gross pollutant trap contains 10 milligrams of nicotine. This is the cumulative effect of people dropping cigarette butts, which are then washed into our waterways, causing a build-up of nicotine. Cigarette manufacturers not only are purveyors of a highly toxic and addictive substance that causes serious disease, but are amongst the worst culprits of environmental litter.

I am indebted to Professor James Ball, Associate Professor of Civil and Environmental Engineering, University New South Wales, for providing the following figures: in residential areas 0.7 of a cigarette butt can be found per metre of gutter. As gutters are on each side of the road, that means for every metre of residential road there is 1.4 cigarette butts. In shopping strips there are four to five cigarette butts per metre of gutter, which equates to eight to 10 butts per metre of road. Cigarette butts take between one and five years to break down. Apart from what they do to the health of individuals, they constitute a serious environmental issue. It seems that those who smoke cigarettes believe they have the right to throw their butts wherever they please. We must launch an effective public education campaign to correct that problem.

I have no problems with the bill except that it deals only with the tip of the iceberg—treating the symptoms rather than the disease. The disease is that we have a serious waste stream problem and this bill talks about the end of the line. It talks also about the tidy town approach and it is important that people consider their local environment, do the right thing and put litter in the bins but, of course, that litter ends up in landfill anyway. The crucial issue is to first reduce the amount of waste. We should focus more on waste reduction and bring manufactures of packaging to book. We should make them much more responsible for the waste they generate. We should have container deposit legislation. We should look also at the source of waste from the household down. We should encourage people to be more conscious of waste and the way they dispose of it.

I shall give the House a simple illustration. Stormwater drains in gutters near our homes often are used by people to throw away litter. I believe the public is becoming more aware that that should not happen and that the stormwater drain should be for urban stormwater run-off and nothing else. However, often street vegetation drops leaves, berries and so on, which end up going down stormwater drains. Local councils with government assistance must devise street sweeping programs to prevent this from happening.

Research conducted by Professor James Ball is based on preventing waste material getting into stormwater drains. The bill is fine, as far as it goes. We should be proud of our environment and of minimising our litter, but we must look at the waste issue in the broader context. We must look at waste reduction, which means more serious things than merely fining people for chucking a cigarette butt or for failing to put something in a bin. We must look at our whole pattern and consumption style and make manufactures of packaging more responsible for what they do.

**Mr HAZZARD** (Wakehurst) [9.16 p.m.]: As indicated by the shadow Minister for the Environment, the Opposition will not oppose the Protection of the Environment Operations Amendment (Littering) Bill. In fact, the Opposition will move amendments to the bill and I understand the Minister has negotiated with the shadow minister in that regard. I am pleased that there has been that level of co-operation to ensure a couple of important amendments will pass through the House. Whilst the Opposition does not oppose the bill, I wonder whether the Government is serious about addressing environmental pollution in so far as litter is concerned. This bill contains nothing that guarantees moneys being spent on educating the public about littering problems. I know the shadow minister has had a briefing from the Minister's office and there have been some indications that \$2.2 million will be spent. I ask the Minister to inform the House over what period those funds will be spent.

**Mr Debus:** It is \$3.6 million actually.

**Mr HAZZARD:** Over what period?

**Mr Debus:** Three years.

**Mr HAZZARD:** Will that be an ongoing commitment? It all comes down to changing people's attitudes about littering. The history of the enforcement of littering has been a sorry saga. This Government has been particularly guilty of grandstanding when it comes to promising enforcement proceedings for littering. The Minister's predecessor, the honourable member for Wentworthville, at one time must have read headlines in *USA Today*—which are now readily accessible on the Internet—that highlighted major concerns in the United States of America about the billions of cigarette butts that end up in its waterways. It is difficult for me to find any points of agreement with the honourable member for Manly, but on this particular occasion—

**Mr Mills:** That's a first in this Parliament.

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**Mr HAZZARD:** It is. It is probably the first time that I have agreed with anything he has said. The *USA Today* article of about three years ago pointed out that the problem for the environment and for the food chain and for ecological sustainability was increasing and becoming out of all proportion. The United States of America was implementing various education campaigns to try to make sure that people understood that dropping cigarette butts had far greater consequences than just dropping a piece of litter on the ground. At least paper is generally biodegradable. Although it may cause problems there is a hope that it will eventually disappear.

Unfortunately, when nicotine breaks down it has all sorts of environmental and ecological impacts. Two-and-a-half to three years ago the then Minister for the Environment, Pam Allan, and Bob Carr were doing what Bob Carr does particularly well—grandstanding, beating his chest and pumping up the rhetoric, and basically giving the community a whole lot of hogwash. He stood there on the pavements in Sydney with Pam Allan at his side and announced, "We are going to crack down on pollution by people who throw cigarette butts in and around the streets of Sydney." I do not think he got outside the streets of Sydney, because he is pretty Sydney-focused. He was not even thinking about the country regions and the effects on the waterways there.

What was the net result? He told us that Environment Protection Authority [EPA] and council officers and other authorised officers would conduct a massive campaign. People would stop their cigarette butt throwing activities because the Government would make sure that cigarette butts are no longer thrown on the streets of Sydney. Rubbish! So much rubbish came out of the Premier that we still have rubbish on the streets. There has been no increase in the penalties imposed on people. From time to time when Opposition members have tried to obtain information from the Government on whether there has been some sort of massive increase in penalties imposed we have been stonewalled.

