

LEGISLATIVE ASSEMBLY

Thursday 8 June 2000

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

Mr Speaker offered the Prayer.

BILL RETURNED

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

Courts Legislation Amendment Bill

CONSTITUTION AMENDMENT BILL

Second Reading

Debate resumed from 7 June.

Mr O'DOHERTY (Hornsby) [10.02 a.m.]: I speak on behalf of the New South Wales Opposition in place of my colleague the shadow Attorney General, the honourable member for Gosford, who is currently on duty with his Sydney Organisation Committee for the Olympic Games colleague the Minister for the Olympics welcoming the Olympic torch to Australia. All Australians have been following the event on radio and television this morning. There is great excitement as the Olympic torch arrives at the very heart of our land. The Constitution Amendment Bill was introduced by the Government in another place. It deals with a problem that was drawn to our attention in 1996 in a report by the Commissioner of the Independent Commission Against Corruption concerning the need to clarify the meaning of the word "conviction" in relation to members of Parliament holding their seats. I refer honourable members to the speech on behalf of the Opposition given by the shadow Minister in another place. The Opposition will not oppose the bill.

Mr WHELAN (Strathfield—Minister for Police) [10.04 a.m.], in reply: I thank the honourable member for his contribution.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the consideration forthwith of a motion from the member for Wollongong regarding the treatment of Aboriginal people and Aboriginal reconciliation, with the following speaking times:

Mover	-	10 minutes
Member next speaking	-	10 minutes
6 other members	-	5 minutes
Reply	-	5 minutes.

MYALL CREEK MASSACRE

Mr MARKHAM (Wollongong—Parliamentary Secretary) [10.06 a.m.]: I move:

That this House:

- (1) recognise the significance of Myall Creek as an example of the treatment of Aboriginal people and of justice being done;
- (2) recognise the importance of sharing the whole truth of Australian history; and

- (3) commend the Myall Creek Memorial Committee, and all the Aboriginal and other Australians who have worked together in a spirit of reconciliation to acknowledge the shared truth of our history.

This Saturday on 10 June at Myall Creek near Bingara in north-west New South Wales a ceremony will be held to dedicate a memorial to the 1838 Myall Creek massacre. That event needs to be remembered as an appalling example of the treatment of Aboriginal people on colonial frontiers. Myall Creek can also be celebrated as an early example of Australian justice and of reconciliation in action. After all, there can be no reconciliation without justice. This is the story of Myall Creek. On 10 June 1838, 12 armed stockmen rode onto Henry Dangar's Myall Creek Station, where friendly Aboriginal people were camped. They rounded up and roped together like animals 28 Aboriginal elderly men, women and children, who were then dragged by the 12 stockmen into the bush and butchered—every last one. Their bodies were then burnt.

The stockmen planned their murderous attack well. They waited until the younger Aboriginal men of the camp were away working with the station manager, leaving their elderly and women and children unprotected. When the station manager and young Aboriginal men returned the station manager immediately reported the massacre to the authorities. Henry Dangar's honourable action of reporting a crime against an Aboriginal community was uncommon during these times as Aboriginal people were considered animals and pests. The leader of the murderers escaped but the other 11 stockmen were brought to trial in Sydney. They were acquitted on a technicality. The jury was out for 20 minutes and the not guilty verdict was greeted by cheering. One of the jurors was later quoted in the *Australian* as saying:

I look on the blacks as a set of monkeys and the sooner they are exterminated from the face of the earth, the better.

I knew the men were guilty of murder but I would never see a white man hanged for killing a black.

Four of the accused were freed. The other seven were retried on a different charge, found guilty and hanged. This was the first time white men were punished and brought to justice for killing Aboriginal people. The hanging of the Myall Creek murderers caused great outrage in Sydney. But there were many colonists who were outraged at the massacres of Aboriginal people. However, their voices were few among many. The Myall Creek massacre became headline news and caused a scandal that split colonial society. The *Sydney Morning Herald* spoke for the majority:

We want neither the classic nor the romantic savage here. We have far too many of the murderous wretches about us already.

The whole gang of black animals are not worth the money the colonists will have to pay for printing the silly court documents on which we have already wasted too much time.

Most of the frontier massacres were not known about or talked about. Much of the history has been hidden and untold. The Myall Creek massacre was an unprovoked and premeditated act. Sadly, it was one of the many such massacres that occurred all along the settlement frontier during the nineteenth century. The truth is that gangs of stockmen regularly went on Aboriginal hunts. These are commonly remembered in white tradition as "a big bush whack", or simply "a drive". Nigel Parbury's book *Survival* records another massacre which occurred in 1865. A gang of stockmen, acting on advice and example by Major Nunn, also went on a drive which lasted several months. It culminated in the massacre of more than 200 Aboriginal people at Slaughterhouse Creek at the end of May. We certainly did not learn about massacres, rape and torture in Australian history classes. Nor did we learn about Aboriginal resistance. We learnt the whitewashed history of Australia. Historian Jan Roberts recorded many Aboriginal oral histories and included them in her 1981 book *Massacres to Mining: The Colonisation of Aboriginal Australia*. These are the words of an Aboriginal survivor—part of our untold history:

My mother would sit and cry and tell me this: They buried our babies in the ground with only their heads above the ground. All in a row they were.

Then they had tests to see who could kick the babies' heads off the furthest.

Most of the history of Aboriginal resistance has been written out of the Australian legend. For reconciliation to occur, there needs to be an honest acknowledgement of our history. Aboriginal and Torres Strait Islander people naturally have a different perspective on Australia's history to that of many immigrant Australians. What Europeans call "settlement" Aboriginal people call "invasion". A proper acknowledgement of history is basic to understanding the present circumstances and claims of indigenous Australians. Guilt is not a useful tool for reconciliation; a comprehensive understanding of our shared history is.

From the beginning, Australia was treated as a colony of settlement, not of conquest. Aboriginal land was taken under the legal fiction of terra nullius—that the land belonged to no-one. There were no official negotiations or treaties. Looking at the Aboriginal perspective on Australia's colonisation is essential to the

production of a balanced picture, one that acknowledges not only the achievements of the settlers but also the terrible consequences of those achievements for Aboriginal Australians. And it helps us to understand how Aboriginal people came to be treated as a different and inferior people.

Aboriginal studies should be a compulsory part of every child's education. Some excellent programs are up and running in New South Wales which are working to improve our children's education on Australian Aboriginal history. There is a pre-service teacher training project in universities called Teaching the Teachers. It is a model mandatory Aboriginal Studies subject with three excellent modules on teaching Aboriginal history. There is also a new project called Achieving Reconciliation in New South Wales Schools. The project aims to involve young people in reconciliation within their communities, but it also has a strong focus on teaching young people about Aboriginal people, culture and history. This excellent initiative has recently been completed by the Macquarie University and is funded by the Department of Education, Training and Youth Affairs.

Relatively few non-indigenous Australians have much to do with Aboriginal or Torres Strait Islander people in their day-to-day lives. A lack of first-hand information provides fertile ground for simplistic or false perceptions. Myall Creek is a very important part of New South Wales and Australian history, and the memorial should be given every support. The memorial commemorates not only the massacre and the fact that justice was done; it is testimony to the true history of Australia. The memorial is an initiative of the Myall Creek Memorial Committee, led by Gamilaroi Elder Lyall Munro Senior and Dr John Brown of the Uniting Church. Indigenous and non-indigenous community members were also involved, including descendants of the Aboriginal people who were massacred and descendants of the white stockmen who were hanged. This is a true sign of reconciliation.

The Myall Creek memorial is funded by the New South Wales Government Heritage Assistance program and the Local Symbols of Reconciliation project of the Council for Aboriginal Reconciliation. Additional funds have been raised by committee members and the Uniting Church, and the Bingara Shire Council has also contributed. I support this on-site commemoration. It is important that massacres of Aboriginal people are remembered by all Australians. Furthermore, it is historically significant that the events of Myall Creek are remembered and recorded in history as an example of British justice doing the right thing by Aboriginal people.

I am pleased to report that the New South Wales Department of Aboriginal Affairs is updating and reprinting a key historical text which documents the Aboriginal perspective of colonisation. The text is called *Survival: A History of Aboriginal Life in New South Wales*. The original author and historian, Nigel Parbury, will produce the second version for release in 2001. Today there is no excuse for not knowing our true history. Many documents that present a balanced and true history of Australian colonisation are now readily available, such as "Blood on the Wattle" by Bruce Elder, who resides at Kiama on the South Coast, and "Survival", by Nigel Parbury. We do not, cannot, and should not live in denial. We should not live a life of ignorance. We should know the facts of our history.

I assure the House that I will take great pride in attending the commemoration on Saturday, along with my colleagues the honourable member for Rockdale and the honourable member for Wallsend, and I will represent the Premier of New South Wales at that important historic event. We all need to be aware that it is no good trying to deny what has happened in our history. The sooner we are prepared to live up to what has happened in our history, to accept the good and the bad of what has happened, the better off this country will be. Until we are prepared to accept that atrocious things were done to the indigenous people of this country, reconciliation will never come about. I believe that this House will support this motion in a bipartisan approach, because I know that this Parliament has taken that approach to Aboriginal affairs for many, many years.

Mr HAZZARD (Wakehurst) [10.16 a.m.]: The Opposition is pleased to support the motion moved by the honourable member for Wollongong. The significance of the motion is that this House recognises Australia's history, which perhaps is not fully understood by many members of the Australian population. The event at Myall Creek in early June 1838 is perhaps recognised by Aboriginal people as a turning point in history. Until that time a number of unfortunate encounters had taken place between the indigenous people of Australia and the white settlers who had come here, involving direct violence towards Aboriginal people. To some degree that violence was reciprocated. Until that time there was perhaps a lack of understanding of and respect for the indigenous people of Australia. People were killed, and yet non-indigenous Australians were not brought to account for their actions. Obviously other harmful acts of violence on indigenous Australians were brought about by colonisation, and those acts have perhaps had a far greater effect than some of the acts of immediate violence, such as the Myall Creek massacre.

However, the Myall Creek massacre was the first time that white people had actually been brought to account for their actions. The honourable member for Wollongong recounted that a number of people who were brought to trial were initially acquitted. However, following a public outcry seven of the original group were tried again for having engaged in an outrageous act of violence against various indigenous Australians who were living on the Myall Creek station. This time they were found guilty and were hanged. The atrocity was committed in the absence of the manager of the station by what in effect constituted a crowd of criminals, who thought it was appropriate to teach these black people a lesson. Those indigenous Australians were simply tied up, taken away and murdered.

When the station manager returned to the Myall Creek station and found the bodies, which at that stage had been burned, he was justifiably outraged. In his role as manager of the cattle station, he worked with Aboriginal people and had a good relationship with them. He, along with others, expressed that outrage to the authorities, who eventually took some action. A trial was conducted, but the 11 accused were acquitted. However, subsequently, seven of the 11 were tried on other charges, found guilty, and were later hanged. Sadly, at the time there were reports in newspapers of an acceptance of the valueless nature of the lives of Aboriginal people. Indeed, the *Sydney Herald* carried a story that referred to Aboriginal lives as having less value than the cost of printing the documents necessary to bring the murderers to justice. This was a terrible time in the history of New South Wales. That a major newspaper of the day such as the *Sydney Herald* should suggest such a thing demonstrated the lack of appreciation and understanding in those days of the significance, contribution, importance and value of Aboriginal people.

I am pleased that there has been a significant change of view since 1838. Indeed, as we debate this motion today one of the most momentous occasions in Australian history is being celebrated at Uluru. While driving to Parliament House this morning I heard a radio report that the Olympic torch had been taken off a plane that had just landed at Uluru from New Zealand and handed to the local Aboriginal people, the Anangu, who handed it on to Nova Peris-Kneebone, an Aboriginal and Australian icon. Nova, her daughter Jessica and her husband Shaun, have brought together the values of indigenous and non-indigenous Australians and have shown that we in the twenty-first century really do have great hope for the future—an entirely different attitude from that of those settlers back in early June 1838 who rode out to the Myall Creek station and committed such evil deeds.

It is important that parliaments such as ours, the oldest Parliament in Australia, should record these events. However, it is important also that we record them with a great sense of hope for the future. We should record such events as the people's walk for reconciliation across the Sydney Harbour Bridge last Sunday week and last weekend in Brisbane when 40,000 people gathered for a similar purpose. The official estimate of the number of people who took place in the Sydney walk was 150,000. I participated in that event with the Leader of the Opposition, Kerry Chikarovksi, the Premier of New South Wales, Bob Carr, and the Leader of the National Party, George Souris, and I would suggest that number was more like 250,000 to 300,000. In fact, I walked across the bridge twice: I walked at 8.00 a.m. with the official party and again at 11.00 a.m. with my family. The flow of people across the bridge, in the great spirit of goodwill and reconciliation, did not abate at all over those hours.

The voice of those who want reconciliation in New South Wales and Australia will continue to grow louder throughout the twenty-first century regardless of the attempts of those who seek to denigrate the benefits of reconciliation. As a community we will continue to move down the path of reconciliation. It is all very well for us to move motions of this type in parliaments throughout Australia, and although we should look back at our history with acknowledgment and forward to the future with great hope, at the end of the day that hope will not be realised unless practical outcomes are worked on now. I will not recount them all in detail this morning; I have done so on numerous occasions in this House. However, there are so many areas of disadvantage—

Mr Markham: Social justice.

Mr HAZZARD: The honourable member for Wollongong refers to social justice. Indeed; it is social justice, it is fairness and it is equity. Today Aboriginal people suffer practical disadvantage in education, health, unemployment, and law and order. If that is still the case in another 10, 15 or 20 years time, we should not at that point be proud of our history. Now is the time to take action, to look back at our history and to look forward with hope to our future. We should take practical steps now to improve the lives of Aboriginal people.

Mr MILLS (Wallsend) [10.26 a.m.]: I am pleased to support the motion moved by the Parliamentary Secretary Assisting the Deputy Premier on Aboriginal Affairs, in particular, paragraph 3, which commends the

Myall Creek Memorial Committee, and all the Aboriginal and other Australians who have worked together in a spirit of reconciliation to acknowledge the shared truth of our history. I have been honoured with an invitation to attend the opening of the memorial next Saturday for the victims of the Myall Creek massacre. I thank the organising committee, which is headed by the Gamilaroi elder Lyall Munro Snr and the Reverend John Brown, for that invitation. I will attend with great pride. I acknowledge also the hard work that has been done by Aboriginal and non-Aboriginal Australians in that area to establish this memorial.

I also express my happiness that Aboriginal people and Aboriginal culture have survived 212 years of European occupation—a key point of celebration that will be in the minds of everyone attending the memorial next Saturday at Myall Creek. Australia's first people look forward to prospering and to their ongoing survival, both of which are vital to Australia's future. The project arose from groups of Aboriginal and non-Aboriginal people in the Uniting Church. The committee comprises people from north and north-west New South Wales, Gamilaroi elders and non-Aboriginal people from the North Coast. I recall reading a hallmark article in a recent weekend newspaper that highlighted the lack of knowledge of events such as the Myall Creek massacre not only by the Australian community as a whole but also by the Aboriginal and non-Aboriginal descendants of those who were involved, including the relatives of those who were hanged, who only recently became aware of their families' involvement.

I acknowledge the co-operation and assistance of the Bingara shire in this project. Funding for the project has been contributed by the New South Wales Government through its heritage assistance program and by the Local Symbols of Reconciliation Project of the Council for Aboriginal Reconciliation. I also noted last Sunday an advertisement taken out by the Aboriginal and Torres Strait Islander Commission [ATSIC] saying "Thank You!" to all the people who walked across the Sydney Harbour Bridge two weeks ago. It is clear from the advertisement that the work of reconciliation goes on. ATSIC reported in that advertisement that as a result of people having participated in the walk across the Sydney Harbour Bridge, it had received many queries from members of the public on how they could further promote reconciliation within their own communities. The work of reconciliation does indeed continue, and this weekend's activities are an ongoing part of that process.

A key feature of this weekend's event, apart from celebrating Aboriginal survival, is to recognise, as the motion states, the importance of sharing the whole truth of Australian history. As I said earlier, most non-Aboriginal people have not been taught the history of the European efforts in Australia to destroy Aboriginal society. And as the motion also states, we acknowledge the significance of Myall Creek as an appalling example of the treatment of Aboriginal people on the colonial frontier, yet a worthy example of justice being done.

Many years ago, but more intensively in recent times, I undertook some reading on the subject and I advocate three authors who deserve careful reading by members of the community and by honourable members of this House. Those authors outline a shameful side of Australian history. Henry Reynolds, who is a professor of history at James Cook University, is someone whose works need to be read. *The Other Side of the Frontier* was published in 1981 and it first opened my eyes to what was going on. A subtitle of that book is "An Interpretation of the Aboriginal response to the Invasion and Settlement of Australia". More recently in 1998 Professor Reynolds published, *This Whispering in Our Hearts*, and last year he published a book whose title makes the content pretty obvious, *Why Weren't we Told?* An important theme of my contribution to this debate is the acknowledgment and sharing of the whole truth of Australian history.

A second book that is important and should be read is by Bruce Elder which was written in 1988 and published by National Book Distributors, *Blood on the Wattle*. Its subtitle is "Massacres and Maltreatment of Australian Aborigines since 1788" and it includes a whole chapter on the Myall Creek massacre of 1838. The third book is quite an old book published in 1970 by Australian National University [ANU] Press and written by C. D. Rowley, *The Destruction of Aboriginal Society*. At that time, C. D. Rowley was a professor of political studies at the University of Papua New Guinea but he had been director of the Social Science Research Council of Australia's Aborigines Project from 1964 to 1967. It was 1967 when the referendum on Aboriginal issues took place in Australia and the book comprises Volume 1 of that project.

It is interesting to consider the title of the oldest of the these books, *The Destruction of Aboriginal Society*, because at the time it was written, assimilation was still the end goal of Australia's Aboriginal policy. Rowley wrote in the preface in regard to the Aboriginal people whom he had met, "One hopes that the results of our work will play some small part in opening up their way to equality and justice." The concern and sympathy were there, but the realisation of the great cry of Aboriginal Australians in the 1980s—the cry "We have survived!"—had not reached the consciousness of non-Aboriginal Australians in the late 1960s. I rather think that the book would have a different title and would have been written in some other way if written now.

Rowley is very interesting to read because of the evidence that was available in the 1960s. I cite a couple of extracts that indicate how the frontier between European settlement and Aboriginal Australia ran with blood. At page 35, the book states:

It was quite possible for men of good repute among the settlers to justify the one good bloody lesson as likely to save lives in the long run, for it might establish the mastery of the settlers, and so avoid further clashes.

Rowley cites W. H. Breton, who wrote in 1834:

... it would be ... most judicious ... to make upon them at once, a strong impression; for if only one or two be killed, the sole effect is to instigate them to revenge their companions, whereby a series of murders on both sides is the consequence.

Rowley went on to state:

The same writer could criticise the 'Christian whites' who 'consider it a pastime to go out and shoot them'.

Just fifty years after the First Fleet, and in the governorship of Gipps, the law on one spectacular occasion was actually carried out, in the well-known case of the Myall Creek murders. But this case presented an almost unique set of circumstances. Most such events could not be dealt with effectively because Aboriginal evidence was not valid (since non-Christians could not be sworn). But this case was marked by the unusual circumstances that one of the whites present not only did not participate, but informed the nearest magistrate ... [who] took his duties seriously (another unusual circumstance in such cases). There was a governor who realised that, unless the law were to be rigidly applied, there was no hope of control at all.

... Plunkett, the Attorney-General of New South Wales, was determined enough to lead the prosecution himself. Even then, the first jury acquitted the eleven men charged; but Plunkett arranged to have seven of them charged on a further count of murder. All seven were found guilty of murdering one of the children included in the massacre ... These seven were executed.

A reason for not prosecuting the remaining four was that the main evidence against them was that of a 'civilised' Aboriginal who worked on Myall Creek. Because he was ignorant of the 'ordinances of religion' his evidence was not acceptable. The massacre ... was one of a series.

At the time, the Sydney *Herald* argued that "Aborigines had no 'right' to the land" because "they bestowed no labor upon the land". Rowley goes on to state:

If the Aborigines had no real right to the land, then the settlers could argue that they were protecting *their* property against alleged Aboriginal law-breakers.

Rowley pointed out that this reasoning constituted "arguments for violence in self-defence or in defence of property." Rowley went on to analyse what war means and asserts that, as far as white settlers were concerned, it was a case of war against the Aborigines, and the immorality of war excused what they did. [*Time expired.*]

Mr O'DOHERTY (Hornsby) [10.36 a.m.]: I am pleased to support the motion and I join my colleague the honourable member for Wakehurst together with honourable members opposite with whom I share a bipartisan spirit on this issue in recognising the importance of remembering Myall Creek. As young students study this incident, I hope they are able to reflect, increasingly as time goes by, upon the many factors in the relationship between black and white people that are represented by a remembrance of the Myall Creek massacre. It may be right to say that in some ways the incident represents the very worst as well as some of the best of what was happening in the 1800s in the very difficult history of relationships between black and white people in Australia.

I say that it is an incident showing the very worst because the massacre occurred when the gang of 12 in 1838 simply rode onto Myall Creek station to murder and slaughter in the worst way a group of Aboriginal people who were camped on what was their traditional land. That represents at the very worst the relationship between black and white people in Australia but, in some ways, it also represents a good turning point. Despite the earlier acquittal of the gang, on a second trial a number of the gang's participants who were guilty of this dreadfully heinous crime were found guilty. Subsequently they were hanged. That was probably the first time that the establishment had taken some serious action against white people in response to atrocities committed against black people. It was a long time coming in Australia's history, having taken until 1838 before being recognised.

It is interesting also to note the history of the event considered against the background of what was happening in England and the pressure upon Governor Gipps to deal with the Myall Creek massacre properly. A short time before the massacre occurred, a statute in England recognised that indigenous people had some rights to the land. That probably caused additional tension leading to what was a very open campaign by settlers in Australia to drive the blacks off their land. That was represented by what I think is a chilling but very eye-

opening account in the Sydney *Herald* at that time which referred to black people's lives as being less important than land and what could actually be grown from the land. In 1838-39, the *Herald* stated:

We want neither the classic nor the romantic savage here. We have far too many of the murderous wretches about us already. The whole gang of black animals are not worth the money the colonists will have to pay for printing these silly [court] documents on which we have already wasted too much time.

I feel emotional as I read those grossly offensive words; it is good that we recognise how grossly offensive they are. Yet that article reflects the thinking of most white Australians in the 1830s. There were voices in the wilderness, and we must recognise the important contribution of those noble non-indigenous Australians who began to champion the cause of black Australians. In light of the pressure from England and those voices in the wilderness crying out for basic human rights, Governor Gipps was determined to take action against those responsible for the Myall Creek massacre. When they were acquitted in the first trial, loud cheering broke out in the courtroom. That was indeed grossly offensive. However, the perpetrators were retried and punished for the crime.

As students study the history of the Myall Creek massacre and the events of the 1830s, let us hope that they extract from their studies some themes about modern Australia. Aboriginal people say that it is important to recognise and commemorate events such as the Myall Creek massacre. We must talk about them and continue to discuss their meaning as this is an important part of the reconciliation process. I certainly agree with that sentiment and I support those who, through their efforts, have established a proper memorial to the Myall Creek massacre. Their efforts are very important to both the history and the future of our nation. The First Secretary of the Welsh National Assembly said yesterday in this Chamber that we look back at history and extract from it some honesty about our past that helps us to deal with our future.

Unless we are honest about the past, we will not achieve reconciliation—which is a coming together of people—and have a better future together. The Parliamentary Secretary, the honourable member for Wollongong, and other honourable members who are nodding agree that that is part of the reconciliation process that involves all Australians. I celebrate that process and was pleased to participate in the Sydney Harbour Bridge walk a week and a half ago. That was a great occasion. I walked with the Leader of the Opposition, the honourable member for Wakehurst, the Premier, the Parliamentary Secretary and many other honourable members. We celebrated the fact that, irrespective of our backgrounds and the many reasons that brought us to this place, we were unified as members of Parliament.

We were unified on that day and on this issue. This bipartisanship is an important feature of the New South Wales Parliament. I was pleased to walk not only with my many parliamentary colleagues but with my family: my wife, Georgina, and our sons, James and Daniel. It was an important event in the young lives of my sons aged eight and almost six. I think back to my childhood and to the events that stand out in my memory. My family has many relatives in Melbourne and, whenever they visited Sydney, we would take them to visit the Opera House—which was eternally under construction when I was growing up—and to the southern pylon of the Harbour Bridge. I have clear memories of climbing and counting the steps in the pylon.

I hope that my children will remember walking across the Sydney Harbour Bridge, which was closed for only the third time since its opening. We talked to our children about the significance of the event, which had been explained to them at school—it is a great feature of schooling in this State that such things are discussed with students. We told our children that we were celebrating the unity of the Australian people and the great theme of bringing together black and white Australians. We are not hiding our past: we recognise indigenous Australians' prior occupation of the land and recognise the wrongs that were done to them—not necessarily by us but by those who have gone before.

If we recognise what happened in the past, are honest about it and say sorry, we will be able to move on to a better future. We discussed those themes, and many other topics, as we walked across the bridge. I do not want to paint too rosy a picture: the New South Wales Parliament being what it is, there were robust discussions at various points of the walk. That was great. We chipped the Premier about the fact that we could not buy tickets for the train because there were no staff at the station and the ticket machine was broken. He took our comments in the right spirit. Robust debate is an important feature of the New South Wales Parliament. There was an historic scene at the end of the march that I do not think will be repeated.

We joined the honourable member for Wakehurst, the Leader of the Opposition and her sister at the coffee shop at Darling Harbour and sitting at the next table were Kim Beazley, Bob Hawke, Simon Crean, Duncan Kerr and other Labor luminaries. Daryl Melham moved a chair to join their table and I said, "Here is an

example of Labor's branch stacking". We then discussed the fact that we could probably learn a lot from the Labor Party. We urged Kim Beazley to continue writing books and he said that we should steal rather than buy them. The Leader of the Opposition's sister, Julieanne, said that we did not have to steal them because we could buy them remaindered for \$1.50 at any bookstore. It was an entertaining day on which we celebrated the true spirit of togetherness. I have great pleasure commending the reconciliation process and this motion to the House.

Mr THOMPSON (Rockdale) [10.46 a.m.]: The Myall Creek massacre memorial committee has undertaken a significant project with the support of Bingara Shire Council and neighbouring shires. Some funding has been provided by the New South Wales Government's heritage assistance program and by the local symbols of reconciliation project of the Council for Aboriginal Reconciliation. The horrendous event that occurred at Myall Creek on 10 June 1838 was only one of hundreds of such massacres that occurred along the frontiers of settlement during the nineteenth century. There were also a number of massacres in the first half of the twentieth century but, like most of the others, they were not recorded in any detail.

As I have often said in this House, these events have been ignored and virtually written out of our history. However, things are beginning to change. The Myall Creek memorial committee members were correct in their judgment that, for reconciliation to occur, there must be an honest acknowledgment of our true history: we must all face the facts of Australia's past, not just at Myall Creek but throughout Australia. The memorial project began as an initiative by a number of Aboriginal and non-Aboriginal people in the Uniting Church who are committed to achieving greater understanding and justice between our peoples. From that beginning, the committee has expanded into a broad-based community group, comprising non-Aboriginal people from Inverell, Warialda, Delungra, Bingara, Barraba, Narrabri, Moree, Tamworth and Armidale.

It also includes the Gamilaroi elders from Moree, Inverell, Tingha, Tamworth, Narrabri, Gunnedah and Armidale. The co-chairs of the committee are Lyall Munro of Moree and the Rev. John Brown of the Uniting Church. This event has special significance for me—my wife and I will attend the function on Saturday—because my wife, Lucy, comes from the Inverell district. She spent her childhood on a property called Yeral, which is located only a few kilometres from Myall Creek. Part of next Saturday's function will take place in the Myall Creek hall where Lucy, her brothers, sisters and parents often socialised with friends and neighbours through the 1950s and early 1960s.

Lucy went to primary school at nearby Bingara and Delungra and to high school at Inverell. Neither she, her brothers and sisters nor any of the other children—almost no man, woman or child in the district—had heard of the Myall Creek massacre. It was not on the school curriculum. Like the rest of us, Lucy learned about Captain Cook and the early explorers. We were all taught about the kings and queens of England, but none of us heard about the true history of our own country. The Myall Creek massacre has special significance in our history. Approximately 30 Aborigines had been murdered in the most hideous and shameful fashion. But that, in itself, was not unusual nor was it uncommon. What was significant was that for the first time white men were convicted of the crime and were hanged. In fact, seven of the killers were executed. In his book *Blood on the Wattle* Bruce Elder recorded it this way:

Before their execution the men confessed to their crime. Their defence of their actions, a pitiful plea on their part, was that, because killing aborigines was a common frontier sport, they did not realise that it was illegal. They certainly did not realise that it carried the death penalty. It had never occurred to these men, brutalised by the values of the society in which they lived, that the real rule of law actually existed. They were victims of their society; a society which suffered ethical schizophrenia. Laws were bent into fantastic shapes by expediency and a class-ridden autocracy.

They were hanged on 18 December. The repercussions of their executions reverberated up and down the frontier for the next fifty years. Myall Creek may have been British justice vindicated but it was also a warning to all squatters and frontiersmen.

The Government hoped that the lesson was "Don't kill Aborigines". The message received on the frontier was translated as "If you kill Aborigines don't, under any circumstances, let the authorities know." The result of the trial and the executions was that nearly all further massacres in New South Wales went unrecorded and, as recorded in one Sydney newspaper, the whites turned to more devious means of ridding themselves of the "black menace" ...

Thus the history of thousands of Aborigines was determined, in part, as a result of the Myall Creek massacre. A new, unwritten law emerged: death by stealth.

And so it was that arsenic-laced flour was distributed to Aborigines and waterholes were poisoned. The mode of murder and massacre may have changed but still many thousands of Aboriginal men, women and children continued to be slaughtered well into the twentieth century. That is the true history of this aspect of Australia. That is what has to be faced and acknowledged. It is by exposing and recognising the reality of it—especially by saying "sorry"—that our generation can truly progress towards reconciliation between Aboriginal and non-Aboriginal Australians.

Mr COLLINS (Willoughby) [10.51 a.m.]: I support the motion before the House moved by the honourable member for Wollongong. I commend the comments of the honourable member for Rockdale about the important, and I have to say, shameful and dark part of Australian history of which all Australians need to be made aware. The significance of this motion is threefold. First, it recognises the blatant injustice dealt to the Aboriginal community in the early part of the nineteenth century. Second, it then records the application of justice of a then British justice system to an infant colony. Third, as we have just heard from the honourable member for Rockdale, it relates the tragic consequences—which were really swept under the carpet—of the atrocities perpetrated on Aboriginal people, especially during the nineteenth century, in a spirit of ignorance and shame.

We have advanced a long way since then and this country can take heart from the fact that we are prepared, in a bipartisan spirit, to support such a motion in the Parliament today. It is important to have a memorial to those who died at Myall Creek for the significance that it represents in the advancement of the Aboriginal cause in this country, and now in the process of reconciliation which has so triumphantly emerged during this millennium year. Like most speakers in this debate so far, I had great pleasure and pride participating in the reconciliation march across the Sydney Harbour Bridge two weekends ago. It was the most extraordinary public event that I have participated in, or am likely to participate in again during my lifetime. That applies to everyone who was there on that day. It was a one-off event; a unique occasion. It was a turning point in Australian history.

It gave me enormous satisfaction to walk over the Sydney Harbour Bridge and, as I approached the southern toll gates, to look back and see that vast swelling crowd. I am surprised at the underestimation of the numbers. I place on record that for anyone to say there were only 150,000 people in that march is surely laughable. We are in the numbers game in this House, and we need to do some recalculation. The bridge would hold approximately 150,000 people from end to end at any given moment. Hour after hour they came, new people—not the same people going around and around—caught the train to North Sydney and walked over the bridge. If the size of the crowd was less than half a million people, in this city of four million people, I, and all honourable members of this House who participated, would be astonished.

The fact that half a million people chose to walk over the bridge and to break down all barriers—age, demographic, political, social—is something of which the Australian community can be immensely proud. It was, before our eyes, a turning point in our history. The debate will never be the same again. The point has been made; the case has been proven. The New South Wales Parliament can take some satisfaction from the fact that three years ago it became the first Parliament to put on record a reconciliation motion—the first of its kind. New South Wales was the first State to conduct a reconciliation ceremony in this very Chamber, which was emulated by all other Australian States and Territories. So the page has been turned. I acknowledge the long-term personal interest of the honourable member for Wollongong. I strongly commend the motion. I cannot attend the dedication ceremony on the weekend but I ask the honourable member for Wollongong to pass on the strong sentiments of the Coalition in support of the people of Myall Creek this weekend.

Mr LYNCH (Liverpool) [10.56 a.m.]: I support the resolution and congratulate the honourable member for Wollongong on placing it on the business paper and on moving the motion. I also note that, as is often the case with these motions in this place, it has been debated on a bipartisan basis. It is worth noting and it is pleasing that despite the many things that divide us in this place, a division tends not to occur in respect of matters such as this. Myall Creek and the events surrounding it in 1838 and the years after seem to me to be a critical part of the post-invasion history of Australia. As a statement of general principle—it has been said in this debate and I have certainly said it in similar debates—if people do not come to terms with, accept and understand their history then they cannot possibly move forward. At one level that is a trite generality but it is in fact a quite incisive analysis of how societies operate. Each of us are defined by our past and society is defined by its past. Unless we come to terms with and accept it then our future will be difficult, to put it mildly.

Some of the things about Myall Creek that make it central include the following. Certainly it was not the only incident of Aboriginal deaths at the hands of whites. Massacres, deaths, murders—planned and unplanned by gunshot or disease—had certainly been going on for 60- or 70-odd years before this particular incident. Many of those massacres both before and after are itemised in the books of Henry Reynolds that have already been referred to—*Frontier* and *Other Side of the Frontier*. There is a plethora of evidence dealing with those sorts of incidents now. Richard Hall wrote a book called *BLACK Armband Days* which summed up that part of Australian history. The term "black armband" is used by some in a pejorative sense suggesting that people should not rely on the negative aspects of the history, but unless you accept those parts you cannot get a proper view of the whole. It is totally appropriate to use the phrase "black armband" and totally appropriate for someone to write a book called *BLACK Armband Days*. So in that sense Myall Creek is certainly not exceptional.

What is exceptional is that white men were brought to justice for that massacre. Another book written by Henry Reynolds, *This Whispering in Our Hearts*, contains a history of the elements of white society that did not go along with the majority view. It is worth remembering that. The phrase "this whispering in our hearts" was used by a man called Windyer who argued that Aboriginal people would inevitably proceed to extinction and that their culture would disappear. He said further, "Why does that worry me, why is there this whispering in my heart that this is going to happen?" In a sense the massacre at Myall Creek becomes the whispering in the heart of the colonial enterprise of the nineteenth century.

That was the one massacre that was exposed, that was the one massacre for which white people were brought to justice. It was a whispering in the consciousness of the European civilisation; I should say European society—"civilisation" is certainly the wrong term to use in this debate—in Australia at that time. One of the interesting aspects of the occurrences at Myall Creek is that the people who were hanged, whilst they certainly were guilty of murder, were nevertheless not from the strata in Australian society at that time that had the benefit of the land, had a lot of money, and consequently had power—they were not the people who were normally brought to book.

I was fascinated to learn that Myall Creek station was Henry Dangar's station. Anyone who knows about the 1891 general strike and the fights between the shearers and the role that the Dangar family played with pastoralists fighting the Australian Workers Union at that time would understand that fascination. The interpretation of what happened at Myall Creek is one of the most critical elements in the history of this country. That was the one massacre following which people were brought to book. It is sad that the message that was meant to be conveyed as a result of those executions was not—that is, that it was not appropriate to massacre Aboriginal people. It seems that the lesson was: You can do it, but don't get caught. That is the most tragic element of that part of our history. [*Time expired.*]

Mr MARKHAM (Wollongong—Parliamentary Secretary) [11.01 a.m.], in reply: I thank all members who have participated in this debate. It is important for the House to debate this motion this week so that on my visit to the unveiling of the Myall Creek memorial next Saturday I can pass on this House's support to the memorial committee and to all the people who have been involved in it. My colleague the shadow Minister for Aboriginal Affairs, the honourable member for Wakehurst, is supportive on the memorial and has expressed his sorrow that he will not be able to attend the ceremony on Saturday. I will pass on his best wishes to the committee on Saturday. Today a number of members have said things that give me great hope that there is an advancement in the thinking of people in this State.

Members of Parliament are looked upon as leaders, they advance community issues in this House as well as in the broader community. Today that is what is occurring here. A number of members mentioned the peoples' walk for reconciliation across the Sydney Harbour Bridge on Sunday 28 May. The honourable member for Willoughby suggested that 150,000 people participated, the figure that was reported in the media. I agree with the honourable member. That is a joke! At least half a million people participated in that walk—a great demonstration that people want reconciliation. Many members of this Parliament participated in that historic walk because they believe that reconciliation is a possibility and that it will be achieved. On 14 May the *Sun-Herald* contained an article under the heading "Healing hands" written by Frank Walker. The article stated:

Sue Blacklock is a descendant of a survivor of one of the worst massacres of Aboriginal people in NSW history. She is the proud mother of St George Illawarra rugby league star Nathan Blacklock and a leader of the Aboriginal community around Inverell.

In 1838, her great-grandfather, John Munro, was a little boy who ran to escape a vicious armed posse of convicts and white settlers ...

The woman Blacklock embraced is Beulah Adams, who made the shocking discovery just a few months ago while researching her family tree that one of the white murderers, Edward "Ned" Foley, was her great-uncle.

The article explained the real hurt and real feelings of Aboriginal and non-Aboriginal people from that area. Many books, which have been mentioned by my colleagues this morning, document similar occurrences around Australia. It is imperative that the Australian community becomes aware of those occurrences, and the memorial at Myall Creek is a small step towards that awareness. A lot of research has been undertaken by the committee and that will be reflected on Saturday when the memorial is unveiled. The committee has erected a large granite boulder on a knoll overlooking the site of the massacre.

A single plaque will be attached to the rock. In addition, seven other smaller rocks will be set up along the winding 350 metre path leading from the car park to the monument. A plaque will be attached to each rock telling a part of the story. That memorial will be there for a long time to come and it is something we need to

make sure that the country knows about. It is an acknowledgement that we need to recognise our history. The Myall Creek commemoration on Saturday will go part way towards achieving that. I repeat: this Parliament has always taken a bipartisan approach to reconciliation, regardless of our political colours or persuasion; it is something we have done and should continue to do—I know we can continue to do it. I thank all honourable members who have participated in this debate and supported my motion.

Motion agreed to.

INDEPENDENT PRICING AND REGULATORY TRIBUNAL AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 31 May.

Mr BROGDEN (Pittwater) [11.07 a.m.]: I lead for the Opposition on this legislation and I do so on behalf of my colleague the shadow Minister for Energy, the Hon. Duncan Gay, in another place. He has principal responsibility for this legislation, on behalf of the Opposition, because the majority of the clauses refer directly to the energy industry and the Government's regulation of it. However, as shadow Minister for Sydney Water I have taken an interest in this legislation. Part of the brief of the legislation is to cover all government utilities. I indicate that the Opposition does not, in principle, oppose the legislation.

