

LEGISLATIVE ASSEMBLY

Thursday 29 June 2000

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

Mr Speaker offered the Prayer.

ASSENT TO BILLS

Assent to the following bills reported:

Trustee Companies Amendment Bill
Occupational Health and Safety Bill
Victims Compensation Amendment Bill

BILLS RETURNED

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

Victims Compensation Amendment Bill
Fair Trading Amendment (Enforcement and Compliance Powers) Bill
Home Building Amendment Bill
Road Transport (Heavy Vehicles Registration Charges) Amendment Bill

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

Casino Control Amendment Bill
Crimes (Forensic Procedures) Bill
Independent Pricing and Regulatory Tribunal and Other Legislation Amendment Bill

Consideration of amendments deferred.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr HARTCHER: Pursuant to Standing Order 405 I seek leave to move a motion for the suspension of standing orders as follows—

Mr Whelan: Leave is not granted.

Mr HARTCHER: The Minister has not yet heard the motion. I seek leave to move a motion for the suspension of standing orders as follows:

That standing and sessional orders be suspended to permit the introduction by the Leader of the Opposition forthwith and passage through all stages of this sitting of the Crimes (Sentencing Procedures) Amendment (Life Sentence Confirmation) Bill.

Is the Minister prepared to allow this bill to come before the Parliament this day?

Mr WHELAN: I am prepared to allow the bill to come before the Parliament on a future day. Opposition members know full well that this matter will be placed before the Supreme Court tomorrow for determination.

Mr Hartcher: Are you granting leave?

Mr WHELAN: Leave is refused because this matter is sub judice.

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

Mr WHELAN: I indicate to members of the Opposition that they can introduce this bill at a later date. They cannot do so today; this matter is sub judice. The introduction of the bill today would achieve a purpose that even I admit Opposition members would not want to see. Some benefit might apply to the defendant in this case—

Mr Hartcher: Point of order: Standing Order 405 provides only for the granting or refusal of leave. It does not allow the motion to be debated.

Mr SPEAKER: Order! Is leave granted?

Mr Whelan: No.

Leave not granted.

INDEPENDENT PRICING AND REGULATORY TRIBUNAL AND OTHER LEGISLATION AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 22 June

- No. 1 Page 3, Schedule 1.1, proposed section 24FA, lines 22-23. Omit "following consultation with the Tribunal". Insert instead "following consultation with, and with the agreement of, the Tribunal".
- No. 2 Page 4, Schedule 1.1, proposed section 24FB. Insert after line 30:
- (3) The Tribunal is to make each such policy communicated to it and certificate received by it publicly available.
- No. 3 Page 6, Schedule 1.1, proposed section 24FE, lines 5 and 6. Omit "nominated by the Nature Conservation Council of New South Wales". Insert instead "nominated jointly by the Nature Conservation Council of New South Wales, the Public Interest Advocacy Centre, the Council of Social Services of New South Wales and the Australian Consumers Association".
- No. 4 Page 6, Schedule 1.1, proposed section 24FE, lines 10 and 11. Omit "nominated by the Nature Conservation Council of New South Wales". Insert instead "nominated jointly by the Nature Conservation Council of New South Wales, the Public Interest Advocacy Centre, the Council of Social Services of New South Wales and the Australian Consumers Association".
- No. 5 Page 6, Schedule 1.1, proposed section 24FE, lines 14 and 15. Omit "nominated by the Australian Consumers Association". Insert instead "nominated jointly by the Nature Conservation Council of New South Wales, the Public Interest Advocacy Centre, the Council of Social Services of New South Wales and the Australian Consumers Association".
- No. 6 Page 14, Schedule 1.2, proposed section 77, line 11. Insert ", or requiring other action to be taken," after "monetary penalties".
- No. 7 Page 16, Schedule 1.2, proposed section 95A, lines 5 and 6. Omit "under clause 8A of Schedule 2 to impose a monetary penalty on". Insert instead "to take action under clause 8A of Schedule 2 in relation to".
- No. 8 Page 17, Schedule 1.2, proposed clause 8A, lines 4 and 5. Omit "not exceeding \$10,000".
- No. 9 Page 17, schedule 1.2, proposed clause 8A. Insert after line 5:
- (2) The Tribunal may, instead of imposing a monetary penalty, require the holder of the licence to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subclause (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this clause on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subclause (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

No. 10 Page 17, schedule 1.2, proposed clause 8A. Insert after line 8:

- (3) The monetary penalty that the Tribunal may impose under this clause must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

No. 11 Page 17, Schedule 1.2, proposed clause 8A, lines 10 and 11. Omit all words on those lines.

No. 12 Page 17, Schedule 1.2, proposed clause 8A, line 14. Insert "or action" after "penalty".

No. 13 Page 17, Schedule 1.2, proposed clause 8A. Insert after line 21:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this clause.

No. 14 Page 19, Schedule 1.3, proposed section 13A, lines 10 and 11. Omit "not exceeding \$10,000".

No. 15 Page 19, Schedule 1.3, proposed section 13A. Insert after line 11:

- (2) The Tribunal may, instead of imposing a monetary penalty, require the holder of the authorisation to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

No. 16 Page 19, Schedule 1.3, proposed section 13A. Insert after line 14:

- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

No. 17 Page 19, Schedule 1.3, proposed section 13A, lines 16 and 17. Omit all words on those lines.

No. 18 Page 19, Schedule 1.3, proposed section 13A, line 20. Insert "or action" after "penalty".

No. 19 Page 19, Schedule 1.3, proposed section 13A. Insert after line 27:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.

No. 20 Page 20, Schedule 1.3, proposed section 17A, lines 16 and 17. Omit "to impose a monetary penalty on". Insert instead "to take action under section 42A in relation to".

No. 21 Page 21, Schedule 1.3, proposed section 42A, lines 6 and 7. Omit "not exceeding \$10,000".

No. 22 Page 21, Schedule 1.3, proposed section 42A. Insert after line 7:

- (2) The Tribunal may, instead of imposing a monetary penalty, require the holder of the licence to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

No. 23 Page 21, Schedule 1.3, proposed section 42A. Insert after line 10:

- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

No. 24 Page 21, Schedule 1.3, proposed section 42A, lines 12 and 13. Omit all words on those lines.

No. 25 Page 21, Schedule 1.3, proposed section 42A, line 16. Insert "or action" after "penalty".

No. 26 Page 21, Schedule 1.3, proposed section 42A. Insert after line 23:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.

No. 27 Page 23, Schedule 1.3, proposed section 75A, line 1. Insert ", or requiring other action to be taken," after "monetary penalties".

No. 28 Page 24, Schedule 1.4, proposed section 17A, lines 13 and 14. Omit "not exceeding \$10,000".

No. 29 Page 24, Schedule 1.4, proposed section 17A. Insert after line 14:

- (2) The Tribunal may, instead of imposing a monetary penalty, require the Corporation to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

No. 30 Page 24, Schedule 1.4, proposed section 17A. Insert after line 16:

- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

No. 31 Page 24, Schedule 1.4, proposed section 17A, lines 18 and 19. Omit all words on those lines.

No. 32 Page 24, Schedule 1.4, proposed section 17A, line 22. Insert "or action" after "penalty".

No. 33 Page 24, Schedule 1.4, proposed section 17A. Insert after line 29:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.

No. 34 Page 25, Schedule 1.4, proposed section 17B, lines 18 and 19. Omit "to impose a monetary penalty on". Insert instead "to take action under section 17A in relation to".

No. 35 Page 26, Schedule 1.4, proposed section 18A, line 3. Insert ", or requiring other action to be taken," after "monetary penalties".

No. 36 Page 28, Schedule 1.5, proposed section 19A, lines 13 and 14. Omit "not exceeding \$10,000".

No. 37 Page 28, Schedule 1.5, proposed section 19A. Insert after line 14:

- (2) The Tribunal may, instead of imposing a monetary penalty, require the Corporation to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
- (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
- (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.

No. 38 Page 28, Schedule 1.5, proposed section 19A. Insert after line 16:

- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.

No. 39 Page 28, Schedule 1.5, proposed section 19A, lines 18 and 19. Omit all words on those lines.

No. 40 Page 28, Schedule 1.5, proposed section 19A, line 22. Insert "or action" after "penalty".

No. 41 Page 28, Schedule 1.5, proposed section 19A. Insert after line 29:

- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.

- No. 42 Page 29, Schedule 1.5, proposed section 19B, lines 18 and 19. Omit "to impose a monetary penalty on". Insert instead "to take action under section 19A in relation to".
- No. 43 Page 30, Schedule 1.5, proposed section 28, line 5. Insert ", or requiring other action to be taken," after "monetary penalties".
- No. 44 Page 32, Schedule 1.6, proposed section 29A, lines 16 and 17. Omit "not exceeding \$10,000".
- No. 45 Page 32, Schedule 1.6, proposed section 29A. Insert after line 17:
- (2) The Tribunal may, instead of imposing a monetary penalty, require the Authority to take such action as the Tribunal considers appropriate in the circumstances, including (for example) requiring the sending of information to customers or the publication of notices in newspapers.
 - (3) The Tribunal may not require action to be taken under subsection (2) by the holder of a licence if the cost of that action would exceed the monetary penalty that the Tribunal could impose under this section on the holder.
 - (4) If the Tribunal requires information to be sent to a customer under subsection (2), the holder of the licence may satisfy that requirement by sending the information to the customer with the next account or bill to be sent to the customer by the holder or, if the holder is sending other information to that customer before the next account or bill, with that other information.
- No. 46 Page 32, Schedule 1.6, proposed section 29A. Insert after line 19:
- (3) The monetary penalty that the Tribunal may impose under this section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues.
- No. 47 Page 32, Schedule 1.6, proposed section 29A, lines 21 and 22. Omit all words on those lines.
- No. 48 Page 32, Schedule 1.6, proposed section 29A, line 25. Insert "or action" after "penalty".
- No. 49 Page 33, Schedule 1.6, proposed section 29A. Insert after line 5:
- (4) The Tribunal is required to consider the seriousness of the contravention concerned in determining to impose a monetary penalty under this section.
- No. 50 Page 33, Schedule 1.6, proposed section 29B, lines 26 and 27. Omit "to impose a monetary penalty on". Insert instead "to take action under section 29A in relation to".
- No. 51 Page 34, Schedule 1.6, proposed section 30A, line 12. Insert ", or requiring other action to be taken," after "monetary penalties".

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

Resolution reported from Committee and report adopted.

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

CRIMES (FORENSIC PROCEDURES) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 28 June

- No. 1 Page 92, clause 121. Insert after line 15:
- (4) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the exercise of functions conferred on police officers under this Act.
- No. 2 Page 93. Insert after line 13:
- 123 Inquiry by Standing Committee on Law and Justice**
- (1) The Committee of the Legislative Council established under the name of the "Standing Committee on Law and Justice" is to inquire into and report on the operation of this Act and the regulations.
 - (2) The report is to be tabled in the Legislative Council as soon as possible after the end of the period of 18 months from the date of assent to this Act.

- (3) Without limiting the matters that the Committee may take into account for the purposes of its inquiry and report, it may take into account the following:
 - (a) any relevant provisions of the Model Forensic Procedures Bill 1999 set out in Appendix 3 of the Discussion Paper dated May 1999 prepared by the Model Criminal Code Officers Committee or of any State, Commonwealth or other law,
 - (b) the wider social and legal implications of use of information obtained from matching of DNA profiles derived from forensic material,
 - (c) the effectiveness of matching of DNA profiles as an investigative tool,
 - (d) the reliability of the matching of DNA profiles for the purposes of forensic identification.
- (4) The Committee may make recommendations in its report about amendments that might appropriately be made to the Act to enhance its operation and provide further safeguards for the privacy and civil liberty of persons on whom forensic procedures are carried out, or proposed to be carried out, under the Act.
- (5) The Committee is to furnish a copy of the report to the Ombudsman for consideration.

Mr WHELAN (Strathfield—Minister for Police) [10.05 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

What a shameful exhibition by members of the Opposition in New South Wales! The Liberal and National parties combined with the Greens in the upper House in an attempt to defeat the Government's DNA proposal. That shameful act took Government members by surprise. On 6 June the honourable member for Gosford said in this Chamber that the Opposition would not support any amendment to this legislation and that it would not oppose the bill.

Mr Ashton: It is on the record.

Mr WHELAN: Of course it is on the record. It is recorded in *Hansard*. That statement was made on 6 June; the bill was sent to the upper House; and in a marriage with the Greens and the Hon. R. S. L. Jones, the former Australian Democrat, the Liberal Party and National Party agreed to support an amendment that would ensure that the bill would expire and never become law in New South Wales. Opposition members should tell young people from The Entrance High School who are in the gallery today how the Liberal-National Coalition changed its mind, just as it changed its mind about supporting the royal commission in New South Wales. Opposition members did not support the royal commission in New South Wales in any circumstances. They do not support any of the Government's reforms and they are on the record now as saying that they do not support DNA laws in New South Wales. They do not agree with DNA samples being taken from people in the gaol system.

The TEMPORARY CHAIRMAN (Mr Price): Order! The honourable member for Wakehurst will remain silent.