The shadow Minister for the Environment said tonight that she has been informed by the Minister that 600 penalties were imposed—600 lousy, measly little penalties—in New South Wales last year. Seriously, if 600 cigarette butts were prevented from being discarded that leaves probably a couple of hundred million that were thrown last year. We have to seriously question whether this legislation is anything more than dressed up rhetoric, a continuation of the do-nothing response of this Government. As I said, if we accept that there are a whole range of arguments why people still litter with cigarette butts, the first one is probably that they do not get caught. An EPA or council officer cannot follow every car around Sydney.

Secondly, as the Minister has apparently told the shadow minister, some officers are reluctant to impose fines. If that is right, surely the answer is not so much trying to pretend that we are going to hit people over the head, as this bill does, but rather getting on with the advertising campaign, the educational campaign to make sure that the message is getting into the schools and the community that littering is an important problem because it has major ramifications for all parts of the ecological chain. The Carr Government has imposed more and more requirements on council officers. Provisions in the bill clearly raise the expectation that council officers will be one of the groups of people expected to enforce the new provisions.

What money is being given to the councils to educate their officers about the need to do it, to develop programs whereby councils can address the issues properly? The bill provides no money. It is

another case of shoving another responsibility on local government. I am sure that some Labor members have come through local government. They probably have not thought about it yet because they have all been given their standard ministerial brief and they are going to stand up and give their standard ministerial speeches. But if they had thought about it they would have been asking the Minister questions in caucus about why he is not backing up local government, which is at the coalface of the fight.

In the Manly Council area on any Friday or Saturday night the takeaway food shops do a roaring business and there is a lot of refuse on the pavement up and down The Corso. It is an appalling situation at 10 o'clock at night. I do not blame the council, because it cannot have officers there at that hour to clean up unless some special funding is given by the State Government to make sure that this hot spot for litter is dealt with before it rains. I have seen The Corso with litter that is absolutely appalling. Down comes the rain and off it goes. I congratulate Manly Council on its efforts. It has had some innovative ideas. It has installed stormwater devices to catch some of the litter so that not all of it reaches our waterways, but quite a bit does.

I know that it is hard to get money out of Mr Egan. He is much more into dragging money in from people than giving it out for any worthwhile programs. If the Government wants councils to do the job it should provide money for education of the community and for training of officers. If we do not the bill will have absolutely zilch effect and in a couple of years we will all be back here talking about the number of penalties increasing from 600 to 601. Meanwhile our local streets will still have litter and we will know that nothing productive has come out of this bill.

This bill deals with littering. What is the thing that probably causes people more concern these days, sadly—certainly if they live in a beachside area as I do, with the Warringah, Manly and Pittwater areas nearby? People have to warn their children not to jump off seawalls onto the sand because there are syringes on the beaches. Sometimes they are dropped on the beaches; sometimes they are washed-up through the stormwater system, which the Government is yet to address. Sometimes they are simply left on the beach by people who shoot up at night. They go down to the beach and sit on the sand beyond the seawall and shoot up.

It may be a very hopeful expectation that specifically categorising a penalty for the dropping of syringes will somehow change behaviour. But that is what the whole bill seems to be predicated on. The Government is saying that if we increase fines it will change behaviour. If it will have an effect just on dropping papers and what have you, maybe there is a remote chance that people who shoot up with drugs might think twice if they run the risk of being given a substantial fine. As a result of the amendments that the honourable member for Southern Highlands will move people would be liable for a fine of a minimum of nearly \$400 for dropping a syringe in a place where it would be considered circumstances of aggravation.

There is at least some chance that those people may think twice before they drop a syringe and endanger members of the public, particularly kids, on beaches, in back streets and in gardens. Only a few months ago three or four young children had syringes go into their feet while walking through gardens and on beaches. An athlete at a surfing competition at, I think, Bells Beach in Victoria trod on a syringe. It is a big issue and I congratulate the honourable member for Southern Highlands on having the forethought, which the Government did not have with all its resources, to raise this issue and propose the amendment.

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I suspect that the banning of advertising material on cars will not work. From time to time samples in plastic envelopes are placed under the windscreens of cars. New section 144A defines advertising material has any paper product, including a leaflet, brochure or magazine, or other material thing, although I am not sure what that means.

**Mr Debus:** It means a bit of plastic.

**Mr HAZZARD:** The Minister did not say that in his second reading speech but he has now clarified it. If a material thing includes plastic, I congratulate the Minister and Parliamentary Counsel, who in their infinite wisdom came up with that new definition. Materials other than paper should also be included, and the bill should stipulate basically any paper product or any other thing placed under a windscreen, which can all be classified as litter because "material" does not have any meaning in law.

I suspect that businesses will become more innovative and deliver their message by placing them in plastic and putting them windscreens. I wish the Government well. I hope the legislation works but I do not think that it will.

**Mr COLLIER** (Miranda) [9.32 p.m.]: It is with pleasure that I speak in support of the Protection of the Environment Operations Amendment (Littering) Bill. In January the Premier announced a new package of measures designed to deal effectively with the problem of litter. The package includes, first, a large-scale, three-year \$3.6 million public education initiative, including mass media council and industry education. The second part of the package provides support for community-based organisations to run local anti-litter campaigns. The third part of the package involves the establishment of a task force to improve the management of litter by public authorities such as the Roads and Traffic Authority, State Rail, the Waterways Authority and local government. This bill is a key part of that comprehensive package. The bill is a major step forward in dealing with the problem of litter in all its forms—on our streets, in our waterways, on our cars, and in open, private and public places. Statistics suggest that the current legislation, which introduced on-the-spot fines for littering in 1989, is not acting as a deterrent to those irresponsible people who litter our streets. Over the past 10 years the level of on-the-spot fines in New South Wales has averaged around 600 to 700 per annum. In Victoria, which has a smaller population, more than 3,000 on-the-spot fines were issued in 1998 alone, that is five times the number in New South Wales.