To that end we welcome its general direction. It is moving progressively towards a regulated general approach to government-owned monopoly utilities, recognising that Sydney Water, in its present form and in the short to medium future, will continue to operate as a monopoly on the supply of water and sewerage services to the people of Sydney, the Illawarra and the Blue Mountains. In contrast, the energy industry is entering into a new phase in competitiveness. However, government-owned entities recognise the role of the Independent Pricing and Regulatory Tribunal [IPART], a role commenced by the Greiner Government and enhanced by the Fahey Government. It is enhanced again today by this legislation, which receives the support of the Opposition.

As I have indicated, the bill is moving progressively towards the regulator general approach, which was adopted rigorously in Victoria under the Kennett Government and which continues under the present Government. This approach recognises that government utilities need to be regulated aggressively by the Government, particularly as they operate in a predominantly government-owned or monopoly environment. Therefore, it is important that the central regulator—in New South Wales, IPART; and in Victoria, the regulator general—have strong and independent powers. The Minister will recall that the Opposition had serious concerns about the present operating licence of Sydney Water Corporation.

Mr Yeadon: They were not serious concerns, they were nonsense.

Mr BROGDEN: They were serious concerns, many of which the Minister has now addressed. The House would be aware that at that stage the Minister was unwilling to talk to the Opposition about its concerns. All we sought was greater independence and a greater distance between the Minister and the licence regulators of Sydney Water Corporation. We were disappointed with the Minister's attitude. He had to be dragged kicking and screaming to the table by the crossbenchers of the Legislative Council. He came to heel in the end, only because he understood that the Opposition was serious in its intent when it moved a motion to disallow the operating licence in its previous form and to ensure that the Government introduced a fairer operating licence for Sydney Water Corporation.

When one considers that the operating licence is an all-powerful document that Sydney Water must abide by over a five-year period, the Opposition was acting responsibly to fight hard and to ensure that the Government at all times did the right thing. This legislation makes IPART the independent regulator of utilities in New South Wales. It formalises the proceedings for complaints against public authorities if it is considered they have not adhered to competitive neutrality principles as required under the Competition Principles Agreement. The first part of the bill deals with IPART. It confers on IPART certain regulatory functions relating to gas, electricity and urban water utilities. The three major aspects of the bill, as it pertains to IPART, are: improving the regulatory framework, increasing the independence of utilities' regulation in New South Wales and ensuring compliance.

As to licensing, IPART will make recommendations to the Minister in relation to the granting, transfer or cancellation of a licence, sanctions and remedial action, and the monitoring of and reporting to the Minister on compliance with a licence. The Minister will establish protocols in consultation with IPART as to the

procedures relating to the seeking or making of recommendations to the Government. It is important, in this sense, that the role of IPART, as a licensing body for the government utilities it will regulate, be increased. As to auditing, the legislation will ensure that the relevant agency complies with the conditions imposed on it by its licence. This will apply to electricity, Hunter Water, Sydney Water and the Sydney Catchment Authority, but not to the gas industry.

IPART will assume the role of the current Licence Compliance Advisory Board, along with its powers and reporting obligations. The bill will seek to establish a Utilities Licensing Auditing Advisory Committee, which will advise IPART on the scope and methodology of the audits. The bill also allows for day-to-day monitoring of utilities and may impose a penalty of \$10,000 on an agency that knowingly contravenes a licence. As part of Sydney Water reforms, all licences will be subject to more regular checks of compliance with IPART's determination. As to the energy industry, the current regulatory framework for New South Wales is within the Department of Energy. The Coalition is pleased to see that this specific role will be transferred from the Department of Energy to IPART, along with its staff. We are pleased that IPART, in gaining this new power, will receive the budget allocation from the Department of Energy and that it is revenue neutral.

The bill makes changes to the regulations of Sydney Water in light of the McClellan inquiry. Once again, we are pleased to see that, at the Opposition's insistence, an independent licence review body and an independent licence regulator are in the operating licence. We remain concerned, however, with the definition of "licence review bodies" in clause 1.1 of the Sydney Water operating licence, which gives the Minister administering IPART the discretion to take the licence review functions away from IPART and give them to "a person". In our negotiations with the Government about six months ago we expressed our concern that the Minister could determine that IPART was too busy to undertake the audit functions and appoint another body to do so. The Coalition contends that determination that IPART is too busy to undertake its responsibility is not the role of the Minister but the role of IPART. If IPART determines it is too busy, it has its role to contract an independent person to fulfil that responsibility. It is not for the Minister to determine that IPART is busy, and it is certainly not for the Minister to determine that another person will constitute the review body.

The second part of the bill refers to competitive neutrality and aims to establish a compliance mechanism to deal with allegations of failures on the part of public authorities that are public trading agencies to comply with competitive neutrality principles. It provides for a competitive neutrality complaints mechanism as required under the Competition Principles Agreement. The Coalition notes that IPART will act as a complaints body for State public authorities and will conduct private investigations and make recommendations to the Minister, except in relation to the following: first, tendering, which will be considered by the State Contracts Control Board; and, second, local government, where complaints will be dealt with by the Department of Local Government. We note also that the bill exempts the Freedom of Information Act in accordance with other IPART investigations.

As I said at the commencement of my speech, the Coalition will not oppose this legislation. We see it as progressive legislation, providing greater independence to the regulation of government-owned instrumentalities and utilities in New South Wales. It is an important step forward. Most importantly, we see that it is philosophically moving towards the concept of an all-powerful, independent, well-resourced regulator general who can bring to heel these instrumentalities when they fail to comply with their licence obligations. It is important that the public has confidence in this process. It is important that if we continue down this path—one which the Government and Opposition inevitably support—of corporatised government entities that we have a strong and independent body. Without that, the public will not have confidence in them.

The public must have confidence in the independent body. They must know that Sydney Water, for example, does not test its own water. They must know that the Minister responsible for Sydney Water does not appoint a person to regulate or review its licence. They must know that this independent body, which has respect in the community and a good track record, can fully implement the community's concerns. We are pleased that has been taken a step further with this legislation. As an individual member and as the shadow Minister for Sydney Water, I am pleased with the relations I have had with IPART over the past 15 months. Its officers are impressive and have an understanding of the issues. This legislation will give them sharper teeth to act independently and to ensure that utilities fulfil their licences.

It is essential that the public has confidence that, if the Government no longer fully operates its utilities in a direct sense on a daily basis through the Minister and the Executive Government, an independent body will do it. If government utilities are put on a commercial footing, the very nature of them changes. In that respect they have a commercial imperative—the energy sector and the water sector will return a profit to the

Government—and they depart from the traditional role of government agencies: to deliver a service without a commercial imperative. When that commercial imperative is inserted into the agenda, it must be balanced by an independent regulator. That was the philosophy of the Greiner Government, which established IPART. It is pleasing to see that that continues to be the philosophy of this Government, supported by the Opposition.

The Coalition is very open to further discussion with the Government on the concept of a regulator general. We see that as the right way to move. We regard Victoria as a very successful model in that sense. Anecdotally I am aware of incidents in which the regulator general in Victoria has required electricity suppliers to replace toasters because of energy surges or blackouts in the neighbourhood. The Minister indicates that that is the sort of thing IPART can do. We are pleased to hear that. The community has to have that confidence that if the toaster blows up, if the kettle fuses out, if the water supply is inadequate or not clean, or if the sewerage supply is inadequate an independent arbiter—a middleman, somebody fairly close to the middle—will do the right thing by them, defend their interests and seek to ensure that they are properly compensated for whatever losses they might suffer. I am sure that my colleague the Hon. Duncan Gay, the shadow Minister for Energy in another place, will add to my comments when this bill comes before the Legislative Council.

Mr ANDERSON (Londonderry) [11.21 a.m.]: I support the bill. In particular, I support the move by the Government to put in place a stronger regulatory regime for the State's water and energy utilities. I am pleased to see that the Opposition supports the proposed amendments, because the Independent Pricing and Regulatory Tribunal [IPART] is recognised as having developed a higher level of expertise in its role of determining prices for the delivery of services by government monopolies in New South Wales. As honourable members are aware, IPART also undertook community consultation last year during its consideration of recommended terms and conditions for the Sydney Water operating licence.

The bill proposes a three-pronged approach to regulation of water and energy utilities, comprising licensing, monitoring and auditing in addition to IPART's current pricing powers. New powers relating to licensing and monitoring will be given to IPART. Existing auditing powers of the licence regulator for water and the Licence Compliance Advisory Board for energy are to be transferred to IPART. As a package these three initiatives will also provide IPART with statutory sanctions to ensure higher levels of compliance with the appropriate operating licences and authorisations. In addition the package provides extra incentives for utilities to comply with their respective licences.

The package as a whole is a significant step forward for utility regulation in New South Wales. For example, the new terms and conditions of the Government's licence for Sydney Water includes several new provisions. However, the current regulatory framework relied upon retrospective annual audits of the water and energy corporations. Ongoing daily monitoring, with the capacity for enforcement as envisaged in the bill, will ensure better compliance with the tough new licence. IPART's capacity to enforce a provision contained within a licence is significantly enhanced by the ability to impose a monetary penalty when a utility knowingly contravenes its licence in a serious or continuing way.

It should be noted that such penalties will not be issued without due process, and an appeal process to the Administrative Decisions Tribunal will be established. IPART will also be obliged to notify the utility of a proposed action where a licence is contravened, and to consider any submission by a utility in relation to a proposed action. Another new component is the establishment of the proposed Utilities License Auditing Advisory Committee. The role of the advisory committee is to advise IPART on the scope of its annual audits. The advisory committee is also a means to maintain input by the community into the audit process. The advisory committee will provide IPART with independent advice, with particular focus on environmental and consumer protection.

With a wider range of expertise, the members of the advisory committee will bring to IPART's attention particular issues that are worthy of attention in the annual audits. Advice provided by the advisory committee will be considered by IPART as it undertakes its annual operational audit of the utilities. Following the annual audit IPART will provide a report to the Minister concerning the utility's compliance. As is currently the case, the report will be tabled in the Parliament. What is most significant is that water and energy customers can be confident that they are receiving the best possible water and sewerage service. The package contained within the bill contributes to a strengthened regulatory framework to deliver better outcomes for customers. I urge honourable members to support the bill.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [11.27 a.m.], in reply: As the second reading speech indicated, the

bill assigns to the Independent Pricing and Regulatory Tribunal [IPART] licence auditing and monitoring functions. IPART will conduct annual and spot audits of the water utilities, monitor and report on electricity licensees, and monitor gas licensees. That is a substantial improvement on the current arrangements, because IPART will be an independent auditor, which is consistent with the recommendations of the recent Sydney Water inquiry. IPART will also have the resources to conduct rigorous audits and ongoing monitoring. The Government and the community can be confident that utilities are complying with their licences, and that any non-compliance will be detected early and consequently remedied.

IPART will bring to auditing and monitoring all of its considerable expertise in conducting investigations. It will be able to obtain information and provide an independent and thorough report. IPART will also have the benefit of advice from the environmental consumer and other representatives currently involved in the auditing process through the new Utilities Licence Auditing Advisory Committee. IPART will be able to combine its considerable expertise with the expertise of the advisory committee to deliver rigorous auditing and monitoring as demanded by the community, and expected by the Government.

I note the Opposition's support for this important bill. However, I would like to deal with Sydney Water's operating licence. Although I note the issue raised about the licence, the bill is not about the licence conditions for any of the utilities; it is very much about the new administrative framework and regime; it is about improving and ensuring compliance; and it is about providing the best outcome for the community through a stronger framework. That is not to say that licensing issues and conditions will not be looked at over time. However, I emphasise to this House and to the other place that this bill is very much about that administrative framework

It is my understanding that members in the other place have expressed concern that the bill introduces competitive tendering through the back door or in some clandestine way. I confirm to the House and place on the public record that this bill has nothing to do with competitive tendering. A component of this bill addresses competitive neutrality, but in no way is that to be confused with any sort of competitive tendering issue. I assure honourable members in this place and in the other place that competitive tendering is irrelevant to this bill. This bill neither facilitates competitive tendering nor impedes it. As I say, it is irrelevant to the bill. I thank the honourable member for Pittwater and the honourable member for Londonderry for their contributions to the debate. As the honourable member for Pittwater has said, the Opposition does not oppose the bill. I therefore commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CHILD PROTECTION (OFFENDERS REGISTRATION) BILL

Second Reading

Debate resumed from 1 June.

Mr ORKOPOULOS (Swansea) [11.32 a.m.]: I support the Child Protection (Offenders Registration) Bill. My strongly held view is that there are no greater crimes than those committed against children. Since my election to this Parliament I have been involved in a number of cases that have shocked and horrified me. In each case the innocence of children was taken away and invariably those children have been scarred for life. Clauses 4 to 8 of division 1 of part 2 of the bill make it mandatory for appropriate authorities to notify local police within 28 days of a relevant offence being proven or a relevant offender being released from custody. Some of the information required to be given under clauses 9 to 16 of division 2 of part 2 include: name, address, vehicle registration and place of employment; any other name by which the offender is or has been known; the name of any employer and the nature of employment; the make, model, and a registration number of any vehicle owned or regularly driven by the offender; and information about the nature of the registrable offences with the date and court of the guilty finding.

This bill strengthens the ability of police to enforce the Child Protection (Prohibited Employment) Act 1998 and the Crimes Legislation Amendment (Child Sexual Offences) Act 1998. These two pieces of legislation, along with the Commission for Children and Young People Act 1998, recognise the post-release dangers posed by child sex offenders and others who offend against children. A wealth of evidence indicates a high level of recidivism among child sex offenders. This bill gives legislative effect to the announcement by the Premier on 5 March 1999 in response to recommendation 111 of the Wood royal commission, which states:

Consideration be given to the introduction of a system for the compulsory registration with the Police Service of all convicted child sexual offenders, to be accompanied by requirements for :

- the notification of changes of name and address; and for
- verification of the register;

Following consultation with the Police Service, ODPP, Corrective Services, the Privacy Committee and other interested parties.

The bill has been the subject of extensive consideration by the Government, which established an interagency working party which was chaired by the director-general of the Ministry for Police. Represented on the working party were the New South Wales Police Service, the Privacy Commissioner, the Commissioner for Children and Young People, the Cabinet Office, the Attorney General's Department, the Department of Corrective Services, the Department of Community Services and the Department of Education and Training. The working party sought submissions from 22 government agencies, the New South Wales Council for Civil Liberties and the Association of Children's Welfare Agencies. The working party examined registration models from a range of jurisdictions and consulted closely with United Kingdom police and the British Home Office. In fact, the introduction of this bill was delayed pending data compatibility with the national child sex offender database that was being developed as part of CrimTrac.

I now address the one model the Government rejected, that is, the model described as Megan's law, which requires public notification of registered sex offenders. My reason for doing so is that a number of people in the Swansea electorate—and throughout the State, I am sure—believe Megan's law is the proper course to follow. I shall enumerate the problems with public disclosure of paedophile information as it occurs under Megan's law. The royal commission noted that one objection to public notification was that offenders are less likely to remain in a stable and supportive environment if they are hounded from place to place, thereby decreasing the prospects of rehabilitation and increasing the stress and other factors that only encourage them to reoffend. Public disclosure may increase and not decrease the risk to children. Megan's law has led to violence and vigilante action, an instance of which was an offender's house being burned down and other offenders being assaulted.

Many of us who strongly support the bill, as I am sure the Minister for Police does, would be aware of the hounding of a convicted child sex offender ultimately leading to his suicide. Of course, that is a tragedy we do not want in this country. Vigilante action is not always confined to the offender. It may be directed at the offender's family, employer or associates. In one case in New Jersey a falsely labelled innocent person was seriously assaulted by a vigilante group. Those sorts of experiences under Megan's law have occurred in the United States of America. The child victim may be identified if information about the specific offence is released. That can cause humiliation and additional hurt to victims. Indeed, the very people we seek to protect would yet again be made victims with the application of what I believe is a flawed model of law.

The threat of public disclosure for life may deter child sex offenders from confessing their offences, resulting in a reduction in guilty findings and increased court costs for contested prosecutions. Community notification of such offenders requires additional police resources as it is not core police business. If Megan's law was in force here, a failure to alert the community in a particular instance may result in strong community criticism of police. Clearly, that is not what we want in this State. The Child Protection (Offenders Registration) Bill strikes the right balance. It protects the rights of those who have been convicted, paid their price and are trying to seek as normal a life as possible. The provisions of the bill will ensure that the police are able to track the movement and activities of people who have been convicted of the specified offences. The bill also strikes a balance between the rights of those people—they do have rights, no matter what we think of their crimes—and the rights of victims of crimes. They do not want to relive in the public eye the horrible circumstances of their experience. The bill is a worthy reform of this Government.

Mr TINK (Epping) [11.41 a.m.]: The Opposition supports the Child Protection (Offenders Registration) Bill, the objects of which are to require persons who have been found guilty of certain offences against children to keep the Commissioner of Police informed as to where they live and work and what motor vehicles they drive, and to make consequential amendments to give effect to the bill. As previous speakers have indicated, the bill stems from recommendation 111 of the royal commission's paedophile inquiry, concerning compulsory registration of all convicted child sex offenders by police. Previous speakers have also indicated that the bill follows the United Kingdom model, which provides for notification to police rather than to the public at large, as occurs in many American States under the Megan's law arrangements.

The Leader of the Opposition has indicated that the notification should be wider than simply the Commissioner of Police, at the very least in circumstances in which the commissioner believes that it should

happen. It does not seem to me that there is any provision in the bill that allows that. We do not seek to take that any further at this stage but we will keep the matter under fairly close surveillance. I note that the Ombudsman will review the Act in due course. It is lamentable that there have been some appalling failures by State government authorities in the wider sense of the word. People convicted of crimes have ended up living extremely close to their victims. If my memory is correct, an extremely bad example occurred in the Maitland area not long ago. There have been other examples of extraordinary outcomes. In one case a murderer ended up living just down the road from the victim's family.

Unfortunately, history shows that relying on public authorities wholly and solely in these matters is far from foolproof and there have been some appalling lapses along the way. It is said that the bill provides a balance in relation to victims. I am not at all sure that it does. I do not think there is a reference in the bill to victims. There are plenty of references to perpetrators and to the Commissioner of Police but—somebody may be able to point me where—there is no reference to the rights of victims in this bill. We will keep an eye on this. I put on the record that I have the strongest reservations about an open Megan's law approach, particularly because the royal commission has made strong recommendations in this regard that weigh very heavily with us. We think that the bill should go forward in its current form without our attempting to amend it. But nobody is infallible. The royal commission is not infallible and the Government is not infallible on this issue.

The United Kingdom precedents are not infallible either. We will keep a watching brief because we know from experience that the New South Wales bureaucracy has, unfortunately, delivered extraordinary outcomes. The victims of the most serious crimes and their families have been subjected to having the criminals involved in the crimes against them living in the closest proximity to them. If the system can deliver that it cannot be trusted not to deliver outcomes in which paedophiles end up living close to their victims. That cannot be ruled out in light of the experience with failure to notify and failure to cross-reference the particulars and details across government agencies.

There is simply no guarantee that this will not happen again. I hope it will not happen again but if it does we will quickly consider amendments to the legislation. In the meantime the system should be monitored particularly in relation to the need for balance between the rights of the victims and the responsibilities of the offenders. They are the issues that we will keep under watch as the legislation is implemented. I repeat that the Opposition supports the bill as it stands. The bill results from a royal commission recommendation but we will vigilantly watch its implementation and await reports by the Ombudsman with great interest.

Mr BROWN (Kiama) [11.47 a.m.]: I speak in favour of the Child Protection (Offenders Registration) Bill. As a Parliament we should do everything in our power to protect our children. Their innocence and vulnerability put a heavy onus on us to ensure their safety. The main purpose of the bill is to require convicted child sex offenders, along with other specified serious offenders against children, to inform police of changes to certain personal information. A central register will record the movements of convicted paedophiles. This in turn will provide greater protection for children. The bill fulfils a Wood royal commission recommendation and a key Carr Labor Government commitment. Recommendation 111, which is found in Volume 5 of the final report of the paedophile inquiry, spelt out clearly the need for the bill. Specifically, the recommendation is:

Consideration be given to the introduction of a system for the compulsory registration with the Police Service of all convicted child sexual offenders, to be accompanied by requirements for:

The notification of changes of name and address; and for

Verification of the register;

Following consultation with the Police Service, ODPP [the Office of the Department of Public Prosecutions], Corrective Services, the Privacy Committee and other interested parties.

Child sex offenders registration schemes have been in effect in other jurisdictions. The first registration scheme was introduced in California in the 1940s. By 1996 all States in the United States of America and a number of Canadian provinces had introduced registration systems. The United Kingdom followed in 1997. Queensland has had a limited registration scheme since 1988. The Queensland scheme provided that courts, in certain circumstances, may order sex offenders to report details of names and addresses to the police. Victoria has not yet introduced such a scheme but in 1995 the Crime Prevention Committee of the Parliament of Victoria recommended that this be done.

To try to protect children the bill provides that certain categories of child sex offenders are to supply police with information. The categories include offenders who sexually assault a child, child murderers,

offenders who have indecently assaulted children, offenders who kidnap a child, persons found guilty of possessing or publishing child pornography, and persons found guilty of child prostitution offences, other than child prostitutes. The bill also covers what will happen if a person fails to register. Failure to register without reasonable excuse or registering but giving false information will make a person guilty of an offence carrying a maximum penalty of \$11,000 and/or two years imprisonment.

Some in the community would like to have developed a community notification system, under which information on child sex offenders is made publicly available, rather than the system of compulsory police notification that is provided for in this bill. That sort of registration process is often referred to as Megan's law and is not supported by the Carr Government. Research suggests that such community notification does not deter child sex offenders from reoffending. In fact, it has been argued that Megan's law may reduce compliance with registration requirements, thus preventing police from effectively tracking and monitoring those who pose a risk to children.

The statistics are interesting on this point. Compliance in some areas of the United States of America where Megan's law is operative is under 10 per cent, whereas in the United Kingdom, which carries strong presumptions against community notification, compliance is as high as 97 per cent. Community notification has the potential also of exposing the identity of the victim. This is particularly so as child sexual assault is often intrafamilial. The honourable member for Epping referred to the rights of victims and this bill considers victims in this regard. Compulsory community notification could be a cause for humiliation of and additional hurt to the very people this process is meant to protect. Further, the royal commission also opposed the introduction of Megan's law.

I return now to the bill. Clause 9 deals with the relevant personal information that registrable persons must provide. Registrable persons must advise police of their name and any other names by which they have previously been known. They must also notify the police of information regarding places where they regularly reside or, if they are transient, the localities in which they are generally found. Registrable persons must also provide information on where they work, the name of their employer and the nature of their employment. They must also provide information on the make, model, colour and registration number of any vehicle they own or regularly drive. That reflects United States research, which found that many child sex offenders offend in or from their motor vehicles. Registrable persons must also provide other information of a machinery and verifying nature, for example, a birth certificate or a motor vehicle licence. I am pleased to speak in support of the bill and will continue to work hard to ensure a safer community for our children.

Ms HARRISON (Parramatta) [11.52 a.m.]: It is with great pleasure that I support the Child Protection (Offenders Registration) Bill, which requires convicted child sex offenders and others who have committed specified serious offences against children to supply the police with certain personal information. Child sex offender registration schemes result from research showing that child sex offenders have high rates of recidivism. Bearing in mind the seriousness of their offences, that means that they may pose a further risk to children when released into the community. In 1998 the New South Wales Parliament passed three Acts that recognised the post-release dangers posed by child sex offenders and other offenders. They were the Child Protection (Prohibited Employment) Act, the Commission for Children and Young People Act and the Crimes Legislation Amendment (Child Sexual Offences) Act. Recommendation 111 of the Wood royal commission recommended that the Government should consider introducing a compulsory registration system for all child sex offenders, and the bill is a consequence of that recommendation.

The bill requires offenders to provide police with the following information within 28 days of an offence being proved or an offender being released from custody: name, address, vehicle registration and place of employment; any other names by which the offender is, or has been, known; the name of any employer and the nature of employment; the make, model, colour, and registration number of any vehicle owned or regularly driven by the offender; information on the nature of the registrable offences and the court at which the finding of guilt was made and the date on which the finding was made; and any documentation required by regulations to prove the above information.

The classes of offender that must provide this information are offenders who sexually assault children, child murderers, offenders who indecently assault children, offenders who kidnap children, persons found guilty of possessing or publishing child pornography and persons found guilty of child prostitution offences other than child prostitutes. Persons will not be required to register if an offence is technically proved but no conviction is recorded. The scheme will apply to those sentenced after the commencement of the legislation and those who are under some correctional or parole supervision at the time of commencement. It will also apply to relevant offenders who enter New South Wales from other jurisdictions.

The registration period will last between eight and 15 years after release into the community, depending on the nature of the offence and the person's offending history. Persons on lifetime licence or parole will register for life, and there will be no avenue for review. Juveniles, who are more susceptible to rehabilitation, will register for half the above periods and will not be registered for life. Persons who fail to provide police with registration information without reasonable excuse and persons who deliberately provide police with false information will be guilty of an offence which carries a maximum penalty of \$11,000 and/or two years imprisonment. Given the nature of the scheme, and to ensure that police apply the legislation appropriately, the Ombudsman will be given broad powers to monitor the legislation and to report on it.

The bill offers significant new protection to children. It will increase and improve the accuracy of police child sex offender intelligence, assist in the investigation and prosecution of child sex offences committed by recidivist offenders, provide a deterrent to reoffending, assist police from New South Wales and other States in monitoring high-risk child sex offenders, assist in the management of child sex offenders in the community, provide child abuse victims and their families with an increased sense of security, enable child murder and kidnapping offences to be considered for the purposes of employment screening and prohibiting child-related employment, and assist police to enforce the Child Protection (Prohibited Employment) Act 1998 and Crimes Legislation Amendment (Child Sexual Offences) Act 1998.

I take this opportunity to make one or two points about a community notification system, which is not supported by the Carr Government, or the alternative of enacting legislation to allow community group notification in all but the most exceptional circumstances, which I believe would be Megan's law or notification by stealth. Research suggests that community notification, whilst populist, does not reduce recidivism amongst child sex offenders. There are legitimate concerns that notification may reduce protection for children, and protection of children should be our aim. In fact, community notification may reduce compliance with the registration requirements and prevent police from effectively tracking and monitoring people who pose a risk to children. Compliance in some areas of the United States of America is under 10 per cent whilst the United Kingdom system, which carries strong presumptions against notification, has a high 97 per cent compliance rate. It is my understanding that the compliance rate in the United States of America decreased after Megan's law was enacted.

Under a community notification system offenders are likely to move more frequently to escape community hostility, making it more difficult to monitor them. The resulting community labelling and hostility may serve as a barrier to the successful rehabilitation of offenders and make them more likely to reoffend. Offender identification may also identify the victim, particularly as child sexual assault is often intrafamilial, which can cause humiliation and additional hurt. It may create a false sense of security in the community, with less attention being given to protecting children from non-registered sex offenders. This may result in fewer offenders admitting their offences and, in turn, with fewer successful prosecutions. There are concerns that community notification will lead to vigilantism, which has happened overseas and has been a potential problem in New South Wales. Although many of us have little sympathy with child sex offenders, it is not in our interests to promote vigilantism in any form.

Numerous incidents have proved that community notification has actually been against the interests of the community. For instance, in California when residents were notified of the release of a former offender, they responded by firebombing his car. When residents of New Jersey received a similar notice, a mob of 250 severely beat an innocent bystander whom they had mistaken for the former offender. There are many examples of such consequences of the notification system which I shall not go into now. However, they prove that community notification is not the way to go. This bill is a sensible and measured response to public demand that a child sex offender register be established. Our goal is to assist in the prevention, investigation and prosecution of child sex offences. If we encourage child sex offenders to register, police will know those offenders' whereabouts for law enforcement purposes. This is a sensible and responsible solution to a complex problem, and I commend the bill to the House.

Ms BEAMER (Mulgoa) [12.00 noon]: Acts of paedophilia are beyond my comprehension and that of most honourable members. Desiring a prepubescent child for sexual gratification is something that I will never come to terms with. I hope that all first sexual encounters occur as a result of informed consent and agreement in an atmosphere of love and care. Unfortunately, some first sexual encounters are bewildering, violent and scary. For victims of the crime of paedophilia, these encounters are abusive, manipulative and demanding. A government can take measures to help to protect the young and vulnerable: abuse and exploitation will never be tolerated. All possible steps must be taken to protect our precious future.

The Child Protection (Offenders Registration) Bill is just one part of our child protection armoury and realises recommendation No. 111 of the Wood royal commission. Methods for investigating child abuse through

the Child Protection Enforcement Agency have become first-class and we need to build on that success. To help victims of abuse and reduce the impact and trauma of legal proceedings, court audio and video recordings of child victim statements have been introduced. In 1998 the Government introduced three Acts that acknowledged the recidivist nature of paedophile activities. These Acts can impose certain restrictions on child offenders upon their release from prison. Schemes involving the registration of offenders require offenders to provide information to a government agency, usually the police.

In seeking the best model for New South Wales, the Government examined 60 international schemes. It is a sad fact that child sex offenders often reoffend and pose a risk to children upon their release back into the community. Child sex offences have a low reporting rate, which makes that recidivism risk even more alarming. Although it recommended registration, the Wood royal commission did not recommend the so-called Megan's law, which was first enacted in New Jersey in 1994. That name is usually used to describe schemes that require public notification of paedophile activities and information. It is often extremely hard for legislators to remove themselves from the emotion of events and to avoid making knee-jerk reactions. People looking into their son's or daughter's precious eyes and thinking that their children might be at risk from a next-door neighbour or from someone across the street would be more than emotional.

Megan's law was enacted in the United States of America with the best of intentions, but it has created enormous notification problems. A major problem with notifying the public is that convicted paedophiles refuse to register. By so doing they are breaking the law and are, therefore, likely to remain undetected. If the rate of offender registration is only 10 per cent, the community does not have most of the relevant information about former offenders. Megan's law would work in a perfect world where offenders decided to register, but that does not happen.

The system that allows registration to the local police, as occurs in Great Britain, has a higher success rate. The United Kingdom scheme has a compliance rate of 97 per cent, which contrasts starkly with the 10 per cent rate in some American states. If we are to inform the police about paedophile activity and enable them to act more effectively, we will be far better off with the scheme that has the best compliance rate. It is difficult to tell the community that, in the context of a scheme, we are considering the greater good, not the individual rights of parents who would scream, "You knew that that person was living in my neighbourhood and you never told me". We often balance individual rights against the rights of an entire community. In this case, we are talking about a heinous crime that affects small children and the rights of their parents and the community to know.

However, laws in other jurisdictions about informing the community have led not only to poor compliance rates but to vigilantism. Several people have been attacked on the mistaken assumption that they were paedophiles. In one instance, a police station in Britain was surrounded by a mob who believed that a child sex offender was inside. The mob attacked the station over several days and several police were hurt. Those models will not work in our community. We must learn from overseas experiences. It is a pity that the community will not be told, but such laws simply do not work. If we could find a way of informing part of the community—that would not happen in small communities where everyone would know—by telling teachers to be wary, for example, we would do that. However, we have explored that option and it seems impossible to implement.

There are different kinds of offences against children. The most common offence occurs when one parent removes his or her child from the other parent during a custody battle. In such cases, the general public is not put at risk and people found guilty of that offence would not have to be registered. Other crimes against children involve registration. Having two stages of offences—stage one offences are far more serious than stage two offences—enables the police to track offences against children. We must sometimes consider difficult legislation, and I think that this is one such occasion. We must come to terms with the fact that the crime of paedophilia is occurring in our community and that there is a high rate of recidivism among child sex offenders. That is very sad for potential child victims. Most victims of child sex offences are girls, and they are most at risk from a trusted family member or someone who knows the family rather than from a predator on the street. In most cases young girls are at risk of assault from a trusted family member, not from a predator in the street.

This legislation is but one small cog in the wheel to help victims, and it should be enhanced. The Child Protection Agency should be given sufficient armaments to help it to solve crimes of paedophilia. As I have mentioned, three Acts which were introduced by this Government in 1998 are part of that armament of securing convictions. It is unfortunate that a community notification system will not work. I support the bill.

Ms MOORE (Bligh) [12.11 p.m.]: I strongly support the bill. I fully support the Government's approach, which, by and large, has moved away from the Megan's law style of legislation which places

paedophiles at risk of becoming the victims of lynch mobs. Instead, police will monitor the movements of convicted paedophiles. My one concern is with what might happen with the information that the police have. The intent of the legislation could be undermined if police reveal information on the paedophile register to unauthorised persons. The problems are easy to see: A police officer in a rural town may go home and tell his wife about a registration, and suddenly the information is all over town. Or, a paedophile may be seen going into a police station and giving information over the counter, rather than in the privacy of an office, and suddenly the information is out.

A few years ago a police officers gained unauthorised access to information on celebrities via the computer operated police system. It is a concern that a convicted paedophile, who has done the right thing, could find that information has gone into the public domain and the media. This law depends on encouraging convicted paedophiles to register. There are strong sanctions to encourage them to register, but this could be undermined if they fear the information will be disclosed, putting their safety and wellbeing at risk. Unauthorised disclosure will be reported in the media, and it will drive convicted paedophiles underground. That is the opposite of the purpose of the legislation. There needs to be strong sanctions against police to reduce this risk. There may be adequate provisions in other legislation to discourage police. I request that the Minister provide assurances that sanctions exist in other legislation which are strong enough to overcome such risk.

Ms SALIBA (Illawarra) [12.13 p.m.]: I cannot say that it is with pleasure that I support this bill; it would be my pleasure to say that it is not necessary to have such a bill. I support the bill out of necessity. I am passionate about the rights and needs of children, I have four of my own. I am a member of a foster care organisation in the Illawarra and of an adoptive parents support group. I have met children who have been permanently scarred by criminal acts. As pointed out by my colleagues those crimes involved child murderers, offenders who indecently assaulted a child, offenders who kidnapped a child, persons found guilty of possessing or publishing child pornography, and persons found guilty of child prostitution offences other than child prostitutes.

That type of crime destroys a child's life. As the honourable member for Parramatta said this bill offers new protection to children, it improves and increases police intelligence in that regard, and provides a deterrent to recidivists. I know what I would like to do with them! The legislation does not go quite far enough by not ensuring that offenders should be permanently on the list. We are talking about a serious crime, there is no greater crime than hurting a child. This Parliament has shown its commitment to doing everything possible to protect the community. This week this House discussed the recording of DNA testing on criminals. This bill is designed for the protection of children, the most vulnerable in our community.

In a recent press release the Minister for Police commented that people who commit those offences automatically lose some of the rights that responsible citizens enjoy. I agree with the Minister's comment and add that no greater crime can be committed than that against a child. How can a child protect himself or herself? Children trust adults, unless they have been victims. I cannot understand how adults could betray that trust. It is beyond my comprehension. We are not talking about someone who has been picked up for shoplifting, we are talking about offenders who sexually assault and abuse children. That is one of the most serious crimes and I have no hesitation in supporting the bill.

Mr CAMPBELL (Keira) [12.16 p.m.]: I join with the honourable member for Illawarra in strongly supporting this legislation. The community that I represent has, on the whole, been traumatised over recent times, particularly through the revelations of the police royal commission into the crime of paedophilia. The commission named people, whom the community held in high regard, as recidivist paedophiles. In most communities a number of individuals have been traumatised by paedophilia. This legislation is a result of a recommendation of the Wood royal commission that the Government consider introducing the compulsory registration of all child sex offenders. The legislation requires convicted child sex offenders to register with police changes to their name, address, place of employment and vehicle registration and other verifying information after they are released into the community. Information collected as a result of this legislation will be compatible with the national child sex offender database which is being developed as part of CrimTrac.

Yesterday, when speaking to the legislation about DNA testing, I indicated the importance of having a national system administered by the Commonwealth. That would ensure registration of child sex offenders across the country, and is an important aspect of this legislation. The relevant offenders are those who sexually assault a child; child murderers, but not those who are convicted of manslaughter—for example women who suffer from post-natal depression; offenders who sexually assault a child; offenders who kidnap a child—but not those who have had the previous care relationship with the child, as those complex custody and access matters should be resolved through the Family Court; persons found guilty of possessing or publishing child pornography; and persons found guilty of child prostitution offences, other than child prostitutes.

The more serious offences of murder and sexual assault are class one offences, the remainder are class two offences. Persons will not be required to register if an offence is technically proved, but no conviction is recorded. For example, two 15-year-olds in a sexual relationship will be committing an offence, but there is no child protection benefit in requiring them to register. I make that point because there is a balance in the legislation. It is vitally important to provide police with the resources, information and tools to enable them to monitor persons found guilty of these offences, but at the same time strike a balance to ensure that the monitoring is not excessive.

This bill also offers significant new protections to children. It will: increase and improve the accuracy of the police child sex offender intelligence; assist in the investigation and prosecution of child sex offences committed by recidivist offenders; provide a deterrent to reoffending; assist police from New South Wales and other States in monitoring high-risk child sex offenders; assist in the management of child sex offenders in the community; provide child abuse victims and their families with an increased sense of security; enable child murder and kidnapping offences to be considered for the purposes of employment screening and prohibiting child-related employment; and assist police to enforce the Child Protection (Prohibited Employment) Act 1998 and the Crimes Legislation Amendment (Child Sexual Offences) Act 1998.

As has already been indicated, the bill does not provide for or support the development of a community notification system. It is important that the bill provides this type of protection, but equally does not provide for an open system, which may encourage vigilante groups and other types of occurrences in the community. Overseas experience demonstrates that that sort of mayhem will not necessarily stop a person reoffending and does not strengthen the community. I share the concerns of the honourable member for Bligh about confidentiality and other issues for registrable persons. I wish to make a couple of points about that. The bill recognises that providing relevant personal information to police may be a traumatic experience. Other registration schemes provide little support to offenders, which may reduce compliance with the registration. We must encourage compliance.

Accordingly, clause 12 (7) (b) of the bill allows a registerable person to bring a support person of their own choosing to the police station when they register. Clause 12 (5) allows parents or carers to give registration information on behalf of a child or person with a disability, although clause 12 (6) encourages such persons to physically attend the registration if they are able to. The bill also recognises the importance of keeping registration information confidential. Requiring offenders to physically attend a police station to register promotes confidentiality. Clause 12 (7) (a) provides that offenders are entitled to register in private, where no members of the public are present. Given the sensitive nature of registration, clause 12 (1) provides that only sworn police officers may receive registration information.

Subclauses (2) and (3) of clause 12 require police to give offenders written acknowledgement of their registration obligations. This will prevent police from subsequently charging an offender who has properly registered. The written acknowledgement will be drafted in such a way that it is not apparent on the face of the acknowledgement that the offender is a registered offender. This means that an offender will not be compromised if the acknowledgement falls into the hands of a third party. Registration information will be held on a secure part of the New South Wales Police Services computer operated police system. The Privacy Commissioner will be consulted to ensure that this information is accessed appropriately and securely stored. I mentioned earlier the need for balance. Those confidentiality provisions are important.

Lest someone who reads my contribution at a later date thinks that in any way, shape or form I support child sex offenders, I make it clear that my desire for some confidentiality and balance in this legislation in no way offers any support to those who have been found guilty of offences that require registration under this bill. Such people stand condemned, and they should face stiff penalties. I make that point in conclusion of my contribution to this important legislation.

Mr WHELAN (Strathfield—Minister for Police) [12.24 p.m.], in reply: I thank all honourable members for their valuable contributions to this important debate. This bill amounts to a competent and carefully considered improvement to our child protection laws. It has been developed with regard to the successes and failures of more than 60 similar schemes in other jurisdictions. As I have already noted, the bill complements a suite of existing government initiatives for the protection of children. It is designed to serve a number of purposes. Firstly, it will improve the accuracy of police child sex offender intelligence. Secondly, the legislation will assist in the investigation and prosecution of child sex offences committed by recidivist offenders. Thirdly, it will assist police from New South Wales and other jurisdictions in monitoring high risk child sex offenders, as well as assisting in the management of child sex offenders in the community.