Mr WHELAN: They do not agree that procedures should be laid down in Parliament to protect the police and to give police the right to take DNA samples from suspects accused or those charged. The members of the Liberal and National parties oppose this legislation. I wonder how Rita Knight, the lady from Wee Waa who was brutally raped, feels? The honourable member for Barwon made much of the fact that he assisted in achieving voluntary DNA testing in Wee Waa. But yesterday members of his party supported an amendment that will see DNA laws expire. He should tell his constituents why he is opposed to this bill.

What a disgraceful performance by members of the Opposition in this Parliament. The best that they could come up with, the limpest possible excuse, was that there was not enough accountability. I inform Opposition members that there are three or more opportunities for public accountability: first, a report to the Parliament by the Attorney General; second, a report within two years by the Ombudsman; third, the Ombudsman has the right, under the legislation, to introduce a report to the Parliament at any time; and, fourth, members of the upper House Standing Committee on Law and Justice can prepare a report.

The bill makes provision for four public accountability processes. Let there be no mistake about it: The Opposition's amendment to clause 121 provides that "the Act shall expire". The Coalition will wear forever criticism for its opposition to DNA laws and for attempting to hamstring the New South Wales Police Service. The Opposition has sought to deny police the opportunity to go ahead with DNA testing; to allow the New South Wales Police Service to use modern policing skills. It has put at risk the opportunity for this State to

access the national DNA database, in which all other States participate. New South Wales would have been the laughing-stock of the nation; we would have been isolated, left on our own. The DNA database will be under the CrimTrac system and will be a national system. What a great day for the Opposition! It has attempted to oppose the introduction of DNA laws in New South Wales. The Opposition deserves the wrath of the community for what it has done.

Mr HARTCHER (Gosford) [10.11 a.m.]: What an extraordinary outburst the Committee has just witnessed! What happened was simply this: In the Legislative Assembly I indicated that the Coalition did not oppose the legislation, and that is absolutely correct. The Opposition supported the legislation by not calling a division. It accepts the principle of DNA testing in New South Wales and I spoke of the importance of DNA testing. In the Legislative Council the Opposition supported—and continues to support—an amendment moved by the Hon. R. S. L. Jones, whom the Leader of the House incorrectly referred to as a former Democrat. In fact, the Hon. R. S. L. Jones represents the Small Business Party in the Legislative Council.

Mr Whelan: He is a former Democrat.

Mr HARTCHER: That is a poor attempt at retracting a personal insult. The Hon. R. S. L. Jones moved an amendment that the Act be reviewed after a two-year period. That is all that was at stake, and the Parliamentary Counsel correctly said that the Act will expire after two years unless the two Houses of Parliament, by resolution prior to that date, moved for its extension. That is all that had to happen. The two houses of Parliament could move in half an hour to extend the Act. There was no problem with the implication that the Act would come to a sudden end; it would have expired unless the two houses of Parliament decided to extend it. The Government has a majority in this House. All it needed to do was to convince the crossbench members or the Opposition in the upper House that the existing procedures in the Act were worthy of it being extended.

That the Minister of Police so misrepresented what happened in the Legislative Council is an indication that the Australian Labor Party is uncertain about this proposed legislation. The Australian Labor Party went through an extraordinary process before introducing this bill trying to balance the wishes of the Left and the Right. The Opposition did not have that problem and made clear its support for the proposed legislation from the very beginning. However, the Opposition also indicated that it needed to know how the Act was operating and whether it needed strengthening or improving. The Opposition wants DNA testing legislation that will work effectively, not legislation that will cast DNA testing permanently and unchanged in stone. After two years of operation the Act would have come back before the Parliament for Parliament to make an appropriate decision about it. That was the intention of the amendment. The Government's misrepresentation today is extraordinary and hypocritical. I will now speak to the motion. The Coalition agrees to amendments Nos 1 and 2 in the schedule, but I foreshadow an amendment to the first of those amendments to add a new subclause (5) in the following terms:

The Ombudsman may further recommend a full review of the Act by Parliament at the expiration of a period of two years from the date of assent.

As I said, that was the intention of the amendment in the other place: a proper parliamentary review of the operation of the Act. The Minister said there were four systems of accountability but he did not say that none of those systems of accountability is in fact binding upon the Government; all are merely advisory and the Government can ignore them, without recourse to the Parliament. The Opposition is of the view, however, that as the Parliament is the body that creates the legislation it should also be the body that reviews it.

The Opposition supports DNA testing and strongly supports the right of police to undertake DNA testing. It was an Opposition member who brought the situation at Wee Waa before the Parliament to ensure that DNA testing took place. The Opposition will continue to support DNA testing and to ensure it works well, and it will take such measures as are necessary in the Parliament to ensure that any defects in the system are corrected and brought to the attention of the Parliament. However, the only way to do that is to have a process that brings the Act before the Parliament, and that is what the Government is denying. I formally move that amendment No. 1 in the schedule of amendments be amended by the addition of a new subclause (5) in the following terms:

(5) The Ombudsman may further recommend a full review of the Act by Parliament at the expiration of a period of two years from the date of assent.

Mr WHELAN (Strathfield—Minister for Police) [10.15 a.m.]: I cannot believe the audacity of the Opposition. Clause 121 (1) of the bill provides:

For the period of 2 years after the commencement of this section the Ombudsman is to keep under scrutiny the exercise of the functions conferred on police officers under this Act.

Clause 121 (2) gives the Ombudsman power to require the commissioner to provide information. Clause 121 (3) provides:

The Ombudsman must, as soon as practicable after the expiration of that two-year period, prepare a report of the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister, the Minister for Police and the Commissioner of Police.

Subclause (4) provides:

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

Lest the honourable member be unaware, clause 121 (5) provides:

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.

If Parliament is not sitting, the report is forwarded to the Clerk and it is printed. Clause 122 (1), which deals with review of the Act, provides:

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 18 months from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period referred to in subsection (2).

The Minister in this case is the Attorney General.

Mr Hartcher: That is the point. The bill refers to the Minister; the Opposition would like the Ombudsman to undertake the review.

Mr WHELAN: The Ombudsman may report. I refer you to clause 121 (4), which provides that the Ombudsman may at any time make a special report on any matter to the Minister. Subclause (5) places an obligation on the Minister to lay the report before both Houses of Parliament or, if Parliament is not sitting, forward it to the Clerk. Clause 121 (3) provides for a report of the Ombudsman, clause 121 (4) provides for a special report and clause 122 provides for a review of the Act. The Attorney General, being the responsible Minister, will have a report tabled in each House of Parliament within 12 months of the period referred to in the bill. I cannot see the purpose of the amendment.

Mr Hartcher: You will not agree to it.

Mr WHELAN: No. It unnecessarily duplicates the intention of the bill. I am grateful to the Parliamentary Secretary Assisting the Minister for Health, who advises me by way of a note that the *Australian Concise Oxford Dictionary* defines "expiry"—and I remind members that the Opposition supported the expiry of this proposed legislation—to mean "cease; become extinct; come to an end or die". The aspirations of members opposite to one day form a government in New South Wales are virtually extinct, they are coming to an end, and they certainly will die in a vain attempt to try to convince the community that they are the proponents of DNA legislation in this State. They have opposed DNA. They have made two landmark decisions: one was to oppose the royal commission in New South Wales and the second, which will be a millstone around their necks, was to oppose DNA testing.

Mr HARTCHER (Gosford) [10.19 a.m.]: The amendment was in three paragraphs. Paragraph (a) expressed expiry; paragraph (c) enabled both Houses to extend the period of operation of the legislation, unless it was extended prior to that date, by a further two years. The Minister is not giving the whole story. He is deliberately misrepresenting the facts. The amendment clearly stated that the two Houses could extend the period at any time by resolution. The Minister said that clause 122 provides for the Minister responsible to review the Act. We are asking for the Ombudsman to review the Act. That is why our amendment is distinct.

Mr Whelan: But there is clause 121 (4).

Mr HARTCHER: Let me answer the point about subclauses (4) and (5) of clause 121. Subclause (4) provides for "a special report on any matter arising out of the operation of this Act". Our amendment will allow

for a review of the Act by the Ombudsman. The Minister's concerns are answered in the sense that our amendment is different from what is intended by clause 121 (4) and clause 122. Our amendment is in the same spirit as clause 122 but it allows for a review by the Ombudsman; the Government's intention is that only the Minister can conduct the review. There is a significant difference between the two propositions, as the Minister is well aware. Accordingly, our amendment is appropriate, it is timely, it allows for a proper review of the whole concept and the procedures laid down by the Act.

Mr Orkopoulos: Do you support the concept? Why do you want to review the concept?

Mr HARTCHER: Of course we support the concept. We are saying the Ombudsman should be allowed to review it.

Mr Whelan: Then why didn't you vote for it?

Mr HARTCHER: We did vote for it. I indicated in this Chamber that the Opposition did not oppose the legislation. And we did not oppose the legislation! We supported it at the second reading stage, and we supported an amendment to it that would have provided for a proper review and enabled the two Houses of Parliament, if they so desired, to extend the operation of the Act. That is what we supported and what we continue to support. We want to keep these new ideas under constant review so that the best possible model can be put before the people of New South Wales. We want the most effective DNA testing system, and that is what we intend to have.

Mr WHELAN (Strathfield—Minister for Police) [10.23 a.m.]: I cannot believe the hypocrisy of the honourable member for Gosford. On 6 June he told the House that the Opposition would not support an amendment and would not oppose the bill. But when the bill went to the upper House the Liberal Party and the National Party combined to support an amendment that would have it expire, become extinct, die. The honourable member gave an undertaking to this Chamber on 6 June. How can anyone believe him? Today, after the bill has been through the lower House and the upper House, he produces yet another amendment. On 6 June he said there was no opposition, that the Opposition will not oppose the bill. After the Opposition parties were savaged in the Legislative Council, which rejected their attempt to kill off this DNA bill, the honourable member for Gosford has the hide to move a baseless and worthless amendment in this Chamber. Already the Ombudsman has the ability, through his or her own volition, to report on the operations of the Act. Clause 121 (4) provides:

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

Mr Hartcher: At any time.

Mr WHELAN: At any time. That is as close as one could possibly get to public accountability. One has to draw the line against hypocrisy. Members opposite cannot now come to this Chamber and claim the bill is impaired for lack of public accountability after attempting, unsuccessfully, to kill off the bill in the Legislative Council. Having lost their argument in the upper House, they want to try to hobble the bill in this Chamber. They want to tie things up in red tape to prevent the police from doing the job the Government expects them to do. That they tried to see an end to DNA laws in New South Wales will weigh heavily for years to come on members opposite. I thank those members of the upper House who voted against the careless purpose of the Opposition, and I thank those honourable members who supported the Government and, in supporting the Government, the New South Wales Police Service.

Mr HARTCHER (Gosford) [10.26 a.m.]: I extend to members of the Legislative Council who supported a proper review of this proposed legislation our appreciation too. It was not our amendment, of course. It was an amendment moved by the Hon. R. S. L. Jones, but it was a sensible amendment because it sought to ensure a proper review of what is quite important legislation. The Coalition believes that in many respects the bill does not go far enough; that the Government made concessions to its left wing. The honourable member for Bulli knows all about the left wing.

Mr McManus: You have the wrong seat, my friend.

Mr HARTCHER: The honourable member will not have any electorate after the next election. The Opposition wants to ensure that this bill is enacted and that the legislation will be subject to a proper review—not to review that the Government can ignore. The only person who has the power to conduct a proper review is the Ombudsman, and we want the Ombudsman's powers to be extended appropriately to enable the Ombudsman

to conduct a full review of the Act and not a merely a review confined, as the Government seeks, to the operation of the Act. The Leader of the House will not debate that point, because he knows there is a big distinction between the Act itself and its operation.

As I said in my speech at the second reading stage of the bill, DNA testing will be a major tool for the fighting of crime in New South Wales. It will be of great importance to the police, just as fingerprinting was when it was introduced in the late nineteenth century. The whole framework that the Government has introduced is new; no such framework has been introduced before. We are keen to see whatever framework is adopted is the most effective to ensure that crime is brought under control in this State. We are not wedded to the Government's framework. No-one could be wedded to the series of compromises that the Government's framework offers.

The Opposition is committed to making DNA testing work and we will make it work even if the Government is not interested in making it work, because we want crime in this State brought under control; we want crime statistics brought down. If the Minister is genuine about crime prevention, he would have granted leave this morning to bring on debate on the Crimes Sentencing Procedure Amendment (Life Sentence Confirmation) Bill. But he refused that leave because he does not care whether Baker is released from gaol. He is doing nothing to keep Baker behind bars. As far as he is concerned, Baker can walk free tomorrow. There is only one way to stop that man walking: legislation must be introduced in this Parliament—

Mr Greene: Point of order—

Mr HARTCHER: —and allowed to pass through all stages today.

Mr Greene: I withdraw the point of order.

Mr HARTCHER: The honourable member for Georges River wanted to stop me making a point about Mr Baker. The honourable member is one of those who would see Allan Baker walk free. I am glad that his actions are on the record so that the local media in his electorate will know about his position on these issues. I am sure that that will go down well in Georges River.