Another problem with the existing legislation is that the definition of litter is far too narrow. The current definition of litter, and hence the possibility of a fine being imposed, depends upon whether the material that is discarded is deemed to be something of value, and this obviously poses problems for law enforcement officers. All this serves to explain what many of us observe day in, day out with our own eyes: that many people in our suburbs regard littering as an offence that is unlikely to attract a fine. Therefore, it is not surprising in my electorate to see drivers tossing cigarette butts out of car windows when they are stopped at traffic lights at the corner of The Boulevarde and the Princes Highway, Gymea. It is not surprising to see thoughtless teenagers dropping McDonald's wrappers on the streets of Miranda or recreational boat users tossing drink cans and beer bottles out of their boats into the shire's magnificent waterways, such as Yowie Bay. People do this because they feel they are unlikely to be caught and fined and, in any event, any fines they cop are likely to be relatively small.

This bill significantly expands the definition of litter to include any solid or liquid domestic or commercial refuse, debris and rubbish, glass, metal, cigarette butts, food and fabric, paper, soil and rocks, abandoned vehicles, vehicle parts, and so on. This new definition clearly identifies the range of things that can be considered as litter. It is more practical and more workable and because the definition no longer relies on the material being of value, it will make the proposed Act easier to enforce. The bill creates a new general offence of littering. It applies to any person who deposits litter in or on a public place or in an open private place. The concept of an open private place is a fundamental new feature of this legislation. It includes, for example, the front lawn of a private residential property or a vacant block of privately owned land.

**Mr Fraser:** You are not reading that, are you?

**Mr COLLIER:** No, I am referring to my copious notes. The bill makes it an offence to litter on private land without the consent of the owner or the custodian of that land. That is welcome news to those who own land on which they propose to build their own homes; those who find garden waste, lawn clippings or car parts dumped on the site of their dream home and have to bear the cost of removing someone else's rubbish. This bill addresses that problem. The bill provides for three levels of fine according to the severity of the offence. The first level involves the littering of small items such as bus and train tickets or confectionery wrappers, which attract a fine of around \$60. The second level applies to the offence of general littering and littering from motor vehicles. The bill also provides for separate penalties for those thoughtless persons who throw cigarettes from their vehicles. It clearly distinguishes between penalties for unlit cigarettes and lit cigarettes. We have often heard of cases in which bushfires have been started by persons throwing lit cigarette butts out car windows. The residents of the Sutherland shire, with its beautiful Royal National Park, well remember the tragedy and devastation caused by bushfires, which are often started by a cigarette butt tossed from a moving vehicle.

The third level involves the creation of a completely new offence called aggravated littering, that is, in circumstances in which the litter caused or contributed to appreciable danger or harm to any persons, animals, premises or property or was likely to do so. The maximum penalty for the offence will be 50 penalty units when committed by a corporation, currently \$5,500, or 30 penalty units when committed by an individual, currently \$3,300. I welcome this provision. It is not hard to imagine situations in which unscrupulous persons deposit rubbish, refuse and litter of one kind or another, thereby endangering the general public. Not long ago in my electorate a young boy who was aged three years was walking with his parents on Silver Beach at Kurnell when he stepped on a needle. The prospect of HIV was raised and that young boy and his parents went through hell for three months awaiting the outcome of a test. Fortunately the test proved negative but that family now has to wait another three months. It would appear on any fair reading of the bill that the offence of littering in circumstances of aggravation would cover a person throwing a used syringe on a beach or a public street because indiscriminate littering could cause or contribute to appreciable danger or harm to any person.

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This bill is also important in that it deals with the way in which certain advertising material is distributed. Distributing printed material is obviously an important aspect of the promotional programs of many businesses, including those in my electorate. Unfortunately, that printed material is often distributed by persons who are not familiar with the industry standards regarding distribution. Promotional material, brochures and flyers are often stuck in fences or deposited in such a way that they can easily blow or wash away. That kind of littering contributes significantly to stormwater pollution of our waterways. Significantly, the bill does not limit the capacity of businesses to distribute promotional material directly, but instead introduces sensible measures to prevent irresponsible distribution. For example, it will be an offence to deposit any advertising material in a public or private place other than in a letterbox, newspaper receptacle or under the doors of any premises.

Another feature of the bill that is significant from the point of view of my constituents is its prohibition on the placement of advertising material on vehicles. One often gets into one's car at the railway station car park on a cold, wet winter's night and finds advertising material stuck on the windscreen, which one must then get out of the car to remove. That practice creates two problems: first, people returning to their vehicles are annoyed about receiving unsolicited advertising and discard it; and, secondly, the material often blows away and ends up in the street, the car park or in our stormwater drains. The bill will encourage distributors of that type of material to distribute it in a manner that reduces harm to the environment and improves public amenity. For instance, leaflets may be offered to people who are then free to accept or reject them. Many responsible advertisers already use that approach.