Fourthly, it will reduce the opportunities for and provide a deterrent to reoffending. Fifthly, it will provide child abuse victims and their families with an increased sense of security. Finally, it will assist police in enforcing the Child Protection (Prohibited Employment) Act 1998 and the Crimes Legislation Amendment (Child Sexual Offences) Act 1998. As I have said, the bill toughens the Government's response to paedophiles. It forms a central plank in the Government's commitment to make New South Wales safe for the people of New South Wales. The system will result in compliance. It will not chase sex offenders underground, as happened in the United States of America. The honourable member for Epping said that victims were not mentioned in the bill. He is correct. This is a registration scheme for law enforcement purposes to protect children. It is sponsored by the courts and endorsed and maintained by the Commission of Police. The rights of victims are covered by the Victims Rights Act 1997, which this Government introduced. Under the Charter of Victims Rights, victims have access to information on convicted serious offenders.

Corrective Services maintains a victims community-based offenders register as part of its victims register. Registered victims may, upon request, be advised as to the general location of the offender's residence, whilst the offender is serving a community-based order such as parole, a community service order or home detention. The Department of Juvenile Justice has recently established a victim's register and the Mental Health Review Tribunal is in the process of establishing a register for the victims of forensic patients. This bill does nothing to affect those registers. The bill is a balanced response to a difficult issue. I repeat, I welcome the contribution of members. I commend the bill to the House.

Lastly, I advise that the provisions of the Police Service Regulation, read in conjunction with the Privacy and Personal Information Protection Act 1998, will make it an offence for police to release information contrary to the instructions, the penalty being \$11,000 and/or two years imprisonment. This will prevent police releasing this information to the broader community. That issue was raised by the honourable member for Bligh.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES (FORENSIC PROCEDURES) BILL

Second Reading

Debate resumed from 7 June.

Ms MOORE (Bligh) [12.28 p.m.]: Many members who have spoken in this debate have said that the bill will be an effective tool in solving crime, particularly heinous crime, and will establish the innocence of people who have been unjustly accused. Details of its success rate in Britain were set out by a number of members. I join in the in-principle support for this bill and for its goals. I am pleased to see that the Ombudsman will review its effects after 18 months of operation. I would like to briefly put before the House concerns that have been expressed to me about the specifics of the bill. The Law Society recommends that, due to the substantial and serious differences between the model criminal code officers committee and the New South Wales bill, it is imperative that a public inquiry into the bill be established.

It is important, when formulating groundbreaking legislation, that we hasten slowly to ensure that we get it right. I remind honourable members that it can take up to 18 months in the Commons to get legislation right. There is no need to rush this legislation through, even though it is commendable that the Government is enthusiastic about reform. We should listen to the Law Society and others who are concerned about the specifics of the bill, and allow it to be examined so this House can be sure that ultimately we get the best possible legislation.

The Law Society recommends that, due to the differences between this proposal and the Model Criminal Code Officers Committee proposal, an inquiry be established. It has recommended that the bill be referred to the parliamentary Standing Committee on Law and Justice. I urge the Government, the Opposition and the crossbenchers in the upper House to seriously consider that course. That view of the Law Society is supported by Justice Action, which is of the view that a moratorium should be imposed on the introduction of DNA technology in the criminal justice system. The Parliament should consider that view. Justice Michael Kirby said:

To the extent that you enhance the capacity of the State, without reasonable cause, to take body samples, you at least raise a number of questions. First, the issue of self-examination. Second, the enhanced power of the State to intervene in the life of the individual. Third, the problem of the risk of tampering with samples, which must be carefully secured if the system is to have integrity.

Many honourable members would have seen the film *Gattaca*; this is perhaps shades of that film. We must be quite sure that there is no opportunity for future corruption in this area. Justice Michael Kirby continued:

And finally, the risk of error.

Justice Kirby made these points at a speech given at the University of Technology, Sydney, earlier this year, and it was reported in the *Australian Financial Review*. The Law Society has made some suggestions about amending the bill to address its major concerns. The amendments include, first, the need to set an upper limit on the amount of time testing procedures can be deferred for time-outs. There is concern that time-outs may be manipulated under the legislation and that police may be empowered to detain people indefinitely. Second, the current legislation differs from the model bill in that it only requires reasonable grounds to believe that the forensic procedure might produce evidence tending to confirm or disprove the suspect committed an offence. The Law Society wants to replace the word "might" with the words "is likely to" in clauses 12, 20 and 25. This is supported by Justice Michael Kirby, who has expressed concerns about this aspect of the DNA testing procedures. He said:

The obligation that our system lays down is that before the great power of the organised State can come into your life, [there has to be] reasonable cause to suspect you of an offence. It's a very important definitional element ... it's the reason we've never had a society where people can stop you in the street and say "papers".

Third, the question of requirements to balance the public interest and the suspect's interest have been omitted from the New South Wales bill. The Law Society suggests the following additions to clause 12:

- (2) In determining whether a request is justified in all circumstances, the police officer must balance the public interest in obtaining evidence tending to confirm or disprove that the suspect committed the offence concerned against the public interest in upholding the physical integrity of the suspect.
- (3) In balancing those interests, the police officer must have regard to the following matters:
 - (a) the seriousness of the circumstances surrounding the commission of the relevant offence and the gravity of the relevant offence,
 - (b) the degree of the suspect's alleged participation in the commission of the relevant offence,
 - (c) the age, physical and mental health and cultural background of the suspect, to the extent that they are known to the officer,
 - (d) whether there is a less intrusive but a reasonably practicable way of obtaining evidence tending to confirm or disprove that the suspect committed the relevant offence,
 - (e) if the suspect has any reasons for refusing to consent, the reasons,
 - (f) any other matter considered relevant to balancing those interests.

Fourth, the bill does not afford the same protections to volunteers as to suspects, that is, suspects are not to be questioned during procedures and are to be cautioned. Fifth, no offender convicted prior to the commencement of the legislation should be subject to DNA testing. Sixth, any order for testing should be a court order. Seventh, the public must be assured of the independence and integrity of the testing, analysis, retention of material, and creation and management of the data and database. The bill is not specific about these details, which need clarification to ensure the security of the data and protection of the process from corruption. These very important matters that have been raised with the Parliament by the Law Society should be examined, and we should take the time needed to ensure that we get the best possible model for this very important legislation. I hope these matters will be considered by the Government, the Opposition and the crossbenchers in the upper House.

Mr WHELAN (Strathfield—Minister for Police) [12.35 p.m.], in reply: I thank honourable members for their contributions to this important debate. The honourable member for Bligh and other honourable members have referred to the submissions made by the Bar Association. The Government always welcomes input from the Bar Association, which has made a very thoughtful contribution. However, the issues raised by the association have been well considered by the Government. Although the contribution by the Bar Association has been recognised by all members in this House, it appears that the Opposition does not support the view of the Bar Association, as indicated by the honourable member for Gosford. The Opposition has given me the opportunity to look at amendments it intends to move. The Government will agree to the amendments to be moved by the honourable member for Epping.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 122

Mr TINK (Epping) [12.37 p.m.], by leave: I move Opposition amendments Nos 1 to 7 in globo:

No.1 Page 2, clause 2, line 7. Insert "except as provided by subsection (2)" after "proclamation".

No. 2 Page 2, clause 2. Insert after line 7:

(2) Section 121 commences on the date of assent.

No. 3 Page 92, clause 121 (1), line 7. Omit "18 months". Insert instead "2 years".

No. 4 Page 92, clause 121 (3), line 13. Omit "'8-month". Insert instead "2-year".

No. 5 Page 92, clause 121. Insert after line 15:

(4) The Ombudsman may at any time make a special report on any matter arising out of the operation of this Act to the Minister.

No. 6 Page 92, clause 121 (4), lines 16 and 17. Omit all words on those lines. Insert instead:

(4) The Minister is to lay (or cause to be laid) a copy of any report made or furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.

(5) If a House of Parliament is not sitting when the Minister seeks to furnish a report to it, the Minister may present copies of the report to the Clerk of the House concerned.

(6) The report:

(a) on presentation and for all purposes is taken to have been laid before the House, and

(b) may be printed by authority of the Clerk of the House, and

(c) if printed by authority of the Clerk, is for all purposes taken to be a document published by or under the authority of the House, and

(d) is to be recorded:

(i) in the case of the Legislative Council - in the Minutes of the Proceedings of the Legislative Council, and

(ii) in the case of the Legislative Assembly - in the Votes and Proceedings of the Legislative Assembly,

on the first sitting day of the House after receipt of the report by the Clerk.

No. 7 Page 92, clause 122 (4), lines 27 and 28. Omit all words on those lines.

I understand that the amendments are not opposed by the Government. The amendments are designed to enhance the powers of the Ombudsman to oversight the legislation and, in particular, to provide the Ombudsman with a specific power to make special reports to Parliament at any time on any matter arising out of the operation of the Act through the Minister. In addition, the Minister is required to lay upon the table of both Houses of Parliament at the earliest opportunity a copy of the report of the Ombudsman. For practical purposes, contemporaneously with the Minister being made aware of the special reports and any concerns within them, the Parliament is also informed. Previously at times there has been considerable delay in the Parliament being informed of the contents of reports to the Government. I am not singling out the police ministry in this regard, because it has been the case in a whole range of matters. The Opposition strongly believes that because this legislation is of fundamental importance any concerns of the Ombudsman about which he seeks to make the Government aware should be made known to the Parliament at the same time.

The current provision requiring the Ombudsman to make a substantive report at the end of 18 months remains an important provision and should not be superseded or overtaken by the proposal to report at any time. We want to maintain the provision of a report after an 18-month period. When the Minister receives a copy of the report we would like a copy to be tabled in both Houses of Parliament. To make that point crystal clear: the amendment states that if the Parliament is not sitting, the report should be tabled using the appropriate procedure through the Clerks or the Speaker. In that way, the contemporaneous reporting is emphasised in these amendments. The final point is to amend the 18-month period to two years, but it will not change the intent of

the time for the Ombudsman to report. June 2002 is the date for reporting under current legislation, which comes into effect in January next year. June 2002 is appropriate for the main report on the bill, subject to any reports in the mean time. We are moving to insert two years in lieu of 18 months to reach the same effective date, but that amendment is to commence on the date of assent rather than of proclamation.

In the past, because amendments passed by both Houses of Parliament were required to come into effect only on proclamation, some were never proclaimed by this Government. We want these amendments to have effect from the date of assent. I understand that the strong constitutional convention is that the Governor's assent happens within a very short time of bills being passed through the Parliament. We want to avoid the problems of the past of bills never being proclaimed. In effect, the amendments will be operative in a couple of weeks time. As the Minister said in his second reading speech, although police training will commence straightaway, the Act will effectively commence at the beginning of next year, but a further six months must be added for the clause to start on the date of assent and not on proclamation. Although the length of time is being changed, the date will not. We believe that is appropriate to ensure the amendments have practical effect.

Mr WHELAN (Strathfield—Minister for Police) [12.43 p.m.]: As I indicated earlier, the Government agrees to the amendments.

Amendments agreed to.

Clauses 1 to 122 as amended agreed to.

Schedules 1 and 2 agreed to.

Bill reported from Committee with amendments and report adopted.

CRIMES LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 1 June.

Mr HUMPHERSON (Davidson) [12.44 p.m.]: The Coalition does not oppose the Crimes Legislation Amendment Bill and is pleased to support a number of elements contained within it. The purpose of the bill is to make various amendments to legislation relating to the administration of criminal law in New South Wales. The bill will introduce offences of sabotage and threatened sabotage. The intent is to have in place for the Sydney Olympic Games provisions for those offences should major utilities such as energy be the subject of a threat of sabotage. Sabotage or the threat of sabotage could jeopardise not only the operation of the Olympic Games and the image of New South Wales and Australia, but also seriously disadvantage and impact on many citizens in this State. Existing penalties that would apply to offences in those circumstances are modest.

We concur that the penalties need to be toughened up, but we are cautious not to use a sledgehammer to crack the nut. We want to be assured there is no excessive use of this particular offence, therefore we will monitor and observe how it is applied in the future. The Crimes Act is to be amended to ensure that an offence is able to be prosecuted inside New South Wales if acts directed against persons or property in New South Wales are committed outside the State. Naturally enough, that is an appropriate change that we support. We support the amendment to the Search Warrants Act 1985 to include a clear and express power to issue search warrants for interstate indictable offences.

We concur with the amendment of the Children (Criminal Proceedings) Act 1987 to allow for suspended sentence and Griffiths-type bonds and to facilitate the operation of the Youth Drug Court. We concur with the amendment to section 10 of the Victims Rights Act 1996 to enable the Victims of Crime Bureau to establish a missing persons section. Amendments will be made to the Listening Devices Act 1984 to include the use of devices capable of sound and visual recording transmitting position. Since 1984 technology has improved and, obviously, visual recording and transmitting is an attractive means the Police Service is keen to apply. At this point we see no major disadvantages in that change; indeed, there are obvious advantages to using those facilities in the prosecution of law in New South Wales.

The final major change the bill seeks to make is to repeal section 353 of the Crimes Act 1900, which obliged individuals to arrest anyone offering to sell or give them stolen property. I acknowledge that this particular section is regarded as redundant and has not been applied, but notwithstanding that a section of law is

not applied, it can operate to act as a disincentive to someone who may not observe what would ordinarily be regarded as a community responsibility. Members of the community ought to be aware of their obligations. Legislative powers act as an incentive to ensure people observe and comply with that obligation, especially in instances where stolen properties are offered for sale or provided to others. I would not concur with any change which takes away the onus of community responsibility on all members of our society. There are some other miscellaneous amendments to the Crimes (Sentencing Procedure) Act 1999 which the Opposition does not have concerns about. In conclusion, the Opposition does not oppose the bill.

Ms HARRISON (Parramatta) [12.50 p.m.]: I am pleased to contribute to this debate on the important initiatives the Government is bringing forward to improve the criminal law in New South Wales. Other members will speak on aspects of the bill that interest them and their constituents, as the entire package should. I have had the benefit of reading the bill closely and I am aware of the rationale for the changes. I will speak to just a few changes to the criminal law that impact on search and surveillance powers of police. The bill provides for a clear and express power to issue search warrants for interstate indictable offences. I understand that approximately 90 warrants for indictable offences committed interstate were issued and executed in New South Wales last year. Each of these warrants is likely to be associated with a case of some importance. Upon introduction in 1985, the Search Warrants Act was described as modernising the law of search warrants. Section 5 (2) as it now stands reads:

... any act or omission which if done or omitted to be done in New South Wales would constitute an offence punishable on indictment.

These words really make sense only if the Act has extrajurisdictional effect. In 1986 amendments were inserted to allow for ministerial arrangements regarding items seized in connection with extraterritorial offences. The amendments clearly assumed that the Act already was operating with regard to interstate offences. The amendments were designed to administer the handling of such items. The courts have not raised questions about the legislation regarding this issue. However, the Government, as a pre-emptive strike, is moving to ensure the validity of the law as it has been made aware that the current provisions in section 5 may not go far enough to properly facilitate an extrajurisdictional warrant. Search warrant legislation is to be strictly interpreted because of the intrusive nature of the activity it facilitates. Therefore, it is in the interest of certainty for the police or other crime or investigative bodies that the legislation makes it abundantly clear that the extraterritorial nature of the Act is beyond doubt effective.

I understand that the Attorney General's Department is reviewing the Search Warrants Act in a thorough manner. This amendment has arisen as part of that process in the early stages and requires attention now. I am pleased that unambiguous language is to be adopted to make the ability to obtain warrants for interstate matters absolutely clear. The bill also makes changes to the Listening Devices Act which are well worth noting. The Listening Devices Act regulates the lawful use of listening devices and provides offences for their misuse. It also deals with the admissibility of evidence gathered using such devices and regulates the availability of warrants authorising the use of listening devices. A "listening device" is defined under the Act as an instrument or apparatus capable of being used to record or listen to a private conversation at the same time as it occurs. In a recent judgment in the District Court Justice Viney ruled that this definition did not include video cameras, despite the fact that they are capable of recording sound. In the 1999 case of *Kay* he said:

I am not prepared to concede that the use of a video camera under the guise of a listening device comes within the definition ... it will require a definitive legislative pronouncement ... to be accepted.

The Government has taken note of this and makes that pronouncement here today. The New South Wales Law Reform Commission has a reference on the issue of the right to silence, and I am sure it will consider the use of surveillance legislation more fully in its forthcoming report. In its issues paper on the same topic the commission was of the view that the limitation as expressed, which eliminates video with a listening capacity, is too restrictive. The commission sought comments about widening the definition then, however, as an important interim measure an amendment to the Listening Devices Act 1984 is required to ensure that we do not exclude vital evidence gathered in an otherwise orderly manner.

The bill details a number of other significant changes. I commend the Government's important initiative to give the Victims of Crime Bureau the capacity to assist families of missing persons. It will assist families to liaise with police, the coroner and like bodies where required. The Government is also moving to ensure that the appropriate measures are in place for sentencing options for children in anticipation of the Youth Drug Court. As the member for Parramatta I have a specific interest in the Drug Court that has been operating very successfully in my area over the past year and I am pleased that the Government is extending the concept to a Youth Drug Court model which will also operate in its initial stages in western Sydney, from 1 July. I am pleased to support the Government on these informed and timely changes to the criminal justice system in New South Wales and I commend the bill to the House.

Mr COLLIER (Miranda) [12.55 p.m.]: I am pleased to speak on the Crimes Legislation Amendment Bill. With this bill the Government brings forward a number of significant changes to the criminal law that will enhance the criminal justice system in this State. In particular I note the introduction of a new offence of sabotage and a second offence of threatened sabotage. "Sabotage" is defined in the bill as damage to public facilities with the intent to cause that damage and to cause extensive destruction of property or major economic loss. I note that "public facilities" is defined widely and includes government facilities, public infrastructure facilities, public transport facilities and public places.

It is anticipated that Australia will soon sign the United Nations Convention on the Suppression of Terrorist Bombing. The UN convention has not yet taken effect as it requires some 22 parties to come into force. So far there are only six. While it remains in the purview of the Commonwealth to negotiate and enter into international treaties, it is certainly within the prerogative of State governments to adopt sensible and timely changes to laws that deter criminal activities that have an impact at the local level. The provisions of this bill draw directly from the UN conventions, formulations and definitions. They also accord with the provisions prepared by the model criminal code officers committee for the Standing Committee of Attorneys-General. The new offence of sabotage will apply to the most gross or serious behaviour akin to terrorism.

The existing provisions of sections 194 to 200 of the Crimes Act deal with a range of offences against property. The Crimes Act also contains provisions regarding the contamination of goods. The Summary Offences Act contains provisions regarding violent disorder and provides the police with power to move individuals on if those persons are, in the view of the police, obstructing or causing fear to others. Police in the Sutherland and Miranda local area commands have confirmed to me that these provisions are effective. To ensure consistency of approach to penalty, the Government brings forward the new offence of sabotage to penalise the activity of persons whose conduct causes damage to public facilities or is intended to cause that damage and who by that conduct have caused extensive destruction to the public facility, or any part of it, and major economic loss. A maximum penalty of up to 25 years imprisonment is available. It is the element of deliberate terrorism that justifies the penalty being so severe.

As honourable members would be aware, questions of territoriality arise as a result of threats made from outside the State. This bill permits prosecution for an offence where there is a geographical nexus. The amendment to the Crimes Act in schedule 1, part 1A, deals with geographical jurisdiction. The part applies to all offences and applies to offences where a geographical nexus exists between the State and the offence. For example, if an act of sabotage or threatened sabotage is initiated outside New South Wales but the effect of that threat is felt inside the State then it is caught by New South Wales law. This law was previously drafted in section 3A of the Crimes Act in an effort to permit this. Several Supreme Court decisions have rendered this provision somewhat doubtful. This bill will put that doubt to one side.

Other provisions in the bill make significant changes to the criminal law. One of these is an amendment to section 353 of the Crimes Act, which provides that any person who is offered or sold or given property which he or she reasonably suspects to be stolen may arrest the person offering the property and bring the person before a court. This section also places an obligation on the person to arrest the offender if it was in the person's power to do so. The repeal of this archaic section does not affect the general powers of arrest of police officers and private individuals conferred under the Act.

Another important change to the law is the provision of the time limit on the application of bonds under new section 10 of the Crimes (Sentencing Procedure) Act, formerly the provision under section 556A of the Crimes Act. Previously magistrates were permitted to give a person a bond without a time limit being specified. Under this bill the maximum is two years, which promotes certainty in the imposition of penalties for the community and for the person who is before the court. People who are given bonds under that provision may also be given a Griffiths bond, which is an effective tool used widely by the courts to allow rehabilitation, particularly for offences involving drugs. Another major reform is an amendment to the Listening Devices Act 1984 which will ensure that the Act applies to a device that makes a sound recording of a private conversation even though the device also records or transmits visual images.

That amendment brings the Listening Devices Act up to date. It allows police to use a video camera and for that evidence to be admissible in court. It also allows police to use devices that not only record sound but also track the location of an alleged offender. Finally, the amendments contained in the bill ensure that the Victims of Crime Bureau, which is part of the Attorney General's Department, may also exercise its functions to support the immediate families of missing persons. There can be no greater tragedy than to have a loved one missing and for the family to have no explanation for it. Many families of persons who have disappeared

without a trace need extensive counselling. The amendment allows the Victims of Crime Bureau to assist and support the immediate family, and the amendment is welcomed. The bill contains provisions that will enhance the administration of criminal justice in the State of New South Wales and I support it.

Mr KERR (Cronulla) [1.02 p.m.]: The Opposition does not oppose the bill, which introduces a new offence of sabotage. Up to the present that has not attracted a great deal of public comment. Whenever a regime becomes totalitarian the first defence is to introduce an offence of sabotage and to make it subjective. One needs to consider how this bill will operate in practice. The honourable member for Miranda outlined other provisions in the bill and I do not intend to duplicate his efforts. In relation to section 556A of the Crimes Act, the bill restricts magistrates to a term of two years when imposing a bond. That provides certainty at the expense of flexibility. As the previous speaker would be aware, certain cases may justify extensions beyond the two-year period but that option is no longer available. This is an important bill but it has not received the public discussion that a bill of its significance warrants. It will be interesting to know how the bill operates in practice when it becomes an Act and is enforced.

Mr WHELAN (Strathfield—Minister for Police) [1.03 p.m.], in reply: I thank honourable members for their contributions to this important debate.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Minister for Police) [1.04 p.m.]: I move:

That standing and sessional orders be suspended to allow resumption of the adjourned second reading debate and passage through all stages of the following bills at this sitting:

Industrial Relations Amendment Bill
Intergovernmental Agreement Implementation (GST) Bill
Public Authorities (Financial Arrangements) Amendment Bill
Workplace Injury Management and Workers Compensation Amendment (Private Insurance) Bill

This motion is necessary to enable the bills to be debated by the Legislative Council. I acknowledge the rightful claim made by the Opposition that these bills are being pushed through the House, but it is necessary for them to be dealt with in the upper House. I have tried to ameliorate the position as much as possible by giving as many briefings as possible to the Opposition. I understand the principal concern of members of the Opposition but I ask them take my comments into consideration.

Mr O'DOHERTY (Hornsby) [1.05 p.m.]: I appreciate the acknowledgement by the Leader of the House of the Opposition's concerns. He has been in exactly the same position on many occasions. However, the Opposition does not know from one minute to the next what the Government's program is. Today there has been considerable debate and discussion behind the Speaker's chair about the program. I thank the Leader of the House for acknowledging the point I made that a number of the bills that will be rammed through the House this afternoon by virtue of this motion are extremely important. In addition, the second reading speeches were delivered in this Chamber only yesterday. The shadow Treasurer could get a printed copy of the bill relating to the GST only this morning because it was not available yesterday. These are matters of extreme importance to the State of New South Wales and to its people.

In relation to workers compensation, the Government is trying to avoid embarrassment because it promised to reform the workers compensation system, bring real savings to employers and stop the knock-on effect of jobs in New South Wales by private underwriting. The so-called Mr Fix-It of the Australian Labor Party—and he will probably be the Federal President because he will make sure he has the numbers—has not been able to fix workers compensation and the workers and employers of New South Wales are suffering. The Government wants to ram the bill through this House so it will not suffer embarrassment when it is properly scrutinised by the people's House. The Opposition acknowledges that there will be a debate in the Legislative Council, but that is not the same as having the people's House debate the matter fully, as it ought to. People listening to or reading the record of this debate should understand that the standing orders provide that when the Government introduces a bill it comes back before the House for debate in five days, not five hours.

The Opposition objects in principle to this suspension. The Parliament has sat 21 days this year and during that time there have been at least 45 motions to suspend standing and sessional orders. The Premier's press secretary, Walt Secord, is in the public gallery and he seems surprised, but those figures are correct. Under this Government the House is being governed by suspension motions. The Government has used motions to suspend standing and sessional orders to cover up all of its mistakes and inefficiencies in dealing with bills. The number of suspension motions demonstrates the arrogance of the Government and the degree of contempt with which it treats the people's House, a place where the people's representatives can say, "This is what my constituents are concerned about in relation to these matters."

The Opposition also has another concern, that is, that the Government will cancel tomorrow's scheduled sitting and the sitting scheduled for the week of 20 June through to 23 June. I seek an assurance from the Leader of the House. He is not listening at the moment, so I will pause to see if he turns around. The record will show that he was not listening. I would like the Government to provide us with an assurance now that it will not cancel the five sitting days that are set down for this session. I do not want to interrupt the Leader of the House. I am not being rude; I am merely seeking an assurance from the Leader of the House that he will not cancel the five sitting days scheduled for the rest of this session.

Mr Whelan: No. Why?

Mr O'DOHERTY: *Hansard* will record the response of the Leader of the House.

Mr Whelan: We will also sit on 20, 21, 22 and 23 June.

Mr O'DOHERTY: And also tomorrow.

Mr Whelan: Tomorrow might well be postponed; it depends upon the passage of business.

Mr O'DOHERTY: We have the dairy debate, important matters to do with workers compensation, industrial relations and GST on the program and the Government is already starting to cancel them. We do not want debate to be guillotined, we do not want matters to be rammed through the Parliament, and we do not want honourable members to be gagged. That is a gag on their electorates. Therefore, I move:

That the motion be amended by the addition of the following paragraph:

(2) Standing orders 96 and 66 shall not apply to the debates on the bills.

If the Government is fair dinkum about allowing debate to occur, it will agree to my amendments. If it does not agree, it will be a forewarning that the Government intends to do what it has done at the end of every parliamentary session since its election in 1995: use the gag and the guillotine. The Government will ram through business, cancel sitting days and deny natural justice and democracy in the people's House to the people of New South Wales.

Mr Whelan: This amendment makes no sense. The Parliament will sit on June 20, 21, 22 and 23. That is the schedule and the dates have already been announced. I cannot understand the objective of this amendment.

Mr O'Doherty: To stop you from gagging debate.

Mr Whelan: I understand that the honourable member could take that principled position. However, the Parliament will sit on June 20, 21, 22 and 23. I do not know what purpose the amendment serves other than to confirm both what I have just said and the schedule that has been released publicly.

Mr ACTING-SPEAKER (Mr Mills): Order! The Leader of the House is out of order. He has no right of reply.

Question—That the amendment be agreed to—put.

Division called for.

Mr O'Doherty: I seek leave of the House to delay this division by prior agreement with the Government.

Mr ACTING-SPEAKER: Order! The effect of postponing the division will be that the orders of the day—

Mr O'Doherty: We do not want to delay the business program; we simply want to make our point. The Government would clearly vote against the amendment, which we support. However, in the interests of not delaying the processes about which I have just spoken, we will take a vote on the voices and not call a division so that the business of the House can proceed.

Division called off.

Amendment negatived.

Motion agreed to.

DAIRY INDUSTRY BILL

Second Reading

Debate resumed from 7 June.

Mr R. H. L. SMITH (Bega) [1.14 p.m.]: I am gravely concerned about the plight of dairy farmers throughout New South Wales and possibly Australia, but I am particularly worried about those dairy farmers and their families who live in my electorate of Bega on the far South Coast. It is quite a long time since the deregulation debate began, and it is probably worth looking back in history to attempt to decipher what prompted it and how we got into the current deregulation mess. The dairy industry and its organisations throughout the country knew that the Federal marketing plan was due to end on 30 June this year. The dairy farmers and their associations in Victoria believed that they should opt for deregulation, so they pushed strongly for a deregulated system. The Victorian dairy industry produces a massive amount of milk—about 63 per cent or 64 per cent of total milk production in Australia—so whatever Victorian farmers chose to do would have a massive impact not only on New South Wales but on the whole country.

Victorian dairy farmers indicated very early in the process that they would opt for deregulation, irrespective of whether they received a Federal adjustment package. At that time, the New South Wales dairy farmers organisation and its president, Reg Smith, did a lot of lobbying in Victoria in an attempt to inject some commonsense into the debate and to make Victorian farmers realise that deregulation would not do them any good—it would certainly disadvantage New South Wales. However, the efforts were to no avail and the Victorian dairy industry decided to deregulate, no matter what—despite the fact that no Federal package was on the table. The New South Wales industry then had to make a difficult decision about what stance it would take if Victoria deregulated. Farmers in dairy areas throughout New South Wales took a vote on the matter and indicated, to varying degrees, that they wanted to deregulate with the Federal package.

There was a change of government in Victoria during the negotiation process. I recall how the Minister for Agriculture, and Minister for Land and Water Conservation vehemently attacked the Kennett Government. He told it to stop dairy deregulation. He said that it was a political stunt on the part of the Victorian Coalition Government that was causing all the problems. However, when Labor was elected in Victoria, the Minister went very quiet. I wonder why he did not oppose the Bracks Labor Government also? I do not know whether the Minister contacted Mr Bracks about this matter, but I wrote letters to both Premier Kennett and Premier Bracks putting a strong case on behalf of my constituents in Bega.

I explained that we were heading down the wrong track with deregulation and that there would be no winners from that process. My fears have been realised over time. I wrote first to the Kennett Government on 15 July last year and then to the Bracks Government on 29 November last year. Basically, I received an indication from the Bracks Government that it had carried out a plebiscite which indicated that 85 per cent of Victorian dairy farmers wanted deregulation. The Bracks Government indicated that it would go ahead with deregulation. If that vote had been held at a different time, when manufacturers had put out their prices, that vote may have been vastly different.

A decision was made too long ago without sufficient information. Prices have now been revealed by manufacturing companies and, of course, the high prices flagged to apply after deregulation have proven to be wrong. In some instances farmers could be getting as little as 27¢ per litre. Benchmarking carried out indicated that the average cost of production of a litre of milk in Bega is 36¢ and in Nowra it is 38¢. Honourable members will realise that prices currently offered by manufacturers would lead to farmers not being able to afford to stay in the industry. The Government and the Coalition differ in their views as to what should happen to dairy farmers. Clearly, the Federal Government has come to an arrangement with industry under which there will be an adjustment package of \$1.7 billion, giving an 11¢ levy on each litre of milk.

Mr Fraser: That comes out of the farmers' margins.

Mr R. H. L. SMITH: As the honourable member for Coffs Harbour said, that comes out of the farmers' pockets. The eight-year package will give a New South Wales dairy farmer an average of \$195,000. That is not a great deal of money when one considers that they will lose their quota, the value of their assets will be reduced, and many will have to leave the industry. The Opposition believes that the Government should come to the fore and agree to the adjustment package flagged by the Leader of the National Party. The Western Australian Government has provided a package of \$27 million. Western Australia has a smaller population and a much smaller dairy industry. This Parliament set a precedent when it deregulated the egg industry and provided a package of \$61 million for the egg producers.

The Opposition suggests that an adjustment package of more than \$80 million should be provided, and that that amount is reasonable. Some dairy farmers will not be compensated for the quotas they have purchased over a long time; the quotas will be worthless and the value of their farms and livestock will decrease. The Minister said that \$80 million is not very much money when compared with \$1.7 billion. The proportion of the \$1.7 billion to be provided for New South Wales dairy farmers is \$337 million. When that is added to the \$80 million dairy farmers will have sufficient compensation for deregulation to be able to leave the industry, to get on with their lives and to retain some self-respect. The Opposition will insist on that provision; it can be easily paid for. Over the next financial year \$156 million in national competition policy [NCP] payments will be paid by the Federal Government to the State Government. A report of the Senate Rural and Regional Affairs and Transport References Committee entitled "Deregulation of the Australian Dairy Industry" contained six recommendations. Recommendation 3 stated:

1.3 That the states of Queensland, New South Wales and Western Australia consider the issues of quota entitlement and any form of compensation that may be appropriate for the resumption of quota entitlement, including the possibility of using NCP payments as compensation.

The Opposition's view is supported by the Federal Government. The only money that the State is prepared to put into an adjustment package to compensate for deregulation is \$2.1 million, which comes out of the farmers' pockets anyway. Dairy farmers are not looking for the package. It includes a program called Dairy Assist, which provides guidance on access to structural adjustment funds. There is a program called Dairy Family, which provides social support for dairy farmers, and another program called Dairy Check. By providing that package the Government is seeking to avoid responsibility for the hardships forced on families. Victoria has a Labor Government and New South Wales has a Labor Government. Unless they come up with a written compensation package together, they will be remembered for generations as the two governments that brought about deregulation of the dairy industry in Australia and, possibly, chaos in the dairy industry.

At present there is an orderly marketing system under which fresh milk can be bought every day. In Victoria, the cows are dried out for three months of the year, but in New South Wales milk is produced 365 days a year. Consumers can purchase fresh milk every day of the year; it is always on the shelves. I appeal to the Minister for Agriculture to consider the compensation package. The regulation that was first mooted has certainly gone off the track; the prices now offered by the manufacturing companies go nowhere near making even the most efficient farms profitable. Deregulation will cause a massive dislocation in country areas and country communities.

Mr NEWELL (Tweed) [1.29 p.m.]: In speaking to this debate, I acknowledge the contribution of honourable members on both sides of the House who have spoken about the impact of deregulation on the dairy industry in New South Wales and across Australia. A couple of members spoke with passion about their concerns for the industry. I will be pleased if I speak with even half their passion. I grew up in the dairy industry and generations of my family have been associated with it. The industry has brought great benefits to Australia and has supplied a quality product at a shelf price much lower than the retail price of pure water. Milk, which is a major food source and consumption item across Australia, retails for much less than commodities of lower nutritional value.

I would like to make some comments on the history of the dairy industry in New South Wales before I address some of the more substantive issues confronting this Parliament and Australia about the impact of deregulation and where we go from here. The history of the milk zones in New South Wales is a sad tale. In the 1930s, 1940s and 1950s milk was supplied to the Sydney markets on an almost seasonal basis. In those early years milk was practically unavailable during the non-milk producing winter season. To overcome that, the governments created a quota allocation and started to regulate the industry. A regulated industry has continued to the present time. In its various forms it has helped or hindered aspects of the dairy industry across New South

Wales. For example, in the late 1960s when quotas were predominantly allocated to what was called the milk zone—Sydney, Newcastle and the Hunter Valley—the industry in other parts of the State was allowed to wither and die.

Specifically, the North Coast and South Coast were not allocated quotas. The industry was able to grow and prosper in certain areas at the expense of other areas in the State. The North Coast dairy industry was left to die, and that almost happened. Like those on the South Coast, the number of dairy farms that were operating on the North Coast in the mid-1960s plummeted by the mid-1970s to the levels they are today. An industry was wiped out. There was no support from the political representatives at the time. The former member for Richmond and Deputy Prime Minister at the time, Doug Anthony, is remembered infamously for saying to his constituents, "Get big or get out." That is the sad history of the industry and the way politics worked at that time. The quota allocation almost wiped out an industry, and there was no structural adjustment package for farmers then.

The North Coast industry was saved by the election of a Labor Government. The new Minister, Don Day, persuaded the Wran Government to allocate a quota to the North Coast, with some degree of political angst from members on the other side of the House. Farmers around Sydney and the Hunter were in a privileged position of being able to supply milk at a higher price. Don Day saved the North Coast dairy industry by allocating a quota to the area. The industry was able to prosper and grow. Since 1977 the North Coast dairy industry has supplied milk to Sydney and processed product to Brisbane, and has been a substantial part of the North Coast economy. I want to make a further comment about the history of the allocation of quotas. There is no doubt that certain sinecures were offered to people such as Doug Anthony to go along with maintaining the quota in the restricted areas. He did not get a quota for his own electorate. It is no surprise that he went from being a junior Minister to the Leader of the National Party with a gong from the Queen for his supposed good work in rural New South Wales. In fact, a major industry in his own electorate had been wiped out.

I turn to the process leading to deregulation. Some years ago the industry was deregulated post farm gate. Regulations were in place covering the distribution of milk, particularly through milk vendors. Through that ordered scheme milk vendors distributed milk through their local communities and areas and were able to make a good living. The post farm gate deregulation resulted in a change in that industry. Milk vendors were almost driven out of the industry. Their businesses lost a considerable degree of value, yet there was no compensation given by the then State Government. It was deregulation within this State, driven by the State Government at the time, yet no compensation was given to the milk vendors in that industry. In terms of the benefits to the consumer, everyone can now see what happened.

The processors and the retailers got all the benefit from that deregulation. There was no benefit to the farmers and certainly no benefit to the consumer from that first phase of deregulation, which was introduced by the Coalition when it was in government. I turn now to the farm gate deregulation and its likely impact on the industry. Various speakers have alluded to what will happen and the likelihood that as many as one-third, and possibly one-half of farmers in New South Wales will be driven out of the industry because it will no longer be economically viable for them to operate. A similar situation is likely to occur in the State that is driving the regulation. A large percentage of farmers in Victoria will be driven out when the price falls because of the contracts being offered by processors to various milk producers.

As has been indicated by other speakers, with the price falling to less than 30¢ per litre the industry will be in dire straits. When the Federal Government, which was driving this deregulation process, was selling the idea of deregulation to the dairy farmers in New South Wales and across Australia, a compensation package was mooted at \$1.7 billion. From memory, as other speakers have said, that would average out at \$190,000 over eight years for dairy farmers—which was much less than the amount of money they were going to lose from the fall in price. In the meantime, the price has been mooted to fall not to the mid-thirties but to less than 30¢ per litre. Yet the compensation package has stayed the same. Farmers have worked out how much money they will lose when the price falls to what is being mooted today. The compensation package to the farmers should probably be doubled.

In relation to the compensation package of \$1.7 billion, in round figures \$520 million will be taken from the State as a levy on the retail price of milk. Of that amount, New South Wales will get back about \$320 million and \$200 million will be transferred through the compensation scheme to Victoria to subsidise its production. The dreadful irony is that the subsidised production will mean that milk will land in New South Wales, particularly in the lucrative Sydney market, at a price much lower than 30¢ at litre. A number of farmers who approached me said that they have the compensation package—for which some of them voted when they

probably thought it was better than nothing—but they now had second thoughts. They say, "Rather than subsidise Victorian production let's get in there and take on the floor price without giving them the \$200 million from New South Wales. Let's grab it." Some gung-ho people might take that tempting step, but I am not too sure how many farmers are prepared to go down that track.

Who is responsible for the compensation? The Federal Government has offered \$1.7 billion across the nation. The intricacies of the way the compensation passage is worked out mean that the New South Wales industry will subsidise Victoria by transferring \$200 million through the 11¢ a litre levy which was based on the nationwide retail price of milk products. Members of the Opposition have compared what is being offered by the New South Wales Government to what was offered previously in relation to deregulation and other changes to industries such as the timber or egg industries. I would suggest that the New South Wales Government decentralised the egg industry and therefore it had every right to pay compensation.