The TEMPORARY CHAIRMAN (Mr Price): Order! The honourable member for Gosford should address his remarks to the matter before the Committee.

Mr HARTCHER: Returning to the amendment, the only way to have a system that works in this State is to ensure that the Parliament is actively involved in reviewing not just its operation but the whole system. The Government is not prepared to allow the Parliament to strengthen the Act if necessary. It wants to cast in stone the elaborate system of procedures that it set up, which are basically concessions to the left wing of the Labor Party. We intend to make this an issue between now and 2003. Let the record show how many left-wing members are in the Chamber this morning in order to keep the Minister honest. We support DNA testing. It will work, but only under a Coalition government.

Mr WHELAN (Strathfield—Minister for Police) [10.31 a.m.]: I reiterate what I said earlier: there will be a Supreme Court redetermination hearing tomorrow in relation to Crump and Baker and the Government has been advised that there is a real risk of those proceedings being prejudiced by this amendment. The Opposition can put the amendment to the House at some time in the future, but not today. The Government will not stand in the way of the Opposition.

Mr Hazzard: Table your advice.

The TEMPORARY CHAIRMAN: Order! The honourable member for Wakehurst will remain silent. If he wishes to speak in the debate, he may seek the call.

Mr WHELAN: It is extremely ill-advised and very dangerous for the Opposition to act today. That is why this amendment cannot proceed. The Supreme Court hearing is not a parole hearing, as the Opposition implies, but a hearing to determine if and when Baker could apply for parole. I repeat: it is ill-advised and exceptionally dangerous to consider this matter today.

Question—That the amendment to Legislative Council amendment No. 1 be agreed to—put.

The Committee divided.

Ayes, 34

Mr Armstrong
Mr Barr
Mr Brogden
Mrs Chikarovski
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mr Humpherson
Dr Kernohan

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

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr R. W. Turner
Mr Webb

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

Noes, 44

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 Face
Mr Gaudry
Mr Greene

Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Iemma
Mrs Lo Po'
Mr Lynch
Mr Markham
Mr McBride
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
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 Whelan
Mr Windsor
Mr Woods
Mr Yeadon

Tellers,
Mr Anderson
Mr Thompson

Pairs

Mr Collins
Mr J. H. Turner

Mr Knight
Mr Moss

Question resolved in the negative.

Amendment to Legislative Council's amendment No. 1 negatived.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

DAIRY INDUSTRY BILL

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

MR SPEAKER

The Legislative Council has considered the Legislative Assembly's Message, dated Thursday 22 June 2000, relating to the Dairy Industry Bill, and insists on its amendments Nos 1 to 7 disagreed to by the Assembly in the Bill.

Legislative Council
23 June 2000

MEREDITH BURGMANN
President

BUSINESS OF THE HOUSE

Legislative Council's Message: Suspension of Standing and Sessional Orders

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.45 a.m.]: I move:

That standing and sessional orders be suspended to permit the consideration in Committee of the Whole of a motion in relation to the Dairy Industry Bill, "That the Legislative Assembly insists on its disagreement a second time to Legislative Council amendments".

Mr HARTCHER (Gosford) [10.45 p.m.]: I indicate that the Opposition is prepared to debate the dairy industry at any time. We support the amendments, and the Leader of the National Party will make that clear. I indicate also that an important matter must be dealt with by the House today: that is, the question of whether Mr Baker is allowed to walk free. Whether Mr Baker is allowed to walk free should be the real issue before the House this day.

Mr SPEAKER: Order! The bill which the Opposition sought leave to introduce earlier today is not before the Chair. The honourable member for Gosford should confine his remarks to the motion moved by the Minister for Agriculture.

Mr HARTCHER: The time of this House should not be taken up with matters that should be dealt with later today. The time of this House should be taken up with debating whether Mr Baker should walk free or not. We propose that the Crime Sentencing Procedure Amendment (Life Sentence Confirmation) Bill be debated, because whether that killer goes free or not is the main issue among the people of New South Wales. That matter should be decided today.

Mr SPEAKER: Order! I will direct the honourable member for Gosford to resume his seat if he continues to flout the ruling of the Chair.

Mr HARTCHER: I indicate that the Opposition does not oppose the motion moved by the Minister for Agriculture to suspend standing and sessional orders. However, we expect the main issue—which is whether Baker should walk free or stay in gaol—to be debated this day.

Motion agreed to.

DAIRY INDUSTRY BILL

In Committee

Consideration of Legislative Council's message of 23 June.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [10.47 a.m.]: I move:

That the Committee insists on its disagreement a second time to Legislative Council amendments.

The amendments are rejected for the following reasons:

- There are inconsistencies between the Opposition amendments and the commitments given by industry and the Federal Government.
- In the absence of specific guidelines no estimate is available of the cost of the amendments.
- There is a major conflict of interest between the composition of the committee determining payments to dairy farmers and industry recipients.
- The amendments include payment to co-operatives for debts arising from management practices that are not related to the deregulation of the industry.
- Because the committee can determine payments to dairy farmers without guidelines and no appeal mechanism, the committee has the power to continually embarrass the Government by recommending inappropriate payments.

I shall bring honourable members up to date with what is happening with the dairy deregulation process around Australia. In New South Wales we are gearing up for the continuation of a regulated system from 1 July, and I shall give details about that in a moment. Since we last debated this motion all States have legislated to deregulate their dairy industries, admittedly reluctantly, and in Western Australia with some conditions that I will read out later. The main State involved in dairy deregulation is Victoria. Any suggestion that it may be able to defer its decision to deregulate has been voided, once and for all, because the Victorian Houses of Parliament passed the legislation and proclaimed it this week.

The reality is that on 1 July we will have a national deregulated dairy industry with the exception of New South Wales if the Opposition insists on its amendments. New South Wales alone will compete nationally with the regulated system as far as the farm gate prices are concerned. This is not an issue for New South Wales alone, it is a national issue. All governments and dairy farmers are firmly focused on this State. The die has been cast; there is no denying the reality of deregulation. With Victoria deregulating from Saturday 1 July, the rest of the country has to fall into line for obvious economic reasons in the interests of the dairy industry. This is not something we have a choice in; this is something we simply have to do. If we do not deregulate we are risking access to the largest agricultural adjustment package in Australia's history.

I repeat: the \$1.7 billion package is being funded by a levy of 11¢ a litre on retail milk prices over the next eight years. New South Wales dairy farmers will get about \$335 million of that package and consumers will pay out \$506 million towards it. Let me make it clear: the Federal levy of 8¢ a litre will come into effect on 8 July whether we deregulate or not—I hope the Opposition understands that. The Federal Government claims that that is because it needs to recoup its costs in setting up the system. But it seems sad that if the levy is in place our farmers cannot reap the benefits of it, unless there is a contradictory statement by the Federal Agriculture Minister, Mr Warren Truss. Honourable members should also bear in mind that following Victoria's proclamation, cheap milk can flow across the border into New South Wales from next week, depending on the prices paid to dairy farmers in this State—and that could be as early as Saturday.

Therefore, it is vital that we generate some sense into this debate today and that the Opposition agrees to the Government's bill to enable deregulation to go ahead in this State. That is the only way our dairy farmers can be assured of their share of the \$1.7 billion adjustment package. That package is extremely important to them and all honourable members have received mail on this subject. I am concerned that whatever happens in this House we do not jeopardise that package. The dairy farmers want us to stop playing politics and get on with the job of securing their funds. I urge the Opposition to do just that. All other States have now agreed to deregulate their industries. Western Australia went through that process on Tuesday.

The Western Australian Labor Opposition originally opposed deregulation but, confronted with the realities, it changed its position. The Western Australian Legislative Council voted for deregulation. Following public comments and speeches in Parliament it realised the situation. The Federal Minister wrote to the Western Australian Opposition assuring it of future consultation and at the end of the day its members swallowed their pride and allowed the bill to go through. They decided not to play politics with the livelihood of the dairy farmers in their State. However, the Western Australian Labor Opposition in its Legislative Council insisted on three amendments when it did a turnabout. One was that the tax windfall to the Commonwealth, resulting from the adjustment package, be returned to the States for regional restructuring work.

The second amendment was that the Government work with other States and the Australian Competition and Consumer Commission to ensure that no misuse of market power would occur at the expense of producers and consumers. The third amendment was that the Government work with the Opposition to establish a task force to examine and report on the Western Australian dairy industry and recommend ways to ensure its long-term future. I note that the Independents in this House have publicly stated that they will now support the Government's Dairy Industry Bill, and I applaud them for that. They strongly and consistently opposed the bill; they were not at sixes and sevens like the National Party. Today in a press release the honourable member for Dubbo said that he realises the importance of securing the industry adjustment package and understands that the bill is the only way to do that. I understand that the honourable member for Northern Tablelands and the honourable member for Tamworth have thrown their support behind this bill.

Mr Windsor: No, that is wrong.

Mr AMERY: Not the honourable member for Tamworth, I am sorry. I welcome that stance and I hope that the Opposition will see sense and move that way also. What will happen if the Opposition in the Legislative Council again rejects the bill? We cannot leave it to a what if situation; because we have reached the deadline

for the publication of tomorrow's *Government Gazette*. During the past week or so we have been negotiating with what was known as the Dairy Corporation—now known as the Dairy Division of Safe Food—which has the regulatory power to set prices in New South Wales, as it has done for many years. It has gone through the normal annual process of setting farm gate prices. A couple of times a year there is a review process at which it recommends a price which is then set by the Dairy Division.

Today, following discussions with the dairy industry, farm gate prices will be set from 1 July and published in tomorrow's *Government Gazette* at 40¢ per litre. That is made up of 37.4¢ per litre to the farmer, 0.5¢ per litre to the farmer for quality, and between 2.5¢ and 3¢ for freight or transport costs. I understand that the worst case scenario is 5¢ in the Riverina, subject to a couple of points, which will bring down the real price paid to Riverina farmers to 32.9¢. Also there is a 1¢ factor which goes to various factories and 1.1¢ goes to the Dairy Division of Safe Food for the administration of the regulated system. To make sure that no-one is caught out and in anticipation that the legislation may not go through, we have put in place mechanisms under which we can continue with a regulated system from 1 July, as indicated publicly by me as far back as April. I did that also to make sure that dairy farmers are not caught out by this grandstanding by the National Party. I was concerned that if we did not have deregulation by 1 July our dairy farmers would be required to be paid 53¢ or 54¢ per litre, whatever the latest margin is.

Of course, in the next 24 to 48 hours the market price for milk from Victoria will be the most competitive price paid to dairy farmers in Australia. Basically it will be the price paid to the Victorian dairy farmers, plus freight costs to deliver to any part of Australia. That could be 5¢ or 6¢ to Sydney, a few more cents to the North Coast, and even more for longer distances. That is why I announced today the farm gate price that has been negotiated with the dairy industry in accordance with the regulations that have been in place for some time. The honourable member for Dubbo indicated in his press release that he had had a change of heart and would like the Government to consider all other forms of assistance to farmers in a post-deregulated market. That is what the Dairy Farmers Association has said.

I have often said that a number of assistance packages in which the State Government, the Federal Government or both Governments are jointly involved are available to farmers in agricultural industries. For example, the Rural Assistance Authority provides information about access to low interest loans that are available from time to time. There are water efficiency grants. There is financial counselling, which is part of the Dairy Do It! program that I have announced to the House. There is also, of course, exceptional circumstances assistance, applications for which have been lodged on behalf of the chicken growers at Mangrove Mountain and the sheep producers affected by ovine Johne's disease. As the debate in this House a couple of weeks ago revealed, the results of those applications may not yet be known, but there is a full range of other assistance packages that may apply.

The reasons why the Government will not go down the path suggested in the amendments are set out in *Hansard*. Any restructuring of an agricultural industry involves either a State-funded system or an industry-funded system. A good example is the honourable member for Cessnock, who was a milk vendor. When the Leader of the National Party and a number of others opposite were members of the previous Cabinet, they started deregulation from the farm gate out. The real losers were the milk vendors, who lost their access to regulated zones. In other words, a milk vendor was required by legislation to be the only distributor in a particular zone. A system was set up within the industry, an industry-funded system, which bought out the regulated system. This is the Coalition policy. The milk vendors sold out their regulated industry, and then those who wanted to buy back into an unregulated market could do so at a much lower price, or they could use the money to buy into companies set up within the Dairy Corporation and leave. Where did the money come from for that?

[Interruption]

The honourable member for Lismore interjects. I ask him the question: Where did the money come from for that buy-out and sell-out? It was not a State-funded system; it came from within the industry. There was no Federal assistance package funded from the milk levy to assist the milk vendors; there was no assistance package like the dairy farmers will receive. The milk vendors could seriously argue that they were discriminated against when they compare what happened to them with the package now being offered. However, they are not saying that. The former Coalition Government never proposed for one moment that there would be a Federal levy on milk margins to assist milk vendors or that there would not be any State-funded component to the milk vendors. The mechanics of the two schemes are basically the same.