Consultation with key industry bodies has revealed general support for the direction of these reforms. Littering is a problem in the Sutherland shire. Each year tonnes of rubbish are collected from our streets and our waterways by clean-up groups. I refer not only to those who collect litter on the annual Clean Up Australia Day but to groups such as Bushcare and the gardening clubs in my electorate—there are some in Como and Miranda—that beautify the railway station surrounds and keep public areas neat and tidy, adding to the amenity of the suburb. I take this opportunity to thank those groups for their efforts in cleaning up the streets, parks and station surrounds. This bill is an important step forward in helping to keep the Sutherland shire litter free. I commend the Minister for the Environment for his efforts, and I support the bill.

**Mr RICHARDSON** (The Hills) [9.43 p.m.]: I concur with those honourable members who have tonight expressed concern—indeed, outrage—at the extent of littering in Sydney and across New South Wales. We live in a beautiful city and a beautiful country and it is a great misfortune that some of our fellow citizens do not do the right thing by dropping litter in the bin and showing the same degree of concern for the environment as do most citizens of New South Wales. Unfortunately, a little litter goes a long way. Having said that, I must express some concern about certain parts of the bill before the House, particularly those relating to the depositing of advertising material. It appears that the bill has been drafted in haste. The honourable member for Wakehurst is a lawyer and he has expressed some concerns about the lack of definition provided in the bill. I wonder whether the legislation will prove to be some sort of legal nightmare or another example of the nanny state, which the new President of the Law Society, Jon North, spoke about so eloquently earlier this year. The

depositing of advertising material is a serious issue; I do not think anyone denies that. In his second reading speech the Minister for the Environment said:

I acknowledge that distributing printed material is an important aspect of the promotional programs of many businesses.

He continued:

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

I have had some experience with letterboxing in my association of more than 25 years with the Liberal Party and it is often the professionals, the members of the Australian Catalogue Association and the Distribution Standards Board, who are the worst offenders. I do not think there is a member who has not, at one time or another, had his or her campaign literature simply dumped rather than deposited in letterboxes.

**Mr Debus:** You should get your branch members to do it.

**Mr RICHARDSON:** That is a concern. The honourable member for Southern Highlands observed that in her electorate many distributions are carried out by handicapped people from Endeavour Industries. In my electorate, many senior citizens do this work to earn a little extra income. Those are the people who will be in the firing line not because they do not do the right thing but because somebody else does not. That is unjust legislation and it will be unjust law if it is applied in the way in which the Minister has intimated. For example, what will happen if material is removed by someone else? The honourable member for Southern Highlands mentioned a business competitor or a political opponent. Members should not claim that that never occurs, because I know that it does. A distributor who does the right thing and puts the material in a letterbox could still be fined. The legislation does not actually use the word "letterbox"; it refers to:

a receptacle that is provided for the deposit of mail or ... a receptacle that is provided for the deposit of newspapers, or ... under the door of any premises.

I wonder what would happen if a letterbox is knocked over. Unfortunately, that occurs frequently in my electorate. That seems to be the big thing of the moment; perhaps other honourable members have experienced a similar phenomenon. Young blokes come out of a pub or club and knock down letterboxes on the way home. If a letterbox is knocked down and damaged or even stolen, the owner might put a bit of pipe or a brick in its place. Does a brick constitute a "receptacle"? I have looked at the definitions and they do not say that; a receptacle is a receptacle. Perhaps a distributor will be fined for putting letters and advertising material underneath a brick, even though he or she did the right thing and attempted to place the material where the owner of the property intended it to be placed.

The legislation also states that advertising material may be placed under the door of any premises. It is not always possible to do that—and I speak from experience in that regard. Sometimes a draft excluder prevents one from inserting material under the door and one must put it under the door mat. Does a door mat constitute a receptacle?

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Through no fault of their own people will be fined, and that will cause them distress. They will not necessarily be able to do things themselves, and that is another concern about this legislation. New section 146A (3) deals with exceptions. It provides:

This section does not apply to the deposit of:

- (a) any newspaper, or any material folded or inserted in a newspaper,

I presume that the Government does not want to offend the publishers of the *Sydney Morning Herald* or the *Daily Telegraph* in relation to newspapers being thrown on front lawns. Of course honourable members get a lot of free giveaway newspapers. I have observed that they very often get blown away. Sometimes about 64 pages blow down the street—and they can go a long way! That may well be because the newspaper has not been placed in an appropriate receptacle. That can be done with impunity. Under this legislation that is not a problem because it is a newspaper. What is the definition

of "newspaper"? Does it have to be a certain size? Does it have to be printed on newsprint? If it is printed on something other than newsprint, does that not constitute a newsletter?

**Mr Mills:** Is it different if it is rolled up in plastic?

**Mr MERTON:** That issue is not addressed by this legislation. The Government will find problems associated with this poorly crafted legislation. This legislation has some significant problems potentially for the courts and certainly for those who are administering it. As the honourable member for Wakehurst said, councils will not be given any extra money for administering the legislation. It seems to me that justice will not be done to the distributors of this material. Many of them may well be educated and go through the training programs mentioned by the Minister in his second reading speech but through no fault of their own they may have transgressed the legislation. Is an appropriate defence that they acted in good faith? Will the Minister address that matter in his reply because it is rightly a concern to every honourable member of this Chamber.