In this case the deregulation and the changes to the industry are not been driven by this Government. They are being driven by the Federal Government, and that Government should pay for any compensation that is due. An extra \$80 million has been mooted by Coalition members for either one year or three years. No-one knows who will get the \$80 million. When compared with \$1.7 billion it is a fairly minuscule amount. If \$1.7 billion is not enough for compensation across Australia we should ask the Federal Government for more money.

Mr Fraser: It is not funded by the Feds; it is funded by the farmers!

Mr NEWELL: It is actually funded by the consumers, and the Federal Government has put in place regulations to collect 11¢ a litre. The honourable member for Coffs Harbour should go back to his colleagues and say that 11¢ is not enough; that amount should be increased or the Federal Government should put in more money to compensate farmers across Australia. The simple fact is that it is national legislation to collect 11¢ a litre. It could be either increased to more than 11¢ or put into other arms of support, as the Minister said, such as the floor price or the stepping down or removal of the base price for milk, so that farmers can prepare and be ready, not on 1 July, but at some later date. As other honourable members and the Minister pointed out, the farmers should have more time before the big drop in the price of milk once the processors are able to dictate prices across New South Wales and Australia.

Mr FRASER (Coffs Harbour) [1.44 p.m.]: I oppose the Dairy Industry Bill not only in principle but in fact, and support the amendments foreshadowed by the National Party. I acknowledge the presence in the gallery of Mr Reg Smith and Mr Winston Watts from the Dairy Farmers Association. I congratulate them on their fantastic Australiawide campaign late last year to stop deregulation. Unfortunately the campaign failed. Once it failed Victoria still pushed for deregulation under Kennett, as the Minister for Agriculture was happy to point out, prior to the last Victorian election. The Minister is still trying to blame Kennett. In fact it is Mr Brack's plebiscite. The people who are applying pressure for deregulation are the processors and retailers. At the end of the day consumers in New South Wales and Australia generally will pay an increased price for milk.

It is a good industry which pays a reasonable return for 365 days a year in New South Wales, but the farmers are struggling because they have to work 365 days. They struggle because a large number of farmers do not have children who want to take on the family farm, and they backed the Dairy Farmers Association's plebiscite to get out of the industry and voted for deregulation. They saw it as the only chance to receive any return for the quota which, in the past, was bankable. It was regarded as a superannuation payment when they sold their farm and their quota to retire, either on or off the farm. Its value was estimated at about \$350 million in New South Wales.

The processors and retailers will increase their margins; and the farmer's return will be reduced to 27¢ a litre. Farmers will lose between \$30,000 and \$100,000 a year in income. Yet we sit back and agree to the Victorian principle that deregulation is necessary and agree with what the Minister said in his second reading speech: that the National Competition Policy review was started and signed off on basically by Kerin and Crean in 1986 and 1992 respectively. One of the few industries in agriculture that returns money to the farm and to the community will be decimated for major retailers and processors. I do not know whether we have to beg the Minister to pull the bill or defer it. Let us have a proper plebiscite.

The Minister is making an appeal, quite wrongly, for a national floor price. We should look at a national dairy scheme or at a way around this problem. If we looked at it differently, for instance, some farmers could still successfully operate with a national quota scheme, where quota values would be locked in so that farmers would still have something to bank at the end of the day, and the consumer would not have to pay that

huge impost. After eight years the 11¢—who knows what it will be after that—will not be returned to the consumer. In three years that will not go back to the consumer or the producer; it will go straight into the pockets of retailers and multinational processors who will take over the processing of milk.

At the Norco factory at Raleigh 60 to 80 jobs will be lost, and other factories will close. At least half of the farmers in my electorate will go out of the industry. I am sick to death of hearing about the average price of the average farm. There is no average farm. Billy Mark—the man who rode the cow in Macquarie Street and who milks 80 cows—will not get \$192,000, but he will lose \$30,000 a year. It will not make his farm viable and it will force him, or people like him, either off the farm or into bankruptcy. That is totally unacceptable to my community, my farmers and the people of New South Wales generally. The Minister referred to an average of \$192,000 for each farmer and to what the farmers will lose.

Mr Amery: Industry averages.

Mr FRASER: Industry averages, exactly. But that is not for the average farm, as you implied.

Mr Amery: That is right, and I apologised for that the other day.

Mr FRASER: Minister, you misled this House.

Mr Amery: No. I apologised on that point.

Mr FRASER: You said in a debate on either 22 or 30 May that that funding was to come out of the margins. In your second reading speech you said that it would be the consumers and the retailers who would pay. It will not be. The farmer will subsidise his neighbour off the farm. The farmers who carry on will have reduced incomes, for the same hours. If the Minister were to put a proposal to his union mates to accept a massive reduction in income but for the same amount of work, they would laugh him out of the place. The Minister would have a strike. I talked to Reg Smith when he was at Bellingen. In a conversation after the meeting it was said, "The future of the industry basically will be UHT, long-life milk." Why! Because the Victorian farmers, who will take over the New South Wales production of market milk, do not produce for three months of the year, so we will have to start consuming UHT milk.

I, personally, do not like UHT milk. At the moment dairy farmers are paid manufacturing price for it and that milk is put out as fresh milk. That already is happening. One product called Wave is being sold in stores in fridges next to all the fresh milk products, such as Moove and others. The Wave product is UHT milk, but it is being sold at the same price as fresh milk. The processors are paying a low price for that product, not the market price. So they are already ripping off the system. It can only get worse. Our communities will suffer. The Minister spoke about averages. The average dairy farmer in the Coffs Harbour electorate contributes something of the order of \$100,000 a year to the local community—to suppliers, local produce stores, tractor sellers and servicers, you name it! Those communities will suffer. Yet the Minister offers this laughable package and says what a great job the Government has done in providing \$2 million for counselling.

In effect, the Government is saying, "We are going to send you bankrupt, Mr Average Farmer, and put you off the farm, but we will give you \$2 million worth of counselling." The Minister is ignoring me because he knows how paltry that sum is. The Government is saying, "We are going to counsel you on how to go bankrupt gracefully." The farmers who supported deregulation voted for it on the basis that they know their children will not be taking over their farms. They voted knowing that they will get a package and keep the farm, and that maybe at some stage they will be able to diversify, or sell the farm and walk out with better than what they would get if they remained in the industry. They are using this package as an option to get out of the industry. That is sad.

This morning we debated the child protection bill and other legislation, and in question time yesterday there was talk about child abuse. One reason that farmers are getting out of the dairy industry is that these days in agriculture it is considered a form of child abuse if you leave your farm to your kids. Yet all the Government offers dairy farmers is \$2 million in counselling. That is an absolute disgrace. The Minister has fallen into the trap of saying that the community and the Parliament need to call on the Federal Government to set a national floor price. Minister, I put it to you again that the current regulation of the industry in New South Wales gives a floor price for milk and ensures production of high-quality milk under high health standards. I suggest that once the margins to the farmers go out of production of milk the quality of the product will decline.

I know that some farmers who are currently producing only manufacturing milk will receive a price increase. If they are producing on a low margin now, they may double their margins or do even better. So

deregulation will be advantageous to them. But the vast majority of dairy farmers in the Coffs Harbour electorate will lose a lot of money, as will their communities. Whether there is a \$45 million community fund, as the Federal Government has suggested, or \$2 million worth of counselling, that will not make up for the massive losses to country communities, and it will not make up for the fact that the premium to be paid by consumers will never be returned to the farmers or to the consumers; it will be absorbed by the retailers and processors.

I noted the attitude of Country Labor in this debate. Country Labor members have been saying, "Isn't this terrible." They blame the Federal Government. That is the same Federal Government which, at the request of the industry, is acting as banker on a package worth \$1.74 billion. That is a package that will see New South Wales subsidise Victoria to the extent of \$200 million. Currently, under the DMF system, we give \$80 million a year to Victoria. Why not continue that system? Victoria is happy because it is still manufacturing its products. Instead, there will be a decimation of the industry not only in New South Wales but in Victoria. It was said in Victoria, when this proposal was first announced, that this would be the best thing that the industry had ever seen; that a third to half of dairy farms would close and that for that we need \$2 billion worth of compensation.

Is that good for the industry? That does not add up. We are closing viable businesses and paying \$2 billion in compensation. What do we hear from the so-called Country Labor faction members? They are led today by napping Neville Newell—napping, because at times he sleeps during question time. Then he became known as nervous napping Neville Newell, because he was not game to speak to the farmers outside this Parliament. Then it was nasty nervous napping Neville Newell, because he became nasty when the Leader of the National Party was speaking recently. Now he is neutered nasty nervous napping Neville Newell, because he cannot do a thing, he is neutered, because he told the farmers, "I don't know whether I'm authorised to speak on this. Where's Tony Kelly?" He did not tell us today whether Tony Kelly had given him an opportunity to speak. Obviously, he had.

What of Country Labor members? The honourable member for Clarence held his seat by 143 votes, a winning margin of 0.8 per cent. Bye, bye, Harry! The honourable member for Tweed held his seat by 1,900 votes, or a margin of 2.6 per cent. Bye, bye! The honourable member for South Coast won by 371 votes, or 0.5 per cent. They should be careful about what the farmers will do. The most abrasive member who has taken part in the debate so far has been the honourable member for Bathurst. He can afford to be abrasive; he got 67 per cent of the vote. But, when regional people realise that he is one of those card-carrying, flag-waving members of Country Labor who would sit by and see the dairy industry neutered and destroyed, he will not get 67 per cent at the next election either. This is an issue that will grow in intensity and bite.

The Minister said in his speech, "I do this reluctantly" but there are opportunities for him to do something better. The Minister had the opportunity when he went to the Agricultural Resource Management Council of Australian and New Zealand to say, "I don't want this. Let's reassess it." But the Minister's hand was the first to go up. It was the previous Labor Government, under Paul Keating, that introduced the competition policy that apparently we are running by. At the end of the day, the New South Wales dairy industry will be destroyed and incomes will be lost, yet the New South Wales Government will not back the National Party's \$80 million compensation package. It is not much, but it will help.

Mr Amery: And it won't change anything.

Mr FRASER: The Minister says that it will not change anything. Minister, tell me what your paltry \$2 million for counselling will do to help regional New South Wales? Tell Sue McGinn what it will do. I read the speech that she made the other day. She said:

We don't want handouts. We just want a fair price for our product. We don't want sympathy. Just give us fair compensation for our loss of quota ...

The only winners from deregulation are the supermarkets and processors ...

"Sorry" has been a pretty popular word this week. We don't want your sympathy after our industry is decimated. I hope we won't be asking you to say "sorry" in the future for stealing our livelihoods from under us. We don't want to be the stolen generation of dairy farmers, forced away from our previously productive and viable businesses.

Minister, you can do something. Number one, you can vote against your own legislation—obviously, you will not. Or you can support the Opposition amendments. I ask you—I will get down and beg, if you want me to—to support this \$80 million package. A 3¢ a litre levy was put forward to the meeting of dairy farmers this week. Will the Minister back that proposal? I suggest he probably will. I am sorry, but it is not enough. Back our package. It will help the industry. We will not support this legislation. [*Time expired.*]

Mr McGRANE (Dubbo) [1.59 p.m.]: I oppose the Dairy Industry Bill. Deregulation is not the way to go in respect of the dairy industry. All State governments and the Federal Government should announce a moratorium, putting a halt to the current formulated deregulation of the dairy industry until such time as a sufficiently broad and thorough public inquiry establishes the net benefits to society of such deregulation, including any social, regional, environmental, transport and economic consequences. I am not an expert on the dairy industry. However, I have a number of dairy farmers in my electorate—probably as many dairy farmers as the number of honourable members who represent the majority in this House.

Mr Fraser: You have 14.

Mr McGRANE: The honourable member for Coffs Harbour is correct. I agree with much of what he said earlier about the effects of deregulation on regional New South Wales and Australia. I do not agree with his comments about the number of votes that members receive when they are elected. I do not think that issue should be canvassed when we are debating legislation relating to the dairy industry. We are talking about the future of the dairy industry in New South Wales and Australia. Many honourable members referred in debate to the importance of the dairy industry now and in the future, and to its contribution to the growth of regional Australia. I will not reiterate the points raised by other honourable members but I agree that we need an independent, and not deregulated, dairy industry. We need controls at times but that can be done through other means.

This legislative package is flawed. The Government should step back and review it. That is why I said earlier that we need a moratorium. The Federal Government enacted legislation and set deadlines which put pressure on the New South Wales Government. I believe that 89 per cent of Victorian farmers said that they wanted deregulation and a high percentage of New South Wales farmers voted for deregulation. However, a lot of water has flowed under the bridge since then. We must stop, listen to the concerns that are being expressed, reconsider our point of view, and take the necessary action. Honourable members would be aware that a cracked egg cannot be repaired. The same could be said in relation to the dairy industry: there are no comebacks once this industry has been deregulated.

The honourable member for Coffs Harbour referred to the many ramifications of this legislation on the dairy industry. It will impact also on communities throughout regional New South Wales and Australia. There is no such thing as an average farm. At times, small farms can be extraordinarily efficient and productive and contribute much to the community. I go from the extreme of a small dairy farm to possibly the biggest dairy farm in Australia, which is located just outside my electorate, which milks up to 2,000 cows three times a day and employs very few staff. Under this legislation, that efficient dairy farmer will receive only 27¢ or 28¢ for a litre of milk. Dairy farmers regard their quotas as an asset and, as such, they should receive some type of compensation for their quotas. As I understand it, some time ago milk quotas in New South Wales were valued at \$300 million. I also understand that members of the Opposition will move an amendment in Committee to value milk quotas at approximately 20 per cent, that is \$80 million. The question that should be asked is whether or not the Government should be compensating dairy farmers for their assets. I believe that, as milk quotas are regarded by dairy farmers as an asset, they should be provided with some form of compensation when those quotas are taken away. I said earlier that I oppose this bill. I believe that something should be done about compensating dairy farmers for the loss of their quotas.

Debate adjourned on motion by Mr Windsor.

DISTINGUISHED VISITOR

Madam ACTING-SPEAKER (Ms Beamer): Order! I welcome the Western Australian Minister for Primary Industry and Fisheries, the Hon. Monty House, who is in the gallery.

[Madam Acting-Speaker (Ms Beamer) left the chair at 2.08 p.m. The House resumed at 2.15 p.m.]

HENRY LAWSON COTAGE DEMOLITION

Ministerial Statement

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [2.15 p.m.]: The Leeton community is concerned to protect a local cottage that was once occupied by Henry Lawson when he lived in the Riverina. I would like to take this

opportunity to appeal to the Leeton Shire Council to review its decision to allow the demolition of this important landmark. Henry Lawson was born in June 1867 on the goldfields of Grenfell, but he lived at the Leeton cottage between 1916 and 1918. It is well known that the author of *The Drover's Wife*, Henry Lawson, battled the demon drink. It is thought that it was at Leeton that he dried out. He was there as a public relations officer for the Murrumbidgee Irrigation Area Scheme [MIA]. He was attracted to the MIA, as the area was designated an alcohol-free zone. Leeton Shire Council has previously sought the opinion of the New South Wales Heritage Office about relocating the cottage. This suggestion was not supported because heritage items should be retained in their original place as much as possible. The council is now preparing a heritage assessment, and working with the Heritage Office to achieve the best heritage result for the property.

Mr BROGDEN (Pittwater) [2.17 p.m.]: Unfortunately, the Minister did not follow the usual practice on this occasion and inform the Opposition that he intended to make this ministerial statement. We will, however, assess the matter. We will take on board the views of the honourable member for Murrumbidgee, and we will approach the Government about it. The fact remains, however, that if the Government has any view on this matter it has the capacity to deal with it by way of funding from heritage grants—funding that was reduced by \$1 million this year. The budget papers do not refer to any new heritage grants for this financial year. The sum of \$1 million has been cut from a budget of \$3.5 million budget—a huge reduction in heritage funding. It is appalling that the Government should talk up heritage preservation without providing funding to support such preservation.

DISTINGUISHED VISITOR

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of Francis Bedford, the member for Florey in the South Australian Parliament. I welcome him to the Parliament.

PETITIONS

Federal Capital Site Centenary

Petition praying that the House will recognise the centenary of Queanbeyan's role in the selection of Canberra Plains as the site for the Federal Capital, received from **Mr Webb**.

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**.

McDonald's Moore Park Restaurant

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

Surry Hills Policing

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

Bondi Pavilion Olympic Stadium Proposal

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

Manly Hospital Paediatric Services

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

Northside Storage Tunnel Gas Emissions

Petition praying for the installation of an acceptable system to address health risks associated with the discharge of sewage gases from the northside storage tunnel, received from **Mr Collins**.

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**.

Macksville Hospital Health Funding

Petition praying that sufficient recurrent funding be allocated to Macksville and District Hospital to enable restoration of hospital services to the level that existed prior to cutbacks instituted by the Mid North Coast Area Health Service, received from **Mr Stoner**.

Seaforth TAFE Closure

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

TAFE Funding

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

Disorderly Houses Act

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

Public Transport Fare Increases

Petition praying for opposition to the implementation of public transport fare increases, received from **Mr Barr**.

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 lift or ramp installed, received from **Mr Hunter** and **Mr Mills**.

Cronulla Railway Station Land Sale

Petition praying that the House will prevent the proposed sale of railway land at Cronulla and its possible use to alleviate parking and traffic problems in Cronulla, received from **Mr Kerr**.

Oxford Street Pedestrian Crossing

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

Moore Park Passive Recreation

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

Moore Park Light Rail

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

Eastern Distributor Tunnel Ventilation

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

Windsor Road Upgrading

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

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 will 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**.

Dairy Farmers Assistance

Petitions praying that the House will seek the provision of a State-based assistance package to New South Wales dairy farmers, received from **Mr Oakeshott, Mr Souris and Mr Stoner**.

Septic Tank Inspection Fees

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

White City Site Rezoning Proposal

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

Tweed Shire Rate Structure

Petition praying that the Minister for Local Government will deny the proposal by Tweed Shire Council to increase rates in excess of the 2.7 per cent threshold, received from **Mr D. L. Page**.

PUBLIC BODIES REVIEW COMMITTEE

Report

Mr Orkopoulos, as Chairman, tabled the report of the Public Bodies Review Committee entitled, "Study of International Jurisdictions". (Canada, London and the United State of America) 28 February – 17 March 2000."

MINISTRY

Mr CARR: In the absence of the Minister for Small Business, and Minister for Tourism the Minister for Local Government will take questions on her behalf.

QUESTIONS WITHOUT NOTICE

STATE RAIL CHIEF EXECUTIVE OFFICERS PERFORMANCE PAYMENTS

Mrs CHIKAROVSKI: My question is directed to the Minister for Transport, and Minister for Roads. Following last night's revelation that Terry Ogg, another of the Minister's rail chiefs, received a bonus payment

this year despite continuing chaos on the system, can the Minister now tell the House how many of the other hundred senior rail managers under his control also received bonus performance payments of up to \$20,000 when, by his own admission, the rail system is in crisis?

Mr SCULLY: There is absolute chaos in the Opposition ranks and the salary of the Leader of the Opposition should be cut.

Mr SPEAKER: Order! The Premier will remain silent. I call the honourable member for Baulkham Hills to order.

Mr SCULLY: Yesterday the House voted on my performance and has confidence in me, but the public has no confidence in the Leader of the Opposition and her pay should be cut. She should be condemned for misleading the House. She has been a member of this House for almost 10 years and knows that is not appropriate to mislead the House and to distort the truth.

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

Mr SCULLY: On the weekend the shadow Minister for Transport and the *Sun-Herald* made a disgraceful allegation that Simon Lane had been paid a bonus for the current year's performance.

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

Mr SCULLY: That is untrue, defamatory and misleading. It is unparliamentary for Opposition members to continue the distortion. I ask that they correct the record.

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

Mr SCULLY: Opposition members would like to know for what period he was paid a bonus, but they do not want to hear the truth.

Mr SPEAKER: Order! The Leader of the Opposition will remain silent.

Mr SCULLY: But I will tell them: from 1 July 1998 to 30 June 1999. The Opposition does not like to be reminded that over that period there was the best on time running in 25 years, the best on-time running in a quarter of a century. Not surprisingly, when the determinations were made as at 30 September, the board made a recommendation that a number of the chief executives would be paid bonuses for the best performance in 25 years. Simon Lane, I am told, received a bonus of \$20,000.

Mr O'Doherty: "I am told"?

Mr SCULLY: Yes, I was advised.

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

Mr SCULLY: I was advised that the bonus was \$20,000. The board of the Rail Access Corporation has not paid a bonus to Mr John Cowling as chief executive of the corporation. He was appointed only last year and there was obviously no bonus for 1998-99. Terry Ogg received a—

Mr SPEAKER: Order! The Leader of the Opposition will remain silent.

Mr SCULLY: Terry Ogg was the chief executive of the—

Mr SPEAKER: Order! I call the Leader of the Opposition to order. She has asked a question and she should listen to the answer in silence.

Mr SCULLY: I am told that Terry Ogg was paid a bonus for 1998-99 of \$35,000 by the Rail Services Corporation.

BALLISTIC IDENTIFICATION TECHNOLOGY

Ms ANDREWS: I direct a question without notice to the Minister for Police. What is the latest information on the Government's plans to fight gun-related violence?

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

Mr WHELAN: Gun-related violence and illegal firearms trafficking are two of the deadliest scourges of modern society. Sadly, Australia is not immune from these crimes. On Tuesday night this week a triple shooting in Sydney's southwest left three people hospitalised with horrific wounds and police facing another long and complex inquiry. Honourable members need only recall the devastation in the wake of the armed gang-related violence in the same area earlier this year. But much has been done on a State and Federal level to provide and abide by uniform national gun laws. But illegal firearms are still being smuggled into Australia, finding their way onto the black market and into the hands of criminals.

Legally imported guns and are also being diverted onto the black market and used in violent crime. Our capacity to track them is very limited. The Government recognises its responsibility to provide police with the best methods available to fight gun-related crime. Today I am pleased to announce that New South Wales will lead the nation in ensuring this happens. The New South Wales Police Service will soon use the latest ballistic identification technology, a system similar to one used in the United States of America, Canada and Europe, known as IBIS, which is essentially "DNA for guns". It is a system that fingerprints guns and has changed the way police world wide investigate gun-related crime.

IBIS brings firearms identification into the computer age, just as the DNA has done for other serious crime. Like computerised fingerprinting, IBIS captures the unique markings left by guns on bullets and cartridges in a fraction of the time it would take by hand. Once the images are captured, IBIS automatically compares and ranks them according to the likelihood of a match to another piece of evidence recovered from the same or another crime scene. It does this by searching through the database of thousands of other case files automatically on a local, national or international basis.

The possibility of linking previously unlinkable crimes through this technology is enormous. So is its potential in the fight against international organised crime and terrorism. Many shooting inquiries involve more than one gun and multiple crime scenes with varying numbers of fired bullets and cartridge cases. This means painstaking, long and tedious work for ballistic investigators. In comparison, IBIS has the capacity to link vital evidence at a rate far beyond what is humanly possible. IBIS can compare 1,000 bullets, a lifetime's work for an expert investigator, in less than one hour.

Traditional law enforcement methods for ballistics investigations are no longer sufficient to keep pace with the criminals engaged in this deadly trade. Today I am pleased to announce that the Carr Government will provide the necessary funds to purchase technology like IBIS for the New South Wales Police Service. The \$3.5 million required will come directly from the Government's confiscated proceeds of crime account. In other words, money seized from criminals will be used in the fight against other criminals.

New South Wales will be the first Police Service in Australia to adopt this internationally recognised system. I am advised by Commissioner Ryan that one of the first tasks to be undertaken by IBIS will be to fingerprint every New South Wales Police Service issue weapon. This will ensure easy tracing if a stolen or lost police firearm is used in the commission of a crime. I am also advised by the commissioner that other State police forces had indicated their interest in using our system to fingerprint police-issue weapons. We will gladly make it available to all jurisdictions in Australia so that we can stop the interstate trade in guns and parts.

FREIGHTCORP PRIVATISATION

Mr SOURIS: My question is directed to the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development. Has the Minister discussed with the Premier and the Minister for Transport the impact on jobs in country New South Wales and the Hunter community in particular of a State Government sell-off of FreightCorp, the nation's biggest rail freight operator, employing more than 2,100 people? Has the Minister advised the Premier to keep FreightCorp in public hands in the interests of people in country New South Wales and the Hunter Valley?

Mr FACE: I have not discussed this matter with the Premier, but I will.

BYRON SHIRE COUNCIL OPERATIONS

Mr BARTLETT: My question without notice is to the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs. What is the latest information on Byron Shire Council?

Mr WOODS: I acknowledge that the honourable member brings a wealth of experience and knowledge of local government to this place, which is one reason this Government works closely with local government. Honourable members will recall that in early May I informed the House of my concerns about the operation of Byron Shire Council. The New South Wales Department of Local Government has just told Byron Shire Council that it has three months to improve its operations. The Department of Local Government has received a high level of complaints from the community of Byron that relate mainly to planning and tendering. Those complaints have prompted this action. The Director-General of the Department of Local Government, Mr Garry Payne, wrote to the Byron Shire Council asking it to formally outline how it will tackle the problems.

Subsequently, the Department of Local Government received two reports: One from the Mayor, Councillor Tom Wilson, and another from the General Manager, Mr Ray Kent. Councillor Wilson was restrained in his reply, acknowledging that the council had deficiencies but that many of the problems were inherited from previous administrations. The problems include: A major backlog in planning assessment, with 250 development applications currently before councils; a budget blow-out of \$250,000 in legal costs and an unacceptable number of planning matters referred to the Land and Environment Court rather than dealt with by the council; and failure by the council to deal with illegal development. In response, Councillor Wilson committed the council to a plan of action.

That plan included reorganisation of its planning division; major changes to its development application lodgment process; instigation of an internal audit; and greater emphasis on resolving disputes without incurring massive legal bills. On 2 June the Director-General of the Department of Local Government wrote to Mayor Wilson saying that he accepted that the council has tried to address the problems. However he said that without the commitment from council to resolve the situation he would have no option but to approve a section 430 investigation. Under that section the department can conduct a formal investigation into the affairs of a council. It is also the prerequisite for a full-scale public inquiry.

Byron Shire Council must meet a three-month deadline. In the next three months Byron Shire Council must fix, among other things, the way it handles planning and tendering issues, it must cut excessive legal bills and it must take control of and deal with the problem of illegal construction in the shire. The council will also be required to report to the Department of Local Government on a monthly basis. If there is no measurable improvement within the time frame, I will ask the department to commence the investigation process.

CASINO CONTROL AUTHORITY INQUIRY

Mr OAKESHOTT: My question is directed to the Minister for Gaming and Racing. Given the Minister's statement last night in the estimates committee that the Casino Control Authority and the Casino Surveillance Division will be reviewed by the section 31 inquiry, does he consider it appropriate that Marc Duggan, a former inspector of the Casino Surveillance Division, Margaret Hannan, an employee of the Casino Surveillance Division, and Orla Murray, employed by the Casino Control Authority, should investigate themselves?

Mr FACE: As I indicated last night, these people will assist in the section 31 investigation. During the course of the estimates committee's consideration of the Appropriation Bill and cognate bills as they affect the Gaming and Racing portfolio, I commented about the scope of the Casino Control Authority's regular investigation into the Sydney casino licence of Star City as the Casino licence holder.

The casino legislation requires the authority to conduct an investigation at least once every three years into whether it is in the public interest that the Sydney casino licence continue in force and whether Star City continues to be suitable to hold the licence. This is commonly referred to as a section 31 investigation. The authority commenced its investigation late last year, beginning with a public call for submissions. All submissions that were received have been examined. The investigation team has conducted interviews with interested persons and is undertaking all necessary inquiries and investigations. I am assured that the authority is working to a timetable that will result in the investigation being completed before the required deadline of 14 December.

Mr Oakeshott: Point of order: On a point of relevance, I asked a question—

Mr SPEAKER: Order! The Chair needs no assistance from members on the Government benches.

Mr Oakeshott: My question referred to a conflict of interest: employees of the Casino Control Authority are conducting an investigation of themselves.

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

Mr FACE: The authority recently appointed Sydney QC Peter McClellan to spearhead this investigation. The terms of reference for the investigation are comprehensive and include an examination of alleged money laundering activities by persons who frequent the casino; the alleged attendance of criminals or persons of ill repute at the casino; and criminal activity generally, or other activity that may be considered undesirable, which may be associated with the casino. I make it clear at this point that the terms of reference do not involve the examination of the performance of the Director of Casino Surveillance in the Department Gaming and Racing. The casino legislation—which was introduced by the Coalition—provides adequately for the director's performance to be subjected to separate review. The honourable member for Port Macquarie knows nothing about that. The legislation empowers the authority to review the efficiency and effectiveness with which the director exercises his functions.

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

Mr FACE: The section 31 investigation is an investigation into the casino licence—no more, no less. It provides an opportunity for any member of Parliament, including the honourable member for Port Macquarie, to bring forward any evidence—the honourable member has not produced any yet—that he or she may have about illegal or undesirable activity associated with the Sydney casino.

CASINO COMMUNITY BENEFIT FUND

Miss BURTON: My question without notice is directed to the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development. Will the Minister update the House on the Casino Community Benefit Fund?

Mr FACE: I am pleased to report to the House that I recently approved funding for round seven of the Casino Community Benefit Fund. Since the fund commenced in 1996, a total of \$38 million has been committed to specific projects to alleviate gambling problems. I am happy to announce that \$8,363,003 has been made available to 46 organisations under round seven. They will undertake counselling, treatment or rehabilitation services for problem gamblers and their families in New South Wales. These funds will result in new or expanded education programs and intervention and rehabilitation services for problem gamblers. This will include targeting ethnic communities as well as projects of a broader nature that could consider the flow-over effects or causes of gambling problems. Examples of this flow-over effect could be alcohol abuse, child abuse, domestic violence, homelessness or unemployment.

I am pleased to advise the House of just a few of the projects that have been approved. I am sure that the honourable member for Kogarah will be pleased to know that the Chinese Australian Services Society will receive \$309,500. Other grants include: Ethnic Affairs Commission of New South Wales and the Multicultural Health Unit, \$630,000; Christian Community Aid Service, \$123,000; Newcastle City Mission, \$210,000; Odyssey House McGrath Foundation, \$376,600; Lifeline Western Sydney based in Parramatta, \$168,400; and the Wesley Gambling Counselling Service at Penrith, \$357,000. To show that the trustees had been evenhanded, the Port Macquarie Neighbourhood Centre will get \$155,000. These projects represent the Government's long-term commitment to providing effective problem gambling services to the community. When coupled with our landmark reforms in the responsible gambling legislation package, the people of New South Wales should be in no doubt as to this Government's commitment to responsible gambling by players and gambling operators alike.

STATUS OF WOMEN

Mrs SKINNER: My question is directed to the Premier.

Mr SPEAKER: Order! Members on the Government benches will come to order.

Mrs SKINNER: In view of the statement by the Minister for Women that men who abuse women are "mongrels", what action will the Premier take to counsel his speech writer, Bob Ellis, who in a recent magazine column described women as "bitches" and said that two female film festival judges with whom he disagreed deserved at least a broken nose?

Mr CARR: At lunchtime, in preparation for another demanding question time, I went for a walk through the Domain and the Botanic Gardens. The feeling of goodwill was almost palpable: everywhere I went people said, "Up the blues!" But let me return to my speech. Dr Refshauge, my parliamentary colleagues, men and women of the Labor Party, this is the second conference—but this is the wrong speech! I am sorry about that.

Mr O'Doherty: Point of order: This question is about a serious attack on the integrity of women in our community. The Premier is making light of himself and the Department for Women. My point of order is about relevance. Mr Speaker, I ask you to ask the Premier to show some dignity given the nature of the question.

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

Mr CARR: By the way, Saturday's speech will be a good one. Be there at 11 o'clock on Saturday. The fact is that the Labor Party can fill Sydney Town Hall.

Mr Hazzard: Point of order—

Mr SPEAKER: Order! I note that the same members seem to be consistently taking points of order.

Mr Hazzard: My point of order is about relevance. The Premier identified that his comments a few moments ago were not relevant to the question. Mr Speaker, I ask you to confirm that the Premier's comments are irrelevant and to bring him back to the serious issue of abuse of women.

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

Mr CARR: Everyone will want to be at the State conference—and this side of politics can fill a town hall. At the rate they are going, Opposition members could not fill the smallest hall in the suburbs or a country town. It is no wonder Tony Staley said about this mob—

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

Mr CARR: —that working with the New South Wales Liberals is like constructing a house of cards in a hurricane. I conclude with this point: We are at the end of the budget session—

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

Mr CARR: —and the shadow Minister for Health cannot ask a question about hospitals. The Opposition has run out of questions. I have no knowledge of the statement referred to.

Mrs Skinner: Point of order: This is probably one of the most serious questions that I have asked in this place. The Premier has been flippant and frivolous and he has not replied to the question. I ask that you ask him to do so.

Mr SPEAKER: Order! There is no point of order. Honourable members are becoming a little excited. I ask them to show a little decorum.

OLYMPIC GAMES POLICING

Mr ARMSTRONG: My question is directed to the Minister for Police. Are permanent appointments of police officers to the unmanned Barmedman and Ungarie stations being deliberately delayed until after the Olympics in order to supplement police strength in Sydney during the Games? Is the Minister depriving country residents of essential protection?

Mr SPEAKER: Order! I place the Minister for Health is on three calls to order.

Mr WHELAN: Honourable members may recall that this serious issue was raised in this House in the past fortnight and I gave a long and detailed answer. Suffice it to say that a planning strategy is being worked on by the Commissioner of Police. I remind the honourable member of what I told the House. The strategy will be completed by the end of the month. I will ascertain from the Commissioner of Police the specific details about the stations he mentioned. The general answer to his question is no.

Mr ARMSTRONG: I ask a supplementary question. Will the Minister guarantee that those officers already appointed to Barmedman and Ungarie stations will be allowed to take up their appointments before the end of the Olympics?

Mr WHELAN: I have answered that question once before. The honourable member would understand that the strategy is being prepared for the whole of the State. There are 504 police stations in New South Wales,

all of which are under consideration. I do not have time to name them all. I advise the honourable member that specific attention will be given to the two stations that he asked about and the staffing difficulties he mentioned.

PETROL BANKS

Mr MARTIN: My question without notice is to the Minister for Fair Trading. What is the status of the Minister's investigation into petrol banks?

Mr SPEAKER: Order! The Leader of the National Party will remain silent. I call the honourable member for Murrumbidgee to order.

Mr WATKINS: This is an issue that Country Labor members of this House have consistently raised.

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

Mr WATKINS: The honourable member's question highlights the most unfair and unjust aspect of the cost of petrol—that is, the price differential between the city and the country.

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

Mr WATKINS: In reaction to that concern, the Government developed a 10-point action plan which I outlined last year. One of the initiatives taken as part of that plan was to commission research into the feasibility of using petrol buying co-operatives, or petrol banks, to assist country communities to cope with the high price of petrol in country areas.

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

Mr WATKINS: This research was undertaken by the Western Research Institute at the Charles Sturt University at Bathurst and the Australian Centre for Co-operative Research and Development [ACCORD], which is jointly based at Charles Sturt University and the University of Technology. The reports arising from those projects, which I am releasing today, concluded that co-operatives can play a role in closing the gap between city and country petrol prices. Some honourable members may be unaware of the value of co-operatives in New South Wales. Are they still viable? Can they still be effective in delivering goods and services to people in New South Wales? The answer is absolutely yes. Already the Hastings Co-operative and the Nambucca River Co-operative operate retail outlets and give petrol rebates of up to 1.5 per cent to their members.

Co-operatives operating as purchasing groups, negotiating bulk fuel discounts on behalf of their members, have also had some success in achieving lower prices. For example, members of the Macleay Regional Co-operative can get a 3 per cent discount on the bowser price at 25 local petrol stations. The research also suggests that volume sales, infrastructure, customer loyalty and a low risk of oil majors offering price support, or discount, to local retailers are the keys to the success of petrol buying co-operatives. I have arranged for copies of the reports to be forwarded to the Local Government and Shires Associations and to the people who took part in the research which contributed to the preparation of the reports.

My department will also be assisting organisations such as councils or existing co-operatives through a series of seminars in country centres to have a serious look at how they can benefit from the findings of those reports. Of course, in addition to this initiative, New South Wales will continue to call on the Commonwealth to do its fair share to bring down petrol prices. It is certainly worth asking what the Howard Government has done to keep country petrol prices down. What has the Federal Government done? It made all sorts of promises. But the Country Labor members of this House know that it did absolutely nothing.

Mr Debnam: Point of order: My point of order relates to relevance. If the Minister is going to address petrol pricing, he ought to talk about increasing the price of low-alcohol beer, which this Government has done.

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

Mr WATKINS: The Country Labor members of this House, from Broken Hill in the west to Tweed Heads in the north, know that the Federal Government made all sorts of promises and did absolutely nothing. What has the New South Wales Government done in comparison? First, it has been working with the Australian Competition and Consumer Commission to stamp out illegal and uncompetitive behaviour. That work continues.

Mr SPEAKER: Order! I call the honourable member for Murray-Darling to order.

Mr WATKINS: Second, it has brought in mandatory price boards at every petrol station in New South Wales. I announce that today my department issued its first penalty notice under that legislation to a petrol station in Lindfield that would not display its prices. Third, today I released the petrol buying co-operatives research. We uncovered the toluene substitutions scheme and made the Federal Government do something about it. We continue to speak out on behalf of country people. Last year I took a 10-point plan to the ministerial meeting in Hobart that would have addressed the high prices of petrol. It was stopped by a Federal member. I will go back this year, in July, and put a 10-point plan to the meeting again so that something will be done by the Federal Government. In contrast, what has the Federal Government done? It broke the promise it made to the people of Australia at the last two Federal elections that it would reform the industry in a way that would drive down the price of petrol. Nothing has been done. The Federal Government broke its commitment.

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

Mr WATKINS: The Federal Government broke its commitment that it would reform the Sites Act and the Franchise Act; nothing has been done. It put a 10 per cent GST on liquefied petroleum gas [LPG], which is a far more common and accepted form of fuel in regional and rural Australia than is petrol. This 10 per cent GST impost on LPG means that people who are relying on LPG will be hard hit. It is unfortunate that the Opposition—the National Party and Liberal Party—will not come on board; it will not get behind the New South Wales Government in our efforts to stand up for country people.

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

Mr WATKINS: There is a difference of up to 15¢ per litre on the price of fuel between city and country. On top of that, in three weeks time comes the GST. To date, no official detail has come from the Howard Government as to how it will protect country people from the impact of the GST on petrol prices. I have written to the Federal Treasurer to find out details of its rebate scheme. I asked him a very simple question: How are you going to protect country motorists from the GST? Have I had a reply from him? No, he has not even bothered to reply. No details have been given to country people as to how the GST will impact on the price of petrol. They deserve to know what lies ahead for them from 1 July. My guess is that the news is all bad.

HISTORIC SHIPWRECKS PROTECTION

Mr W. D. SMITH: My question without notice is to the Minister for Urban Affairs and Planning. How is the Government protecting historic New South Wales shipwrecks?

Dr REFSHAUGE: I thank the honourable member for South Coast, who is a great member. We were down the South Coast last week at Lake Wollumboola. The Government made a great decision to save that precious coastal icon. I thank the honourable member for organising the people who welcomed me there. The honourable member got great coverage in the local newspaper. It is unbelievable how poorly the Opposition is doing. Talking about shipwrecks, I wonder about the good ship Liberal Party. Its members are trying to work out what is going on. A number of them are trying to promote themselves as alternative leaders. One of them, the pretty boy, is the honourable member for Pittwater.