I have highlighted the National Party amendment on other occasions in this State but let me remind the House about the amendment moved by the Leader of the National Party. It is suggested that the proposed committee should comprise six people, four of whom are to be dairy farmers—one each from the North Coast, the mid North Coast, the South Coast and inland New South Wales. There are provisions for fundamental financial accountability and scrutiny by the Auditor-General and the Independent Commission Against Corruption. The Coalition wants to set up a committee of six, dominated by four dairy farmers, who will be allocated an unspecified amount of money. It could be \$10, it could be \$10 billion; no amount of money is specified in the amendment.

It is proposed that the committee will be given an unspecified amount of money to pay to anyone whom it considers fit. There is no role for the Minister, and the only appeal is on a point of law to the Supreme Court. In other words, there is no appeal against the decisions and determinations of the committee. That is simply Luna economics. The former minister for Luna Park, who lost us \$50 million, is the champion of this amendment. This is a similar sort of strategy. He lost us \$50 million on Luna Park and he now wants to do the same again. The Government asks the House to again reject the amendments. I thank at least some of the members on the crossbenches who have decided, as the Western Australian Opposition has, to change their minds and to put the interests of the dairy farmers ahead of some of the principles they hold in relation to a deregulated dairy industry. I will ask the crossbenchers in the Legislative Council to do likewise. It is probably too late to ask the Nationals to use some reason in this regard.

However, if this morning's situation remains, the regulations will be set in place to continue with a regulated system for the foreseeable future. Dairy farmers should shortly be aware, through their industry representatives and through the *Government Gazette*, of the margins that will take effect in New South Wales from 1 July. It is extremely important that our dairy farmers and the dairy industry are not caught with an overpriced product when the Victorian industry commences an aggressive strategy of marketing its product in other States. That will probably not happen as early as Saturday, but it will certainly happen in the months and years ahead. With those comments I ask the Committee to support the motion to disagree with the Legislative Council amendments.

Mr Rozzoli: Point of order: As I understand Standing Order 248, three courses of action are open to the Legislative Assembly if it rejects amendments insisted upon by the Legislative Council. First, it can agree to the amendments to which it had previously disagreed; second, it can insist on its disagreement to such amendments and lay the bill aside; and third, it can request a conference. From a literal reading of the standing order, it does not appear that the Legislative Assembly has the opportunity to reject the amendments a second time. I ask you to clarify the position.

Mr TEMPORARY CHAIRMAN (Mr Price): Order! Standing and sessional orders were suspended to allow the House to deal with the matter in this way. In those circumstances the present procedure is acceptable.

Mr SOURIS (Upper Hunter—Leader of the National Party) [11.07 a.m.]: I foreshadow that at the conclusion of my remarks I will move an amendment relating to the convening of a conference of managers of both Houses. The debate thus far has been characterised by a complete and utter reluctance on the part of the Government to participate in any form of meaningful discussion across the floor of this Chamber or, indeed, with anyone in this Chamber or outside this Chamber, including members of the public, members of the representative associations, and members on the crossbenches in the other place. I may stand corrected, but my understanding from conversations with crossbench members is that since last week the Government has made hardly any effort to discuss any form of arrangement with those on the upper House crossbench to elicit their point of view.

One must question the bona fides of the Government when it persists with that attitude, which is completely impervious to any form of argument. The Government's attitude transcends the level of responsibility ascribed to the government of the day for an industry which is regulated by the State Government but which the Government seeks to deregulate. Undoubtedly, the Government must exercise a greater degree of responsibility than it is presently displaying. The attitude of the Carr Government is somewhat incomprehensible.

There has been a complete stonewalling on this issue, even though the State Government understands clearly the short-term impacts of deregulation and the probable subsequent impacts on pricing that have become apparent since last month. For this Government to maintain its position despite the emergence of a pricing

regime is an abnegation of its responsibility and its duty of care to the industry, namely, to regulate in the best interests of the industry and the community generally. After all, the dairy industry is a great agricultural industry which has served consumers, this State and this nation very well. There has never been a problem associated with the quality of milk in New South Wales, and there has been no issue pertaining to the industry's general operation or the marketing of milk products. The Government ought to show a greater sense of responsibility for the outcomes of deregulation as they will impact on the general community, particularly the townships, villages and the people who are dependent upon the dairy industry.

By maintaining its position, the Government ignores the fundamental principle of Westminster democracy, namely, bicameralism. One House of Parliament has indicated its views, yet those views are being ignored by the other House, and that will ultimately lead to an impasse. The Government is happily plunging towards that impasse while risking all other outcomes and without taking any notice whatsoever of the views of the Opposition or the upper House. The upper House has offered a measure of support which is designed to assist more dairy farmers to survive and participate in the industry than would otherwise be the case. The Opposition is ready to enter into discussions with the Government at any time to resolve differences or discuss any points, but the Government cannot understand or accept that.

The Minister has explained the reasons why the Government opposes the amendments that have been passed by the Legislative Council. Essentially, the Government's objections are twofold. The first is the composition of the committee and the second is the cost associated with accepting the upper House amendments. I reiterate that the Government has not at any time sought to discuss with the Opposition the aspects of the upper House amendments to which the Government takes objection. There has been no discussion, let alone negotiation, of the composition of the committee or the costs of acceding to the amendments, and there has been no discussion of the way in which the Legislative Council amendment would operate or of the various powers of the committee. There has been no discussion whatsoever other than the banter that has been recorded in *Hansard*. One wonders about the bona fides of the Government.

Mr Slack-Smith: And its sincerity.

Mr SOURIS: Indeed, the sincerity of the Government is completely in doubt, particularly against the background of its passing a bill providing \$140 million as a contingency allocation for the Olympics. That allocation is in stark contrast to its attitude to the dairy industry deregulation package. The Government is completely opposed to assisting the dairy industry in New South Wales. The division will show that the Labor Party and its Country Labor faction have undoubtedly voted against providing assistance for the dairy industry. That is what the amendments passed by the upper House and my foreshadowed amendment are about.

I state again for the record that the Government has before it a bill which fulfils its stated desires. The bill has not been rejected in the upper House and it has not failed to reach the upper House. The bill has been passed by the upper House and the amendments contain an additional measure of assistance for the New South Wales dairy industry. The Government has stated that it takes objection to some aspects of the Legislative Council's amendments, but the Government has never for a moment sought to discuss or negotiate those differences with the Opposition. I repeat that the Opposition is ready to participate in any form of discussion with the Government, provided that the Government makes a bona fide attempt to consider all aspects of the Legislative Council's amendments that the Minister raised a short time ago.

It is also regrettable that although the Minister acknowledges the significant impact and hardship which result from the Government's rejection of the upper House amendments, he relies completely on the hardship provisions of the Rural Assistance Authority loans mechanism, financial counselling—that will be really useful—and other forms of exceptional circumstance assistance involving jurisdictions outside the State. Those measures hardly offer any hope or assistance to the industry. In spite of the Government's assertions that these measures will take care of the outcomes and impacts of deregulation, its efforts denigrate an industry for which the Government should take responsibility.

The Minister also relied on the furphy of citing the deregulation of other activities and used milk vending as an example. That has absolutely nothing to do with this bill or with the amendments that have been passed by the Legislative Council. If any precedent is necessary, one need only recall the way in which the Government, at the behest of the unions, assisted the employees of the timber industry during deregulation. If an additional precedent is necessary, I cite the assistance rendered by the former Government to the egg industry, which ought not to be completely discounted. The deregulation of the milk vending system was supported by the former Labor Opposition. The shadow Minister, Bob Martin, made the speech to which I have referred previously and clearly indicated that in response to industry requirements and requests, the then Labor Opposition supported deregulation of the milk vending system.

The central aspect of this debate is the fate of the Federal Government's financial assistance package. At the risk of stating the obvious, the Minister and the Government know that irrespective of the outcome of the present process or the result of subsequent processes in the other place, the financial package will not be lost. The collection of the levy will commence on 6 July. According to Federal legislation, the Federal Minister will be required to declare the status of the Federal Act and to declare the future of the levy collections and payments during the period between now and 3 October. The real deadline is not today during consideration of this bill. Rather, the real deadline is 3 October. The outcome of the financial assistance offered by the Federal Government will be the prevailing competitive environment that will emerge following deregulation and during the period leading up to 3 October.

There is no uncertainty associated with those facts. It is absolutely clear that collection of the levy will commence on 6 July and that on 3 October the Federal Minister will conclude the process and the disbursement of assistance. The level of certainty associated with this process of deregulation rests in the hands of the State Government. The Government has within its power, even at this late stage, the opportunity of discussing workable outcomes with the Opposition. I reiterate that the plight of the industry is determined by, and awaits the genuineness of, the Government's position on this matter.

The plight of farmers after industry-based deregulation does not need restating, so I will summarise it only briefly. It is anticipated that on the North Coast and the South Coast and in the Hunter Valley and various other areas of the State a considerable number of farmers, which is predicted to be in the order of 33 per cent, or as much as 50 per cent, will exit from the industry. That will have significant, highly deleterious outcomes and impacts on communities associated with the decentralised, labour-intensive dairy industry. Deregulation will have a direct multiplier economic impact on those communities. Unlike other industries, the dairy industry spends a vast proportion of its expenditure locally and, therefore, creates further employment outside the farm gate, apart from the employment it creates within the farm gate. The amendments passed by the Legislative Council are about the survival of the proud and great dairy industry in New South Wales. They are amendments that the Opposition must support in the industry's most terrible time of need. I move:

- (1) That the question be amended by leaving out all words after "That " with a view to inserting instead, "the amendments be referred to a conference of managers of both Houses to report this day".
- (2) That the Assembly managers be:

Mr Whelan	Leader of the House
Mr Amery	Minister for Agriculture
Mr Souris	Leader of the National Party
Mr Stoner	Member for Oxley
Mr Smith	Member for Bega
Mr Price	Member for Maitland
Mr Woods	Minister for Local Government
Mr Hickey	Member for Cessnock
Dr Kernohan	Member for Camden
Mr Fraser	Member for Coffs Harbour

Mr WINDSOR (Tamworth) [11.21 a.m.]: I will support the amendment moved by the Leader of the National Party but not for the reasons he outlined. There is a degree of hypocrisy in relation to these amendments passed by the upper House. It is claimed that they will delay the destruction of the dairy industry in this State, but I do not believe that will happen. The amendments that were passed in the upper House do not identify any financial numbers that could be applied to the dairy industry. In a sense it is a political attempt to show concern for dairy farmers. The bill will essentially lead to the destruction of most of the dairy industry in New South Wales. I support the amendments because of some comments made by the Minister for Agriculture during the past week. The Minister verbalised me when he said that those on the crossbench in the lower House had changed their minds about their vote since the last occasion the bill was before this House. I definitely will not change my vote on the amendment. I support the amendment because the Minister said publicly that if the amendment is accepted he may pull the bill.

I urge the Minister to consider pulling the bill because what will happen to the dairy industry requires a re-think both at State and Federal level. Given the arrangements of this package, there is absolutely no doubt that the industry has a knife at its throat. The question was not whether the dairy industry wanted deregulation. The question, within the framework of section 92 of the Federal Constitution—the capacity for free-trade, and the demise of care and arrangements—was whether the industry would accept a consumer-funded financial package. If it did it would have to accept deregulation within the States that have been nominated. The question whether the industry wanted deregulation if there was another way to come to grips with the issue has not been asked either at the Federal or State level.

I have no doubt that Victoria is driving deregulation, but at some stage in the next decade New Zealand will wipe out the Victorians. The value of the dairy industry to Australia is something like \$2 billion. I stand to be corrected but it is certainly a great deal of money. If we go down the path of deregulation the dairy industry will be wiped out in New South Wales and eventually in Victoria. In the past few weeks I have received many calls and letters from farmers in Victoria, Western Australia and New South Wales, as I am sure the Minister and other honourable members have, telling me that not all Victorian farmers are in favour of deregulation. The industry still has not been asked whether it wants deregulation. I suggest to all honourable members that they support the amendment, one of the most hypocritical amendments that have ever come to this Parliament.

Mr Souris: Don't support it!

Mr WINDSOR: I will support it. If the Minister follows through with his threat to withdraw the bill, that will probably also stop the Leader of the National Party supporting it. The Leader of the National Party made an important point a moment ago when he said that the time leading up to 3 October is when change can be made. I encourage this Parliament to show leadership in this debate. I know that the Minister, the Government and members of the Opposition do not agree with deregulation but everyone will vote for it. During the period between now and 3 October this matter could be sent back to the Federal and State spheres for further consideration. The industry should be asked whether it wants deregulation. I realise there are enormous difficulties in relation to this bill. The Minister and the industry are wrestling with the matter, as am I.