**Mr BARTLETT** (Port Stephens) [9.52 p.m.]: I am pleased to speak in support of the Protection of the Environment Operations Amendment (Littering) Bill. This bill significantly expands the definition of litter, and many speakers have spoken about that expanded definition. The current definition hinges on whether the material being deposited is deemed to be of value. The bill provides flexibility in respect to the severity of the littering offences. As has been said before, dropping a small item will attract a \$60 on-the-spot fine, throwing material from a vehicle will attract a \$200 on-the-spot fine and littering in a way that may harm people, animals or property will attract a \$375 fine. As previous speakers have also mentioned, the number of fines currently being imposed in New South Wales is about one-sixth of the number being imposed in Victoria in any given period. It would appear that one reason is the lack of flexibility on the part of enforcement officers to match the severity of the offence with the level of the fine. Presently there is only one level of fine. This bill deals with the introduction of three levels of fine for minor, general and aggravated offences. Later on in my speech I will talk about the depositing of leaflets on vehicles.

For the past 40 years I have been a resident of Port Stephens. As a jogger and a surfer I have spent many a happy hour on the magnificent beaches of the electorate. I have trodden on a broken whisky bottle top and badly slashed my foot. I would continue to walk along the beautiful beaches of Port Stephens and, without a doubt, every day or second day either at One Mile Beach or Birubi Beach I would pick up pieces of broken glass stubbies. Yet it is one of the most beautiful environments in the world. Public education alone does not result in the abolition of littering. Neither will this bill and the range of fines it allows. The changes to the definition of litter should give those local councils that target littering much more flexibility. Port Stephens has urban areas surrounded by rural areas close by. I will use Stockland Beach as an example of what has happened in the past with littering. Stockland Beach is a magnificent playground for Port Stephens and The Hunter—19 miles of uninterrupted beautiful yellow sand, large and imposing mobile sand dunes, fringed by a forest of blackbutts and other eucalypts. The Newcastle suburb of Stockland is at the southern end of this speech; Birubi Point and Anna Bay are at the other. It is a wonderful place for a future national park.

Unbelievably, historically it has been used as a dumping ground with hundreds of dumped vehicles in the fringe forest, broken glass on the foreshore in huge piles and the litter of camping groups dumping garden and household waste to avoid waste management fees. The honourable member for Baulkham Hills mentioned that we are putting too much onus on the ordinance officers with no funding going in the direction of councils. In fact it was the ordinance officers of Port Stephens Council that started the Stockland clean-up day, which has gone on for a number of years. They patrolled the beach on regular occasions and saw the amount of litter there. To give the House an idea of the volume of litter I am talking about, the Stockland clean-up day started on Sunday 14 October 1996 in response to a concern by rangers as to the condition of the beach.

The total participants and the amount of tonnage involved are as follows. In 1996, 400 people turned up to clean Stockton Beach. They collected 13 tonnes of waste. In 1997, the second year, 500 people turned up and collected 14 tonnes of waste. In 1998, 450 people turned up at the same beach. It was advertised in the local area and on the local press. People from as far away as Dubbo and Sydney in their four-wheel drives cleaned up the beach. In the third year they collected 65 tonnes of waste. Some of the waste was taken away from the residents of tin city, which is a little camping ground for

overnight fishermen. In 1999, 350 people cleaned up 25 tonnes of waste from exactly the same beach that I have given the figures for for the past four years.

The reason only 300 people turned up last year was because it was a rainy weekend. Every year people come from Fern Bay, Saltash, Anna Bay, Dubbo and Sydney in their four-wheel drives and with trailers and cart all this garbage off the beach. It is one of the most beautiful environments one could find in the Hunter region for people with four-wheel drives. That is the sort of problem we are addressing. Broken glass drives me absolutely mad. I have spent four hours on one little sand dune which was no longer than the distance from the end of the table in the centre of the House, where I am standing, to the Speaker's chair and I have picked up broken glass for four hours.

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The members of the Tidy Towns program in my region do a wonderful job, as do the participants in the Clean Up Australia Day and the Stockton Beach Clean Up Day. Before the Tidy Towns judges visit each town the local communities clean up their areas. Two years ago and 12 months after cleaning up the roadside, on the side of the road from Salt Ash to Tanilba Bay, a distance of six to eight kilometres, a lady picked up 600 stubbies and bottles. That is an indication of the amount of rubbish that people throw from their cars. The honourable member for Manly referred to the impact of cigarettes and the like on the environment. Discarded glass in a country electorate is a sad indictment on the way that people treat the environment.

I thank the Tidy Towns volunteers for their work and advise them that the Government is trying to help. I come from an education background and hope that the advertising leaflets will educate people about littering. But many members of the community still have not got the message. I am pleased that fines will be flexible. The Government will work with the direct marketing industry to promote its voluntary codes of practice and training is proposed for authorised council officers. The council ordinance officers will appreciate the flexibility of those powers; the \$200 fine for discarding a cigarette butt is quite severe. Supporting community groups, such as Tidy Towns and local service organisations, will run small anti-littering programs in problem areas.

My pet hate in regard to littering is broken glass. Because of the amount of garbage dumped in the Stockton area, we should consider a program under which a fee is paid for returning a car or refrigerator for recycling; for example, \$25 for a refrigerator or \$50 for a car that is taken to a recycler. That fee could be built into the product so that there is an incentive for returning it rather than dumping it in the bush. This is only a small step, but one that is well worth taking and may help alleviate the problem.