I did a quick look to see how much work he has done in this Chamber. He is the quietest member on the Opposition front bench. Despite the fact I do a ministerial favour to help build his numbers up, he is still doing less than the honourable member for Barwon. There is no doubt he has to do much better. At an estimates committee the other night, one could see the cabal of Liberals getting around and saying, "Why did he leave the estimates and go to the dining room?" He should have stayed there all the time, they are watching his performance. It is a poor performance. He will have to do a lot better than that.

Mr Brogden: Point of order—

Dr REFSHAUGE: Here we come, another performance. I am trying my best to raise his profile.

Mr SPEAKER: Order! Does the honourable member for Pittwater understand the difference between a personal explanation and a point of order?

Mr Brogden: I do.

Mr SPEAKER: Order! I remind the Minister for Health that he is on three calls to order.

Mr Brogden: If the Minister keeps this up my mother simply will not vote for him at the next election. That is the only guarantee I will give him.

Dr REFSHAUGE: I suggest that when the honourable member for Pittwater takes a point of order he stand and face the camera. He needs a bit more exposure.

Mr SPEAKER: Order! The Minister for Urban Affairs and Planning will return to the substance of his answer.

Dr REFSHAUGE: Some 1,800 historic shipwrecks are up and down our coastline. Our maritime history is an important part of the make-up of our nation so that we can understand who we are and where we have come from. It helps to define our country.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. The Minister for Health will remain silent.

Dr REFSHAUGE: The bigger voyages that are so much part of our European history are an important part of understanding our early times.

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

Dr REFSHAUGE: There is evidence of Chinese and Indonesian ships arriving on what we know now as Australian shores long before Cook's arrival in 1770. In 1622 the first Englishmen came onto what is now known as Western Australian shores after their ship, the *Trial*, was wrecked on a reef near the Montebello islands. A history of lengthy shipping voyages is invariably interspersed with a history of tragic shipwrecks. New South Wales is no exception. The wreck of the *Sirius* on Norfolk Island in February 1790 was a devastating loss to the struggling early colony. The wreck of the *Dunbar* off South Head in 1857 saw the loss of 121 lives. Only one crew member escaped death. He later became a lighthouse keeper in Newcastle and went on to assist in the rescue of the only survivor of *Cawarra* in 1866. The *Keilawarra*, built in England in 1878, collided that year with another steamer en route from Sydney to Brisbane, with the loss of more than 35 lives. Its remains now lie somewhere off the coast near Coffs Harbour. Understanding our maritime history helps us to understand ourselves and our nation. The shipwrecks are a key to unlocking much about history, bringing to light stories of trade and travel, hardship and triumph, human endurance and endeavour.

Mr SPEAKER: Order! The honourable member for Mulgoa will remain silent.

Dr REFSHAUGE: The New South Wales Heritage Office has a maritime archaeology program which seeks to discover, assess, interpret and protect the valuable remains of ships wrecked over the years in waters across New South Wales. I am delighted that the program has seen much activity in recent months, with several initiatives working to give greater community insight into these fascinating remains. Community involvement is a key feature of the program. We want to bring these sites closer to the community so that the community can understand and see these sites. We want to do that for their historic and educational value and for the sheer enjoyment and entertainment value. Shipwreck signage and information along the New South Wales coast and riverways are one way to involve communities in their local maritime heritage. This material is in place across the State, including on the mid North Coast.

In April this year the New South Wales Heritage Office supported the Greater Taree City Council in opening a viewing platform for the remains of the paddle steamer the PS *Manning*. That paddle steamer was built in 1878 at Pyrmont and was typical of the vessels that once dominated transport on our rivers. After some 60 years of service on the Manning River transporting produce, livestock and timber, it was abandoned in its current spot in about 1937. Very few examples of this type of vessel remain, particularly given that the iron hull is so well preserved. Many local residents and visitors to Taree have utilised the platform to better appreciate the region's maritime origins. The New South Wales Heritage Office is now looking to work with Tourism New South Wales and local councils to develop a cohesive Shipwreck Heritage Trail. The trail will be an exciting new means of promoting the State's great wealth of maritime heritage.

We also recently launched a program to involve local communities in citing, reporting and researching shipwrecks. The innovative Wreck Spotters program means that people with a keen interest in shipwrecks can

become actively involved in detecting, documenting and promoting them. I am pleased to inform the House that the community has responded with enthusiasm to this exciting program. Already 27 people from as far north as Tweed Heads and as far south as Eden have joined the program. Their vigilance and prompt reporting have been of great value in protecting our maritime heritage. When a strong storm recently revealed the remains of the World War II Dutch submarine K-IX on a remote beach south of Seal Rocks, a wreck spotter quickly got word of its appearance back to the New South Wales Heritage Office. It was a rare and exciting event. The wreck was last sighted in 1984, but in May this year part of the K-IX was exposed after king tides in the area. This submarine is of particular interest because of its association with the Japanese midget submarine raid on Sydney Harbour on 31 May 1942.

Then a unit of the Royal Netherlands Navy, it was damaged when an enemy torpedo passed under it and destroyed the HMAS *Kuttabul*, killing 21 sailors aboard. It was later commissioned into the Royal Australian Navy as a training vessel before becoming lost in a towing accident towards the end of the war. One outcome of that particular sighting is that the Consul General of the Netherlands has offered to assist financially towards the establishment of interpretive material for the submarine. We will work with the Great Lakes Council on this exciting project.

Interested community members provide valuable assistance as we seek to learn more about our local shipwreck heritage sites. We have also launched a new means of keeping the community informed about shipwrecks, and our work to showcase them. Regional information sheets have been produced for specific locations like Byron Bay, Jervis Bay, Lord Howe Island and the far South Coast around Twofold Bay and Green Cape. These sheets are designed for dive shops, tourist information centres, local museums and other outlets to distribute information about the shipwreck heritage of their area.

In Homebush Bay today we can see hulks and remnants of ships with an important connection to Sydney's rich and colourful maritime history. Among them is the tugboat *Heroic*, which was built in England in 1909. Its life saw much activity, including rescue work off the Cornish Coast during World War I and rescuing the freighter *Allara*, which was torpedoed off Sydney during World War II. The Heritage Office has formed a New South Wales Wrecks on the Web page. For some time we have been working to develop a detailed shipwreck database as part of the national shipwreck database. Our new web page will supplement this and bring to the community a greater depth of information, photographs and images about specific shipwrecks in New South Wales.

RURAL AND REGIONAL CAPITAL WORKS ALLOCATION

Mr AMERY: On behalf of the Premier I wish to provide a supplementary answer to a question asked of the Premier by the honourable member for Tamworth on 30 May about country capital works spending. The honourable member asked about the proportion of capital works spending allocated to rural areas. Some 37 per cent of the State's population lives outside Sydney, Newcastle, the Central Coast and Wollongong. I am advised by Treasury that this year they received 35 per cent of the State's capital works and road maintenance allocation. That is \$2 billion from the total capital works and road maintenance budget of \$5.65 billion. The Treasury analysis includes all capital works and road maintenance in electorates outside Sydney, Newcastle, Wollongong and the Central Coast. I understand the honourable member for Tamworth, in his analysis of country capital works, could be excluding projects such as road maintenance. The 2000-01 State budget represents a campaign by the Government to continue to address historical inequities in country health, country schools and country roads.

Mr Humpherson: Point of order: I appreciate that the Minister is giving a supplementary answer to a previous question. However, the honourable member for Tamworth is not in the Chamber for question time again. There is no need for an answer to be given when he is not present.

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

Mr AMERY: Every project is targeted to address the areas of greatest need. For example, the single largest capital works allocation in the Newcastle-Hunter region will be \$113 million this year, which is being invested in new schools, roads and public buildings in Upper Hunter, which is the electorate of the Leader of the National Party. Major funding has been provided for new and refurbished schools across coastal and inland New South Wales. Examples include \$456,000 to start a new \$13.20 million high school in the Tweed and \$681,000 to start the new \$2.8 million Jerrabomberra Public School. New or better schools will also be built in Bega, Dubbo, Nowra, Kiama, Scone, Lightning Ridge, Grafton, Tuncurry, Evans Head, Mudgee, Brunswick Heads, Cessnock, Bogangar, Dorrigo and Hay.

TAFE colleges will also benefit, with new or continuing capital works at Armidale, Bathurst, Coffs Harbour, Tuncurry, Griffith, Moree, Orange, Singleton, Taree, Wauchope and Wollongbar. Some 20 new country hospitals are being built, with 14 more in the planning stages. Health spending includes \$22.2 million for the Illawarra Area Health Service, including funding for major reconstruction at Shoalhaven Hospital, and \$43.7 million to start work on improvements at Tamworth Base Hospital's emergency department. Country policing will be improved with building projects in Tweed Heads, Wellington and Walgett, a better radio communications base in Tamworth, relocation of the Firearms Registry to the Tweed, the infringement processing bureau to Maitland, and extra capital works at the Goulburn Police Academy. The Coalition claims that these are all Labor electorates. That will come as news to the honourable member for Barwon, the honourable member for Tamworth, the honourable member for Burrinjuck and the honourable member for Dubbo.

This budget will improve road and rail services across the State. This year spending on country roads will exceed \$1 billion, with more than 60 per cent of the State's road budget for new roads and road maintenance to be spent in rural and regional New South Wales. Examples include \$115 million this year as part of the \$1 billion 10-year Rebuilding Country Roads program, continuing works on the \$1.6 billion Pacific Highway project and \$42.2 million towards the \$334 million Yelgun to Chinderah Freeway in the Tweed, which will create 1,400 construction jobs. The previous Government closed country rail lines and services on the North Coast and in the Central West. The North Coast overnight express was cancelled by the Coalition. The Bathurst to Sydney day run was cancelled by the Coalition. The Griffith and Broken Hill services were cancelled by the Coalition and reopened by the Labor Government. By December this year the Kandos to Gulgong via Mudgee line will be reopened at a total cost of \$15 million, \$1.4 million having been allocated in this year's budget.

The Government is also opening new lines, not closing them like the former Government. A record emergency services budget means that families in country regions will enjoy better protection from fires and natural disasters. The budget has increased funding for State emergency services by a massive 31 per cent, which means new divisional headquarters in Albury and further funding for the new headquarters at Cobar. Since 1995 the Government has opened or built 30 fire stations across New South Wales. Honourable members might ask how many fire stations were built and opened by the Coalition during its seven years in office. The answer to that question is simple: zero. Once again, Labor and Country Labor are cleaning up the backlog left by the previous city-centric Coalition Government. No-one expects governments to wave a magic wand and fix every problem. But they do expect the Government to deliver a fair share to all families, regardless of where they live. On behalf of the Premier, I am pleased to advise the House that this budget certainly delivers that fair share.

Questions without notice concluded.

KEVIN JOHN SIMS AND THE DEPARTMENT OF FAIR TRADING

Ministerial Statement

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [3.27 p.m.], by leave: I wish to advise the House of an important court decision handed down early today in the Supreme Court. Kevin John Sims, a notorious Sydney conman, was today banned from working as a modelling agent or employment agent in this State for 50 years. That is a record sentence for a Fair Trading consumer protection prosecution in New South Wales. Today's decision follows a concerted effort by the Department of Fair Trading to get Sims out of a business in which he preyed on young hopefuls, then cruelly shattered their dreams. Today's decision means that Sims will be out of action until 2050, when he will be more than 100 years of age. The courts are often criticised, but I am delighted that today the Supreme Court has shown as much sympathy for Sims as he has shown for his victims. Kevin John Sims shattered the dreams of many young people and fleeced those who came to him in good faith, simply wanting to work.

Sims traded under names including Central Casting, Boomerangs New Century, Little Stars and Shirley Temple Australia. He placed advertisements in Sydney and regional newspapers offering work as a model or film extra for adults, children and even pets. For fees ranging from \$147 to \$995 people with stars in their eyes were promised photo sessions for a portfolio and then work. His victims include a Liverpool woman who was told her children, aged 15 and 13, were wanted to model athletic clothing during the Olympics; a Newcastle man who was promised work for film extras and atmosphere-type people in a 1960s nostalgia film; a St George woman who was promised that her dogs could earn her big money in dog food commercials; and a Macarthur woman who was told that her toddlers, aged just three and one, were wanted for a bridal magazine shoot.

Time after time Sims failed to deliver on his promises. No-one will miss Kevin John Sims and his work as a modelling agent in New South Wales. The Department of Fair Trading will keep a close eye on this unsavoury individual to ensure that the orders of the Supreme Court are strictly observed. Finally, I congratulate the Fair Trading officers involved in this investigation and prosecution on their hard work and commitment.

CONSIDERATION OF URGENT MOTIONS

Commuter Car Parks

Miss BURTON (Kogarah) [3.30 p.m.]: The matter of which I gave notice earlier today is urgent because it signifies a major policy issue by the Coalition. If the Leader of the Opposition were to become Premier tomorrow, based on her letter to the *North Shore Times*, she would go to my electorate, get the workmen constructing the new car park to down tools and move our car park to the North Shore. The Liberal Party made a pre-election commitment that the Kogarah commuter car park would be built. My electorate has a right to know immediately that this situation has changed.

Casino Control Authority Inquiry

Mr OAKESHOTT (Port Macquarie) [3.30 p.m.]: Last night during an estimates committee hearing there was an extraordinary interchange between the Hon. J. P. Hannaford, the Minister and the director-general, Ken Brown, on the casino and the role of the Casino Control Authority and the Division of Casino Surveillance. The Hon. J. P. Hannaford asked a question of the Minister about the important section 31 inquiry, which we have heard about in the last month, that will report back to this House on 15 December on all sorts of allegations surrounding the casino. The Hon. J. P. Hannaford asked whether during section 31 inquiry the Casino Control Authority and the Division of Casino Surveillance will be reviewed and were open to review in regard to their performance, function and role with the casino.

Mr SPEAKER: Order! The honourable member for Davidson will remain silent.

Mr Ashton: Point of order: The honourable member has been speaking for a minute and has not mentioned the word "urgency" once. He must explain why his matter is more urgent than that of the honourable member for Kogarah.

Mr OAKESHOTT: During the estimates committee hearing the question clearly was whether the Casino Control Authority and the Division of Casino Surveillance would be reviewed by this section 31 inquiry. The one-word answer given by the Minister was, "Yes". I have heard arguments in the past, inside and outside this House, about the definition of the word "No". This will be the first time I had ever heard an argument about the definition of the word "Yes". This matter is urgent because the terms of reference of the inquiry are now old news. If we are to have an open, broad and independent inquiry such as that announced by the Minister last night when he said these two regulatory bodies would be reviewed, he must change the terms of reference. The present terms of reference do not indicate that these regulatory bodies will be reviewed. If the terms of reference are not changed, we will have a half-baked inquiry on our hands. People who are staff of these two bodies will not come forward—

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

Mr OAKESHOTT: Three people who are former staff members of the two regulatory bodies rang me today. They would come forward if the terms of reference were changed.

Mr Ashton: Point of order: Mr Speaker, you directed the honourable member for Coffs Harbour to resume his seat, and he has totally ignored you.

Mr SPEAKER: Order! If the honourable member for Coffs Harbour wants to discuss matters with other members he should do so outside the Chamber. However, while he is in the Chamber he will remain seated.

Mr OAKESHOTT: This is an important issue for this House and I hope the honourable member for East Hills and all honourable members in this House will not trivialise it. The issue is about allegations of criminal activity in Star City Casino and mismanagement of the casino's two regulatory bodies. I hope every member of this House treats this as a matter of urgency and of great importance to our agenda in this place.

Potentially this is the last opportunity for us to debate this matter before we embark on a long, three-month holiday. If we are to treat this issue seriously, three things must happen. The first is that the terms of reference of the inquiry must be changed to accommodate the staff who want to come forward and speak about things of which they are aware.

One good example of that is the three people who have been seconded to the section 31 inquiry. One of them, Mark Duggan, is a former inspector with the Division of Casino Surveillance. He has a story to tell and needs to be asked questions in the section 31 inquiry. Will he be given the opportunity to do that at the moment? No. He is bound by the secrecy provisions of the Casino Control Act. If we were to have a full, independent and accountable inquiry and he were allowed to come forward, we would hear the full story. Unless that happens and unless the terms of reference are changed today or at some time in the immediate future, all we will have is a half-baked inquiry and a *Yes Minister* cover-up.

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

The House divided.

Ayes, 47

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

Noes, 33

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

Pairs

Mr Iemma	Mr Armstrong
Mr Knight	Mrs Chikarovski
Ms Nori	Mr Hartcher
Mr Price	Ms Hodgkinson

Question resolved in the affirmative.

COMMUTER CAR PARKS

Urgent Motion

Miss BURTON (Kogarah) [3.46 p.m.]: I move:

That this House:

- (1) congratulates the Minister for Transport and Minister for Roads for delivering on his pledge to build commuter car parks in Kogarah, Holsworthy and Gosford;
- (2) notes the New South Wales Liberal Party letterboxed every family in these communities promising these very car parks in the 1999 State election;
- (3) condemns the Leader of the Opposition for breaking this pre-election promise to support their construction;
- (4) expresses concern about her decision, once the election was lost, to withdraw support, demanding the funding be re-directed to the Lane Cove electorate;
- (5) further notes that the Leader of the Opposition chose to announce her new transport policy in the *North Shore Times* edition of 2 June 2000; and
- (6) calls on the member for Gosford to break with his leader and re-state his own support for commuter car parks on the Central Coast.

First I congratulate transport Minister Carl Scully. Kogarah has a very busy central business district [CBD] and a major railway station. Every morning cars are parked in all the residential streets and the fight for parking is alarming. The location of the proposed commuter car park has been argued about for a long time. Because of the thriving small business in Kogarah, parking space is at a premium. During the 1999 State election both parties gave election commitments that a commuter car park would be delivered irrespective of who won government. The Liberal Party candidate wrote to local residents stating:

A number of residents have contacted me about parking problems in Guinea Street.

Guinea Street is near Station street, where the railway station is located.

Residents talk about cars blocking driveways, cars parked across intersections, break-ins and local streets looking like parking lots. Local streets should be for local residents, not de facto commuter car parks.

The Liberals letterboxed the entire electorate with a pamphlet with a photograph showing what Kogarah looks like every morning. It said that parking in Kogarah was a nightmare. Prior to the election the Leader of the Opposition was swanning around St George saying, "I understand your problems. I understand that you need a commuter car park. I understand the traffic congestion. I understand the difficulty." A photograph of the Leader of the Opposition with the Liberal candidate looking very concerned about the issues that affect our area appeared in the local paper. After the honourable member for Lane Cove did not become the Premier she went back to her electorate in the leafy North Shore and showed her true colours, the sort of person she really is. The Leader of the Opposition is very angry because she does not want the people of the North Shore to pay taxes to support the families of St George, Holsworthy and Gosford.

The Leader of the Opposition believes so strongly that taxpayers on the north shore should not provide badly needed commuter car parks for Kogarah, Holsworthy and Gosford that she wrote a letter to her local paper, the *North Shore Times*. The letter basically states that money collected from Chatswood would build commuter car parks in Kogarah, Holsworthy and Gosford and that once again Labor was ripping money out of the North Shore. Labor is not ripping money out of the North Shore. The money will fund a badly needed car park for the residents of St George. I will make sure that the people of the St George area know exactly where the Leader of the Opposition stands on this issue. The letter demonstrates to the people of New South Wales that the Leader of the Opposition wants to be Premier for only one reason, that is, to satisfy her own blind ambition and to look after north shore residents.

Representatives such as the Leader of the Opposition promote cynicism about politicians. As I said in my contribution to the budget, I am proud to be part of the Carr Labor Government, which is working hard and governing for all New South Wales, not merely the north shore; a government that is delivering budgets and meeting all its election commitments. My community has been misled by the Leader of the Opposition because

she and the then Liberal candidate said that the Liberal Party supported the building of a commuter car park in Kogarah. Any Opposition member who has any idea of the St George area will realise that this car park is badly needed by commuters and residents, and the Carr Government is now in the process of delivering it.

The Leader of the Opposition does not support public transport. She wants six-lane major highways and everyone to travel by car. She would not understand that some people cannot afford to own and run cars or that they would prefer to travel in the comfort of public transport. The Deputy Leader of the Opposition has said in documents that if the Coalition were to win government it would look at privatising the public transport system. Public transport in my electorate is an important service and the backflip by the Coalition is a disgrace, as is the Leader of the Opposition. When the Leader of the Opposition swans around St George—if she decides to show her face there again—she will say and do anything to try to win votes but, fortunately, the electorate is wise to her, which is why the Coalition was beaten so soundly in my area.

Once again, I congratulate the Minister, who has visited my electorate on numerous occasions and who has delivered for the area. The upgrade of Allawah station is well on the way, with the first sod to be turned on the commuter car park immediately after the completion of the Olympic Games, and the M5 East is to be completed in June 2002. The car park will mean that commuters in my area will be able to park their cars and catch public transport. The M5 East will mean safer and easier access to railway stations, and traffic congestion in the St George area will be eased. The Government is committed to looking after the people of St George and has delivered on its election commitments.

It has become obvious since the March 1999 election that electors in Kogarah realised that the Leader of the Opposition would say anything to suit her own blind ambition and her desire to be Premier, and that she had no intention of honouring her election commitments to the St George area. I will tell my constituents that she cares only about people on the north shore and does not care about the families of Holsworthy or the Central Coast. The honourable member for Gosford should be present in the Chamber. This motion was moved principally because the Leader of the Opposition kept harping about the fact that Gosford is to get a long-awaited car park. The honourable member for Gosford should restate his support for commuter car parks. When the car park is built and the people of my area have a safe place to park their cars so that they can travel by public transport to and from the city, they will congratulate the Labor Government. However, I condemn the Leader of the Opposition for a policy backflip.

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [3.55 p.m.]: The people of Kogarah deserve better. I am happy to personally finance the distribution of that speech to the electors of Kogarah. It will indicate to them what is wrong with the preselection processes of the Australian Labor Party. It is all very well to put political staffers into this Chamber but can Labor at least have someone who tries to empathise with the electorate, tries to get the facts right and addresses the motions moved in the House?

Miss Burton: Point of order: There is no relevance to what the Deputy Leader of the Opposition is saying. He has obviously missed the point and he should limit his comments to the motion.

Mr ACTING-SPEAKER (Mr Lynch): Order! In a debate such as this members are entitled to make passing reference to matters such as that referred to by the Deputy Leader of the Opposition. However, I assume that it will be no more than a passing reference.

Mr O'FARRELL: I support those comments by reflecting on the argument the honourable member for Kogarah gave as to why this matter was urgent. She said the matter was urgent "because if the Leader the Opposition became Premier tomorrow—". Does the Premier have a serious illness that is not yet on exhibition? If the member for Kogarah was to ask any grade six pupil in any of her schools, she would understand that is not the way the State Constitution operates; it is not the way the Parliamentary Electorates and Elections Act works. That is why the people of Kogarah deserve a better representative. They deserve someone who understands the electoral processes of this State and they certainly deserve somebody who can put an argument together better than the honourable member for Kogarah has done.

I make the obvious point that only the honourable member for Kogarah would come into this House on this day, in this week, and support and congratulate the Minister for Transport. More than 900,000 people around the State would do far worse things to the Minister for Transport than congratulate him. At least 20,000 commuters in the Kogarah electorate would want to speak to the Minister for Transport about what he has done to rail services in that electorate. I appreciate the fact that the honourable member for Kogarah has broadened this debate by reflecting on the Opposition's policies on public transport because it means that the debate can now be broad ranging.

The honourable member for Kogarah made the observation that this car park for Kogarah has been promised for a long time and yet again has exposed herself as someone with no ability. They were her exact words. A brief survey of the parliamentary record of this Chamber will show that the seat of Kogarah has been held by the Labor Party for 47 years. For 30 of those years the Labor Party was in office. It certainly has been promised for many years. It has been promised for 47 years by Labor Party members for Kogarah but it has not been delivered in the 30 years of Labor government. That is the sort of own goal that the honourable member for Kogarah kicks every time she opens her mouth in this Chamber.

The Opposition will continue to support her speaking in this Chamber because she continues to expose herself as a substandard representative of her electorate. Certainly, the only comment she made with which I agree is that car parks are badly needed across this city. I would strongly disagree with the claim of the shrill member for Kogarah that this Government is governing for the whole State. I can give one example after another of places across this city where the Government will not fund car spaces, despite a demonstrated need and despite election commitments by the Labor candidates for those seats. The Government cannot have it both ways. It cannot argue that car parks are badly needed—which is what the honourable member for Kogarah said, and I support her comments—and that this Government is governing for all of New South Wales when it is clearly not doing so. The honourable member for Hornsby, who will speak shortly in this debate, will explain how Labor candidates promise plenty and deliver nothing.

Miss Burton: Where is the honourable member for Gosford?

Mr O'FARRELL: I thank the honourable member for Kogarah for that interjection. If she were an alert member of this House, she would realise that the Minister for the Olympics and the shadow Minister for the Olympics have been paired in divisions for the past two days because they had a commitment to travel to Uluru to meet the Olympic torch. It is obvious that the honourable member for Kogarah has not taken any interest in the proceedings of this place over the past two days; she is not alive in this Chamber. I am pleased for this debate to proceed as it proves that the honourable member does not know that her Minister and the shadow Minister are with the torch in Uluru. Why does the honourable member not know that when all the divisions held over the past few days and the pairs are published in *Hansard*? It is another own goal by the honourable member for Kogarah. I looked with great interest at the honourable member's curriculum vitae. I do not know about her educational background—I presume she went to school.

Miss Burton: I would not have gone to school if your lot had had anything to do with it.

Mr O'FARRELL: The honourable member has confirmed that she went to school. In the *North Shore Times* of 24 May, Barbara McCarthy, the president of the Chatswood Chamber of Commerce, reflected on the Government's proposal to extend the car parking levy to Chatswood. She said:

Every business owner who parks a car here will be affected ... That means an extra \$400, per space, per year, and the purpose of this money is for it to be used for infrastructure and parking ... Well, there isn't any space in Chatswood or St Leonards and I can't see there will be anywhere for parking stations to be erected.

The honourable member for Kogarah has again exposed her ignorance.

Miss Burton: I do not read the *North Shore Times*.

Mr O'FARRELL: That is the point: the honourable member was given this motion to move in this House and she does not understand the background to it. The honourable member does not understand that the new parking space levy will be extended to Chatswood and St Leonards. That levy is not being extended to any part of Kogarah. Therefore, it is understandable that people on the north shore such as Barbara McCarthy, the president of the Chatswood Chamber of Commerce, are saying, "If we are paying the taxes and if there is an urgent need for parking spaces in places like Chatswood and St Leonards, can at least some of the money be spent here?". A government that was governing for the whole State would do that.

The Opposition has no objection to a spending program that addresses the provision of car parking across the city on the basis of need, but that is not what this Government is doing and that is not what this dumb honourable member is on about. I will be pleased to see this debate spread across the Kogarah electorate because it will reveal that the honourable member is a shallow apparatchik who does not pay attention in this place and who cannot understand letters that are published in the newspaper. The letter of the Leader of the Opposition could not be clearer. It points out that in 1997-98—the year in which this Government doubled the parking space levy—not a single cent of the \$13 million spent was used to create a single commuter car space.

The honourable member for Kogarah professed to be concerned about the lack of car parking at railway stations. I believe that her concern is genuine—any honourable member with a railway station in his or her electorate understands that the need is urgent. In the same year that the Government doubled the parking space levy and raised \$13 million, it did not spend a cent creating car spaces—certainly not in Kogarah, on the Central Coast or in Menai.

Mr Crittenden: What about Woy Woy? Look at the budget papers.

Mr O'FARRELL: Not a single cent of the levy was spent on a car parking spaces in 1997-98. The Opposition rests its case. At least Brian Langton was popular in this place. At least he was a senior member of the Australian Labor Party who knew what was going on in this House. At least he knew the backgrounds, processes and forms of this place. The honourable member for Kogarah made a pathetic speech today—she could barely fill her allotted 10 minutes—and displayed her ignorance. She professed an interest in her constituents—which does not come easily to a right-wing apparatchik of the ALP—but she exposed her failings. Opposition members will continue to argue that the money collected by the Government from the parking levy across the city should be spent on the basis of need. That will be the Opposition's governing principle when we resume office. We will not undertake the processes of this Government. We will not whip money away through the parking space levy and fail to spend it on commuter car parks; nor will we adopt the politically corrupt practice of spending that sort of money only in Labor seats.

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [4.05 p.m.]: It is interesting that the Deputy Leader of the Opposition was reluctant to endorse the letter of the Leader of the Opposition that appeared on page 13 of the *North Shore Times* of Friday 2 June 2000, in which she made a rather stupid comment about the parking space levy. It is also interesting that the Deputy Leader of the Opposition, who is a contender for the leadership of the Liberal Party, is from the same mould as the Leader of the Opposition. The Deputy Leader of the Opposition tried desperately today to avoid that tag; he tried desperately to avoid referring to the Leader of the Opposition and to this letter from the *North Shore Times*. However, his stupidity won in the end because, in referring to Barbara McCarthy, president of the Chatswood Chamber Of Commerce, the honourable member asked: "Can at least some of the money be spent in the area?". The Deputy Leader of the Opposition obviously endorses the comments of the Leader of the Opposition who, in her letter to the *North Shore Times*, said:

You would think the Government would use money collected in Chatswood to build commuter car parks on the North Shore

The Deputy Leader of the Opposition obviously agrees with those sentiments because that is what he said in his speech. If we take those comments to their logical conclusion, we could claim that any taxes raised on the north shore should be spent on the north shore. How ridiculous is that? If, like the Leader of the Opposition, the Deputy Leader of the Opposition believes there should be commuter car parks on the north shore, he should establish the case for that. He failed to do that in his speech today; he simply said that money raised on the north shore should be spent there.

The crowd opposite who masquerade as the Liberal Party and try to be "liberals" in the best possible sense of the word have demonstrated that they are nothing more than a Tory Party writ large: they are interested only in ensuring that the money of the affluent is spent on the affluent. It is a sad day when a Liberal leadership contender says the same thing as the present incumbent. The New South Wales Liberal Party has obviously not progressed too far. The Gosford commuter car park was an issue during the last election campaign. Honourable members may recall that the honourable member for Gosford was in a state of apoplexy during that campaign when Barry Cohen was the Labor candidate for that seat.

The Government is delivering on its promise in this regard. State Government funding of \$3.9 million was announced in February 1999 and \$1 million was allocated last year. It is important that that money be allocated to the Gosford City Council to ensure completion of that car park. A total of \$2.9 million has been allocated in the 2000-01 budget and it is expected that construction will commence this year. There is an expectation in the Gosford electorate, and on the Central Coast generally, that this commuter car park will be built under this Government. Commuter car parks do not come cheaply and we had to find some money for that project. We raised that money from Chatswood and other places because we wanted to dissuade people from driving cars into the city. On 7 May 1992, on introducing the Parking Space Levy Bill, the former Minister for Transport said:

Clearly, if people are encouraged to reduce their use of cars to travel to our most densely developed urban areas and to make greater use of public transport, there will be direct benefits to our environment.

The Deputy Leader of the Opposition was associated with the Minister for Transport at that time. And to demonstrate how hypocritical and contradictory the Opposition policy position has been, about a month before that statement by the Minister, on 3 April 1992, in an article in the *Sydney Morning Herald*, Luis Garcia wrote that the then Minister for Health Services Management, the former member for Miranda, wanted to proceed with a proposed car parking station at Sydney Hospital. On the one hand the Government wanted to get cars out of the central business district and on the other hand it wanted to build a 570-car space at Sydney Hospital. That is sheer hypocrisy on the part of the Deputy Leader of the Opposition and the Liberal Government. The poor old Liberal Party in this State is getting back to its conservative Tory roots, and wants to make sure that money collected on the north shore is spent there.

Mr O'DOHERTY (Hornsby) [4.10 p.m.]: I am pleased that the honourable member for Kogarah has provided the House with this opportunity to talk about the commitments made during election campaigns concerning commuter car parks. She has given us the opportunity to scrutinise the record of the Minister for Transport, who is not present in the Chamber, in relation to fulfilling election promises made by the Australian Labor Party during the election campaign of 1999. In my electorate of Hornsby a number of commitments were made by the Labor Party candidate which have not appeared in either of Labor's successive budgets and did not appear on the Labor Party's list of promises that it claimed to have fulfilled after the election.

In other words, not only did the Labor candidate promise things that he knew the Labor Party would not deliver, but Labor had no intention of ever delivering them. That is the kind of political hypocrisy and doublespeak that makes people very cynical about the political process. I am very sad that that occurred during the election campaign in Hornsby, because it muddied the water. The Australian Labor Party, through its candidate, attempted to deliberately deceive the people of Hornsby and that deceit continues with the refusal of the Government to acknowledge the need for the projects that were promised by its candidate in 1999. I will mention a couple of them. In a pamphlet called "Securing Berowra's Future" the Labor Party candidate for the election of Hornsby in 1999 stated, "Sometimes it is easy to be cynical about our politicians. They promise so much and deliver so little".

That is what the local politician said about his Labor mates, amongst them the Minister for Transport. Referring to a main platform for Berowra, the pamphlet stated, "A multistorey commuter car park which has strong community support will be placed at the top of the agenda". One does not need to be Einstein to work out whether that promise is indeed at or near the top of the agenda of the people for Berowra. I have raised this matter with the Government over many years. I had raised it with the Minister for Transport, whom the honourable member for Kogarah tells us is a great guy because he promised to fund a car park in Kogarah and went ahead and built it. What about the promise the Government made to fund a car park in Berowra? It was an equally valid promise on behalf of the Australian Labor Party, made by its official candidate during an election campaign. Yet it has not appeared in either of the two subsequent Labor budgets. When the Government published a list of promises it said it had kept, Berowra's car park was not on that list. The same pamphlet, under the heading, "Securing Hornsby's Future" stated:

Commuter Car Parks

... immediately secure funding for commuter car parks at Berowra and Hornsby as a top priority and increase the frequency of train services.

We all know that my electorate bears an unequal burden in respect of the number of trains that are skipping stations in the Government's desperate efforts to maintain an artificially high record of on-time running. That issue was raised by the McNerney report on the derailment that claimed seven lives some months ago. The Government has not honoured its promise to deliver a better train service to Hornsby, nor has it honoured its promise to provide commuter car parks at both Berowra and Hornsby. They were not the only promises broken by the Labor Party. I will mention a couple of others. The Labor Party promised to immediately facilitate the upgrades of two bottlenecks in Westleigh using State resources matched by council's section 94 developer contributions.

The Government has made no contributions. It promised that it would use State money that has already been factored into the budget to—get this!—continually fund and improve Hornsby hospital. The Labor Government has allocated no money for improving Hornsby hospital and has not done so for some years. The last funding allocated to improve Hornsby hospital was approved by Ron Phillips, the Minister for Health in the Fahey Government, who allocated some millions of dollars for a mental health unit. The honourable member for Kogarah talked about meeting promises. The Labor Party promised specific things for Hornsby and failed to deliver. The Government takes my electorate for granted and deserves to be condemned.

[*Debate interrupted.*]

BUSINESS OF THE HOUSE**Routine of Business: Suspension of Standing and Sessional Orders**

Mr WHELAN (Strathfield—Minister for Police) [4.16 p.m.]: I move:

That standing and sessional orders be suspended:

- (1) at this sitting to:
 - (a) allow the conclusion of the debate on the motion for urgent consideration;
 - (b) postpone the motion of dissent in the Speaker's rulings;
 - (c) allow the reporting of messages from the Legislative Council; and
 - (d) postpone the matter of public importance and private members' statements until after the consideration of Government business.
- (2) to permit Government business to take precedence of all other business on Friday 9 June 2000.

That sounds complicated, but it simply means that the matter of public importance will be deferred, the urgent motion that we are now considering and which is part heard will be concluded, and messages from the Legislative Council will be received. I advise honourable members who are proposing to make speeches on the dairy deregulation that there will be some consideration of that today and hopefully it will be finalised tomorrow. Tomorrow the appropriation debate will also continue, together with other Government business that is already on the program.

Mr O'DOHERTY (Hornsby) [4.18 p.m.]: Once again I raise a point that I raised earlier today. The Government is again ruling this Parliament by the suspension of standing orders. There have been about 47 suspensions in the 21 days of this session. Whenever the Government faces difficulties, it uses the roadblock tactic of suspending standing orders to stop the normal flow of business. I cannot work out whether the Government is just unable to properly order the proceedings of the House or whether it is deliberately trying to defeat democracy. Indeed, the Government is deliberately trying to defeat democracy in the way it runs this House. I move:

That the motion be amended by leaving out paragraph (1)(b) with a view to inserting instead following paragraph:

- (1)(b) provide that Standing Orders 66 and 96 shall not apply.

The Minister's motion says that this House cannot debate the dissent that the Opposition moved yesterday to rulings of Mr Speaker relating to a key element of this House, question time. Over years successive Speakers have ruled that question time is the most important facility available to private members and non-ministerial members of this House. It sets aside time for them to ask questions, about their electorates and have them answered.

Mr Whelan: Tomorrow.

Mr O'DOHERTY: The Minister said we will have question time tomorrow. I still move my amendment to delete part 2 of the motion. Mr Speaker has consistently ruled on a number of occasions in the last session that there is no point of order when Ministers are giving long answers, which are clearly ministerial statements. There is a long history of debate in this Parliament on that issue. Speaker Murray took similar points of order in his capacity as the honourable member for Drummoyne in the previous Parliament. It is important that this House debates that issue because it goes to the heart and soul of the privileges of members of Parliament on behalf of their constituents to get answers to their questions. The Leader of the House does not want the motion to be debated. He has moved to defer the dissent motion. As the Leader of the House knows, according to the standing orders, if a dissent motion is not debated within three days it falls off the notice paper. The Leader of the House can thwart debate about privileges and the standing orders of this House by continuing to defer our motion for dissent. It is an important debate which must proceed.

Mr Whelan: You can have it tomorrow.

Mr O'DOHERTY: The Leader of the House says, "You can have it tomorrow."

Mr Whelan: Correct.

Mr O'DOHERTY: He says, "Correct."

Mr Whelan: I have said it four times.

Mr O'DOHERTY: I am going to hold him at his word.

Mr Whelan: I will delete it.

Mr O'DOHERTY: He says he will delete it. He will agree to the amendment. I will move my amendment in two parts and he will get the chance to vote for the deletion. My first amendment seeks to delete paragraph 2 of the motion. The second part of the amendment provides that Standing Orders 66 and 96 shall not apply. Standing Orders 66 and 96 deal with closure of debate—in other words, moving that the question be now put, the gag of speakers. That is another thing the Government does. When it gets close to the end of a session of Parliament and the Opposition has 11 speakers lined up who want to talk—

Mr Orkopoulos: That happened about five years ago. It never happened when you were in government?

Mr O'DOHERTY: No, it did not. I never moved closure when we were in Government. The honourable member for Swansea is absolutely wrong. The Government gags the debate. The Opposition has 11 speakers who have important things to say about the dairy industry. I have grave concerns that the Government will gag them so that they cannot put the genuine concerns of their constituents on the record of this Parliament. If the Leader of the House is fair dinkum, he will also vote for the amendment that standing orders 66 and 96 shall not apply. That is fair and reasonable. It lets the Government get on with its program.