The events of the past three weeks has highlighted the enormity of the change not only to the New South Wales industry but to the Australian industry as a whole. Many dairy farmers have realised that they will be put out of business, consumers will be no better off, the internationally controlled processors will move into the industry and the dairy farmers nationally will be no better off. It begs the question why we are deregulating. We understand we are doing it because of section 92 of the Constitution and the removal of the Kerin plan. Until 3 October this State can show leadership and enter into negotiations in an effort to maintain the industry within this State and, hopefully, within this nation.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [11.28 a.m.]: The Leader of the National Party seems to be trying to portray himself as someone reasonable with whom one could conduct discussions and negotiations. I am pleased that a couple of National Party members are sitting behind me now on the Government back bench. The Leader of the National Party said that he would like to negotiate, that the Government has not been talking to the Opposition. In the lead-up to the March Agricultural Resource Management Council of Australia and New Zealand [ARMCANZ] meeting I sat at a table with members and Ministers from the National Party, the Liberal Party and the Australian Labor Party from all around Australia to discuss the agreement on the dairy industry. We did not go there to deregulate. The Queenslanders wanted to push for more regional assistance. We supported them and they supported us. There was a great deal of discussion going on.

We all swallowed the bitter pill at ARMCANZ. The Victorian Minister, Keith Hamilton, asked, "Are we deregulating or not?" We had to say, "We will go with this agreement." Not long after that the Leader of the National Party put out a press release saying that the Government was putting together an assistance package. Before ARMCANZ, were there any approaches to the Government, which was negotiating with all the other governments, about another assistance package? Before the Opposition whipped out its press release saying it would move motions in the House for State Government assistance packages, were there any approaches to the Government to talk the issues through? Of course there were not. The Opposition has been playing the political game all along—just like the political game it has played this morning—to have this House believe that the Opposition somehow is reasonable and wishes to discuss the matter.

Did the Government talk to the Opposition? The answer I give to the Leader of the National Party is yes. When this matter went to the Legislative Council first we had floating around an alternative amendment that more or less brought together all the other packages that I spoke about half an hour ago. The Hon. Duncan Gay, the Deputy Leader of the Opposition and Leader of The National Party in the Legislative Council, and the Leader of the Government in that place, Treasurer Michael Egan, had detailed discussions, as did staff from my office have discussions about it, and it was very clear that the attitude of the National Party was that there was no deal, no discussion. Of course, it has a different attitude today. But that was its attitude in the Legislative Council. So much for the airy-fairy statements of the Leader of the National Party that the Government will not discuss the matter.

The Leader of the National Party made comments about Olympic funding. Quite frankly, the Opposition theme has been: Why does the Government put money into the Olympics but not provide funding

for this or that? Why did the Government give money to build the Blacktown hospital when it will not give dairy farmers any money? Why, when the Government has built a highway, will it not give the dairy farmers any money? That argument is spurious. But let me make one point in response to what the Leader of the National Party said about the Olympics.

If they hate the Olympics as much as they do, and if they say the Olympics should not be funded to the extent that they are, why, when the Nationals were in government, did they put up their hands when the International Olympic Committee was seeking bids from cities to stage the Olympics? Why did the Nationals bid for the Olympics if they hate the Olympics so much? If they do not want the Olympics funded, why did they vote for the Olympics? I steal a line from the honourable member for Tamworth: hypocrisy again! The Coalition put in the bid for the Olympics, and was successful in that bid. This Labor Government of the day is funding the staging of those Olympics.

The Leader of the National Party said, "We are opposing assistance." He urged crossbenchers and Country Labor to oppose assistance. Virtually everything I have said in this Chamber has been about providing assistance. Firstly, this legislation—unlike the forestry and egg industry legislation—facilitates the biggest assistance package ever offered to the farming sector. We know what Warren Truss said would happen without the assistance package. The Government has offered a three-tiered level of funding and counselling. Governments, State and Federal, have a range of other packages that we could look at. The whole idea of this legislation is to facilitate an industry restructure package the size of which has not been seen in this country's history. So let us put those selective arguments of the Leader of the National Party to rest.

The Government at this stage opposes the amendment that would set up a dual conference. At some stage there may be an opportunity for us to go through the process of a committee meeting with Legislative Council members along similar lines. However, the Legislative Council has a last opportunity to either bring on the debate or reconsider its position based on the information that I gave in this Chamber a while ago, that is, based not on rhetoric and discussion about what might happen, but on the reality of what has happened in the past three or four days. I ask the Legislative Council to realise that, whether New South Wales has a regulated system or not—and it is very likely that the industry will have a regulated system next week—it will be facing not the threat of a deregulated Victorian industry but a Victorian industry that has actually been deregulated. That was proclaimed only this week.

Generally speaking, we will have a regulated system, in accordance with the wishes of the National Party. Bear in mind that every member of the National Party stood in this Chamber and said, "I oppose this bill." So, basically speaking, they want a regulated system in place. It appears that they will get their wish. The deregulated system will be in place next week. We seem to be going around in circles in this debate, with some points being raised by National Party members again and again. It may very well be that members of this Chamber and members of the upper House may have to meet in a conference system to discuss this process. But, because of what has happened in Western Australia, Victoria, Queensland, South Australia and Tasmania, the Legislative Council should take this opportunity to put the legislation through, as proposed by the Government one more time, before we move to the deadlock-breaking process of joint conferences, or new bills, or the like. With those few comments, I would urge the Committee to accept the original proposition put forward by the Government and to reject the amendment moved by the National Party.

Mr STONER (Oxley) [11.37 a.m.]: The amendment before the Committee has been made twice by the upper House. Members from all sides of politics, with the exception of the Labor Party, debated and supported the amendment. The Greens, the Democrats, One Nation, the Christian Democratic Party, the Independents—you name them, they were in favour of this amendment, because it is a good amendment. Of course, under our system of government, the upper House has equal standing in this Parliament. That House has passed this amendment twice. But in this Chamber the Government uses its numbers to determine the outcome.

Mr THOMPSON (Rockdale) [11.38 a.m.]: I move:

That the question be now put.

The Committee divided.

Ayes, 42

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 Face
Mr Gaudry

Mr Greene
Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Iemma
Mrs Lo Po'
Mr Lynch
Mr McBride
Mr McManus
Mr Markham
Ms Meagher
Ms Megarrity
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 Whelan
Mr Woods
Mr Yeadon

Tellers,
Mr Anderson
Mr Thompson

Noes, 36

Mr Armstrong
Mr Barr
Mr Brogden
Mrs Chikarovski
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mr Humpherson
Dr Kernohan

Mr Kerr
Mr Maguire
Mr McGrane
Ms Moore
Mr O'Doherty
Mr O'Farrell
Mr Oakeshott
Mr D. L. Page
Mr Piccoli
Mr Richardson
Mr Rozzoli
Ms Seaton
Mrs Skinner

Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr R. W. Turner
Mr Webb
Mr Windsor

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

Pairs

Mr Knight
Mr Moss

Mr Merton
Mr J. H. Turner

Question resolved in the affirmative.

Question—That the words stand—put.

The Committee divided.

Ayes, 46

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

Mr Greene
Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Iemma
Mrs Lo Po'
Mr Lynch
Mr Markham
Mr McBride
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
Ms Moore
Mr Nagle
Mr Newell

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

Tellers,
Mr Anderson
Mr Thompson

Noes, 32

Mr Brogden
Mrs Chikarovski
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mr Humpherson
Dr Kernohan

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

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr R. W. Turner
Mr Webb
Mr Windsor
Tellers
Mr Fraser
Mr R. H. L. Smith

Pairs

Mr Knight
Mr Moss

Mr Armstrong
Mr J. H. Turner

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

The Committee divided.

Ayes, 46

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

Mr Greene
Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Iemma
Mrs Lo Po'
Mr Lynch
Mr Markham
Mr McBride
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
Ms Moore
Mr Nagle
Mr Newell

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

Tellers,
Mr Anderson
Mr Thompson

Noes, 32

Mr Brogden
Mrs Chikarovski
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mr Humpherson
Dr Kernohan

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

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr R. W. Turner
Mr Windsor
Mr Webb
Tellers,
Mr Fraser
Mr R. H. L. Smith

Pairs

Mr Knight
Mr Moss

Mr Armstrong
Mr J. H. Turner

Question resolved in the affirmative.

Motion agreed to.

Resolution reported from Committee.

Adoption of Report

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

That the report be now adopted.

The House divided.

Ayes, 52

Ms Allen
Mr Amery
Ms Andrews
Mr Aquilina
Mr Ashton
Mr Barr
Mr Bartlett
Ms Beamer
Mr Black
Mr Brown
Miss Burton
Mr Campbell
Mr Carr
Mr Collier
Mr Crittenden
Mr Debus
Mr Face
Mr Gaudry

Mr Gibson
Mr Greene
Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Iemma
Mr Knowles
Mrs Lo Po'
Mr Lynch
Mr Markham
Mr McBride
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
Ms Moore
Mr Nagle
Mr Newell

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

Tellers,
Mr Anderson
Mr Thompson

Noes, 32

Mr Brogden
Mrs Chikarovski
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mr Humpherson
Dr Kernohan

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

Mrs Skinner
Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr R. W. Turner
Mr Webb
Mr Windsor
Tellers,
Mr Fraser
Mr R. H. L. Smith

Pairs

Mr Knight
Mr Moss

Mr Armstrong
Mr J. H. Turner

Question resolved in the affirmative.

Motion agreed to.**Report adopted.****Motion by Mr Amery agreed to:**

That the following message be sent to the Legislative Council:

MADAM PRESIDENT

The Legislative Assembly has considered the Legislative Council's message dated 23 June 2000 insisting on its amendments to the Dairy Industry Bill to which the Assembly has disagreed.

The Legislative Assembly informs the Legislative Council that the Assembly insists on its disagreement to such amendments a second time because:

There are inconsistencies between the Opposition amendments and the commitments given by industry and the Federal Government.

In the absence of specific guidelines no estimate is available of the cost of the amendments.

There is a major conflict of interest between the composition of the committee determining payments to dairy farmers and industry recipients.

The amendments include payment to co-operatives for debts arising from management practices that are not related to the deregulation of the industry.

Because the committee can determine payments to dairy farmers without guidelines and no appeal mechanism, the committee has the power to continually embarrass the Government by recommending inappropriate payments.

Legislative Assembly
29 June 2000

JOHN MURRAY
Speaker

BUSINESS OF THE HOUSE**Routine of Business: Suspension of Standing and Sessional Orders****Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to allow question time to proceed forthwith followed by the remainder of the routine of business and for private members' statements to commence at 4.15 p.m.

MINISTRY

Mr CARR: The Minister for Fair Trading will be absent today. He is opening the Griffith Aquatic Leisure Centre and launching the New South Wales Wheelchair Sports Share a Chair regional program in Wagga Wagga. In the absence of the Minister, the Deputy Premier will take questions on his behalf. In the absence of the Minister for the Olympics, the Minister for Transport, and Minister for Roads will take questions on his behalf.

QUESTIONS WITHOUT NOTICE

ALLAN BAKER LIFE SENTENCE REDETERMINATION

Mrs CHIKAROVSKI: My question is directed to the Premier. Will the Premier explain to Mr Brian Morse—whose wife was tortured and murdered; he is in the public gallery today—why his Government has refused to debate or support a bill that will stop Allan Baker, Mrs Morse's killer and a man the Premier described as "pure evil", from being allowed to return to the community?

Mr CARR: Prior to question time the Opposition was briefed and shown the advice that the Government has from the Attorney General's Department. We are advised that the Opposition in the upper House very sensibly withdrew its motion after seeing that advice. I say to the Opposition again: Parliament debating a motion on this matter on the day before a Supreme Court hearing on it could have very unfortunate consequences. However, I want to say more.

Mr Hartcher: Point of order: I am advised that the motion was not withdrawn in the upper House, as stated by the Premier. The Premier has misled this House; he has not told the truth to this House.

Mr CARR: A Supreme Court hearing will be held this Friday to decide the fate of Baker. It is not a parole hearing, as the Opposition has implied in its public comments.

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

Mr CARR: Surely honourable members can treat this issue with the solemn dignity it deserves. Of course Mr Morse is distressed, and of course he is pursuing each and every option—as any one of us would. I know him; I have met him. He is a most gentle and decent man. The Government would do Mr Morse a great disservice if it were to stop the Supreme Court hearing and hold out the prospect that legislation that is simply unconstitutional would offer hope in this instance.

Mr O'Doherty: Who says?

Mr CARR: The High Court says. Let us discuss this with some sense of dignity and restraint.

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

Mr CARR: If the House can discuss anything with a proper appreciation of sensitivities, it ought to be this matter. I am advised in the strongest terms possible that much further comment just one day before a Supreme Court hearing is extremely dangerous. I am advised that that is the advice that the Opposition has been shown this morning. Because we have worked with Brian Morse over the years and we crafted legislation some years ago, I will not run the risk of commenting on Baker in a way that could have implications in the Supreme Court tomorrow. The Supreme Court must be able to make a judgment—indeed, it would insist on being able to make a judgment—without political interference. What I can say is that we have worked with Mr Morse—as he has been generous enough to acknowledge on radio—to try to overcome legal obstacles from 1974 and from 1989, problems that are presenting themselves today.

As a consequence—no doubt, an unintended consequence—of the truth in sentencing legislation, people who in distant times had "never to be released" marked on their judgments—we are talking about pre-1989 sentences—are able to apply for a determination. With the help of Brian Morse, in 1997 the Government amended the Sentencing Act to put in place additional hurdles before these "never to be released" prisoners could have their cases considered. The main hurdle is that the Supreme Court and the Parole Board now have to give serious weight to the original sentencing judge's remarks "never to be released". That will apply to the Supreme Court tomorrow. We are also extremely conscious of the Kable High Court precedent. Essentially, that means two things for State parliaments. First, State parliaments do not have the jurisdiction to punish individuals; that is the job of the courts. In our system, Parliament cannot pass such laws. The High Court made that very clear in the Kable judgments.