**Mr MILLS** (Wallsend) [10.03 p.m.]: I am pleased to support the Protection of the Environment Operations Amendment (Littering) Bill. I compliment the Minister, the honourable member for Miranda, the honourable member for Southern Highlands, and the honourable member for Port Stephens for carefully outlining the positive aspects and importance of the bill. A number of the speakers on the other side of the House have been supportive, if that is the correct term, but a little critical and I will address some of their comments. The honourable member for The Hills concentrated heavily on the idea of receptacles and said that the bill was poorly drafted. Frankly, with the exception of the honourable member for Southern Highlands, the bill was poorly debated by members opposite.

The honourable member for Wakehurst was critical of the Government generally. Referring to advertising, he said that while he was watching cricket on the television last summer an advertisement was frequently screened. There was no sound, but the advertisement showed rubbish and litter going into drains and ending up in a good looking waterway. Then, from underneath the water, came a man who had earlier been sweeping litter into a gutter. He was swimming in the good-looking waterway but had the experience that many of us have had of finding plastic sticking to his arms or shoulders. The only words displayed in the advertisement were, "The difference between a clean and polluted waterway is you". That was very effective advertising and I commend the State Government that were responsible for devising and screening that add.

**Mr Debus:** The same people who devised this legislation.

**Mr MILLS:** As the Minister pointed out they are the same people who devised the legislation. It is important for education to find new ways of getting the message across. It is well



known to anyone who deals with human behaviour that people tire of repetitive messages. I am surprised that the honourable member for Wakehurst, as a former chairman of the StaySafe committee, does not understand human behaviour. This bill addresses elements of human behaviour; littering is about human behaviour. The problem is human behaviour and people's attitudes. It is very similar to some of the problems experienced in driving and road safety; problems of human behaviour.

This bill is an attempt to address problems of human behaviour. Unless we reinvent the way we approach littering from time to time, the problem will get worse. From time to time we must consider what we are doing. We have to reinvent what we are doing, the way we do it, how we define it and how we describe it so that we can make a fresh attempt to control or minimise the harmful effects of unacceptable human behaviour. The honourable member for Manly spoke about the serious waste stream problem. This bill does not relate to that; it relates to littering. There are important questions of an environmental nature that do not involve littering but do involve waste management.

The bill addresses deterrence and education. I commend the Government on the way it has tackled littering by introducing this bill. This is a fresh approach, another attempt to tackle the problem. Some other speakers mentioned Clean Up Australia Day. It would be good if we did not need another Clean up Australia Day. If there were no littering, we would not need it. We can hope for, but never achieve, that ideal behaviour. But let us try. I commend the Minister and the Government on this fresh attempt at tackling littering. I commend the bill.

**Mr DEBUS** (Blue Mountains-Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [10.08 p.m.], in reply: I thank the honourable members for the electorates of Southern Highlands, Georges River, Miranda, Port Stephens and Wallsend for their contributions. They have all been serious attempts to come to grips with the issues addressed by this bill. The bill represents the sensible next step in responsible litter management and keeps pace with the communities increasing concern about having a cleaner environment. The community expects more action on controlling litter and this bill delivers it.

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One type of litter in which we have all seen an increasing use is direct advertising material. This material often is either delivered to homes or placed on car windscreens. The Government recognises that this can be an effective promotional technique; it certainly has spawned a growing industry. Importantly, it provides valuable wages to the many people who make those deliveries. I am thinking of those on limited incomes: older people, disabled people, and young people. This bill does not ban the delivery of direct advertising material. Rather, it seeks to ensure that the material goes to appropriate places, where it does not create unsightly litter or blow away. The Government is providing the muscle to support the commendable self-regulation by the direct mail industry through its Distribution Standards Board.

I would emphasise that the offences and penalties introduced by the bill include provisions that focus on those most responsible for the delivery of pamphlets and other printed matter: advertisers and distribution companies. We are not unnecessarily seeking to pursue those who physically deliver the material into letterboxes and under doors. Section 146C makes it an offence to cause or ask another person to commit an offence of depositing advertising material in an inappropriate place. By this means, the Environment Protection Authority, councils or similar agencies can penalise the distribution companies rather than the actual deliverer, if that is appropriate. Authorised officers will have the discretion to provide warnings rather than to issue a fine.

The education component of the overall litter package will target small business, disability industries and young and older people about the need to meet existing codes of practice for delivery of direct advertising. The honourable member for Southern Highlands raised a number of questions concerning the possibility of fines being imposed against minors and intellectually disabled people. I am able to say, having described the spirit of the legislation that the Government is introducing, that there will be no change to applicability of new fines under the proposed regime; that is, the same people can be fined as before. It is simply that the new system is more flexible. The commonsense of authorised officers who issue fines and apply laws should prevail, as it has in the past. In any event, extensive training will be provided to assist authorised officers to understand the spirit of this legislation.

It is apparent that the honourable member for Wakehurst made no attempt to read my second reading speech. I do not particularly blame him for that, but that fact did lead him to quite considerable misapprehensions. He did not understand that over the next three years \$3.6 million will be spent on information and education campaigns about this legislation and in respect of the package of measures of which this legislation is part. Funds will be allocated for training for businesses that carry on direct mail and advertising delivery. The information, training and education program will be extensive. Small business will be targeted for education through a variety of measures. Kits will be developed for use by local councils in educating businesses in their local government areas.