I remind the House that earlier today, when we had the same debate at 12.30 p.m., I asked the Leader of the House whether we were sitting tomorrow. His answer was, "Why would you want to sit tomorrow? We have got nothing to do." There is plenty to do. The Leader of the House has now found reason to sit tomorrow. We asked him to do that and I am grateful that he has. I am happy to acknowledge that. I want to place on record that he has also given a commitment that we will be sitting in two weeks. He must not cancel those sittings.

Mr SPEAKER: Order! During his remarks the honourable member for Hornsby said that he proposed to move his amendment in two parts. I remind him that without the leave of the House he cannot move two amendments at the same time.

Mr O'DOHERTY: I intended to do so because the Government may have wanted to vote differently in relation to the two parts of the amendment.

Mr Whelan: No.

Mr SPEAKER: Order! I will put the question in relation to the amendment as moved by the honourable member for Hornsby.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 32

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

Mr Maguire

Mr Slack-Smith
Noes, 46

Mr R. H. L. Smith

Ms Allan
Mr Amery
Ms Andrews
Mr Ashton
Mr Bartlett
Ms Beamer
Mr Black
Mr Brown
Miss Burton
Mr Campbell
Mr Collier
Mr Crittenden
Mr Debus
Mr Gaudry
Mr Gibson
Mr Greene

Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Hunter
Mr Knowles
Mrs Lo Po'
Mr Lynch
Mr McBride
Mr McManus
Mr Markham
Mr Martin
Ms Megarrity
Mr Mills
Mr Moss
Mr Nagle
Mr Newell

Mr Orkopoulos
Mr E. T. Page
Dr Refshauge
Ms Saliba
Mr Scully
Mr W. D. Smith
Mr Stewart
Mr Tripodi
Mr Watkins
Mr Whelan
Mr Woods
Mr Yeadon

Tellers,
Mr Anderson
Mr Thompson

Pairs

Mr Armstrong
Mrs Chikarovski
Ms Hartcher
Ms Hodgkinson

Mr Iemma
Mr Knight
Ms Nori
Mr Price

Question resolved in the negative.**Amendment negatived.****Question—That the motion be agreed to—put.****The House divided.****Ayes, 45**

Ms Allan
Mr Amery
Ms Andrews
Mr Ashton
Mr Bartlett
Ms Beamer
Mr Black
Mr Brown
Miss Burton
Mr Campbell
Mr Collier
Mr Crittenden
Mr Gaudry
Mr Gibson
Mr Greene
Mrs Grusovin

Ms Harrison
Mr Hickey
Mr Hunter
Mr Knowles
Mrs Lo Po'
Mr Lynch
Mr McBride
Mr McManus
Mr Markham
Mr Martin
Ms Megarrity
Mr Mills
Mr Moss
Mr Nagle
Mr Newell
Mr Orkopoulos

Mr E. T. Page
Dr Refshauge
Ms Saliba
Mr Scully
Mr W. D. Smith
Mr Stewart
Mr Tripodi
Mr Watkins
Mr Whelan
Mr Woods
Mr Yeadon

Tellers,
Mr Anderson
Mr Thompson

Noes, 34

Mr Barr
Mr Brogden
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hazzard
Mr Humpherson
Dr Kernohan
Mr Kerr

Mr Merton
Ms Moore
Mr O'Doherty
Mr O'Farrell
Mr Oakeshott
Mr D. L. Page
Mr Piccoli
Mr Richardson
Mr Rozzoli
Ms Seaton

Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr J. H. Turner
Mr R. W. Turner
Mr Webb
Mr Windsor

Tellers,

Mr Maguire
Mr McGrane

Mrs Skinner
Mr Slack-Smith

Mr Fraser
Mr R. H. L. Smith

Pairs

Mr Iemma
Mr Knight
Ms Nori
Mr Price

Mr Armstrong
Mrs Chikarovski
Mr Hartcher
Ms Hodgkinson

Question resolved in the affirmative.

Motion agreed to.

COMMUTER CAR PARKS

Urgent Motion

[*Debate resumed.*]

Ms MEGARRITY (Menai) [4.42 p.m.]: The Premier and I have something in common: we both like to peruse a range of local newspapers when we have a few moments. Indeed, one of my favourites just happens to be the *North Shore Times*. In fact, it was the newspaper delivered to my home as I grew up. I happened to have the opportunity to see it at my parent's home over the weekend. Imagine how surprised I was to read that the Opposition no longer supports the construction of car parks at Holsworthy, Kogarah and Gosford. If I was surprised about that, imagine how shocked the honourable member for Gosford might have been if he had the mind to pick up that newspaper before he bolted for Uluru. Perhaps he will find out when he returns. The Liberal candidate for the new seat of Menai in the March 1999 election certainly promised the Holsworthy car park to the people he hoped to represent. Subsequently, a number of hopeful Liberal candidates in the September 1999 council elections, flanked by the Federal Liberal member for Hughes, also made a number of promises and commitments in relation to the same car park.

My constituents would be very surprised to learn that the promises made in the heat of those election campaigns obviously have evaporated. Promises and commitments have not only been retracted, they have been replaced by a resentful and elitist dummy-spit—there is no other term for it—by the Leader of the Opposition. In her letter to the *North Shore Times* she postulated that funds collected from the north shore should be spent exclusively on the North Shore. Like the Kogarah electorate, the Menai electorate was part of a whistle-stop tour by the Leader of the Opposition during the election campaign. Certainly it is obvious to me and others that the Leader of the Opposition does not really care about the difficulties experienced by my constituents, those of my colleague the honourable member for Kogarah, or even those of her colleague the honourable member for Gosford.

The Leader of the Opposition's proposition—the closest thing to a policy—is a novel approach to government administration. Does she seriously propose that budget dollars should not be prioritised according to the greatest demonstrated need for services and facilities but instead allocated according to some strange formula of per capita contribution in a defined geographic area? The possibilities are mind-boggling! Thank goodness the Opposition is not in charge! I guess that is one of the many reasons for which the people of New South Wales should be extremely grateful for this fact. My constituents are extremely grateful that the Minister for Transport is delivering on every commitment he has made in my electorate. Given the Opposition's change of heart on these commuter car parks, I am relieved also that plans for the Holsworthy car park are well and truly under way. As I have advised the House previously, I was present when the development application was lodged just two weeks ago for the Holsworthy car park.

The news was welcomed by my constituents because Holsworthy railway station is experiencing unprecedented growth and demand in the use of its parking facilities. Holsworthy rail station caters to 4,900 passengers per day and, of course, a high percentage of those are peak-hour commuters. Around 672 people presently park their cars at the station on a weekday, with formal commuter car parking supplying only 478 spaces. The car park cannot cope with the demand and, due to the location of the station, limited alternative parking facilities are available. Parked cars are affecting the functioning of the interchange and causing access problems for buses and taxis trying to use the area. The only alternative is to build additional car park facilities. The project has been allocated \$8 million out of funds collected through the parking space levy. The Holsworthy car park project will alleviate congestion on surrounding streets and encourage commuters to leave their cars at the station and use public transport for part of the journey.

The impact on air quality of encouraging people to use more public transport cannot be underestimated. It benefits every member of a Sydney electorate, and probably those electorates across New South Wales: we all breathe the same air. In fact, this just happens to be one of the two major objectives when this legislation was introduced in 1992 by the Coalition Government, that is, funding projects to encourage public transport use. The project will increase the number of car spaces at Holsworthy from 480 to 850. Of course, there are plans also to upgrade the existing bus-rail interchange, provide additional spaces and greater access for buses, kiss-and-ride and taxi facilities, shelters, seating and high intensity lighting. I know a number of my constituents fear for the safety of their cars and of themselves when they use the current car park. This Government is addressing all of these issues. As I said, fortunately the Coalition is not in charge, otherwise those problems may not be addressed. A covered pedestrian bridge from the car park will be erected to provide weather-protected access to and from the station.

How dare the Leader of Opposition begrudge my constituents and the constituents of the honourable member for Kogarah, and even those of our colleague the honourable member for Gosford, the construction of a commuter car park. We hear accusations in this place, usually by Opposition members, about Government members being Sydney-centric. I believe the Leader of the Opposition has proved herself to be north shore-centric. Her letter in the *North Shore Times* is just another example of policy on the run—if it can be called policy—because it is the closest thing to policy from the Opposition. I repeat: thank goodness the Coalition is not in charge; thank goodness the Government is in charge. The Leader of the Opposition should be condemned for her statement.

[*Debate interrupted.*]

KU-RING-GAI CHASE NATIONAL PARK BUSHFIRE

Ministerial Statement

Mr DEBUS (Blue Mountains—Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [4.50 p.m.], by leave: A tragic incident has occurred during a routine hazard reduction burn undertaken by National Parks and Wildlife Service staff in the Ku-ring-gai Chase National Park this afternoon. This burn-off was designed to protect the homes of residents in the township of Mount Kuring-gai. Some of the National Parks and Wildlife Service's most experienced firefighters were involved in the planning and execution of this exercise on the eastern side of Mount Kuring-gai. I am deeply saddened to inform the House that I have just been advised that three National Parks and Wildlife Service staff have lost their lives.

Four staff members have already been transferred to hospital. I am advised that two are in a critical condition, one is in a serious condition and the other sustained minor injuries. The thoughts of all members of the House are now with all the officers and their families and friends at this terrible time. I understand that a number of the National Parks and Wildlife Service staff involved in the exercise this afternoon are also volunteers for the Rural Fire Service in their private time. A New South Wales Rural Fire Service fire investigation team is on the site already, along with emergency services personnel. The circumstances of the incident have not yet been determined and, of course, the incident will be the subject of a full coronial inquiry. The Director-General of National Parks and Wildlife, Brian Gilligan, is also at the scene with his staff.

Ms SEATON (Southern Highlands) [4.52 p.m.], by leave: All members of the Coalition—indeed, all members of the House—join the Minister in sending our thoughts to all of the members of the National Parks and Wildlife Service and to the families and friends of the three National Parks officers who died this afternoon. Our thoughts are also with those in hospital. We hope that they have a full and speedy recovery. The honourable member for Hornsby will travel back to the area this afternoon to support his community. For me it brings to mind the death three years ago of Mr David Quinlivan, who was a Rural Fire Service volunteer in Wingello. He also died in a back-burning operation that went wrong. Six others were seriously injured, some of whom are still recovering from the effects of the disaster. The Coalition will want to see the results of a full coronial inquiry. I would like to see a full inquiry undertaken into this incident, particularly focusing on hazard reduction plans and the management of hazard reduction. The sympathy of all Coalition members is with the families of those who suffered such a tragic loss today. Our thoughts are with those who are recovering in hospital. I do hope that their recovery will be complete and speedy.

Mr O'DOHERTY (Hornsby) [4.55 p.m.], by leave: I thank the House for its indulgence. I ran down from upstairs when I heard that the Minister for Emergency Services had made a ministerial statement. I have

just been listening to the radio coverage. All honourable members will understand how much of a shock it is for me today as the member who represents the area, and how much of a shock it will be to the people of my community. It is a very close-knit community. The communities of Mount Kuring-gai and Berowra—I understand that they are both within the province of where this dreadful tragedy occurred—are both small and tight communities. The families go to local schools and churches. Everybody knows everybody else. "Community" is a word that features very strongly in their vocabulary about themselves.

In those circumstances it is easy to understand that a tragedy that affects one person affects everybody. The community will be in mourning for a considerable time. Part of our community is the National Parks and Wildlife Service. We are proud of what it does in our area. The park is one of our great features. Our environment gives us definition. We should remember that sometimes it can be an enemy. Today's disaster is such a waste, such a tragedy. People in my area have been concerned for some time that there has not been back-burning for a considerable period. Just last Saturday when I was walking through Westfield shopping centre at Hornsby a former senior fire officer from my area stopped me and said, "We really need to raise again the question of back-burning because the bush is very dry. We are in for dangerous times ahead."

On a number of occasions I have discussed what will happen if the back-burning does not take place. There have been reasons over the years why back-burning has not been done. I am exceedingly sad at what has occurred, not only because of the tragedy itself but because it has happened in the circumstances in which a back-burn was occurring. It is important for us to take things one step at a time. Because deaths are involved there will be a coronial inquiry. We will certainly ask the Government to look into back-burning in the area. The forest floor has a heavy build-up of litter. But in the short term it is most important for us just to say that we are deeply touched and terribly moved by this dreadful tragedy. We express our sympathy in the strongest terms to the families. We are praying for the families of the people who lost their lives. At this very minute we are praying for the people who are lost. We understand that two people are not accounted for. We pray that they are found. Let us hope that they are found. Once again, I thank the House for its indulgence.

COMMUTER CAR PARKS

Urgent Motion

[*Debate resumed.*]

Miss BURTON (Kogarah) [4.57 p.m.], in reply: What a contribution the Deputy Leader of the Opposition made! I expected a lot better that that from the Deputy Leader of the Opposition. From someone who has been here so long and who is meant to be experienced I expected his 10-minute contribution to be a lot more than filibustering and personal abuse. I know that his area would expect much better representation. For 10 minutes I listened to a tirade of personal abuse of me without a shred of substance. The Deputy Leader of the Opposition said that since the parking space levy was introduced the Government has not created any parking spaces. Of course, he would not know about that because many of the parking spaces were created in areas of the western suburbs that badly needed them.

A car park of 160 spaces was constructed at Minto. A car park was built at Warwick Farm that added 80 spaces, increasing the capacity to 421. Rail interchanges and car parks have been constructed at Cabramatta and rail and bus interchanges have been built at Hurstville, Ashfield, Woy Woy, Abbotsford and Newcastle. At Padstow 322 car parking spaces were provided. At Gordon 338 spaces were provided. In Sutherland a multistorey car park provided 400 spaces. At Hornsby 410 spaces were provided. When the Deputy Leader of the Opposition was attacking me he must have been talking about himself.

This urgent motion concerns a matter of particular importance to the electorate I represent. The Leader of the Opposition made statements in my electorate. The Liberal Party letterboxed my entire electorate. It direct mailed my entire electorate, sometimes up to three times a day, promising a commuter car park in Kogarah because it believed that that is what the people deserved and needed to meet the identified problems in Kogarah. After the election the Leader of the Opposition penned a letter to the *North Shore Times* stating that she did not support car parks for Kogarah, Holsworthy or Gosford. That is what the motion is about: the electorates of Kogarah, Menai and Gosford have been misled.

The Leader of the Opposition did not even bother to show up when the House divided on the motion. She could not show her face in this Chamber because she knows I am right. The Opposition never had any intention of fulfilling this promise and my electorate will be informed that the policy change by the Opposition was done in the sneakiest of ways, that is through a letter to the *North Shore Times*, a newspaper that is not

circulated in the St George area. I am sure that the same letter would not have been sent to the *St George and Sutherland Shire Leader*.

Mr Fraser: This is childish politics.

Miss BURTON: The people of Kogarah will not think it is childish politics. They were told by the Leader of the Opposition during the election campaign that the Opposition would build and support commuter car parks in Kogarah, Holsworthy and Gosford—her words, not mine. However, that has now changed and the Leader of the Opposition has shown her true colours. The only reason she wanted to be elected Premier was to satisfy her own blind ambition. She never had any intention of governing for New South Wales or helping needy electorates, such as mine. It was all about the North Shore and her personal ambition to be Premier. That is a disgrace.

The Opposition was not able to put forward any arguments, just personal abuse about where people were educated. The born-to-rule types on that side of the House hate it when an ordinary worker is elected by the local people to represent them in the Parliament. Personal attacks do not bother me one little bit. The people of my electorate are happy with the way I am representing them. I will continue to work hard with the Minister to build a commuter car park in Kogarah, to complete the M5 East, to upgrade the Allawah station and to make sure that my electorate is one of the best places to live in New South Wales.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 42

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

Noes, 30

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

Pairs

Mr Debus	Mrs Chikarovksi
Mr Iemma	Mr Hartcher
Mr Knight	Ms Hodgkinson
Ms Nori	Mr O'Doherty
Mr Price	Mr Souris

Question resolved in the affirmative.

Motion agreed to.

BILLS RETURNED

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

Administrative Decisions Tribunal Legislation Amendment Bill
 Legal Profession Amendment (Complaints and Discipline) Bill
 Supreme Court Amendment (Referral of Proceedings) Bill
 Veterinary Surgeons Amendment Bill

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN
 AND THE POLICE INTEGRITY COMMISSION**

Madam ACTING-SPEAKER (Ms Beamer): I report the receipt of the following message from the Legislative Council:

MR SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

That, in accordance with the provisions of section 146 of the Administrative Decisions Tribunal Act 1997, the Committee on the Office of the Ombudsman and the Police Integrity Commission, as an existing joint committee, inquire into and report on the jurisdiction and operation of the Administrative Decisions Tribunal as required under the Act.

The Legislative Council requests that the Legislative Assembly pass a similar resolution.

Legislative Council
 8 June 2000

M. BURGMANN
 President

Motion by Mr Whelan agreed to:

- (1) That, in accordance with the provisions of section 146 of the Administrative Decisions Tribunal Act 1997, the Committee on the Office of the Ombudsman and the Police Integrity Commission, as an existing joint committee, inquire into and report on the jurisdiction and operation of the Administrative Decisions Tribunal as required under the Act.
- (2) That a message be sent acquainting the Legislative Council of the resolution.

CRIMES (FORENSIC PROCEDURES) BILL

Bill read a third time.

DAIRY INDUSTRY BILL

Second Reading

Debate resumed from an earlier hour.

Mr GEORGE (Lismore) [5.18 p.m.]: I do not support deregulation—quite the opposite. I oppose deregulation and I will continue to fight it. Much has been said in this debate, with all speakers trying to blame everyone else. It is time for us to decide to support farmers in this State, which is the most important part of this debate. Dairy farmers need our support. Despite Labor members' comments about the address of the industry president, Reg Smith, who was in the gallery earlier today, at the opening of the conference, that conference agreed to a motion to seek 3¢ per litre for the equivalent volume of each farmer's quota acceptance in 1999-2000 and agreed that the payment should be for two years. Like every other member of the National and Liberal parties, I have been listening to the dairy farmers: they want additional help.

We normally do not hear from these people, who work 365 days a year and support their local communities. Such families have been the backbone of the rural towns in the electorate of Lismore over the past 10 years. Why? Because they work hard, and have a steady income which enables them to keep their farms productive—unlike recently when the beef producers in my area had to struggle to cope with droughts and low cattle prices. That regulation has been in place for more than 70 years, I remind honourable members, especially members of the Government and the Minister, that the North Coast was regulated in the 1970s by the Wran

Government. Yes, I duly recognise that the Hon. Don Day achieved that result. However, the Carr Labor Government under Minister Amery is taking it away.

For the record, a number of farmers are in debt because they have had to borrow money to purchase extra quota during the past five years. This Government now proposes to take that away. Members of the Government will say that those farmers will receive compensation. However, farmers pay their own compensation. I have grave concerns for the future of Norco Co-operative Ltd, which is based in the electorate of Lismore but has factories on the coast and in other centres and has rural stores in rural communities. The chairman of the board of directors of Norco, Mr McNamara, said:

Norco had conducted an internal survey of its 332 suppliers on the effects of deregulation.

Of the 190 who responded to the survey, between 24 per cent and 30 per cent had indicated they would leave the industry in the next two years.

They will tend to be the smaller farmers and the older farmers.

As far as Norco is concerned, it's not so much the loss of farms or farmers as the loss in volume.

We predict about a 15 per cent loss in milk volume but, through increased efficiencies, that should recover in about two years to three years.

Norco has a total of 320 dairy suppliers and approximately 600 employees. The Lismore area has approximately 180 suppliers or dairy farmers with an average of 120 cows, producing about 4,500 litres of milk per farm per year. I repeat that that is below the average. I have grave concerns for the farmers who supply to Norco, and will continue to make representations on their behalf. The farmers on the North Coast produce milk below the average that is referred to in this debate. Deregulation of the milk market will have a severe affect on North Coast dairy farmers, and many producers will be forced out of business. Generally quota farmers have higher interest and overheads to pay and are very vulnerable. Deregulation will squeeze farmers tighter and tighter and the environment will suffer. The only ones who will go ahead are the big producers.

The main effect of deregulation would be a decrease in the income of dairy farmers. There will be a flow-on effect because less money will be available to be spent in the towns, and smaller towns such as Casino and Kyogle will be most affected. A farmer in my area, Mr Robbie Graham, said that New South Wales farmers supporting a no vote to deregulation would be the equivalent of shooting themselves in the foot. As honourable members would realise, women and families will be worst affected by this decision. In my electorate they have formed an organisation called Women for Dairying. Its secretary, Sandra Patch, wrote to me seeking help. She has written to all members of this House. Her letter stated:

We the Women In Dairying, at a meeting held at Kyogle northern N.S.W. have concluded that the deregulation package offered will be detrimental to all of us as women in dairying.

The impact upon our families is of great concern to us. The following are examples of how total deregulation will affect us and our community.

*FINANCIAL: The loss of income will force many women to leave the farm and to seek employment elsewhere, this having numerous consequences on the family unit.

*CHILDREN: Will also pay the price as their carer will be forced to leave the farm their education and stable family environment is whipped away with one foul blow.

*MENTAL STRESS: The pressure may well be too great in terms of one's well being.

*PHYSICAL: The men of the family will be forced to carry a higher work load, which as we know is already far too high.

*FARMS: As the work load is too high and income too low our farms will suffer, becoming less profitable then they already are.

We believe that we have the right to rear our families on our farm with equal opportunities as that of our city counterparts, without the pressures that destroy the very fabric of society.

Of the \$1.7 billion dairy deregulation restructure package that all farmers will be offered, the government contribution is very little if any. The repayment of the package is by way of 11 cents/litre on all drinking milk in Australia over the eight year period, paid by the farmers. The package will only add to the farmers' plight, not help due to repayment costs, interest, 25% discount if taken as an upfront payment and also income tax on the package.

On the first of July 2000 the regulated post farm gate price paid for milk will cease (post farm gate price & movement of milk is controlled by the state governments).

N.S.W. farmers will lose an asset which forms part of the farm's wealth in the form of quota. For this there is no compensation offered. In the past Victoria and Tasmania farmers have had quota compensation paid to them.

It has been the major manufacturers and supermarkets that have pushed for total deregulation for their own beneficial greed, with no consideration given to that of the farmer or the consumer.

The Senate Committee Inquiry into deregulation found that consumers will not benefit in fact since deregulation post farm gate occurred on the 1-7-1998 in N.S.W. the retail price of milk has increased by 14 cents per litre and the farmer's price has been reduced by 2 cents per litre.

We seek your support to demonstrate political courage and to take an appropriate leadership role by intervening in the deregulation process.

On behalf of "Women in Dairying"
yours sincerely
Sandra Patch (secretary)

This is the first time in agriculture that a restructure package has allowed a phased transition. It provides an opportunity for people to assist on the farm; to question where they want to go to over the next five years and to make an informed decision. However, the Federal package is not enough, would never be enough, and does not address the value of quotas which farmers in my area have had to purchase and use for 30 years, compared with 70 years in most instances.

Our farmers need our support. This is about supporting farmers, which in this case are New South Wales businesses. They need support to enable them to remain in the industry and to be viable against their counterparts in Victoria. These are privately owned businesses that need help. Whilst I speak against deregulation, I call on the Government to support the Coalition's call for an additional State-based dairy industry adjustment package to provide financial assistance to these farmers.

Mr Torbay: You can't have it both ways.

Mr GEORGE: The honourable member for Northern Tablelands should have listened to what I said. We can do so, by altering the bill. The package would provide financial assistance to these farmers, who are businesses, so that they can continue to farm and contribute to our local communities. The call by so-called Country Labor and this Carr Government for the Federal Government to institute a national floor price for milk producers is a cruel hoax. The dairy industry is regulated by the State Government, not the Federal Government. In this State the industry is regulated by State Government legislation, not Federal Government legislation. In plain English that means if this bill is carried the dairy industry is being deregulated by the Carr Government.

Mr TORBAY (Northern Tablelands) [5.31 p.m.]: I appreciate the opportunity to debate this important issue for New South Wales in the House today. In my 14 months in the Legislative Assembly I have not witnessed so much hypocrisy in respect of any other issue. Everyone is hiding behind someone else. The Federal Government indicated that it has the support of the industry. I do not believe it does. I will refer to Senator Woodley's Senate inquiry later. Although I have tremendous admiration for the Minister for Agriculture, I believe that this legislation is flawed, and I will not support it. On 2 May in this House the Minister said:

It will be a difficult time for those who decide to stay in the industry and for those who decide to opt out of it.

What an awful admission, that there are no winners from this legislation! That is what the Minister has admitted. I agree with the honourable member for Lismore that this bill should be withdrawn or voted against. That is what I will be doing when it comes to a vote. As I said, I do not believe that I have seen a more hypocritical position than that put in the contributions of Opposition members. On the one hand, the Opposition is saying that it does not support the regulation, but its amendment seeks a compensation package. If Opposition members vote for a compensation package, they are voting for deregulation. Let me make it absolutely clear. The Opposition, the State governments and the Federal Government are supporting deregulation. They are sending out the press releases, they are making the speeches.

Every spin doctor is alive and well on this issue. They are saying to their supporters "We are with you," but when it comes to the crunch they will vote for deregulation. The amendment from the Opposition proves it. Everyone in this industry needs to be clear about what is going on. Let us leave the politics outside the door. As an Independent member of Parliament I can be far more objective on this issue than members from either side of the House. Senator Woodley's Senate inquiry was flawed, by his own admission. Senator Woodley indicated the need for a broader inquiry that takes account of all relevant issues. I can see nothing but harm coming from the dairy deregulation debacle. Many members have said that, yet they are putting forward propositions to support it.

The current system of feeding cows largely on rain fed pastures, the cheapest form of feed, is about to be scrapped. The cows, the farmers, the environmentalists and regional areas will be the losers. It seems that most honourable members in this House and in the Federal Parliament are hell-bent on selling them off at any cost. This has been done under the guise of the national competition policy and the so-called level playing field. One might as well call it the national capitulation policy. This seems to be a peculiar bent of some Australians which is not espoused by Parliament in many other countries.

The debate thus far and the proposed amendment have mostly been about how much compensation should be paid to farmers. That has polarised this debate. The wider issues have not been considered in any detail. This decision is not only for farmers and politicians. It should be for all citizens who produce, process, market or drink milk, as well as all those who care about our rural communities and our environment. That is everybody. Such is the significance of this issue. A largely profitable regional industry is about to be sacrificed on the altar of deregulation, never to recover. The consequences for regional areas, the environmental effects and the net benefit to the nation will be substantially negative; and the financial effects on farmers will far outweigh the benefit of any compensation package.

The proposed adjustment package is designed for press releases and to try to get some relief from political pressure. It will not save this industry. It is logical that the supply and price of drinking milk is regulated to ensure that farmers remain viable and produce a similar quantity and quality of fresh product every day of the year, despite seasonal variations which cause production difficulties at certain times of the year. I ask the honourable members on both sides of the House: What assessment has government made of any environmental, animal welfare, milk quality, and road transport consequences of the deregulated dairy industry? What are the details? Is the Parliament aware of what the Senate inquiry, headed by Senator Woodley, said about deregulation and the forces that are promoting it? In his parliamentary speech in October 1999 Senator Woodley said:

There is no doubt that there is commercial pressure coming from the large processors. There is also no doubt that there is a transfer of income out of farmers' pockets into the pockets of the processors and the big supermarkets.

He also said:

I am disappointed that there is not more political will to confront those market forces which are so destructive of farmers' income and rural communities.

Pretty devastating stuff! Remember where this information came from—Senator Woodley's report. He went on to say:

Deregulation of the dairy industry will have significant impacts on individual farmers, both in terms of falls in income and in a drop in the value of capital assets—and the communities in which they live. These impacts must be addressed by Government.

He continued:

I am appalled that we are once again faced with a decision which will further erode rural communities and reduce the profitability of farming businesses.

As honourable members may gather, I am very concerned about the hypocrisy surrounding this issue. I am deeply concerned that there is going to be support for deregulation under the guise of concern, additional compensation and so on. The decline in rural communities will continue with this sort of policy of deregulation. I call on the Government to withdraw the bill, and I call on the Opposition to put aside its amendment, which merely says, "We support deregulation". A vote for compensation is a vote for deregulation, because that is what the compensation is for.

When I was asked who would be the beneficiaries of this situation, I consulted Dr Jim Scott from the University of New England. He has been quoted by members on both sides of the House. He has consulted directly with me as a community member within my electorate and as a professional person who is well advised in this regard. I appreciate the contribution he has made. Dr Scott, who assisted me in my research, has indicated quite clearly where the benefits lie. I can assure honourable members, as I indicated earlier, that farmers and the regional communities are not the beneficiaries of this decision. Are honourable members really aware of the beneficiaries of deregulation in terms of processors and supermarkets? How many processors or supermarkets are Australian owned or farmer controlled, because that is where the benefits are going?

Apart from the fact that farmers will be worse off as a result of deregulation, it will have a negative effect on consumers, regional towns, the environment, our roads, carbon emissions, nutrient transfers and demands for irrigation water. The pasture-fed industry will be affected, for example, cows. The authors of the report on the consequences of dairy deregulation for the Bega district of New South Wales have stated just how

serious deregulation will be. That has already been mentioned in this House and I hope that the honourable member for Bega will vote against the bill and not support the compensation package which will fast-track deregulation in this State.

Much has been said about the vote which the industry supports. Honourable members have heard that 89 per cent of Victorian dairy farmers voted in favour of deregulation. They were asked, "Should Victorian dairy farmers accept the \$1.7 billion dairy industry adjustment package proposed by the Commonwealth Government and agree to the repeal of the Victorian legislation controlling the farm gate price and supply of milk?" In New South Wales the question to which 65 per cent voted "yes" was, "Do you wish the Dairy Farmers Association to request the New South Wales Minister for Agriculture to remove market milk regulations in New South Wales from 1 July 2000 so that you may participate in the Australian Government's dairy adjustment package?" If that is not holding the gun at the heads of the people, I do not know what is. They were not voting on deregulation and representations in this House to the contrary are false. They were loaded questions and the gun was held to the heads of the farmers.

Milk could hardly be considered overpriced when one considers that a 600 millitre carton of milk costs just \$1 whilst the equivalent size bottle of water costs \$1.50. Why destroy the pasture-fed dairy industry? Who will gain? Because of the stance taken by many State and Federal politicians of different persuasions since the beginning of this debate there will be no escape from this decision for any of them. I was disappointed that a number of Coalition members did not even comment about the Federal Government. The State and Federal governments should announce a moratorium to halt the currently formulated deregulation on the dairy industry until such a time as a sufficiently broad and thorough public inquiry determines the net benefit to society of such deregulation, including any social, regional, environmental, transport and economic consequences that warrant such a massive change in the efficient and profitable dairy industry which we currently enjoy. That is the only real option that is available to this House if we look at it objectively. The Opposition should not hide behind the State and the State should not hide behind the Commonwealth and support deregulation. Dr Scott has given me a great deal of information. I provided him with a copy of the Minister's comments regarding the floor price as recorded in *Hansard* of 31 May, as follows:

The only way a floor price could be regulated is if the regulation impacted on Victoria, and the only government that can impose such a regulation is the Federal Government.

Dr Scott agreed with that. He said the Federal Government should never have agreed to adopt deregulation when the Senate inquiry was so severely and obviously flawed. Now it is up to the Federal Government to fix this disaster.

Ms SEATON (Southern Highlands) [5.44 p.m.]: This is a sad day, as it heralds the day on which the dairy industry and the history of the Southern Highlands, Wollondilly and Kangaroo Valley take a dramatic new turn. For approximately 80 families in my area it is not necessarily a change for the better. The tragic thing about this whole episode in the history of local agriculture is that a decision by the dairy industry in Victoria—some say a reckless, selfish, ill-considered plan—has had irrevocable effects on our local dairy industry, our heritage and our local communities. In regions like mine the families that have been producing milk locally for generations are among the mainstays of the social and economic calendar of our region.

I draw the attention of honourable members to our local shows, which I know some honourable members have attended in the past. The Moss Vale, Robinson, Kangaroo Valley, Picton and Camden shows have for many generations been arranged by farmers, including a strong component of dairy farmers. In the Camden, Kangaroo Valley, Moss Vale and Picton shows in particular dairy cattle have remained a strong exhibit. They have also been wonderful forums for young women, particularly those from dairy farming families, who represent their regions as showgirls in the different show competitions. They also represent those regions in their professional capacities, many of which are related to agriculture. Without singling out anyone in particular, Tatum Bradley was our regional showgirl representative a couple of years ago and was a fine example of the sort of advocacy and promotion of our region that a woman who comes from a dairy farming family can give to our area.

I note the huge contributions by families from dairy farms in our area to the social fabric of the Southern Highlands. This is an historic moment and many families perhaps will not be able to remain in the industry much longer. I will read onto the record some of the names of families that have been part of our social fabric for generations—Airey, Alcorn, Baxter, Biffin, Bourke, Bradley, Brown, Brumfield, Campbell and Chittick. The Chitticks are well-known in Kangaroo Valley. Other families are: Christie and Cleary—Mr Pat Cleary is the President of the Southern Highlands Dairy Farmers Association—Cochrane and Cole. The Good

family is a well-respected family in the Glenquarry area. Other families are Graham, Haye, Hindmarsh, who remain very involved in the stock industry in our area, Hodge, Holdaway, Inglis, Kerlake, Nelson, Lidbetter, Maclean, Maloney, McGinnes, McRae and Menzies.

The Menzies family has had a long tenure in the Kangaloon and Glenquarry areas, have been stalwarts of the local church and have done enormous amounts of community work in our area. I mention also the Moore, Morrison, Norman, Parrish and Perkins families. The Schofield family is a long established dairy family in the Burrawang area. Other families are: Sharman, Sharpe, Smart, Sheldrake, Sherborne, Shipman, Smith, Snowden, Sowter, Stanham, Stone, Walker, Warner and Warton. The Whatman family has remained an immense contributor to the tradition of dairying in our area. Possibly five or six members of the Whatman family are involved in dairying in our area.

I read those names to give a personal note to the statistics that have been bandied around in this debate to the effect that up to 30 per cent of dairy farmers will no longer be viable after these changes. Thirty per cent rolls off the tongue pretty easily, and perhaps does not mean terribly much to many people, except that the fact that 30 per cent of those families that I have just named may be unviable after this period brings home exactly how many families will be affected and how many sons and daughters who might have had plans to take on those family farms into the future, will no longer be able to do so. As a result of deregulation of the Victorian industry, the New South Wales industry has been forced to make changes that it is not yet ready to make or, indeed, might never have made, whilst at the same time retailers and processors are raking in huge margins at the expense of dairy farmers and will do so at an even greater rate after these changes.

These changes have caused huge anxiety in my area. Farmers wonder how on earth they will cope with the crash in prices and the tight margins within which they already work when they are efficient on a world scale. No-one has ever suggested that New South Wales dairy farmers can make major efficiency gains. The operation of most dairy farms has been made incredibly efficient, often at the cost of time with their families. Efficiency is about everyone in the family chipping in: the kids chipping in before and after school, husbands and wives working in partnership, the family not taking holidays, and their being committed to that lifestyle every single day of the year. In their spare time they still manage to do things like run agricultural shows and promote our area.

As was acknowledged a couple of years ago in this place in debate on the continuing regulation of the industry, New South Wales produces a great milk product, a consistent quality of milk, a safe and reliable product, and a product that is affordable. Milk production in New South Wales recognises and respects animal welfare issues, and has had to deal with many environmental issues, particularly run-off from animal-based effluents. Mr Garth Chittick, who has a farm in Kangaroo Valley, has been working on progressive effluent management features, and they require a good deal of investment. But if dairy farmers are not making money they will not have surplus money to invest in the necessary environmental projects.

The dairy industry has made an enormous contribution to the landscape in the Southern Highlands, and this has added to the tourism potential of our area. The landscape is a feature that people find very attractive, and they will travel long distances to enjoy it. I spoke to many dairy farmers from all areas in my electorate about the impending changes. It would have to be one of the most heart-wrenching discussions I could have with a dairy farmer. Although on the one hand they are worried about what is happening as a result of what has happened in Victoria, they also have to achieve the least negative outcome. It is not a good situation for any business or any family in which to find itself.

The situation has caused division among some dairy farmers about the best way to approach the problem. Many of them are of the opinion that if they cannot access the Federal Government package, which all honourable members acknowledge involves an impost on dairy farmers, they will be in a worse position and will never be able to achieve a better outcome, even though it is not the desired outcome, the best outcome, or one they would have wished for. I note the hypocrisy of the State Government in making \$2.1 million available for counselling for dairy farmers. Unfortunately, counselling will not help many of the farmers in my area. Those of us who attended the dairy farmers rally outside Parliament House last week heard what they think about that assistance. The Coalition, on the other hand, has proposed a much more positive outcome through an adjustment package. I support the amendment for the package, which would greatly assist dairy farmers.

I sincerely hope that the honourable member for South Coast and other members of so-called Country Labor also look very closely at that package. If they do, they will see concrete ways to help their local dairy farmers. I have spoken to people in my area from the Dairy Farmers Association about the Coalition package, and they are very keen to see it supported. They want the State Government to contribute to it, but to date the Minister for Agriculture has declined to become involved, and the State Government has got off scot-free.

When other industries have experienced comparable levels of restructure with comparable numbers of families being uprooted and massive changes in traditional land use they have been supported, but not the dairy farmers. It is disturbing to note that the legislation specifically rules out any prospect of compensation. There will be hardship and massive social change; the entire fabric of the Southern Highlands will change as a result of the legislation. Neither the Carr Government nor the Sydney Catchment Authority has acknowledged that they should play a proactive role in trying to find and encourage ways for dairy farmers who choose to try to diversify to be able to do so.

The Sydney Catchment Authority places huge financial and planning burdens on our region. Although environmental issues are important, it is also important to ensure that we do not completely eliminate agriculture from the Sydney Catchment Authority area. The Government's proposed water reforms are already placing pressure on the horticultural industry. Existing horticultural industries that know how much water they use and how much water they need now have to meet estimates from the Department of Land and Water Conservation of the amount of water they might be able to have, which is way below any level of viability.

Potential diversification opportunities for dairy farmers in my area into, for example, horticulture or some other sort of land use are severely limited by the Department of Land and Water Conservation and the Sydney Catchment Authority, which place almost impossible burdens on good, innovative ideas for ways to keep the agricultural tradition in our area. What is worse is that the Southern Highlands faces the prospect of some of the best agricultural land in Australia not being used for agriculture because that option being ruled out. The only other option available is subdivision and development. We could potentially see more residential development on land that is prime agricultural land.

I call on the Minister to look carefully at ways in which he, as Minister for Agriculture, and Minister for Land and Water Conservation, can speak to his colleague who has ministerial responsibility for the Sydney Catchment Authority and recognise that farmers will have to find other ways to diversify so that those who wish to embrace change can find a sympathetic ear in the Sydney Catchment Authority and the Department of Land and Water Conservation: someone who will ask, "How can we help them do this?" rather than, "How can we stop them?"

The approach that we often get from such regulatory authorities is: How can we stop this? rather than: How can we allow it to happen? Our area produces something like \$10 million a year of agricultural produce, and has done so for a long time. It has some of the best produce in New South Wales. We produce extremely good dairy products, beef products and high-value niche horticultural products. That tradition must be encouraged and strengthened. If some of the dairy farmers, for whatever reason, have to exit the industry and try to find other ways to make their farms viable it is vital that the Government consider proactive ways to help them find their way into other enterprises so that agricultural land is not lost and so that there is a future for the next generation of farming families.