Mr Souris: This is totally different.

Mr CARR: I will believe the High Court before I will believe you. Second, any future State Parliament that runs Kable-style legislation runs the risk of having the High Court diminish the power of that Parliament even further.

Mr O'Doherty: It's different. Have you read it?

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

Mr CARR: To argue a case that one knows is constitutionally invalid, simply to get a run in the media, I regard as an abrogation of responsibility.

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

Mr CARR: I know that a desperate Opposition will do anything, but on this issue we stand by our action in amending the law in 1997, an amendment to which Mr Morse contributed in meetings with my staff and me. We also stand by the legal advice that, in a proper spirit, we shared with the Opposition this morning.

THREDBO LANDSLIDE INQUIRY CORONER'S REPORT

Mr BROWN: My question without notice is directed to the Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts. What is the Government's response to the Coroner's report on the Thredbo landslide?

Mr Hartcher: Point of order: Before the Minister answers this question, I indicate that the response to the Thredbo disaster should be made as a ministerial statement, thus giving the Opposition the right of reply. Under standing orders the Opposition should be given that right. Mr Speaker, I ask that you rule the question out of order as it foreshadows a ministerial statement.

Mr SPEAKER: I have no idea what the Minister will say.

Mr DEBUS: A little more than an hour ago, the Coroner brought down his findings about the Thredbo landslide. I extend my gratitude to the Coroner for his diligent and extensive inquiry. In his own words, "no stone has been left unturned" in investigation of this tragedy. In the early morning of 31 July 1997, a section of the fill embankment along the Alpine Way above Thredbo collapsed into the valley below. That terrible event took 18 lives. The impact of the disaster was such that I am sure that all honourable members of this House remember where they were when they first heard the news. It was a shock that was felt around the world. As the Minister for Emergency Services, it was my duty and my sad privilege to be at Thredbo on the morning after the disaster and on several occasions in the days that followed.

I shall never forget the bravery of the emergency service workers and other volunteers at the scene who laboured day and night in dreadful conditions while striving to clear debris and trying desperately to retrieve any survivors. They were sick at heart and horrified by much of what they found. Nor can I forget the courage and suffering of the families who maintained a vigil on the mountainside for those who were buried in the fall. The refusal of emergency services personnel to give up hope was finally vindicated, as all honourable members will recall, when Stuart Diver was carried alive from the wreckage. I am pleased to announce to the House that the Coroner has praised the rescue effort and has commented that it was expeditious and diligent. In the light of some ill-directed criticism of the rescue efforts, it is comforting that the Coroner has commended all those who were involved.

Ms Seaton: Point of order: I have been listening to the Minister's response to the question for some minutes. The content is clearly a ministerial statement. The families of those 18 people who were killed will want to have a proper response from the Opposition on this very important issue. Mr Speaker, I ask you to rule the question out of order and ask the Minister to make his statement as a ministerial statement.

Mr SPEAKER: Order! It is a matter for the Minister whether he makes a ministerial statement.

Mr DEBUS: As Coroner Hand's investigations over the past three years have made plain, the history of development at Thredbo over the past 39 years contrasts sharply with modern standards of planning, development control and engineering practice. The Alpine Way began as little more than a bush track in the 1950s. That track provided access to the temporary construction camps for workers who were employed on the Snowy Mountains scheme. Development since then in that very fragile ecosystem has often been piecemeal and very poor decisions were made. The competing interests of tourism and conservation have not always been managed well. Since the early 1990s, however, governments of both persuasions have been striving to remedy some of the deficiencies of the past, as have various private sector investors in the region. But as the tragedy of the July 1997 showed with devastating clarity, far more needed to be done.

We owe it to those who died and those who survived to take every conceivable step to ensure that people who gather to enjoy the snow and the alpine environment are protected. Since July 1997, \$50 million has been spent to upgrade the Alpine Way. A further \$11 million will be spent in the forthcoming financial year. This has been part of a wider major capital works program in which well over \$80 million has been spent in the Kosciuszko National Park, including the provision of funds for water, sewerage and other environmental programs. Today, however, is not the day to dwell on the matters of dollars and cents. I am determined to take every necessary step to continue to improve the management of the park—a process that is already well advanced. Staff with specialised skills and experience in technical planning have been recruited. Expert engineering and other technical advice has been integrated into all planning and development decisions and tight new planning controls have been put in place in consultation with the public and industries that have a stake in the resort areas.

Earlier today, the Coroner made 10 recommendations. On behalf of the Government, I can inform the House that the Government accepts all those recommendations. In particular, the Coroner has asked me to consider establishing an independent committee to assess the ability and appropriateness of the National Parks and Wildlife Service retaining responsibility for managing urban communities and road maintenance inside national parks. I informed the House that I will immediately implement this recommendation. I am seeking

urgent legal and technical advice on appropriate terms of reference and will consult with my ministerial colleagues when necessary to ensure that matters within their portfolios are also considered by that committee. I will announce the head of that committee in the very near future.

The head of the committee will have access to all necessary expertise in planning and development, local government operations and engineering and construction. The Government is determined to take all possible steps to protect public safety in the ski resorts, which are now a permanent feature of the Kosciuszko National Park. The Government is also determined to do everything necessary to prevent such an event ever occurring again. We must preserve the beauty of Kosciuszko for our children and we must preserve the safety of those who come to the area to enjoy the snow. We owe that to those 18 victims. The preservation of this fragile environment and the safety of visitors is the best and most enduring memorial that could be built for them.

ALLAN BAKER LIFE SENTENCE REDETERMINATION

Mr SOURIS: My question without notice is directed to the Attorney General. What instructions has he given to ensure that if Allan Baker's application proceeds in the Supreme Court tomorrow the Director of Public Prosecutions presents the strongest case possible on behalf of the families who are affected to ensure that Baker stays in gaol?

Mr DEBUS: I refer to the answer given by the Premier, which is accurate and responsible in all respects. As a matter of clarification, I should point out that the system of life sentence redetermination which the Opposition now seeks to criticise was introduced by the Greiner Government in 1989. I point out that this Government substantially reformed the law in 1997. A judge, in hearing a redetermination, must have regard to and give substantial weight to the recommendations, observations and comments of the original sentencing judge. A judge can order, if appropriate, that the applicant never again apply for a redetermination or not re-apply for a period of not less than three years. Should the court fix a minimum term, it is also important to note that that does not mean that Baker would be automatically or immediately released. That can only occur after careful consideration by the Parole Board, which is chaired by Bill Fisher, of all relevant issues including the comments of the original sentencing judge. I confirm the Premier's promise that the Government will carefully consult with Mr Morse after the decision is made by the Supreme Court tomorrow.

DNA TESTING OF PRISONERS

Mr NAGLE: I direct my question without notice to the Premier. What is the next stage of the Government's plan to DNA test prisoners?

Mr CARR: It is great to be asked a question, because I noticed the Leader of the Opposition stated in the *Daily Telegraph*, "These are the questions I would have asked if ever I had the chance." In an open letter to the Premier, the Leader of the Opposition stated, "These are the questions I would have asked if ever I had the chance."

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

Mr CARR: I want an Opposition Leader, not a pen pal! I note the comment, "if I ever had the chance". Had the chance? Since Parliament resumed after the most recent State election, the Opposition has asked a total of 237 questions. I was asked 2.8 per cent, the lowest ratio since that composite figure, Peter McMason led the Liberals between 1978 and 1983. Honourable members will remember the great Liberal Leader Peter McMason, one of the living legends of liberalism leading them through those golden years between 1978 and 1983! Honourable members are invited to attend the Peter McMason memorial lecture, which is being given by the honourable member for Pittwater. He is attacking us on our drugs policy from the left. They are calling him the Timothy Leary in the Liberal Party. Enough of that! Let us get to the substance of DNA testing. The testing of prisoners serving sentences for crimes carrying a penalty of five years or longer will commence from 1 January 2001.

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

Mr CARR: That means that 5,400 of the State's most serious criminals will be DNA tested. Samples taken from those prisoners will be matched to crime scene samples currently held in police laboratories. They will also be placed on the DNA database so they can be matched at all future times. There will be two priority groups: first, those prisoners who are nearest to release and, second, the most serious criminals. In the United

Kingdom before the testing of prisoners there were only 200 matches from crime scenes of DNA samples each month. Now there are 400 matches each month in the United Kingdom. That is a remarkable increase achieved as a result of testing prisoners. The Deputy Leader of the Liberal Party is laughing and smirking because I made a remark about the honourable member for Pittwater.

I notice that yesterday David Humphries, in an article in the country edition of the *Sydney Morning Herald*, said that enthusiasm for the honourable member for Pittwater has receded during the past week in Liberal Party ranks. Apparently they are uncomfortable with the views expressed in the *Australian Financial Review*. Some honourable members may not have seen the country edition and after question time a dash to the library might be in order—not least for those on the other side; after all, most of them leak to Humphries. The Police Service will set up two prisoner testing teams to go to gaols to take the samples. The teams will be made up of one sergeant and three constables, each with a minimum of five years experience.

Mr Hartcher: Point of order: I draw your attention to Standing Order 137 (4) (a), which provides that questions should not refer to debates in the current session. The question relates to a debate in the current session, which is the debate on the Crimes (Forensic Procedures) Bill. The question is therefore out of order.

Mr SPEAKER: Order! It is a longstanding rule of this House that Ministers may provide additional information to enable members to embellish their contributions to debate. That is obviously what the Premier is doing.

Mr CARR: What a hide! After trying to delay the legislation in the upper House by using a loophole and after attacking us from the left, the Opposition has now drawn attention to the delay to frustrate the legislative passage of this important legislation. We want to equip the Police Service with the scientific clout that DNA testing represents: scientific policing to make their job easier and to make the application of the whole criminal justice system more certain. After collection these samples will be subject to complete profiling and will be placed on the Federal CrimTrac system. A 17-person team has been set up in Victoria to test 3,000 prisoners over two years.

Additional resources are required in Victoria because the Victorian legislation allows the police to take blood samples only and requires court orders as a matter of course. Our legislation is much more expeditious in its impact. Inspector Doug Cowlsh, who leads the Victorian prisoner implementation team, will instruct New South Wales police in August. He will advise of the Victorian experience to date. This testing is groundbreaking for criminal investigation in New South Wales. We want to achieve the sort of results they got in the United Kingdom.

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

Mr CARR: The testing means many unsolved crimes can be solved. It also means, as it meant in the United States, that possibly we will find that innocent people have been convicted. DNA testing represents a scientific addition to the arsenal available to the fine men and women of the Police Service in this State.

HOME OWNERS WARRANTY INSURANCE

Mr McGRANE: My question is to the Deputy Premier, representing the Minister for Fair Trading. Is the Deputy Premier aware of the problems self-employed builders in New South Wales are experiencing with home owners warranty insurance, which have led a number of self-employed builders being unable to practise their trade due to the complaint process? Can the Deputy Premier ensure that self-employed builders in New South Wales will have the opportunity to continue their businesses until the proper complaint process is finalised?

Mr SPEAKER: Order! I rule the question out of order. The honourable member for Dubbo may ask the question again when he has reduced the number of parts to the question.

POLICE AND PUBLIC SAFETY LEGISLATION REVIEW

Mrs GRUSOVIN: My question without notice is to the Minister for Police. What is the Government's response to the Ombudsman's review of the police and public safety legislation?

Mr WHELAN: Honourable members will recall the shock that swept through the community following the vicious stabbing death of Constable Peter Forsyth in February 1998. That incident was a tragic

reminder of the danger that illegal knives pose to police and to the people of this State. The Government took quick action to reduce that danger, which I am pleased to say significantly reduced the number of knives which would otherwise wind up in the hands of criminals. The latest figures show that there are now 8,105 fewer knives and weapons in the community as a result of the Government's Crimes Legislation Amendment (Police and Public Safety) Act. I am sure the honourable member for Heffron will be pleased to know that the police, using powers granted to them under that Act, have moved on 38,000 people for antisocial behaviour. The Act is achieving its aims of reducing knife crime and the carrying of knives and ensuring police have adequate power to deal with antisocial behaviour in public places.

When the Government introduced the legislation it made a commitment to review it. The former Ombudsman completed her report in November last year. I am pleased to report that she supports the aims and powers of the Act. In her report, she also acknowledged what she called the appreciable community support for the Act's objectives. She clearly supported the retention of search and move on powers for police. The report contained a number of recommendations regarding finetuning the legislation, training and community consultation. It is worthwhile noting that the Government and the Police Service have already taken action such as implementing changes to allow police to use warnings and cautions for young people involved in less serious offences under this Act. As I have announced before, the Government is currently working on simplifying all police powers under one bill. That consolidation will address any possible ambiguity related to search powers.