Industry associations, many of which are already working with the Environment Protection Authority and councils, will also participate in educating this sector. Lastly, the Distribution Standards Board and Catalogue Association has indicated its strong support for working with the Environment Protection Authority to reach business with these messages. With respect to training for local government, the Environment Protection Authority will use the successful model for training that it employed when introducing the Protection of the Environment Operations Act. Of course, what the Government is doing through this bill essentially is making changes and amendments to that Act.

The model already used will involve the Environment Protection Authority working with the Local Government and Shires Associations and with individual councils. This training will emphasise the need to take special care in dealing with young people and disabled people engaged in advertising distribution. The training will be available to councils across the State. I now address a more specific matter raised by the honourable member for Southern Highlands. I should mention that, in consultation with the direct marketing industry, the Environment Protection Authority agreed to undertake discussions with Australia Post, first of all, to explain the New South Wales laws on these matters and, second, to seek to have information about these laws included in training for postal deliverers. The discussions that we hope will lead to that co-operation with Australia Post are actually being set up now. I expect those discussions to come to fruition in the next few weeks.

This may be an appropriate moment to answer a question raised by a number of honourable members during this debate. Several of them asked what would happen if, for instance, a direct mail company inserted Liberal Party pamphlets into letterboxes in a series of streets and Labor Party workers came along and ripped them out and replaced them with ALP pamphlets. In the unimaginable event that that should happen, it is the ALP worker who would be liable. That should give some satisfaction to honourable members opposite who are so short of campaign staff themselves.

I have been asked whether the amendments will stop the placement of so-called junk mail in letterboxes where people have put up signs indicating that they do not want such material. That issue is not necessarily an environmental one. It actually lies outside the objectives of the Protection of the Environment Operations Act. However, I would point out to those who are interested that the direct marketing industry's code of conduct has provisions dealing with that issue. The range of penalties provides authorised officers with the requisite flexibility to respond with the appropriate penalty infringement notice. The on-the-spot fines are \$60 for depositing small items of litter, bus tickets and the like; \$200 for general littering and for littering from cars, or \$400 in the case of corporations; \$375 for individuals guilty of aggravated littering, that is, littering causing or likely to cause a danger to people, animals or property; and \$750 for corporations fined for aggravated littering.

As the honourable member for Southern Highlands indicated, one area of constant annoyance to many people is the habit of numerous smokers carelessly throwing away their cigarette butts, particularly unextinguished butts. The penalties recognise this problem and set appropriate fines: \$60 for depositing of an unextinguished cigarette, \$200 for depositing a lit cigarette, and \$375 for disposing of a cigarette in circumstances of aggravation. I should take this opportunity to comment on the amendment proposed by the honourable member for Southern Highlands in regard to the inappropriate disposal of lit cigarettes and syringes. The bill in its original form does in fact deal with the offences that the honourable member sought specifically to nominate in the bill in the same way.

The amendment can go only to a matter of emphasis. However, the Government has no objection to that emphasis, and I can indicate now that the Government will accept the amendment foreshadowed by the honourable member. Higher fines, of course, are set for at all littering offences dealt with through the courts. Authorised officers have discretion as to whether they issue on-the-spot

finer or whether they institute court proceedings. According to the Environment Protection Authority's guidelines, these on-the-spot fines are appropriate when responding to minor, one-off breaches of the Act that can be easily remedied.

I am told that there are 11 different classes of people who can currently issue on-the-spot fines for littering. Those include the Environment Protection Authority, council officers, police and officers from agencies such as the National Parks and Wildlife Service and the Waterways Authority. All of those agencies will be able to issue penalty notices for the new offences proposed by the bill. I understand that at the moment parking inspectors cannot issue litter fines. The Environment Protection Authority is discussing with local government the possibility of giving parking inspectors those powers. In due course the Environment Protection Authority will raise that matter with the Ministry for Police.

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I assure the House that the new range of penalties is not about collecting revenue. People need to know that if they litter they have a good chance of being fined. That will be one of the main messages of the Government's \$3.6 million education initiative that supports the implementation of these amendments. The honourable member for Wakehurst fails to understand that fact. The new anti-littering measures form one end of the Government's comprehensive waste management policies. They link closely with our illegal waste dumping strategy. The difference between litter and waste dumping is a matter of degree. How the Environment Protection Authority [EPA], councils and other agencies deal with particular incidents will depend on the circumstances, which will include the type and amount of refuse. Either way, they need strong littering and waste dumping provisions in the Protection of the Environment Operations Act to deal with the full set of problems.

I will briefly respond to several matters that were raised by various speakers. The honourable member for Manly implied that we were dealing with a mere tidy town piece of legislation and that the real objective ought to be the reduction of the total waste stream. As I have attempted to indicate, these are not targets that should be put in opposition. They are part of a continuum. I remind the House that since the passing in 1995 of the Waste Minimisation and Management Act we have achieved a 33 per cent reduction in the amount of waste being generated in the municipal sector and a 25 per cent reduction in the commercial and industrial sectors. There has been some increase in the amount of waste generated by the construction and demolition sector, but that is hardly surprising given the sustained economic boom that has been brought about by the economic policies of the Carr Government in the past four years.