In our area people are investigating grape and olive production. Others are engaged in successful businesses producing lettuces and all sorts of varieties of leafy vegetables for the Sydney restaurant market. But they are finding it difficult to get a guarantee for the amount of water they need to continue production. The Government must ensure that it is sympathetic to new ideas and that it works proactively with farmers to find other opportunities for them. The legislation will result in enormous changes to my area. The Coalition wants to see an adjustment package agreed to by the Government. It is essential that the State Government play a role and do something more than provide money for counselling. We want to see some real solutions, some real opportunities and, better still, ways in which dairy farmers can continue to be viable and can continue to produce at a price that generates a profit for them, a living for them and a future for their children.

Mr WINDSOR (Tamworth) [5.58 p.m.]: I oppose the Dairy Industry Bill and the amendments foreshadowed by the Coalition. I am not in favour of deregulating the dairy industry at this time, nor do I think anyone in this Chamber is in favour of it. Some people in this place do not agree with deregulation but they feel trapped by the process that has taken place over a number of years about the uncertainty of what will happen after 1 July when the Federal arrangements cease, and the Sydney milk market is available to the predator from the south. I understand the position that a number of people are in, and I very much understand the position that the industry and farmers are in. This is mostly about the demise of an industry. Time and again in *Hansard* we read admissions from both sides of the Parliament that half the industry will disappear. That is not just because of the passage of this bill but because of the Federal position, and the Victorian situation in particular, as well as the history of the industry.

The industry has been forced into a position where it has to come to grips with its problems and make certain judgments. One thing that is becoming clear to nearly all of us in this Parliament is that the Parliament is opposed to deregulating the dairy industry. Certain problems are posed by section 92, but the issue is complicated by arrangements between the State and the Federal governments, the Agricultural Resource Management Council of Australia and New Zealand [ARMCANZ] and so on. Over and above that is the agreement of the dairy industry to accept from the Federal Government what is virtually a good-bye package to some in the industry—a package that is partly funded by the industry itself.

Some of the commentary on this legislation I find rather strange. The Minister, the Leader of the National Party and others have commented that if we do not pass this legislation and accept the \$1.7 billion Federal package, which includes \$337 million for New South Wales, the \$337 million will not be available for our farmers. They have also said, in the main, that the package is to be funded by the farmers themselves. That is not strictly true. But it is not to be funded by the Federal Government; it is to be funded by the farming community by way of lower prices and by consumers who will pay an 11¢ levy over eight years. So the passage of this bill will probably commit an industry to its own suicide in the expectation that the industry itself will fund the suicide. In a sense, the height of the hypocrisy is that the Coalition is having a bet each way in saying, "We do not want deregulation, but as it appears that the Government will be forced to deregulate, the State Government should give the farmers another \$80 million to ensure a decent funeral."

Minister, I will not get back to the Cinderella regime, because I know how upset you were and how close you came to pulling the bill. However, the honourable member for Camden came to grips with some of the basic problems posed by this legislation and gave very interesting explanations for the demise of the industry. So, this is an industry that is funding its own funeral, with the Coalition saying, "Before you go to the funeral we will get you a bigger and better car to make you feel better at the funeral." I will not support the Opposition amendment, because it does nothing to maintain the industry. If we want to maintain the industry—and a number of members have spoken about this—this deregulation procedure has to be stopped. None of us want the demise of the dairy industry. I do not think enough research has been done on the process. There has been talk about a moratorium. This Parliament would do much better if it tested the sincerity of the Federal Government and withdrew this bill. What would happen in the upper House, only God knows.

I am not prepared to support an opportunistic measure that reflects the attitude, "I do not want the regulation, but I support this compensation package," so that we can tell the dairy farmers, "We tried, boys, but it was just going to buy you a different funeral vehicle and would do nothing about addressing the structural problems that the industry will have." I do not have the solution. I know that some people are often critical of the Independents of this Parliament. That is their wont. Now that people are more focused on the issue, there is enough support to pull this bill, have a thorough and informed debate on the issue, and consult the industry again. I think the industry has been conned. The questions it was asked did not include whether it wanted deregulation or not. The question put in Victoria asked whether the industry should accept the \$1.7 billion package from the Federal Government—which the industry and consumers are funding in any event—and agree to repeal the Victorian legislation controlling the farm gate price and the supply of milk. There was nothing about, "Do you want deregulation?"

Honourable members have had calls from Victorian farmers who are not in favour of deregulation. Obviously some farmers would be in favour of deregulation, as would most processors and supermarkets, but the farming community has now had time to consider the process. If we do nothing else, we really need to go back to the farming community and ask them the question, "Do you want deregulation or not?" We all recognise the problems with section 92, and we all recognise the problems with the Victorian farmers, but I think we all know that taking half of the industry from New South Wales and Australia will have significant impacts for regional communities. None of that impact has been costed. The Democrats in the Senate have been looking at some of those issues, but none of the costing has been done. In recent times the Premier, Country Labor and others have been talking about the promotion of growth in the country and how things are looking good. This is a country-based industry that already exists; it needs structural adjustment assistance, not structural destruction. I appreciate the prompting on that term by the honourable member for Wagga Wagga, who I believe has many dairy cows of his own.

Mr Maguire: Not for long, by the look of it.

Mr WINDSOR: Not for long? In my view we need to halt this process, whether or not that be in the form of a moratorium. I hope—and I will probably cop criticism from my own electorate for saying this—that the Minister will withdraw the bill. No-one knows what that effectively would do, but I think it would start to focus Federal minds on whether we actually want an Australian dairy industry. The Victorians think that the changes from deregulation will give them a comparative advantage and that they will then move into the Sydney

fresh milk market and other markets, wiping out a lot of our dairy farmers. But the New Zealanders would be thinking the same about the Victorians. The big question is: Do we want these sorts of agricultural industries within Australia?

Last night the honourable member for Camden touched on this matter as well. Consider how national competition policy has impacted, and is impacting, on some of our country communities, whether that be through telecommunications, water or other facilities or services. What will happen if we extend that policy to apply to basic resources such as electricity, which we have done, and to water, which has been done in some States and which is being looked at for other States now, in order to gain the most efficient delivery of services to the highest number of consumers, and so on, as the rhetoric goes on. Why not apply the policy to food? I think that is in part what this process is about; we are starting to apply that theory to basic products and resources.

Milk is probably as basic a product as we consume. A 600 millilitre carton of milk costs about \$1, but a 600 millilitre bottle of water costs about \$1.50. This is not about the price that consumers are willing to pay. It is about a drive for the most efficient result. Some people will get an advantage from that. The Victorians think they will be well placed in terms of the immediate future but, if the global market opens up and the New Zealanders moved and others play games, the Victorians could be disadvantaged as well. If the national competition policy theory were applied to food, the result would be, for instance, that Australia would not grow its own food. It would be purchased from other parts of the world. Some reasons for that are artificialities and cost structures within our nation, Federal and State taxation, and those sorts of things, but also the corrupt activities of some of our international trading partners. Hence, New Zealand and other countries could be involved in the milk market at some future time.

We have reached the stage where we must ask: Do we want some of these basic food production operations in our nation? In strict economic rationalist terms, and using the national competition policy, the answer is that we can purchase it somewhere else. But if we are forced down that gloomy path—I recognise there would be all sorts of ramifications with balance of trade—those things are a blink in history. They might have an impact for two, three or five years, but they could be accommodated within the economic rationalist mind. If we follow that process, what do we do to regional Australia? We virtually rationalise the need for its existence. That is one of the major reasons I oppose this legislation. It is time we pulled up this horse and had a close look at what we are doing with the development of our communities, with the confidence in those communities to go forward and with individuals within those communities.

It is time we looked closely at what this economic policy is doing. I have great sympathy for the Minister because I do not believe his heart is in this bill or in deregulating this industry. He just happens to be in the gun here. I suggest the Minister think closely about some of my comments, because if Australia goes down that path, the most effective way to service the greatest number of people is to put them in a feedlot. The dairy industry will head that way to get its cost structure down. That may backfire on the Victorians at some future time as they move into the grain belt or wherever. If we want a society that is based on a feedlot on the coast, where gravity and high-rise buildings are used to help with some of the refuse removal et cetera, technically that is probably the most economic rationalist result available.

In a nation of this size and with its population, being an island continent and having all the advantages and potential advantages of clean and clear food production, I do not believe that we have to go down that path. We can afford to look at alternatives to these problems. We have all agreed in this place that we are going to wipe out at least half the players in this industry—not for providing a product that is too expensive; not for doing anything other than work hard for many years. It is time New South Wales took a stand on this issue. It will upset some dairy farmers in the short term, but farmers and others in this State really are sick to death of this agenda; they want it reined in and put under close examination. I appreciate the difficulties the Minister would face but I encourage him to put in place some sort of moratorium irrespective of the implications it has with the Federal people; go back to the Federal people and say, "You are the only ones that can actually deliver on this. We are prepared to help, but we will not be put in a position, as the dairy farmers have been, of having a shotgun at our heads."

Mr MAGUIRE (Wagga Wagga) [6.13 p.m.]: Last Sunday I drove with my family along a road known as the Old Narrandera Road. To the people of my electorate it is well known as the road upon which most of our dairy farmers are located. I said to my two young children and to my wife as we drove along, "Kids look at that paddock. Look at the cows in that paddock. Take a good, long look because it is probably one of the last times you will get to see such a beautiful sight, of dairy farms with their different breeds of cattle grazing in the paddocks."

Deregulation will be a sad day for New South Wales and Australia. I have followed this debate closely and I know that all members of this House have considerable reservation about this legislation. We all are concerned, and rightly so, about its ramifications. As a matter of interest I attended the meeting with the Dairy Farmers Association in Wagga Wagga where the vote took place for or against deregulation. At that meeting a young farmer said to the chairman, Reg Smith, "If deregulation comes, it means that I won't be able to farm the land as my parents have done and as I want to. If deregulation comes, it means that my son here with me won't have the opportunity to farm the land as he's indicated he wants to."

The response from one of the members was, "Well, don't worry fella, you'll still be able to go to university and get a degree and work for a larger dairy. You can work for a company. They'll always need workers to look after the cattle and the dairies." Of course, it will be a much larger size, as the honourable member for Tamworth indicated, but it will not be a family farm. That reality and moment hit home hard to me; it dawned on me that that will be the destiny for more than half of our rural dairy farmers. My area has a strong and wonderful dairy farming community. It is good at what it does. I have 28 dairy families in Wagga Wagga, one in Tumut and one at Harden, which is close to my electorate, that all supply MDP, or Bonlac. Given an average family of four, those 28 families represent hundreds of people that will be affected in my electorate. Australia-wide it will affect thousands.

Wagga Wagga produces some 31 million litres of milk, and the average price paid for that milk has been 37.5¢ per litre. I am told that contracts are about to be issued from MDP, or Bonlac, which is the parent company, demanding a State average on quality testing for butterfat and protein and imposing severe penalties of up to 4¢ per litre. It is imposing demands also for the failure to meet that criteria. It is a question of fail three times and you are out; the contract could be cancelled! I am told that 31¢ a litre has been offered for category one milk, but when that is averaged out with category two milk, the average price is 26¢ to 27¢ a litre.

Most honourable members in this House have recognised that farmers cannot survive on a price as low as 27¢ per litre. The contract also contains no provision for expansion. The company will pay that price only for category two milk for expanded quantities, but after six months that offer is finished. Wagga Wagga has no option because it has only one processor, MDP, so the farmers cannot negotiate prices. Basically, they have a gun at their heads. The MDP employs 110 people in my city, most of whom are family people, so another 400 or 500 are directly affected should MDP face problems.

It is evident from the *Landline* report on 14 May that Bonlac, the manufacturer or processor, is \$600 million in the red. If the MDP is to remain viable, I question this whole procedure. I am concerned for farmers in my electorate and for those 110 employees to whom I referred earlier. I have not included all the other investments, all the dollars and cents that farmers put into our community. I asked Mrs Thelma Joliffe, who is very outspoken about deregulation, and rightly so, to do a runaround on the old Narrandera Road to establish what farmers in that area would lose as a result of deregulation. From the names that she supplied me, and using a multiplier of 2.8, I established that there will be a \$1,560,000 loss in our region. Honourable members can see, once again, that deregulation will create horrendous problems for farmers in my electorate and in all those electorates that have dairy farms.

A number of options have been put forward. I know that this is a tough call for the Minister. I understand that he has connections with rural people, having a base in Cootamundra. However, there are options available. The first option is an \$80 million rescue package and the second is to call another vote. The question that was put at the meeting that I attended was not really relevant to achieving a fair outcome. The question should have been in two parts: first, whether farmers wanted deregulation and, second, if farmers wanted deregulation, whether they would accept the package funded by the Dairy Farmers Association. But those questions were not put. The vote at that meeting was very close; there were only one or two votes in it. Across the board about 64 per cent of those attending the meeting voted for the measures that were proposed, but I question the accuracy of the question that was put. If that vote were to be put again—and I believe that it should be—we would get a totally different answer.

[*Interruption*]

It is something that should be considered. Another option is to remove the legislation. Let us get all the parties and the groups together to look at this issue seriously and constructively to achieve an outcome for dairy farmers in New South Wales and all of Australia. We must look at things like marketing the product. We have a product that is the best in the world. Dairy farmers are the best at what they do. They produce excellent products, as many honourable members have said in debate on this legislation. We need a mechanism to help

dairy farmers market their product. In the reams of correspondence that all honourable members have been sent, dairy farmers are saying that they want to farm but they want a fair go. They are happy to work hard. What they need are the tools to do that. The Minister should consider pulling the legislation, getting those groups together and working on this issue. Let us not have a knee-jerk reaction. I do not believe there has been sufficient input to this serious issue facing our rural communities. In question time yesterday a question was asked of the Minister in the following terms:

What is the latest information on the Minister's fight to help New South Wales fruit and vegetable growers get a fair go from supermarkets?

The Minister gave a detailed answer. He was concerned about the fact that apple growers were getting only 32¢ for their produce and that supermarkets were selling the same produce for \$4 a kilogram, which is a 1,200 per cent mark-up. The Minister pointed out, for instance, that mandarins were selling for 58¢ a kilogram but that the supermarkets were currently selling them for \$2.99—a mark-up of 515 per cent. Of course, there is a difference between mark-ups and gross product, but we should just go on mark-up, as was pointed out by the Minister. Growers of navel oranges are receiving 43¢ a kilo for their produce and the supermarket sells them for \$1.39—a mark-up of 323 per cent. The honourable member for Coffs Harbour interjected and asked about bananas. The Minister said:

... banana growers receive something like 55¢ a kilogram and supermarkets are selling them for \$1.69. That is a mark-up of 307 per cent.

This morning I made it my business to get a wholesale price list reflecting the prices that vendors receive when retailing or selling the milk to places such as Parliament House. In fact, the price for a 600 millilitre container of milk—and many honourable members drink milk—is 82¢. The price to our caterers of a litre of Farmers Best is \$1.55.

Mr Amery: It is a good product.

Mr MAGUIRE: It is a good product and it sells for \$1.70 retail. But if we work it out, that is a 625 per cent mark-up from the proposed price dairy farmers will receive to the price paid by end purchasers, which is you and I. That is one example of a mark-up which is 100 per cent higher than the highest mark-up quoted yesterday by the Minister. I commend the Minister for wanting to inquire into the prices of fruit and vegetables in supermarkets, but he should take it one step further. He should inquire about the milk industry and determine why we are seeing mark-ups as high as 625 per cent between the farm gate and Parliament House, or anywhere else for that matter—whether it be a corner store or a local supermarket. I will give the list that I procured to the Minister if he wishes to view it. The real point is that the retailer is receiving only a 10 per cent mark-up, which is 15¢ per litre. The difference of \$1.28 occurs between the farm gate and the retailer. If the Minister wishes to conduct an inquiry, I urge him to inquire into the operation and the pricing of milk.

I have given the Minister several options to pursue if we are to achieve an outcome that will ensure that young farmers—like the young boy about whom I spoke—are able to live in rural Australia. We do not want young farmers to be placed in the category of many of our youth—of having to leave country areas and get jobs in the cities, or working for multinational companies that herd cattle into huge feeding lots and never having an opportunity to own land, farm that land and produce a product that is recognised by everyone as being the best quality product in the world. I have followed this issue closely because it concerns me and all honourable members. Unless something is done now to reverse this legislation, remove it from the table and get everyone together, I am afraid for the future of our rural youth and our rural towns, which we all want to see prosper. This proposed deregulation of the dairy industry is a very regressive move. I ask the Minister to consider the points I have raised, to take action on all of them and to give them serious consideration.

Debate adjourned on motion by Mr Armstrong.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Amery agreed to:

That standing and sessional orders be suspended to permit:

- (1) the matter of public importance not to be considered at this sitting;

- (2) up to eight additional private members' statements at this sitting; and
- (3) the House at its rising this day do adjourn until Friday 9 June 2000 at 10.00 a.m.

PRIVATE MEMBERS' STATEMENTS

BROKEN HILL WATER BOARD OPERATIONS

Mr BLACK (Murray-Darling) [6.29 p.m.]: Broken Hill is facing a tough challenge in the years ahead as Pasmenco's operations wind down. We know that in just a few years time Pasmenco's contribution to Broken Hill's economy will be far less than it is today. The effects will be many, and some of them cannot be anticipated yet. But we can foresee some of the effects, and I want to start dealing with them straight away. Pasmenco is now the largest single customer of the Broken Hill Water Board, a fine organisation, and Pasmenco's demand for bulk water helps to subsidise the cost of water use in the Broken Hill region generally. The loss of that demand could have a serious impact on the costs of water supply for the water board, possibly in the millions of dollars. The Broken Hill Water Board is clearly too small to absorb that cost by itself. Fortunately, Australian Inland Energy does not face that problem. It has a larger and more diverse customer base.

That said, I have always argued that Australian Inland Energy is still too small. It needs to increase its scale to ensure its long-term future. These facts present an opportunity for the Government to act to prevent water price shocks in the future and to secure the future of the water board and Australian Inland Energy. It is time the Government looked at combining these organisations. It is a suggestion that has been made in the past but it needs to be reconsidered now given the Pasmenco situation. I would expect that these utilities, if combined, would form an organisation with the financial grunt to absorb the loss of Pasmenco. If taking that step will maintain stability of local water and power prices then it should be done. Country Labor will call on the Government to pursue this plan. But I have important requirements that the Government would have to meet.

My first requirement is that no staff can be lost in any move to combine utilities. There can be no redundancy program. In fact, I expect that the operational bulk of a combined organisation would help to retrain staff and attract new expertise. Also, it is critical that the combined organisation be empowered to make job generating investments in the Far West region. I am calling on the Government to recognise that another undeniable affect of Pasmenco's withdrawal will be redundancies. We need to replace those jobs. We need to create new jobs. And that applies equally to all the towns and communities in the Murray-Darling electorate. The challenges are the same everywhere.

I want to see the emergence of a dedicated Far West organisation that will complement our existing regional development bodies and be the driver of growth in the region. I want to see an organisation capable of providing the infrastructure and the finance for job creating investments. A small, focused committee should oversee the establishment and development of this organisation. It should be convened by a key Premier's Department representative. We must attract the attention of key decision makers to promote local development goals. I would also insist that the community representatives on the water board be retained. This idea has the potential to secure the long-term future of our local power and water utilities. It will protect them from being taken over by larger players elsewhere. It will create a larger infrastructure organisation that will be a catalyst for new jobs, specifically for the west. I am calling on the Government to act on this idea and to help secure the west's future. I commend this proposal to the House. I know that I have the support of this side of the House and I am seeking the consent and indeed the support of the Opposition.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [6.34 p.m.]: The Country Labor member for Murray-Darling put up a proposition for the protection of a number of entities within his electorate. The strong conditions he placed on any merger of the entities include maintenance of community representation, protection of jobs and protection from future takeovers. I will do as the honourable member has suggested to the House and commence negotiations with the Premier's Department, Treasury and my department to look at all the points he raised in his contribution. Then I will respond to him and, more properly, to the House or publicly after the matter has been further explored as a result of his strong representations. The support of the local member for the restructuring of the entities comes with very strong conditions that will certainly be taken into account when we look at the proposal in more detail. I thank him for his strong representations again on an important matter for his electorate.

PRIVATE SCHOOLS FUNDING

Mrs SKINNER (North Shore) [6.36 p.m.]: A number of parents who live in the electorate of North Shore have raised their concerns with me about the recent very shabby treatment handed out to their children's schools by the Carr Government. I speak of course of the Government's actions in cutting funds to five schools in my electorate. They are SCECGS Redlands, Mosman Prep, Shore, Wenona and Queenwood. In March this year those schools were amongst 78 in New South Wales which had received their first semester cheque, which were short by thousands of dollars. The cheques were accompanied by a letter which made no mention of the cut but referred instead to an adjustment in grants due to the enrolment benchmark adjustment [EBA]. There was a 37 per cent cut in grants to each of the schools, with no forewarning, no prior notice, no discussion—and after schools had set their budgets and issued fee notices to parents.

The Minister for Education and Training has tried to fob off responsibility for his actions onto the Commonwealth. The truth is that when students leave the State system and move to a non-government school there is a saving for the State education system and an extra cost for the Federal Government. This sort of cost shifting has existed for years. What changed was the introduction of the Federal Government's enrolment benchmark adjustment funding formula in 1997 because of the growth in the non-government school sector and the drop in public school enrolments. My colleague the shadow Minister for Education and Training, the Hon. Patricia Forsythe, gave the figures last night. She said:

The budget papers clearly show a growth of more than 7,800 students in the non-government school sector and a decline of 800 students in the government sector. The decline in the public education retention rate is unprecedented.

Perhaps the most disappointing aspect of this debate is the climate of them versus us that it has created, fuelled by the Carr Government and its class warrior members who love making allegations of silver spoon elitism. The pity is that they make such comments in total ignorance of the real sacrifices made by many parents so that their children can have what they regard as the best possible education. I am firmly committed to public education. My entry to active politics was inspired by my many years of involvement on the parent body of Neutral Bay public school, where all three of my children were students. The political inspiration came from the anger that I experienced—I know that many other parents also experienced it—at the former Labor Government's absolute control of the agenda of the school and the disgraceful disadvantage suffered by the students.

We wrote submissions of complaint to the Ombudsman and eventually we got things right. But the Government did not do it voluntarily. Nevertheless, my children benefited enormously from the education they received at the school, which is a wonderful school. I am the author of its centenary history. I helped to set up a committee that raised thousands and thousands of dollars. It is a wonderful school and I speak very highly of it. I also speak very highly of the education my children benefited from when they went to one of the non-government schools that will be affected by the Minister's funding slug. As one constituent wrote to me just this week:

It is going to cost our household about \$1,000 per annum extra for extra fees.

He goes on to say:

There are some genuine cases ... of "battlers" who can't really afford to send their kids to such schools but have chosen to do so because of the state of the Public system—for some of these people the new fee increases will be a big problem ...

This extra fee will be passed on to parents and, for some of these people, it will not be just a big problem; they will have to withdraw their children from those schools. While I am a very strong supporter of government schools, I am also a strong supporter of the ability of parents to make choices. I know many of the parents are not wealthy; they make those choices because they believe public education has been run down by the Carr Government.

Mr MOSS (Canterbury—Parliamentary Secretary) [6.41 p.m.]: My colleague the honourable member for Auburn and I were just talking about the comments made by the honourable member for North Shore. We are also supporters of private schools. Both the honourable member for Auburn and I went to private schools. The only difference was that the private schools we went to did not have driving ranges or 50-metre swimming pools. The honourable member for North Shore is talking about those sorts of schools.

Mrs Skinner: Point of order—

Mr ACTING-SPEAKER (Mr Mills): Order! The mere fact that the honourable member for North Shore disagrees with what the honourable member for Canterbury has said does not provide the basis for a point of order.

Mrs Skinner: He is misleading the House.

Mr ACTING-SPEAKER: Order! There is no point of order. The honourable member for North Shore will resume her seat.

Mr MOSS: I understand the problems with the funding, but I take issue with the honourable member's comments that every time a child leaves a government school there is a saving for the Government. She knows that is not so. Public education is the primary responsibility of the State. We do not close schools willy-nilly. All the schools are still open and we have to run them. The Federal Government funds private schools a lot less than government schools. So, by transferring its funding over to private schools when students move to those schools, the Federal Government is saving a considerable amount of money. At the same time, the State Government is responsible for maintaining its own schools and is losing out on that additional funding. That is why some drastic measures had to be taken. However, I do understand the problem, and I am sure the Minister for Education and Training will take on board the honourable member's remarks. However, I know there is not a saving at all to this Government when somebody leaves a government school. In fact, thanks to the Federal Government's funding formula, we are losing at a faster rate, and the honourable member for North Shore knows it.

AUBURN REVIEW PICTORIAL FORTIETH ANNIVERSARY

Mr NAGLE (Auburn) [6.43 p.m.]: I bring to the attention of the House the *Auburn Review Pictorial's* 40-year history. Forty years ago the *Review Pictorial* commenced publication in the Auburn municipality. Since that time it has advanced its area of delivery into the Granville area. The history of this newspaper runs nearly parallel with the history of some of the local suburbs, like Regents Park, Potts Hill, Silverwater and Berala. I will start from the very beginning, because that is a very good place to start. About 80 years ago Les Engisch, who ran a very successful printing business, had the idea of publishing a community newspaper. His son Phil Engisch worked and trained under him as an apprentice. Thereafter, as one of the managers of Torch Publications of Bankstown, Phil took the business forward. About 40 years ago a young Allan Harris, an employee of Cumberland Press, had a discussion with a young Rupert Murdoch, who had come from South Australia to commence his local newspaper business.

Allan Harris did not particularly like Rupert Murdoch's plans for local newspapers and decided, together with a Mr Jim Pratt, to branch out into the area of publication. Allan Harris and Jim Pratt then began the *Auburn Review Pictorial* newspaper. For a short period of time thereafter Torch Publications printed the *Auburn Review Pictorial*, and this is how that relationship began. Subsequently a merger occurred between Torch Publications and the *Review Pictorial* and Allan Harris became one of the managing directors of Torch Publications. Allan Harris viewed the *Auburn Review Pictorial* as reflecting the ideas and concepts of the local people. Moreover, it had to encourage small business in the Auburn municipality. Allan Harris hoped that the community would respond to this newspaper and would look forward each week to getting it. I assure the House that a lot of people I know look forward to receiving the *Review Pictorial* every Wednesday, when they can catch up with local sport, politics and council news, et cetera.

Behind all good men, of course, is a good woman—and in Allan's case it is Lyn Harris. Lyn is a devoted wife who helped her husband in the early days of the business and later ensured that when he retired from Torch Publications his retirement was full of activities. I wish Lyn and Allan all the best in their retirement. Of course, one cannot talk about a newspaper without mentioning its current staff and its history. Of course, 30 years ago it was Les Engisch and his son Phil. Now it is John Engisch and his sons Trent and Christian who are running Torch Publications. They are sitting in the gallery tonight, so I welcome them. In a speech at the Lidcombe Catholic Club, John Engisch said that three Fs may apply to a family dynasty: the grandfather founds it, the father finances it, and the son F's it. Let me assure the House that John Engisch has not F'd it, nor have his two sons. John Engisch has been the great mind behind this newspaper and publishing company. He has instilled in his sons Trent and Christian the same desire for a good and workable local newspaper stream.

Again, behind every great man and two great sons is the boss—the wife—and that is Carolyn Engisch, John's wife. She has always stuck by her men and done fantastic work, not only for the newspaper chain but also for the local community. It has been a great partnership, and she is an excellent ambassador for Torch Publications. The *Auburn Review Pictorial* is a community-minded and community-based newspaper. Over the years it has supported the local Lions, Rotary, APEX and social clubs such as the Catholic Workers Club of Lidcombe, the Auburn and Lidcombe RSL clubs and the respective bowling clubs, and the Auburn Baseball Club.

My first experience with the *Auburn Review Pictorial* came when I was standing for local council in 1971. I was campaign director for the Australian Labor Party council candidates and had to put advertisements in the local newspaper. I approached the then local advertising manager of the *Auburn Review Pictorial*, Jack Tomkinson. Jack was a character and quite a conservative, but a jolly fellow who did his best to assist everyone. When Jack left the *Review Pictorial* Steve Bushell came on board, and has been there ever since. I can say many good things about Steve Bushell, but above all else he is one of the most community-minded people I have ever come across. With his partner Joan Marrian he has worked hard for the *Review Pictorial*. For nearly 30 years Joan Marrian has been delivering the *Auburn Review Pictorial* newspaper around the various clubs, shops and other venues for distribution.

The *Review Pictorial* also had Frank Pilcher, a very good and dedicated advertising man. Even though Frank has retired—and I wish him all the best in his retirement—Steve now has a very good partner in crime, Mr Tony Saad. There have been a number of editors, such as Charlie Elias. Kim Kohen was the chief photographer of the *Review Pictorial*. Kim has done a great deal of photographic work over the past 25 years, and he should be given some award. The photographers today are Daniella de Meio, Penny Bradfield and Jane Dyson. Mark Kirkland is the energetic young editor. Elizabeth Napoli, a young journalist, is now feeling her way in the game, but she is slowly working out who's who in the Auburn local zoo. One also should not forget Dorothy Hughes. I congratulate the *Auburn Review Pictorial* on 40 years of history, and I trust we will roll on together. [*Time expired.*]

Mr MOSS (Canterbury—Parliamentary Secretary) [6.48 p.m.]: I am pleased to be here to listen to the honourable member for Auburn singing the praises of Torch Publications. Since 1973 I have appreciated tremendous coverage from the *Canterbury-Bankstown Torch*. I was first elected to public office, to Canterbury City Council, in 1973. In the first week I was elected I received front-page coverage on the *Torch*. I remember that specifically, and I still have a copy of that article. I congratulate John Engisch and his sons on carrying on the family business, a business that is now into its fourth generation. It has operated, all up, for 80 years—that is the birthday we are celebrating at the present time. As well as the *Canterbury-Bankstown Torch*, Torch Publications produce a number of newspapers.

The newspaper that particularly interests me these days is the *Valley Times*, which operates largely in my electorate. I am sure, with John Engisch's sons carrying on with the business, the *Canterbury-Bankstown Torch* will be around for a long time to come—I hope I am around in another 20 years to celebrate the centenary of this newspaper of excellence. The honourable member for Auburn mentioned a number of staff members. I note also that a number of prominent journalists in this city got their start through the *Canterbury-Bankstown Torch* newspaper. Congratulations to the *Canterbury-Bankstown Torch* and we hope to see that excellent reporting continue for many years to come.

BEECROFT VILLAGE ARCADE DEVELOPMENT

Mr TINK (Epping) [6.50 p.m.]: On behalf of Mr Malcolm Michael, Chairman of the Beecroft Village Arcade Body Corporation, and Mr Bob Raymond, President of the Beecroft-Cheltenham Civic Trust, I raise serious concerns about the current position of Beecroft Village Arcade. In 1974 Mirvac Pty Ltd entered a bond and agreement with Hornsby Council for the leasing of a proposed library building and immediate surrounds for a period of 25 years at the nominal rent of \$1 per annum in lieu of car parking not provided on site to comply with council's parking code in respect of the Beecroft Village Arcade development. That fact is evidenced in Certificate of Consent No. 141/74. Manly Securities Pty Ltd purchased the arcade and library site from Mirvac Pty Ltd and on 20 February 1987 registered Strata Plan No. 31888 in respect of the Beecroft Village Arcade and promptly sold the strata to private owners.

No reference appears in the strata plan to the arrangements regarding parking. However, at the time Hornsby Council approved the strata plan, the Certificate of Consent No. 141/74 and the 25-year lease to Hornsby Council were still operating. Also, at that time part of the car park and its driveway, which is built over the land leased by Hornsby Council as described, were in existence. It is interesting to note that paragraph 13 (d) of the Certificate of Consent No. 141/74 required in respect of the car park and driveway stated, "All work being carried out to the requirements of and to the complete satisfaction of Council's engineers." In 1999 Hornsby Council surrendered its lease and Manly Securities Pty Ltd sold the site to private owners for \$390,000. Those private owners now propose to exercise their lawful entitlement over the land. This will mean loss of the driveway and a number of car parking spaces. In plain English the problem is this: The existing driveway used to access Beecroft Village Arcade is about to have a building constructed on it and all access to the car park is about to cease. In short, it is a complete mess.

In my view the conduct of Hornsby Council in approving the original development and subsequent strata plan is not what could be regarded as good practice. I appreciated the opportunity to mention this matter in passing to the Minister for Local Government tonight, but he could not be present in the Chamber as I understand he is appearing before an estimates committee. There is a proposal to put in another driveway and two applications are before Hornsby Council. The first is Development Application No. 763, which involves the erection of a building over the current driveway, and Development Application No. 332, which seeks to put in a proposed new driveway. I have looked at that and regard it as inherently dangerous.

Although I am a member of the Hornsby Traffic Committee I do not have a role in the approval of development applications, which apparently are handled by a safety committee of council. Nevertheless, I wish to put on record my extreme concern about the proposed new driveway, as it takes up a number of precious car parking spaces. Heavy articulated vehicles trying to get into the major shops, including Clancy's Food Stores Pty Ltd, will present extreme danger to pedestrians and if they are prevented from getting into the area at all they will be unloading in Wongala Crescent, thereby obstructing traffic, inhibiting the vision of pedestrians and requiring heavy forklift trucks and the like to travel 100 metres to deliver produce to shops.

What can be done about this problem? In the public interest council should seriously consider using its powers under section 186 of the Local Government Act to resume the lot and provide compensation to the owners accordingly. Given the sale price paid by the current owners of \$390,000, council and ratepayers would not be out of pocket one cent if the resumption went ahead because \$390,000 for this block of land is a cheap price to pay for property of this value. Council must also take into account the provisions of the Land Acquisition (Just Terms Compensation) Act in relation to acquiring the land. It is intolerable that a proposal should be considered to construct a private building over the right of way used by everyone who has used Beecroft shops for the past 20 years. In addition, it would be unsafe to allow the proposal to put in the alternative driveway.

I do not normally comment on development applications but this proposal is of such significance to so many people that I feel I should. The applications should not be granted in view of the provisions of section 79C (b), (c) and (e) of the Environmental Planning and Assessment Act. In short, the proposal is not in the public interest and the likely social and economic impact on the locality is enormous. A proposal to build a structure over a driveway that has been used to access a shopping centre for 20 years is obviously undesirable. This matter is of the utmost concern to everyone in Beecroft. Hornsby Council must acknowledge that it has failed in the past and must now resume this land at a price which, given the latest valuation, will not put the ratepayers out of pocket. [*Time expired.*]

PADSTOW ECONOMIC DEVELOPMENT

Mr ASHTON (East Hills) [6.55 p.m.]: I acknowledge the presence in the gallery of Councillor Grant Lee from Bankstown City Council. As honourable members know, the New South Wales economy is the driving force of the Australian economy. Two factories in my electorate, one international and huge and the other local and small, are proof of the success of the Carr Government's support for western Sydney businesses. Recently the Premier opened the regional headquarters in the Asia-Pacific region of Lincoln Electric Company (Australia) Pty Ltd. Lincoln Electric is the world's largest welding and cutting products company and it has now transferred its Asia-Pacific regional headquarters and technical support centre from Singapore to Bryant Street, Padstow, which is in my electorate. That will result in a significant investment in the Australian operation. Lincoln is working to bring its Australian production and support facilities up to world-class levels and to develop a research and development centre to cater to the demands of its Asian customers. These moves are intended to secure Australian jobs into the future.

I visited the factory with the Premier and it was interesting to note that many workers at the factory actually lived in the Bankstown city area, which is good for Bankstown, New South Wales and Australia. As part of its focused factory project, Lincoln plans to use its facilities in Sydney to develop and produce certain state-of-the-art products for a world market. Lincoln Electric Company is a Fortune 500 company based in Cleveland in the United States of America. The company manufactures welding and cutting products, has annual sales of \$US1.187 billion and has manufacturing facilities in 17 countries. The transfer consists of financial, treasury and product support roles plus senior management appointments, including the regional president, Asia-Pacific, Mr Mike Gillespie, who will now operate out of Sydney. Lincoln Electric has operated successfully in Australia since 1938. I would like to refer to a quote from the founder of the Australian company in which he said he hoped his company would do good, not only by the products it made but also by its workers. The quote was rather innovative. Today it would probably not be politically correct but it was at that time.

I wish to briefly comment on another factory I had the privilege of visiting which is also in the Padstow area. I refer to R. J. Walsh and Son Pty Ltd. In recognition of the company's achievements, I presented that company with the Western Sydney industry award in the highly commended category for its work in information technology. The presentation was attended by Margaret Ryan, Executive Director of the Office of Western Sydney, my colleague the honourable member for Menai and Councillor Allan Winterbottom from Bankstown City Council. I presented the award to Mr James Walsh, the Managing Director. His father set up the business in 1961. Mr James Walsh's son and daughter are the third generation, so there is a similarity with the comments made about the *Canterbury-Bankstown Torch* newspaper.

The Western Sydney Industry Awards are an outstanding example of State Government and business collaboration, and I am pleased to note they will continue in 2000-01. The awards target industries that are critical to the growth and economic development of western Sydney. They focus on innovation, information technology and export performance—all key drivers of growth in advanced economies—to generate jobs and investment in western Sydney. R. J. Walsh and Sons Pty Ltd was established in 1961 and is the largest and most innovative sulky manufacturer in the Southern Hemisphere; it has produced more than 14,000 vehicles.

The company's products are now exported to the United States of America, Canada, England, Wales, Japan, Macau, Switzerland and New Zealand. Innovative information technology solutions have been developed to meet product design, advertising and business needs. R. J. Walsh and Son was the first sulky manufacturer in Australia to develop a web site and it remains the only web site of its type accredited by the international site inspector organisation. The in-house tube bending and quotation software have resulted in significant savings in time and resources.

R. J. Walsh and Sons Pty Ltd should be particularly proud that it has not only survived in our local area for nearly 40 years but is presently leading the Australian market and is thriving in the international market. The company is located in Gow Street, Padstow. It began as and remains a family business: a third generation small business doing huge things. I congratulate it on this achievement. The Bankstown Paceway is also in my electorate, and that is where so many of the trotting sulkies or gigs go around the track. I congratulate this small company, which is now exporting around the world, on the fantastic job it is doing.

BELLINGEN FRUIT BAT COLONIES

Mr FRASER (Coffs Harbour) [7.00 p.m.]: Tonight I raise a serious problem on behalf of my constituents Mr and Mrs Mann who hold the lease on the one and only caravan park in Bellingen. The caravan park is separated by the river from Bellingen Island, which I have mentioned before when referring to the colony of fruit bats or flying foxes that have lived on the island for several years. There are millions of bats and they have destroyed the island, which was a rainforest planted by local people. People who come to see the bats think they are wonderful and the National Parks and Wildlife Service says that they are endangered. However, with between five million and six million bats in colonies stretching from Bellingen to the border, I cannot understand how anyone would have the audacity to make that suggestion.

I remind the Parliamentary Secretary Assisting the Minister for Transport that the Minister for Local Government had a major problem with bats at the school in Maclean. These bats carry the lyssavirus, which is also known as rabies. Mr and Mrs Mann purchased the lease on the caravan park and the bats have moved from the island and established a new colony in the park. They are creating havoc: they not only stink but make a hell of a noise every night. They are driving people from the park, yet the National Parks and Wildlife Service and other government agencies continue to claim that nothing can be done. I call on the Government and the Minister for the Environment, the Minister for Agriculture, and the Minister for Local Government to have the situation assessed urgently.

Mr and Mrs Mann bought the lease on the park in March 1999 and the bats moved in in December. The Government must find ways of assisting these people. The bats are living in camphor laurel and poplar trees, which are not native species. The trees are rotten and they are causing further problems because a tree preservation order in the Bellingen Shire prevents their removal. I believe the trees should be removed on safety grounds, which would cause the bat colony to move on. The fruit crops on the North Coast encourage vast numbers of bats to the area. Although the bats eat native fruit and flowers, they are also damaging local crops.