It is also important to note that this month's Bureau of Crime Statistics and Research [BOCSAR] report into knife offences and policing reveals that the number of robberies with knives has dropped significantly since the introduction of the legislation. The bureau says there may be a number of factors involved in this welcome trend, but police have used the new powers given to them, and a high proportion of the searches were successful. I welcome the Ombudsman's report. A number of matters in the Ombudsman's report remain to be addressed. These include further training and education, continuing refinement of police practices, and ongoing community consultation. Her report and findings were used as the basis for the Government's review by my Parliamentary Secretary, the honourable member for Newcastle.

The review by the honourable member for Newcastle involved extensive consultation with the Police Service, the Ethnic Communities Council of New South Wales, the Aboriginal Justice Advisory Council, the Juvenile Crime Prevention Advisory Council, the Greens, the Shopfront Youth Legal Centre and other groups. The Government will implement a plan of action to ensure the matters raised by the Ombudsman are addressed. I assure honourable members that there will be continued consultation with the Ombudsman's office on these issues. I take this opportunity to thank the honourable member for Newcastle for his report. Later I will table the Ombudsman's report and the review of the honourable member for Newcastle for the benefit of all honourable members of this House.

ALLAN BAKER LIFE SENTENCE REDETERMINATION

Mr ARMSTRONG: My question is directed to the Attorney General. Can the Attorney General give an assurance to the House that, if Allan Baker is released from prison, arrangements will be put in place so that he can be arrested immediately and extradited to Queensland so that he can be tried for murder?

Mr DEBUS: I refer to my previous answer—

Mr Hartcher: No. Answer this one.

Mr DEBUS: You are extraordinary! I refer to my previous answer, in which I indicated that, notwithstanding obfuscation by the Opposition, we are not talking here about a parole hearing. We are talking here about a redetermination of the sentence, not about a parole hearing, which could be a very long time in the future, if at all. However, after the decision of the Supreme Court we will sit down with Mr Morse and determine whether extradition will be at any time an appropriate course. We have been working, without publicity, with the Queensland Government for some time; that is to say, my predecessor has been so working. The Queensland Government indicated to the New South Wales Government as long ago as March of last year that it would be prepared to take Crump and Baker and indict them for rape and murder. Following discussions by a number of people in the Government with Mr Morse, it was decided that this would, however, not be considered until after Baker's sentence redetermination. These are matters, therefore, that will be taken up with my Queensland counterpart at an appropriate time.

HOME OWNERS WARRANTY INSURANCE

Mr McGRANE: Will the Deputy Premier rectify the problems that self-employed builders are having with home owners warranty insurance?

Dr REFSHAUGE: Home warranty insurance is provided by insurers under the Home Building Act. The insurance scheme protects consumers against faulty and incomplete work undertaken by licensed building contractors. The honourable member for Pittwater obviously is showing a lot of interest in this; he has been highlighted already. I want to put on record that I disagree with the Premier: I think the honourable member for Pittwater has a great future ahead. Read the article in the *Australian Financial Review*: he is prepared to tackle those difficult social issues in a bipartisan way. He is prepared to work with the Labor Party to—

Mr Carr: He is like Don Chipp.

Dr REFSHAUGE: That is right, he is Don Chipp without the purple socks. I think we should not write him off so early. Those two would-bes if they could-bes, those has beens before they have even had a chance, are going nowhere. Bib and Bub up this end cannot even work out whether they want to be leader or not. No wonder the honourable member for Lane Cove is still leader. But I would not be writing off the honourable member for Pittwater. I know his mum is in my electorate, and I know she is a solid supporter, but both of us together I think can do something for him.

Mr O'Farrell: Point of order: my point of order relates to relevance. The question relates specifically to problems that builders are experiencing under the home owners insurance scheme. Will the Minister please answer the question?

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

Dr REFSHAUGE: Now that we can do DNA mapping, we are going to do a DNA map on the Deputy Leader of the Opposition. It would read Bic Mac! There is nothing like stealing a good joke, and I apologise to the honourable member for Cabramatta. The home warranty insurance scheme protects consumers against faulty and incomplete work undertaken by licensed building contracts. I am advised that the Department of Fair Trading is not aware that licensees are being prevented from obtaining insurance because a complaint or claim has been received in respect of their work. Premiums, and the financial requirements to obtain insurance, are set by the insurers. The level of the premium is largely based on the cost of the work, although discounts are given for builders with a good record, especially those with a sound financial position. Contracts are entitled to shop around to get the best insurance cover.

The financial solvency of builders is crucial for consumer protection. Builders who go broke often leave behind them a number of unfinished homes, as well as unpaid subcontractors and suppliers. The home warranty insurance scheme enables those affected consumers to have their homes completed. For example, the honourable member for Dubbo certainly would be aware of the recent problems experienced by Keith Carling Constructions Pty Ltd, based at Dubbo. The Department of Fair Trading has advised me that in this instance the builder had appropriate insurance. The insurer has been having discussions with a local building company to have the affected consumers' homes completed. I am sure the honourable member would agree that an example such as that highlights the benefits of the scheme. Without the scheme, the people whose houses had not been completed would not have a completed house.

I am advised that in recent times the insurers have moved to tighten their financial requirements. This is mainly due to the number of insolvency claims being received. A person applying for or renewing a licence must show that he or she is eligible for home warranty insurance. In short, that means that a builder must be insured before a licence will be issued or renewed. This is to ensure that homeowners are not placed in a situation where they are left unprotected because their builder was uninsured. The Department of Fair Trading is currently having discussions with the industry and the insurers on the operation of the scheme. A crucial issue is the financial requirements for insurance. The aim of the discussions is to assist industry and the insurers to work together to establish appropriate and fair business arrangements for insurance cover.

I am sure that the honourable member recognises that it is important to review these matters. Any information that he has or would like to bring to that review certainly would be welcomed by that process. I must not miss this opportunity to welcome the member for Davidson to the front bench. Often, with a change from government to opposition comes a big turnover of members on the front bench. He really is a bullet performer! He has taken only eight years, one month and one week to get to the Opposition front bench.

Mr Hartcher: Point of order: The Deputy Premier has digressed repeatedly from the question. The latest digression was not in response to an interjection. The Deputy Premier is simply trying to use up question time. He should give an answer.

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

Dr REFSHAUGE: It is quite appropriate that we welcome members to the front bench. The member for Davidson has had a long history on the back bench in this Parliament. We welcomed the honourable member for Baulkham Hills. Honourable members will remember that he was the strategist for the marginal seat campaign last year. Remember the seats he focussed on? Ryde, and Michael Photios; the seat of Miranda—and don't we miss Ron Phillips!

Mr Hartcher: Point of order: You know the point of order.

Mr SPEAKER: Order! The honourable member for Gosford must enunciate the point of order.

Mr Hartcher: I will make it again, Mr Speaker, even though my voice is not up to it. The fact is that the Deputy Premier is not answering the question. He has been digressing, and digressing repeatedly, from it.

Mr SPEAKER: Order! I uphold the point of order.

NEW CHILDREN'S HOSPITAL RESEARCH FACILITY DONATION

Mr E. T. PAGE: My question without notice is directed to the Minister for Health. What is the Government's response to this morning's statement by the Federal Minister for Health and Aged Care regarding funding for the New Children's Hospital?

Mr KNOWLES: Honourable members may be aware that earlier today on the John Laws program the Federal health Minister, Dr Michael Wooldridge, claimed that New South Wales had forced the Commonwealth to miss a deadline for a \$5 million donation to the New Children's Hospital and now the money cannot be donated. In the words of Lewis Carroll, this gets curiously and curiously. As a consequence of this matter running in the press during the past few days I make the point that this must be Michael Wooldridge's deadline. It does not seem to be the Prime Minister's deadline and it certainly does not seem to be the donor's deadline because—

Mrs Skinner: It is the end of the financial year.

Mr KNOWLES: It is the end of the financial year. On a day when Michael Wooldridge can increase the health insurance rebate by \$2 million, costing the Federal Government and taxpayers many millions of dollars, he cannot extend this deadline. As I said earlier, this must be Michael Wooldridge's deadline and not the deadline of the Prime Minister. Because I have now had telephone discussions on at least three occasions with a representative of the donor, I can confirm that the donor understands that a proper process of assessment must be followed. There is a willingness to do that with me, most likely next week when all parties are available. In relation to that John Laws interview I can confirm that neither Mick Reid, head of the New South Wales Department of Health, nor anyone from his office, has had any discussions with Michael Wooldridge or anyone from his office.

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

Mr KNOWLES: Two days ago the Prime Minister said that no strings were attached. Today, Michael Wooldridge said that the Howard Government would not now contribute \$5 million because of some deadline that was made up overnight.

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

Mr KNOWLES: This looks like nothing more than a stunt. I am advised that the draft agreement that Minister Wooldridge wants us to sign, which was delivered only early yesterday evening and which was allegedly to be signed off by 9.00 or 10.30 this morning, states:

The Commonwealth contribution is subject to parliamentary appropriation.

That means that there is no guarantee of the Minister delivering the money. The agreement also states:

The Federal Government can terminate the contract at any time or reduce the scope of the project.

This document is not an agreement. It is a stunt by the Federal Government. During the John Laws interview the Minister also said, "I cannot extend this deadline." However, he was happy to extend the deadline for private

health insurance. Curiouser and curiouser! Michael Wooldridge and I talk frequently. We had dinner in Canberra a couple of weeks ago. Why did he not pick up the phone and talk to me? Why did he go on the John Laws program?

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

Mr KNOWLES: If he had a problem with someone in the Department of Health or there was some attempt to give us \$5 million he should have picked up the phone, talked to me and said, "We have a problem, let's sort it out." Ministers usually talk to me.

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

Mr KNOWLES: If the Federal Minister was fair dinkum about this matter, why did he phone John Laws?

Mr McBride: Why?

Mr KNOWLES: I think I know why. In an article in Tuesday's *Sydney Morning Herald* and in the speech of the Prime Minister on Monday night, the Federal Government said that no strings were attached and that a \$5 million contribution would be made by the Commonwealth to the State Government. I have spoken to the representatives of the donor. There is a willingness to work within the process, to talk about this issue and to ensure that any State matching is done properly. But, of course, Dr Wooldridge manufactured a deadline. We missed the deadline and he is pulling the plug.

Mr Yeadon: She has the contract.

Mr KNOWLES: The honourable member for North Shore has the contract but we have the file note. I can confirm that Dr Wooldridge is not happy about this donation. I can confirm, based on a phone conversation he had last Friday evening at 4.55 p.m. with a member of the Premier's staff, Mr Nick Rowley, that he is not happy about this donation.

Mr Carr: Quote what he said.

Mr KNOWLES: He said that he is not happy, so he has taken every opportunity to weasel out of this, using the end of the financial year as an excuse. The file note confirms a telephone call at 4.55 p.m. last Friday by Dr Michael Wooldridge to Mr Nick Rowley, a member of the Premier's staff. The file note states:

On Monday afternoon the Prime Minister will be putting \$5m towards children's health research at Westmead.

That funding will be contingent on the State putting in \$5m.

Said he was giving us notice.

I said 5 to 5 on Friday before the Monday wasn't actually adequate notice.

According to the file note, Dr Wooldridge became defensive. He said:

I hate doing this: I have been instructed by the PM's office.

This is "outside all process". All the major research institutes will be seeking more funding. Should go through the National Health and Medical Research Council.

Mrs Skinner: Point of order: The Premier asked earlier for a dignified approach to these serious topics. We are talking—

Mr SPEAKER: Order! Those on the Government backbench will remain silent.

Mrs Skinner: We are talking about research which can save the lives of children and the Minister, who is play-acting to the press gallery, is not taking this matter seriously. I ask you to ask the Minister to take the matter seriously.

Mr KNOWLES: The file note states:

This is "outside all process". All the major research institutes will be seeking more funding. It should go through the National Health and Medical Research Council.

The file note goes on to state:

Is because "this is the PM's State" ... conversation needs to be kept between ourselves.

For once in my life I am inclined to agree with the honourable member for North Shore. This is a serious matter. The Prime Minister made a bona fide offer, following a solid and generous commitment by a private donor of \$10 million, to contribute \$5 million and to ask the State Government to consider matching it. During the past 48 hours we have made it clear that we will do that. I have taken the necessary steps to make contact with representatives of the donor family to put that process in train. This matter, which is important, should not be trivialised by these churlish stunts, with the Federal health Minister phoning a Sydney radio program to announce the cessation of the offer because of some deadline that I can only assume is his deadline. I hope that the Prime Minister, man of his word that he is, will maintain the promise that he made in his speech on Monday evening; that the donor family will continue its gracious involvement in this proposal, and that we will work together to ensure that money is properly allocated following, as Michael Wooldridge said, a proper process to ensure that medical research is properly developed in this State.

LIFE SENTENCES

Mr RICHARDSON: My question is directed to the Attorney General. Given the Government's opposition to legislation to keep Allan Baker in prison, as the sentencing judge intended, what is the Attorney General going to do as the first law officer of the State to make sure that Baker and other prisoners with files marked "never to be released" spend the rest of their lives behind bars?