The Government has applied an amount of \$70 million to funding for waste reduction. That is a fair indication of the seriousness with which we address this issue. The best information I can find is that the Coalition spent \$13 million over a similar period before 1995. That is \$13 million as against \$70 million. I expect to receive shortly a report of the inquiry into alternative waste management technologies and practices, which is being conducted by Mr Tony Wright, deputy chair of the EPA board, and a number of other people. In the second half of this year we shall receive the review of the Waste Minimisation and Management Act, which is being conducted as a matter of legislative necessity during the second part of this year. The honourable member for Manly also referred to container deposit legislation. I reiterate what I believe I said in my second reading speech that although the Government is not entirely opposed to container deposit legislation, the fact is that it would create many problems.

In particular, container deposit legislation compromises the viability of general kerbside recycling. Container deposit legislation may cripple kerbside recycling collection. If one had such a scheme, containers that would attract deposits are by far the most valuable component of the material that one normally collects at the kerbside. If the valuable material is taken out of the kerbside waste stream, one would face difficult problems of financing and marketing the material that is collected. In the meantime, an industry waste reduction plan with the beer and soft drink industry has been put in place. That came into force a year ago. The honourable member for Southern Highlands also referred to the stormwater trust. She persists in misrepresenting the circumstances surrounding that trust. The Government promised that it would provide \$60 million for stormwater containment through that trust. Money is provided to councils for engineering works, as well as money that is provided for various education and communication campaigns. The \$60 million will be delivered.

Last January I announced the commitment of the final \$20 million of that \$60 million. So far \$31 million has been distributed. Within a couple of months the remainder of the \$60 million will be allocated. The honourable member for Southern Highlands should be aware that a large part of that money went to her electorate. The proof that the Government is spending money on an advertising campaign in respect to stormwater may be sufficiently discovered by walking down the city streets and looking at billboards. The honourable member for Southern Highlands also raised the removal of rubbish bins during the Olympics. Obviously, security is crucially important at the Olympics. One cannot deny the overwhelming importance of making sure that people do not do anything untoward to breach the security of the Olympics. My understanding is that the Olympic Co-ordination Authority has been carrying out a great deal of work with all relevant agencies to ensure that high standards of waste management are achieved at the Olympic sites. By the time the Olympic Games are held, we will have had a strong advertising campaign connected with the package of which this legislation is a part.

As I said, \$3.6 million has been committed over three years. The steering committee, involving the EPA, Clean Up Australia, Keep Australia Beautiful, local government and various State government agencies, has been set up. The committee has been guiding the development of that campaign for several months. An advertising agency will be appointed to run the television campaign in the next couple of weeks. Other elements of the program, including grants to community organisations, are being developed in consultation with those stakeholders. It is important that I clarify the role of local government in its enforcement actions on premises occupied by State and local authorities. The intent of the Act was to have clear distinction between the roles of the EPA and local government councils. I understand that local government councils have expressed concern about what they regard as the uncertainty of their powers to regulate illegal waste activities on government land, for example, on roads and in parks. To ensure certainty, the bill makes it clear that the EPA is the appropriate regulatory authority for activities carried out by State or public authorities. In other circumstances, councils have the responsibility for public premises. I want councils to be aware that the Government recognises its important role in dealing with litter and other waste issues on public lands. Confusion in the law should not prevent that from being the case.

Also, several speakers raised the question of the legal circumstance that would apply if, for example, an officer of a local government council or the National Parks and Wildlife Service engaged in littering. Officers of an organisation who commit such an offence cannot issue a penalty to their own organisations. Only the EPA would be able to issue a penalty notice when the activities are carried on by a public authority. All organisations that can issue penalty notices under the Act can issue a penalty notice for littering by private individuals and organisations on public land. Only the EPA can issue a penalty notice when the activity is carried out by a public authority.

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In conclusion I believe everyone wants to see a litter free New South Wales. We have seen much achieved. With these amendments and with the accompanying initiatives that the Government has put in place I believe a great deal more will be achieved.

**Motion agreed to.**

**Bill read a second time.**

## **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (POLICE OFFICERS) BILL**

**Bill received and read a first time.**

### **Second Reading**

**Mr WHELAN** (Strathfield—Minister for Police) [10.32 p.m.]: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on Thursday 6 April 2000, the second reading speech appears at pages 3 and 4 of the *Hansard* proof for that day. The bill is in the same form as the bill introduced in the other place. I commend the bill to the House.

**Debate adjourned on motion by Mr Fraser.**

**FUNERAL SERVICES INDUSTRY (DAYS OF OPERATION) REPEAL BILL**

**Bill received and read first time.**

**Second Reading**

**Mr WHELAN** (Strathfield - Minister for Police) [10.33 p.m.]: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on Thursday 6 April 2000, the second reading speech appears at pages 4 and 5 of the *Hansard* proof for that day. The bill is in the same form as the bill introduced in the other place. I commend the bill to the House.

**Debate adjourned on motion by Mr Fraser.**

**PROTECTED ESTATES AMENDMENT (INVESTMENT) BILL**

**Bill received and read a first time.**

**Second Reading**

**Mr WHELAN** (Strathfield - Minister for Police) [10.34 p.m.]: I move:

That this bill be now read a second time.

As this bill was introduced in the other place on Thursday 6 April 2000 the second reading speech appears at pages 5 and 6 of the *Hansard* proof for that day. The bill is in the same form as the bill introduced in the other place. I commend the bill to the House.

**Debate adjourned on motion by Mr Fraser.**

**SPECIAL ADJOURNMENT**

**Motion by Mr Whelan agreed to:**

That this House at its rising today do adjourn until Thursday 13 April 2000 at 10.00 a.m.

**House adjourned at 10.37 p.m.**

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