I believe the Government has an obligation to people who are leasing a government-owned property. The Government must assist Mr and Mrs Mann and allow them to get on with their lives and receive a return from their rather large investment. They and the patrons of the caravan park should not have to put up with a

menace that could be a danger to public health. The bat colony is depriving the Bellingen Shire and township of the use of a caravan park that was visited in the past by people who came to see and assess the colony on Bellingen Island. Chris and her husband are almost nervous wrecks because of the noise of the bats and the dollars that they see disappearing down the drain every day. Yet government agencies claim that nothing can be done about this problem.

If the Government wishes to reserve the land and allow the bats to remain, it has an obligation, under the contractual arrangements, to find my constituents another piece of land close to the Bellingen township on which to establish another caravan park. The Government is also obliged to re-site my constituents and pay for the necessary infrastructure. I am sick and tired of these bats. Fruit bats are chased out of the Royal Botanic Gardens every day because they cause health problems, yet people in regional and rural New South Wales are told that the bats are fine. The people in Sydney cannot live with them, but those in regional and rural New South Wales must risk their health. It is not good enough, and I call on the Government to resolve this problem.

CENTRAL COAST UGNAY KABAYAN INC.

Mr McBRIDE (The Entrance) [7.05 p.m.]: On Saturday 3 June I attended the third Central Coast Ugnay Kabayan Inc. Grand Coronation Night and Dinner Ball at Mingara Recreation Club at Tumbi Umbi. The first ball was held at Wyong Memorial Club in 1998. It was a modest beginning but in three years this cultural function has grown into a major celebration, which more than 300 people attended last Saturday night. Central Coast Ugnay Kabayan Inc. is a community and welfare-based association of Filipinos and friends on the Central Coast. The current management committee comprises: Delia Del Rosario, president; Aurora Brenegar, vice president; Leonie Enriquez, secretary; Cherrybel Floro, assistant secretary; and Marielle Aldin, Treasurer. The board members are Pablo Alcarca Jnr, Nancy Bergardo, Katrina Coboteja, Glenda Dobrich, Belle Leslie, Joy Levy, Lucy Norman and Delia O'Brien.

The group has several subcommittees relating to community, cultural and welfare issues. They are: welfare, education/documentation and information; finance; and cultural/fiesta. These subcommittees are responsible for programming and actioning various services. They organise education and advocate for the community's welfare and rights. They provide domestic violence assistance and referrals, and are responsible for the Filipino women and youth support information network. They provide free information assistance and referrals, community leadership training, basic Filipino language training, and education and ongoing volunteer training. They are responsible for Filipino radio programming and broadcasting on Filipino Community Radio FM 93.3 and provide settlement and information assistance, including recognition of overseas qualifications and so on.

I think the House will agree that in a very short time this community has established a strong, vibrant organisation that is coping in a detailed manner with the particular social, cultural and welfare needs of the Central Coast Filipino community. I congratulate both the current executive members of the association and former members who have worked so hard over a short period to establish this active association. Last Saturday night, the winners of the Ugnay Kabayan Search were presented to the gathering. The search criteria emphasise community involvement and commitment to welfare services. It is a family and community-based fundraising activity and a form of cultural expression.

The Central Coast Ugnay Kabayan winners for 1999-2000 were: Little Miss Ugnay Kabayan Charity, Tamara Lee Harges; Little Miss Ugnay Kabayan Philippine-Australia, Jocelyn Faulkner; Miss Ugnay Kabayan Friendship, Miss Elizabeth Cooper; Miss Ugnay Kabayan Talent, Miss Rachel Grasso; Miss Ugnay Kabayan Philippine-Australia, Miss Catherine Nicolletti; Mr and Ms Ugnay Kabayan Friendship, Ms Emily Desacola and Mr Mark Mate; and Mr and Ms Ugnay Kabayan 2000, Ms Norma Pesavento and Mr John Wayland. The Little Miss Charity and Little Miss Philippine-Australia winner for 1998-99 was Vanessa Wood. In 1997-98 the winners were: Miss Ugnay Kabayan Charity: Miss Nachael Stokes; and Miss Ugnay Kabayan Philippine-Australia, Miss Aileen Borowy.

The evening was a fabulously successful event enjoyed by all, celebrating Filipino culture and lifestyle. My best wishes go to the winners, the executive committee and the organisers, and particularly to all members of the Filipino community who attended the event. I also thank Central Coast Ugnay Kabayan Inc. for the social welfare support it provides to the Filipino community and for its contribution to and enrichment of the wider community on the Central Coast. During the evening, the president of the organisation spoke about indigenous people. I was surprised to hear that the organisation, through the president, endorsed the reconciliation process and the need for the Prime Minister to say "sorry". However, when one remembers that the function was organised by a community organisation that is new to Australia, it is not so surprising. I congratulate the

organisation on being so positive in its support for reconciliation in Australia and the need for the Prime Minister of this country to say "sorry".

LISMORE FLOOD PLAIN MANAGEMENT

Mr GEORGE (Lismore) [7.10 p.m.]: I stress to the Minister for Agriculture, and Minister for Land and Water Conservation the importance of the Lismore flood levee scheme. It is prudent to inform the Minister of progress to date. This project has had a long gestation period for a scheme of its type and the next step will be the allocation of funds from Federal and State governments. I am mindful of the Federal Government's commitment in its current budget to provide additional funding for regional flood mitigation projects, and I trust the Minister will be able to support the local council in its bid for adequate funding to enable the scheme to progress. The council followed the required process by applying through the State Government for funding for the scheme in 1999-2000 on the basis of expending \$1 million in the first 12 months: \$400,000 from the State Government, \$400,000 from the Federal Government and \$200,000 from local government.

If approval had been forthcoming before December 1999 the council would have been able to initiate primary work on the scheme, including essential property acquisition. Since 1990 flood plain management authorities have been particularly supportive of the county council and its aim to achieve an effective flood levee scheme for Lismore, an acknowledgement of the relative importance of this major infrastructure program to our local area in particular, and to regional New South Wales in general. The \$10 million scheme will proceed as soon as the local and State subsidy allocations are approved. In a letter to me, the Minister stated:

At the present time, I am not in a position to inform you with any certainty regarding the timing and the amount of the 1999/2000 grant offers for the "State-Only" and Commonwealth assisted floodplain management programs. In fact, the Department of Land and Water Conservation informs me that it may be some months before the Commonwealth finalises its project allocations for New South Wales.

It is estimated that the levee scheme will cost almost \$9.4 million, and the State and Federal governments, after initially indicating that they would share funding of two-fifths each, have since indicated they will now provide only one-third each, with council having to find the other third. Council is expected to further lobby the governments to provide funding of more than one-third each. The council is concerned about the financial implications. The community has waited decades for this project. I emphasise the importance of the project, which cannot be held up any longer. Council has indicated it will undertake the riverbank beautification project at the same time so that materials removed will be able to be used, at low-cost, in the flood levee project. Lismore City Council needs the Government's financial commitment and support for this important project. I ask the Parliamentary Secretary to bring this matter to the attention of the Minister for Agriculture, and Minister for Land and Water Conservation.

Mr MOSS (Canterbury—Parliamentary Secretary) [7.15 p.m.]: I will certainly bring this matter to the attention of the Minister for Agriculture, and Minister for Land and Water Conservation. Lismore is an area that is indeed prone to flooding. Although the Minister has advised in the past that he could not guarantee funding in the present round, I am sure that he is mindful of the problems associated with flooding in Lismore. I am sure that after reading the honourable member's comments, the Minister will give every consideration to his request.

SANDGATE CEMETERY

Mr BARTLETT (Port Stephens) [7.16 p.m.]: I congratulate the President, Brian Fishlock, the board of directors and the management of Mayfield Ex-Services Club and the Mayfield Ex-Services sub-branch on the dinner held on 15 April in honour of two of our three surviving Victoria Cross winners, Edward Kenna, VC, and Keith Payne, VC. I also congratulate the Sandgate Cemetery Trust and the Newcastle Council of RSL Sub-Branched on establishing the Jefferies, VC and Currey, VC Memorial Wall. That project was designed to honour the memory of those who are buried at the cemetery. Sandgate Cemetery is approximately nine kilometres north-west of the Newcastle central business district and is located between the Pacific Highway and the northern railway line between Newcastle and Maitland. The 31-hectare site is flanked by Hunter River on one side and the Hexham swamp on the other. Sandgate Cemetery was one of only three cemeteries in New South Wales to be designed with internal rail infrastructure. It is now the only one of the three that retains substantial elements of its railway branch line. Sandgate Cemetery has established itself as one of the most valuable cultural assets of the Hunter region.

Mr ACTING-SPEAKER (Mr Lynch): Order! I ask the Government and Opposition members seated on the Opposition front bench to remain quiet. Both Hansard and I are having difficulty hearing the honourable member for Port Stephens.

Mr BARTLETT: Since opening in 1881, there have been more than 85,000 interments at Sandgate Cemetery and over 50,000 monuments installed as memorials. A total of 1,230 servicemen and women are memorialised or buried in Sandgate Cemetery. Of those 225 died overseas and are buried in unmarked graves; 159 died in World War I; 52 died in World War II and two died in the Korean War. The Sandgate Cemetery Trust comprises seven members who are appointed for up to five years by the Minister for Land and Water Conservation. The trustees carry out their duties on a part-time and unpaid basis. In 1987 the cemetery was listed as an item of local heritage significance. The memorial wall was opened and dedicated by our two surviving Victoria Cross winners in the presence of some 200 to 300 guests on 16 April.

The Chair of the trust, Adrian Quain, has been a member for 13 years. Other members are Kevin Coburn; Susan Herd; John Deppe, who has been a member for 13 years; Ching Marchich and Peter Owens, who has been a trustee for 13 years. I acknowledge their contribution to the community in an area where a great deal of work goes unrecognised and unrewarded. The Victoria Cross dinner I attended on 15 April was held to thank both Edward and Keith for attending the dedication of the memorial the following morning. The memorial is dedicated to more than 102,000 Australian men and women who have died in all the wars in which Australians have fought. There are 68,000 Australians buried in 78 countries around the world. Some 34,000 have no known grave and are buried, unidentified, in Belgium and France. They were lost at sea or lost in the air wars over Europe and the Pacific.

WAGGA WAGGA BUSINESS ENTERPRISES

Mr MAGUIRE (Wagga Wagga) [7.21 p.m.]: Honourable members would have heard the term "trains, planes and automobiles". I want to talk about planes, trucks and automobiles. Business in rural and regional New South Wales is recognised as being tough. In order to succeed one has to have vision, commitment and drive. I want to talk about three companies in my area that deserve accolades. They are an example of good news in my electorate. Those companies are Kendell Airlines, Wagga Motors and Hartwigs Trucks. Kendell Airlines is based in Wagga Wagga and has for many years been under the guidance and stewardship of Don and Eilish Kendell. I bring to the notice of this House Kendell Airlines' intention to purchase 12 new jets, to be added to its fleet of 12 50-seater and 16 Saab planes. Kendell Airlines, which flies to almost every airport in Australia, is one of our most progressive companies. Sheer determination and hard work has put Kendell Airlines in that position. Once again I acknowledge the guidance of Don and Eilish as a family company in the success of Kendell Airlines, which has received worldwide accolades as one of the best.

Recently I attended the opening of Hartwigs Trucks, another family business in Wagga Wagga that has excelled. I attended the opening of a \$3 million investment in Hartwigs Truck Centre. Robert and Tim Hartwig have nurtured this dream for many years. The Hartwigs started their business back in 1923, operating out of premises on Hammond Avenue. In the last month they have moved to renovated premises. One would have to describe their new business in trucks as a category killer. The Deputy Prime Minister, Mr Anderson, attended the opening of Hartwigs Trucks new facility, which caters for all needs in the trucking industry. The business will bring great potential to our city—as has Kendell Airlines, basing its maintenance, training and head office in Wagga Wagga. I congratulate Hartwigs on their recent achievement.

Celebrating 50 years in Wagga Wagga this last month has been Wagga Motors, in partnership with Holden. The business has grown to employ about 75 people, as does Hartwigs. Wagga Motors, under the guidance and stewardship of Don and Gordon Braid, has thrived. An appropriate phrase to describe this business is: from small acorns do large oak trees grow. It has been a solid development by the Wagga Motors team. I offer my personal congratulations to Don and Gordon and to their families, who are all involved in the business.

Mr George: And the staff.

Mr MAGUIRE: And the staff. I congratulate all those businesses—Kendell, Wagga Motors and Hartwigs Trucks—on their achievement. Between them they employ hundreds of people. Kendell Airlines has recently employed more staff for its new planes and training facilities. It has made a huge amount of investment, which centres such as Wagga Wagga sincerely appreciate. When we look at businesses such as these three, we tend to forget the real input they make to our communities. We say to our councils and government that we want to attract new business. We welcome new business, and so we should. But I remind honourable members that next time they drive down their main street or business section they look at the businesses there and think of ways to nurture them. If I can help every one of the businesses in my city to create one extra job, that is an extra 3,000 jobs. That is done through shopping locally, keeping business in the town and looking for opportunities

for companies, such as Kendell Airlines, Hartwigs Trucks and Wagga Motors. By that I mean buying and selling products locally.

INFLATABLE RUBBER BOAT CHAMPIONSHIPS

Ms ANDREWS (Peats) [7.26 p.m.]: This evening I wish to inform the House that this year's State inflatable rubber boat [IRB] championships, held from Friday 2 June to Sunday 4 June, was hosted by Ocean Beach Surf Life Saving Club within the electorate of Peats. The events manager, Craig Andrews, described the carnival as being one of the best staged for several seasons. Much of the credit for this must go to the host club, the Ocean Beach Surf Life Saving Club—the first surf life saving club established on the Central Coast. Its officials and members are renowned for being dedicated and hard-working. No stone was left unturned in ensuring that the championships were a great success.

The championships are a big annual event within the State body of the surf life saving club movement. This year more than 6,000 individual competitors from 47 clubs participated. The clubs represented extended from Brunswick Heads in the north to Tathra in the south. This huge influx of visitors into the Woy Woy peninsula area was a good boost to the local economy. The local business community coped well with the extra demands made upon them. The main sponsors of this event were Carlton United Breweries, Johnson Motors and New South Wales Sport and Recreation. The competition over the weekend was fierce, with arch rivals Nobbys Beach and Soldiers Beach battling it out neck and neck at the finish. Nobbys Beach finished up the overall point score winners on 60 points, with Soldiers Beach coming in second on 48, and Caves Beach third on 43.

The host club, Ocean Beach Surf Lifesaving Club, did very well, particularly taking into account this was only the second occasion on which it had entered the State championships. The club entered four teams, 16 members in all, comprising both male and female members. The club succeeded in making it to some of the finals, which is a fine effort for a relatively newcomer to these championships. Mr Simon Moriarty, President, and Mr Phil Vanny, Chief Executive Officer of Surf Life Saving New South Wales, were in attendance at the championships. Ray Benton, a life member of the Ocean Beach Surf Life Saving Club and Chief Executive Officer of the Central Coast Branch Surf Life Saving, gave his full support to the championships.

The local club's organising committee comprised the chairman, David Thompson; life member Warren Boyd; life member Bob Nash and his wife, Maureen Nash; David Unger, President of the club; and Elaine Unger, club secretary. Club members Linda and Ron Rider were in charge of the work party, which did a lot of the behind-the-scenes work, such as ensuring that the boats were ready to race and a host of other jobs to make sure that the championships ran as smoothly as possible. Club stalwarts, Graham Lees, also treasurer of Surf Life Saving New South Wales, and his wife, Denise, Secretary-Treasurer of the State Board of Youth Development, Surf Life Saving New South Wales, were a tower of strength in the staging of the championships.

An article covering the State event which appeared in the Central Coast *Express Advocate* of 7 June was headed "Ducks take flight". I had the pleasure of watching some of the races over the weekend and, believe you me, those boats really did take flight. All the participants, no matter where they finished in the final wash-up, deserve to be complimented on their performances. It takes a great deal of skill to control high-powered boats travelling at fast speeds and to make a rescue while hardly slowing down at all. Yet the participants, both male and female, managed to do all that without mishap. The expertise has to be seen to be believed. Their professionalism at all levels augurs well for the future of the surf life saving movement in our State. The championships were held in ideal conditions on the Saturday, with a five- to six-foot swell. Flat conditions prevailed on the Sunday, which made racing difficult for competitors.

I am aware that the club was most appreciative of the fact that Gosford City Council came to the fore in carrying out repair work to the clubhouse and cleaning up the grounds and the beach area in preparation for the championships. To the office bearers, members and friends of Ocean Beach Surf Life Saving Club, I extend my congratulations on the overwhelming success of the State IRB championships. The club did very well in staging this event with just six weeks notice, after Coffs Harbour advised the State body that it was unable to host the event. The Ocean Beach Surf Life Saving Club has a very proud history and reputation not only at a local level but at a State and national level as well. The smooth running of these championships was yet another example of what a fine club it is. Members of the club will patrol the beach earlier than usual this year to protect the additional visitors, including many from overseas countries, who are expected to stay in the area during the Sydney Olympic Games. Visitors can feel secure in the fact that they will be well looked after by surf-lifesavers from Ocean Beach Surf Life Saving Club.

GOVERNOR OF NEW SOUTH WALES BALLINA VISIT

Mr D. L. PAGE (Ballina) [7.31 p.m.]: Last weekend the Ballina electorate was fortunate enough to host a visit by the Governor of New South Wales, the Hon. Gordon Samuels, and his wife, Jacqueline. It was a very successful visit, not least because it provided me with an opportunity to get to know the Governor and his wife. They are a charming couple. The Governor has had a very distinguished career in the law. He graduated with honours from Oxford University and was admitted to the Bar in England, and subsequently in New South Wales. He went on to be a Supreme Court judge for more than 20 years and the chair of a number of distinguished bodies including the Law Reform Commission.

In addition to those impressive qualifications he is very much a person of the people. His wife, Jacqueline, who has a wonderful background in theatre and other areas of the arts, was an absolutely charming person to meet and to have in the Ballina electorate. I acknowledge their contribution to the events on the weekend. We were very pleased to have the Governor and his wife with us. The Governor's grandfather was the Mayor of Walcha in 1903. As a result of certain happenings the Governor was born in London and spent his early years there. He told me that even although he was educated in England he remained an Australian at heart.

He said that one of the interesting things about being in London in the 1930s was that Sir Donald Brahma and his team were touring England. He told me that he was the only schoolboy in his English school that barracked for the Australians, which would have taken a fair bit of courage. I suspect it was good training for his subsequent role as a Supreme Court judge and, later, his appointment as Governor. On Friday the Ballina Shire Council hosted a dinner for the Governor at Ballina Manor, which is an interesting place. Formerly a North Coast girls school, it was recently renovated by Jeff and Diana Champion. It is a beautiful old home.

I take this opportunity to thank Ballina Shire Council for hosting a very enjoyable dinner for the Governor and his wife, the counsellors and their spouses. It was a pleasure to be there. I thank both the council and Jeff and Diana Champion for hosting the event. On Saturday morning we went out to Thursday Plantation, the site of one of the few multinational companies in the Ballina electorate. The Governor had a look at the new administration and sales centre, which are excellent. I commend Peter and Pam Dean for hosting that visit. Chris and Lynda Dean, who started Thursday Plantation, have done a magnificent job in turning a small business commencing near the swamps of Bungawalbin into a multinational company that services more than 50 countries around the world.

We then proceeded to the premises of the Ballina Volunteer Coast Guard Service. I compliment the efforts of Flotilla Commander, Harry Stibbard, and Bob Withers who escorted the Governor and Mrs Samuels around, explaining to them what they were doing. Recently the Ballina Volunteer Coast Guard acquired a new coast guard vessel, the *Nautilus*, which was launched by my wife a couple of weeks ago. Barry Ferguson was recognised for having more than 20 years service to the coast guard. I congratulate all volunteers on being involved in the volunteer coast guard service.

The main event was the opening of the Ballina Ex Serviceman's Home Memorial Walkway dedicated to the memory of our ex-servicemen and women. It was a joint project between the council and the home, and I congratulate both those parties on its completion, particularly Reg Ewing and former Mayor, Allan Brown, who took a lot of flak during the process. It was appropriate that we dedicated the memorial to our ex-servicemen and women: who gave up so much so that we could enjoy the benefits and the pleasure of that walkway.

CEDARS OF LEBANON DANCE COMPANY

Mr MOSS (Canterbury—Parliamentary Secretary) [7.36 p.m.]: Last Saturday it was my pleasure to represent the Premier at a performance of the Cedars of Lebanon, which is a Lebanese folkloric dance group established in Canterbury in 1997. Since that time it has evolved into a dance company of international recognition, performing overseas as well as all around Australia. The backbone of the Cedars of Lebanon is its founder and co-ordinator, Mr Eli Al Khouri, who formed the company and has remained with it throughout the past 23 years. Eli continues to perform with the Cedars of Lebanon, and is also its chief dancing instructor. He is totally dedicated to the organisation.

Through its performances the Cedars of Lebanon typifies the multicultural nature of my electorate. It also expresses what multiculturalism is all about, that is the sharing of an individual culture with people from a variety of backgrounds. Wherever and whenever the Cedars of Lebanon performs it always manages to bring a lot of joy to people, particularly those from Middle Eastern countries. Its colourful and skilful dancers assist, in no small way, the Lebanese community to maintain its cultural identity.

This year the Cedars of Lebanon has expanded its operation to include junior dancing classes, where it now trains children as young as six years of age. As well as being a great activity for children, I am confident these junior dance pupils will ensure the success of the company for many years to come. At its annual dinner this year, Eli Al Khouri proudly announced that the Cedars of Lebanon had been invited to perform at the Opening Ceremony of the 2000 Olympics. Although we do not have details of the ceremony, it now appears obvious that it will include a multicultural segment, which, I am sure, will portray Sydney in its true light: a great multicultural city. When the announcement was made the crowd erupted into spontaneous applause.

There was a great feeling of excitement about the fact that the Lebanese community would, through the Cedars dancing group, be part of the entertainment at the Opening Ceremony of the Olympic Games. The Lebanese community is one of the largest and oldest ethnic groups in Australia. It is fair to say that in terms of folkloric entertainment the Cedars of Lebanon is the Lebanese community's finest ambassador. I place on record my appreciation to all past and present members of the Cedars of Lebanon for their contribution to our multicultural society. I particularly want to congratulate Eli Al Khouri and his present-day dance troupe on being invited to perform at Sydney's Olympic Games. They are most deserving of the honour.

SOUTHERN HIGHLANDS ELECTORATE DENTAL SERVICES

Ms SEATON (Southern Highlands) [7.41 p.m.]: Many people in my electorate who are elderly, suffer from chronic illness, have diabetes or are on a low income rely on the provision of public dental services through the Wingecarribee health service and the Wollondilly-based health service. Sadly, many people in such circumstances are having problems accessing those services in a timely fashion. A year or so ago I met a local person in Yerinbool who highlighted the problems about the long wait for dental treatment. There are also concerns that public dental services do not provide services such as root canal therapy and complex treatment. Neither do they provide preventive services and maintenance of general dental health.

In recent months the local Wingecarribee Health Service has had a problem in that it has been unable to fill the position of senior dentist. It is a part-time position, but after much time and money spent on advertising, eventually a candidate was found, I believe from interstate. The circumstances of that person's family arrangements apparently changed during the course of the appointment process and the intended date for taking up the position was delayed. Bureaucratic negotiations were necessary in order to avoid having to reopen the process and readvertise, and to give the person some leeway to make new arrangements. I endeavoured to be particularly co-operative with the general manager of the health service throughout that process because she had been helpful in trying to keep me up to date with progress on the problem, and I thank her for doing so.

However, it underlies a bigger problem, which is that, although the Southern Highlands is a desirable place to live, the health service does not seem to be an attractive employer. I suspect this has more to do with general morale problems in many of our health services as all hard-working staff battle the constant cost cutting imposed by the Carr Government. Dental services were available at a reduced rate of delivery during that time as only one dental practitioner was available to do the work. I was concerned that we would see a repeat of the recent situation when the Department of Community Services had been unable to recruit a physiotherapist to work with children with disabilities in our area. I asked the Minister for Health a question in Parliament about how much money had been set aside for public dental services and how much had been spent in order to understand what amount of money had been saved, so to speak, by not having a senior dentist during those months when an appointment could not be made. The answer was that \$372,527 had been allocated and only \$273,714 had been spent.

I am pleased to report that the campaign was successful. I have a commitment from the Minister for Health that the unspent money will be spent on providing additional dental services to catch up on the backlog caused by the lack of the senior dentist appointment. I am glad to say that that commitment is in black and white and the \$100,000 will not be pocketed into consolidated revenue as we have sometimes seen in the past, put towards paying for Olympic budget overruns, or paying bonuses to State Rail Authority executives! It will be put back into local dental services to help fix the backlog. People are worried about the backlog, particularly those who suffer from diabetes. We all know that the treatment and management of diabetes relies on a lot of preventive treatment. I was pleased to send to the Minister for Health on behalf of Diabetes Australia New South Wales Bowral and District Branch a petition in which the honorary secretary, Mr Virginia Stratford, sets out the following concerns:

As Diabetics we have to be particular with our overall well being, as other health problems can be exacerbated if we don't have regular checkups to ensure that all is well, this of course includes regular examination of our teeth.

[At the] Dental Clinic they can only see you if you need an extraction or plate work. They cannot do regular six month checkups, fillings or teeth cleaning.

We all know people suffering diabetes need a lot of preventive treatment in podiatry and dental health, and advice on diets and other aspects in the management of diabetes. It is money well spent. Money spent on prevention obviously is much less than the amount required to support those people if their illnesses become more complex. I congratulate also Linda Falls, who is president of the local diabetes group, which meets regularly to educate others about treatment, diet and other therapies. The group assists newly diagnosed diabetics to find ways to make their necessary lifestyle changes and choices. I have been able to help them also on issues such as disability parking spaces and better locations for some of those spaces.

Dental health services are absolutely vital. It is important that we get that \$100,000 spent on dealing with the backlog created by the lack of the appointment of a senior dentist in the last few months. I am glad that we have been successful in getting the Minister for Health to commit to that. I urge the Minister to examine other ways to extend dental services in our area to include preventive and other maintenance treatments.

JOY MANUFACTURING INDUSTRIAL DISPUTE

Mr LYNCH (Liverpool) [7.46 p.m.]: I advise the House of a protest and demonstration that I attended on 19 May outside the Hotel Mercure in Kangaloon Road, Bowral. The reasons behind the protest were matters of great significance to many of my constituents, and members particularly of the Australian Manufacturing Workers Union [AMWU] and the Construction, Forestry, Mining and Energy Union [CFMEU] were present at the protest. There were two main reasons for the rally. The immediate one, which was the reason that site was selected, was that Peter Reith was to deliver a speech at the site on his anti-worker repressive legislation. The other reason was the ongoing industrial dispute concerning Joy Mining Machinery, which is a company with sites at Coniston and, especially for the purposes of this protest, Moss Vale.

Quite a number of people attended the protest, including my colleague the Hon. Peter Primrose from another place. A number of speakers addressed the gathering, including David Oliver, the Assistant National Secretary of the Australian Manufacturing Workers Union [AMWU]; Paul Bastian, Secretary of the New South Wales Branch of the AMWU; Sharyn Burrows, President of the Australian Council of Trade Unions [ACTU]; and Arch Bevis, Federal Opposition spokesman on industrial relations. The Moss Vale plant is an Australian subsidiary of the American company Harnischfeger, which also has subsidiaries in South Africa. The firm manufactures and services heavy mining equipment.

Negotiations commenced in September 1999 for a new enterprise bargaining agreement [EBA]. The current EBA expired on 31 December 1999. Negotiations had been proceeding in a relatively normal way and were coming to a closing stage when the company introduced a concept of requiring four separate agreements to cover the one site, that is, a different agreement for hydraulics, gearbox, the warehouse and the main fabrication shop. The company said that if workers did not agree to the proposals there would either be a lockout or the business would be closed down. This aggressive and confrontational approach was extended on 31 March when the company commenced to transfer unfinished jobs off site. This left the employees with no option but to withdraw their labour.

Management then sent registered mail to all union members involved—but not to the unions—saying they would be subject to a three-month lockout from 14 April. This confrontational and aggressive behaviour included other actions. Three weeks before the dispute actually developed management advised the local Bowral police that it expected problems. I find that quite extraordinary! Moreover, the employer took the unusual and, I would argue, offensive action of writing to the local Centrelink office providing the names of all those involved in the dispute in an effort to prevent them obtaining social security benefits.

That decision was taken by the National Policy Centre in Canberra, so it was quite wrong to contact the local Centrelink office. Moreover, I regard it simply as a disgraceful and despicable attempt to literally starve the workers into submission. Paul Bastian describes Joy Engineering as using tactics straight out of the Rio Tinto school of management. This sort of visceral anti-worker thuggery has no legitimate place in Australian industrial relations. Joy Engineering should leave its American industrial relations obsessions in America. The union movement has uncovered also some fairly disturbing material about Joy Engineering and its parent company.

In June 1999 the parent company, Harnischfeger, filed in United States of America courts for Chapter 11 bankruptcy. The ability of Joy Engineering to meet its debts and manage its finances was subject to Harnischfeger's ongoing commitment to Joy Engineering. The Chapter 11 bankruptcy proceedings are in

Delaware. The company has serious financial difficulties including bank loans of \$750 million to the Chase Manhattan Bank which had been borrowed to provide minimum working capital. Joy Engineering, which is the Australian subsidiary, has not posted any dividends, nor does it propose to do so. The last financial return lodged with the Australian Securities and Investments Commission is 18 months old and indicated a loss of about \$50 million for the financial year 1998-99.

This must give rise to a strong suspicion that Joy Engineering is not interested in settling this dispute. It wants to manipulate things so it does not have to pay the work force. On the other hand, the employees, quite legitimately, demand that their accumulated entitlements are safe and being kept in a separate account. If they are not and Joy Engineering collapses, the workers may well be left with no entitlements and no recourse. To the best of my knowledge, the Prime Minister's brother is not a director of Joy Engineering!

The union's suspicion of the company is heightened by the fact that this company, with great financial problems, has had its parent taking out directors and officers liability and legal expenses insurance for current office holders in New South Wales. The company's arrogance is well shown by the lengthy period of time during which it has refused to speak to Paul Bastian or to the union. Of course, this deplorable behaviour by the company made Bowral an obvious venue for the odious Peter Reith to visit.

The Rio Tinto style of Joy Engineering treating workers with such monumental contempt is perfectly in tune with the anti-union crusade Peter Reith runs. A number of rather naive people, including politicians who should know better, say that class is dead and only dinosaurs engage in class analysis. Peter Reith certainly understands about class and class struggle. He represents his class and is intent on destroying workers. Whilst Peter Reith engages in class analysis, so must everyone else.

MANLY HIGH SCHOOL PRINCIPAL RETIREMENT

Mr HAZZARD (Wakehurst) [7.51 p.m.]: I draw the attention of the House to the recent retirement of one of the great principals of public education, Mr Terrence Patrick Buggy from Manly High School. Terry Buggy studied at New England University, where he obtained the qualifications of Bachelor of Arts and Diploma of Education. His area of expertise is English and history. His first teaching appointment was at Dorrigo rural school from 1961 to 1963. He was one of only two staff at the school who had a degree. He resigned at the age of 24 and went to Canada. He did what many young people do. He worked in Montreal in the primary and secondary school systems. He then went to London and taught in West London at Acton and Southall.

In 1967 he returned to Australia and taught at the Arthur Phillip High School at Parramatta. In 1970 he joined James Ruse High School, where he obtained his List 2 qualification. He became head teacher of history at Fairfield Boys High School in 1971 and he stayed there through 1971 and 1972, when the Department of Education invited him to join it to assist with the development of the history course for the School Certificate. From 1975 to 1977 he was seconded to the teacher education unit at Macquarie University. Having gone through that excellent unit myself, I am very familiar with it. In 1978 he joined Epping Boys High School as head teacher of history and he served there until 1985. Whilst there he obtained his List 3 qualification. He also undertook other works and wrote a book about the history of China. He worked on various syllabus aspects for modern history. He worked as well on the examination committee for modern history.

He was then transferred to Cresswood High School and served there between 1986 and 1988. In 1988 he was transferred to Shalvey High School as deputy principal. In July 1991 he joined Manly High School. In 1989 Manly High School had been announced as becoming selective and the first intake was in 1990. There were all sorts of issues at the school, including concerns among the staff about whether the school should be selective. I remember meeting Terry at an afternoon tea in July 1991 in the old library upstairs. The parents and citizens association put on an afternoon tea. I remember saying to Terry that he had a difficult job ahead of him, the school had no principal for six months and there were some major issues that he needed to address.

He grasped that challenge with both hands and embarked on what I thought was an excellent period at Manly High School. Being a former student of Manly High School, I have more than a passing interest. Over his decade at Manly High School he did a wonderful job. Contrary to what some people in recent months have said about the development of Manly High School, I think it has developed extremely well. When Terry Buggy first came to the school in effect he was teaching at two schools because part of the school was under the old system—a general comprehensive high school—and part was progressively becoming the new selective school. Terry Buggy served not just admirably but wonderfully in the position.

The week before last I asked the captain of Manly High School, Aleksander Rzadkowski, and the vice-captain, Veronica Mair, what they thought of their school. They had nothing but the highest of praise for Manly High School: they share my view of Manly High School. I asked them what they thought of their former principal and Veronica said, "He listened." Aleksander said, "He cared." They told me that on the one day that he came back at the start of this term they had presented him with a magazine—I think it had a *Time* cover—on which they had superimposed his photograph. The heading was "Principal of the decade". Terry Buggy has done a fantastic job and whatever other issues there have been at the school he should be acknowledged for his marvellous contribution.

I also acknowledge that his wife, Nancy, whom he met on the ship going to Canada, has been an absolute stalwart and worked with him in his efforts to secure better public education for young people. I also acknowledge his children—Sean, Joel, Simon and Monique—who supported him through the time he was a public schoolteacher. The fact that he has now left public education means that public education is by far the worse off. I can assure the House that his heart remains with Manly High School and the school will go on to continue to be a great school, as it has been not just during the last decade but in all the time that school has been in existence. [*Time expired.*]

DUBBO ELECTORATE ROADS FUNDING

Mr McGRANE (Dubbo) [7.56 p.m.]: I bring to the attention of the House three major roads in my electorate that need special funds from the Government for their upgrading. They are Main Road 354, which is the road between Tullamore and Narromine; the McGirr-Renshaw Way, which is the link between Parkes and Wellington; and the Golden Highway between the Dubbo and Newcastle. Roads are fundamental for regional development and all activities in rural regions, not only for primary production. They are vital for the tourist industry. For efficient transportation good roads are needed. The state of the three roads I mentioned has enormous impact on the people who use them regularly.

Main Road 354 is in dire need of special funding to provide all-weather access for the people who use it to travel to education and for work. These days if properties are to be viable wives need to work outside the home and they need a road with all-weather access if they are to hold down a job. All-weather access is lacking with Main Road 354. I have been fortunate in leading a delegation to the Minister about Main Roads 354. The Minister gave us a sympathetic hearing but at this stage no money has been provided. The Parliamentary Secretary Assisting the Minister for Roads has also visited my electorate. With the Main Road 354 action group I inspected the road with the Parliamentary Secretary in wet weather. So we have been winning the case with our publicity about the state of the road. The McGirr-Renshaw Way links Parkes and Wellington.

Mr Black: It is a great name, Renshaw.

Mr McGRANE: It is. The road is named after two Premiers of the State, Premier McGirr and Premier Renshaw. Premier McGirr was born in Parkes and Premier Renshaw was born in Wellington. Unfortunately, the state of the road does not do those former Premiers due honour. The road links a vital part of the State that is pretty much neglected in regard to road access. The Inland Marketing Corporation is based in Parkes and there are plans for an international airport so it is essential that money be spent on upgrading the road. The third road of concern is the highway that links Dubbo, the hub of the west, to the port of Newcastle. It is the youngest highway in the State, having been declared a highway by the Premier 3½ years ago. The road goes through seven council areas and it has had money spent on it.

The highway is a vital link for the prosperity of regional New South Wales. When a study of the road was done six years ago it was found that about \$55 million was required to improve the road to highway standard. Council has received some money and black spots in the Sandy Hollow area have been addressed. What was previously a low-level bridge over the Hunter River has now been made an all-weather bridge on which vehicles can pass each other. These three roads are essential for the development of my electorate and for regional New South Wales. I ask that the Parliamentary Secretary, the Minister and members of Country Labor support improvements to these three roads.

Mr BOURKE GIBBONS COMMUNITY SERVICES

Mr BARR (Manly) [8.00 p.m.]: Every community has its local personalities who provide character and interest and who enrich the lives of those who come in contact with them. I want to talk about one of the special people in Manly. His name is Bourke Gibbons. Bourke can be seen almost every day in his wheelchair in The

Corso near Darley Road selling pens for the Shepherd Centre. He is listed at the Shepherd Centre in Strawberry Hills as one of its major fundraisers and he is extremely proud of this. Bourke was born in an ambulance on Parramatta Road in 1946 as a blue baby and as a result he has cerebral palsy. He has been in a wheelchair for 54 years—all his life. Bourke's parents were unable to care for him after the birth of another child, so at the age of 11 years he was sent to Peat Island in an isolated area north of Sydney, where people were institutionalised as mentally and/or criminally insane. Bourke was neither. He was a young boy with cerebral palsy, wheelchair bound. He lived in what must have been awful circumstances for about five years. He was then housed in various hospitals, homes and centres.

When Bourke was about 16 years old, Dr Bruce Shepherd, co-founder of the Shepherd Centre, had an idea to try to assist Bourke with problems he had with physical movements from his hips down. The alternative was to have his legs amputated, and Bourke would have none of that. Bourke has had about 40 operations, the last one when he was 41 years old. Bourke had an idea too: to spend his time as a volunteer to raise money for the Shepherd Centre for deaf children. He has been doing so in the Manly and Chatswood areas on and off in some capacity for 30 years, but more recently on a full-time basis for between nine and 10 years. He lives with a wheelchair colleague in a bungalow in North Balgowlah, north of Manly, and is constantly out and about in his wheelchair, running around Manly and raising funds by selling pens, cards and, of course, occasionally undertaking a major wheelchair event.

Bourke is an official fundraiser for the Shepherd Centre. He operates his own race, so to speak. The Shepherd Centre does not pressure him in any way. He is just happy to help, knowing that whatever he does and the money he raises will assist deaf children and their families. Bourke is reliant on assistance from the Home Care Service of New South Wales. He has an established group of fantastic helpers and a team of friends who assist him with major events. Bourke generally organises the strategies for major events and he can be a hard taskmaster. Last year he organised an Easter raffle in Manly and raised over \$1,000. Bourke is truly a good person, with a heart of gold.

Many other people are tireless in their efforts to raise money for various charities and organisations, but not many do so totally wheelchair-bound and with the enthusiasm and fortitude exuded by Bourke. He has a great sense of humour and is a frequent visitor to my office, where he likes to chat with the office staff. Bourke Gibbons has also contributed to Australian sporting life. He is a retired Paralympian, having represented Australia in bocce at the Games in Seoul and Barcelona. He truly should be saluted not only for his community work but for the abilities he has displayed in sporting life as a disabled athlete. Many people deserve to be recognised for their work in the community but not many do so wheelchair-bound and with such selflessness as Bourke.

Private members' statements noted.

House adjourned at 8.04 p.m.