Mr DEBUS: I believe in my previous answer I have made sufficient explanation of the roles of the various legal authorities, not least the Parole Board, in these types of determinations. It is not appropriate that I should canvass the matter any further, on this day of all days.

Mr RICHARDSON: I ask a supplementary question: In light of the Attorney's answer, when is the Government going to support dangerous offenders legislation, as demanded by the public, to ensure the community is protected from people such as Crump, Kable and Baker?

Mr SPEAKER: Order! That question does not arise from the answer. The Attorney made it clear that he will answer no more questions on the subject.

DRUG SUMMIT RESPONSE

Mr TRIPODI: My question without notice is to the Premier. What is the latest information on the Government's response to the Drug Summit?

Mr CARR: That is a good question, coming as it does in Treatment Works Week, to review progress we have made, working together, since the Drug Summit last year. Out of the Summit came 400 new programs and \$176 million additional funding—the majority of new moneys being poured into a massive expansion of drug treatment. In the past 12 months 62 new rehabilitation beds have been funded, providing treatment for an extra 523 people a year. Five area health services have introduced home detoxification; 800 new patients have been placed on the methadone program; there have been 5,000 additional counselling sessions; six new drug and alcohol counsellors have been appointed in rural areas; plans are under way for naltrexone to be used in detoxification, and the trial injecting centre is due to begin later this year.

The trial injecting room is occupying a lot of priority and is getting some attention. We believe, despite all the difficulties involved, that the trial injecting room is a worthwhile attempt to get injection off the streets, out of the doorways of Kings Cross and into an area under medical supervision. Of all the arguments advanced for proceeding with this, one that weighs heavily with me that has not been discussed is the safety of ambulance officers called to diverse locations to treat people who have had overdoses. Their job will be made a little more manageable if this is successful. It is worth trying.

As well as all this, we have three new detoxification units—at Lismore, the Central Coast and western Sydney—either under construction or about to begin construction, to provide an extra 40 detoxification beds. Treatment plans and regular case management are making methadone more effective while minimising

disruption to local communities. The Prime Minister and I announced on 25 May joint funding for five pilot programs which use the courts and police to steer drug users into treatment. If I had to sum up the essence of our approach, it is an evidence-based approach: Is there evidence that a trial injecting room might save lives?

[Interruption]

The Opposition frontbench cries no, but we know that the member for Pittwater, one of that front bench, thinks we are not going far enough. He favours the wholesale decriminalisation of drugs. He is saying we are not going far enough, yet he is saying cannabis should be—the honourable member for Pittwater shakes his head, but in the *Australian Financial Review*—

Mrs Skinner: Point of order: I believe the Premier is obliged to name all of his members who are opposed to the injecting room.

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

Mr CARR: The honourable member for Pittwater said in the *Australian Financial Review*—

Mr O'Farrell: Point of order: As the honourable member for North Shore approached the table to make her point of order, as is usual in this House, backbenchers opposite muttered "woof" and the like. The honourable member for The Entrance led the charge.

Mr SPEAKER: Order! There is no point order.

Mr O'Farrell: It is time for you to stand up for members and prevent them being treated in that way.

Mr SPEAKER: Order! I place the Deputy Leader of the Opposition on two calls to order.

Mr CARR: Members opposite say I am being unfair to the honourable member for Pittwater. There they go again, saying the bully is picking on them. I have checked the *Australian Financial Review*. This is an article he wrote, so he has not been misquoted.

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

Mr CARR: The honourable member for Coffs Harbour says the honourable member for Pittwater has been misquoted. He wrote the article himself. The honourable member for Coffs Harbour is saying that the honourable member misquoted himself. No, he penned the article.

Mr Fraser: Point of order: I did interject, but what I actually said was—

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

Mr CARR: What the honourable member for Pittwater said in the *Australian Financial Review* was:

We gain nothing from criminalising addiction instead of treating it.

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

Mr CARR: I presume the honourable member for Pittwater is referring to cannabis.

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

Mr CARR: Well, what would the honourable member for Pittwater decriminalise—heroin, cocaine? What else is he talking about decriminalising?

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

Mr CARR: A range of drugs are currently criminalised. He is saying we should decriminalise them. This is in an article in the *Australian Financial Review*.

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

Mr CARR: He is urging decriminalisation of drugs. If it is not cannabis, is it cocaine? What is the Liberal Party policy? Is it heroin? He is smiling because he sees the bloke that dumped on him is in a bit of trouble. It is either one or the other. Given my Government's evidence-based approach to drugs, looking at the evidence, we do not see a case for legalising cannabis—

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

Mr CARR: —one, because of its link with respiratory ailments; and, two, because of the evidence mounting all the time, I am sure the honourable member agrees, that cannabis use is linked with impaired educational development. Yes, he agrees, and I am sure that the evidence linking cannabis use to various categories of mental illness would be something that the rest of the members opposite would agree with me about. Surely these are matters of concern. The shadow Minister for Health agrees with me, because I have heard her use this argument, that there is a higher risk of mouth and throat cancers in heavy users, and there is also the problem of dependence. So, taking a careful, cautious, evidence-based approach to drugs, I say we are not going to decriminalise cannabis.

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

Mr CARR: The honourable member for Pittwater, who argues in this article for decriminalisation—

Mr Brogden: You are a liar!

Mr CARR: Let me examine this in some detail. There is an article in the *Australian Financial Review*. Who is the author of the article?

Mr Stoner: Point of order: The point of order relates to relevance. The question related to progress on the recommendations of the Drug Summit, not the honourable member for Pittwater's views or a misrepresentation of those views.

Mr CARR: This is absolutely, strictly and literally relevant. Because of an evidence-based approach, the Government declined to implement the Drug Summit resolution that stated, "decriminalise marijuana", and I have outlined the evidence. The honourable member for Pittwater, who is aspiring to be leader of the Liberal Party, said in an article in the *Australian Financial Review* published on 20 June that he favours "experimenting with decriminalising drug use". If it is not cannabis, is it cocaine? Is it heroin? I am happy to seek leave to table the *Australian Financial Review* article. There is a proposition that the article was written by another John Brogden—not John Brogden of the Liberal party but John Brogden of, I do not know, the Drug Law Reform Coalition perhaps. That remains a distinct possibility. However, they seem to think that because it was about a Liberal Party social agenda it must be the John Brogden who sits in this Parliament.

The honourable member for Pittwater has taken it upon himself to call for the removal of criminal sanctions against unnamed drugs. Because he does not name the drugs, we must assume he is not arguing that not for cocaine and heroin, but for cannabis. All I say is this: If he emerges as leader of the Liberal Party some time between now and the next election in 2003 I am very happy to argue to the public of New South Wales that our cautious, sober evidence-based approach to drugs will continue. The evidence is in on cannabis: its link with mental illness, its link with mouth and throat cancers, the whole question of dependency—

[Interruption]

The honourable member for North Shore agrees with me.

Mrs Skinner: I said up to 30 grams.

Mr CARR: Does the honourable member want tighter restrictions? The honourable member for Pittwater wants to remove the restrictions. He is advocating—

Mrs Skinner: No, he isn't.

Mr CARR: Yes, he is. That is in the article.

Mrs Skinner: I have read the article. You should read it again.

Mr CARR: I do not want to read the article again. I do not want to detain the House, because the Deputy Leader of the Liberal Party is itching to start undermining his colleagues. I simply say this: If the Liberals choose to make the leadership change, I am happy if they have a sort of deaconate Liberal Party trying to outgun us on the left, because our policies on drugs are carrying the public with us. As for the injecting room, it is worth doing as a trial, and the evidence supports it. Police cautioning has the support of the Police Service; it is implementing that. Indeed, what members opposite are criticising is the trial by the Kennett Government in Victoria. We have taken an even more cautious approach to the quantities involved. The New South Wales Government maintains the strongest legal prohibitions against heroin, cocaine and other hard drugs. The legislation passed by the House provides for mandatory life sentences for those Mr Bigs who stand behind the careful planning and execution—

[Interruption]

The honourable member for North Shore should not argue with me; but with her colleague the honourable member for Pittwater. We should take every opportunity to shatter the myth that cannabis is somehow a soft drug.

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

Mr CARR: Since Don Chipp worked out the agenda to which the honourable member for Pittwater is now attaching himself, there has been more and more scientific evidence raising these grave concerns about the long-term, and even medium-term, effects of cannabis use. That is the basis of our approach. After attacking us on the injecting room, if the Liberal Party suddenly veers to the left of Labor and starts hurting us from that direction, it will surrender any chance of public credibility on the big public questions. It will have no credibility.

One year after the Drug Summit, where so much valuable work was done, it is an honour to report to the House on the progress that has been made on rehabilitation. At the Drug Summit the Leader of the Opposition said that she wanted an extension of rehabilitation. That was a sensible approach, and we have done it—we have delivered. However, the Government will not veer down the direction advocated by the honourable member for Pittwater, and I do not think he would want us to. I am sure none of the Independents from the country would want that. Difficult policy questions on drugs still face the Government. I believe the community is moving with the Government. I believe we have community support. One year after the Summit I am delighted to offer this word on the progress we have made. I seek leave to table the article in the *Australian Financial Review* headed "Now Liberals must deliver social change."

Leave granted.

Document tabled.

Mr George: Point of order: If the Premier is so hard on drugs, why are our children still taking drugs?

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

Mr CARR: To answer that question, I need your argument.

Mr Hartcher: Point of order: That was a point of order, not a question. The Premier had concluded his answer. Question time has expired.

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

Questions without notice concluded.

MINISTRY

Mr CARR: I announce that yesterday the Hon. Jeffrey William Shaw, QC, MLC, submitted to his Excellency the Governor his resignation as Attorney General, and Minister for Industrial Relations. His Excellency the Governor then commissioned the Hon. Robert John Debus, MP, as Attorney General and the Hon. John Joseph Della Bosca, MLC, as Minister for Industrial Relations.

THREDBO LANDSLIDE INQUIRY CORONER'S REPORT**Privilege**

Ms SEATON (Southern Highlands) [1.17 p.m.]: I raise on a point of privilege under Standing Order 101. When a matter of great importance happens in our community, and particularly when reports on matters of grave concern in the community are tabled in this place, it is usual practice in this Chamber that that is done in a format that allows the Opposition a chance to comment and respond. My point is that my privilege to respond on behalf of the Opposition to the matters raised in the Thredbo inquiry by the Coroner has been impugned. This is an important matter. Precedent was established in this place by the Minister for the Environment when, following the tragic death of three National Parks and Wildlife Service officers at a fire in Hornsby two weeks ago, he made a ministerial statement.

That was a matter of such importance that the Minister for the Environment chose to make a ministerial statement about it, and that was the right action to take. That ministerial statement gave the Opposition an opportunity to respond to the tragic circumstances of that event. Today we have another report on an equally tragic or perhaps more tragic circumstance that happened three years ago at Thredbo. Instead of having the courage to make a ministerial statement about that issue—

Mr SPEAKER: Order! The honourable member for Southern Highlands must explain how her privileges as a member of Parliament have been infringed.

Ms SEATON: If the Minister had done the proper thing and delivered a ministerial statement to this place, we would have had a chance to respond, firstly to endorse the Coroner's call for a full, independent inquiry, and secondly to request the Government to extend that inquiry. The inquiry should be extended to cover issues such as the response of the National Parks and Wildlife Service to issues such as feral animal reduction, weed management, infrastructure development, and the role of the Roads and Traffic Authority in planning issues.

Mr Whelan: Point of order: On the honourable member's own admission, this issue is one relating to privilege. As a member she has the opportunity to move a motion on this issue. No ministerial statement was delivered. The Minister answered a question in question time. The honourable member had the opportunity to ask the Minister questions relating to the report.

Mr SPEAKER: Order! That is not a point of order.

Mr Whelan: Point of order: The honourable member has the opportunity to move a motion in relation to this report, and she has the opportunity to make any public statement.

Mr SPEAKER: Order! What the Leader of the House says is correct.

Ms SEATON: My privilege has been impugned because the Minister in his answer to a question without notice outlined Government policy in relation to this report. This is a very important issue, and the families and friends of the 18 people who died in the landslide at Thredbo, I believe, would have wanted this House to consider and respond to the report in a bipartisan fashion. The Coroner's report raises serious issues. It is important that—

Mr SPEAKER: Order! The honourable member for Southern Highlands is debating the substantive issue. She is out of order.

Ms SEATON: My privilege has been impugned because it is important that the Coalition has an opportunity to respond to those issues, and to talk about very important needs—not just to have the inquiry but to extend the inquiry to a range of other issues. We also need to hear about the Premier's role—

Mr SPEAKER: Order! The honourable member for Southern Highlands is out of order. She will resume her seat.

LIBERAL PARTY SOCIAL POLICY**Personal Explanation**

Mr BROGDEN, by leave: I wish to make a personal explanation. In answer to a question asked by the honourable member for Fairfield the Premier sought to quote from an article which was the edited text of a speech that I gave in March this year. I would like to take this opportunity to quote the full and correct text of that speech, not the edited text, and not the lies that the Premier used in the House. I will read it to the House—

Mr SPEAKER: Order! When making a personal explanation a member must show how his or her character has been impugned. That does not give the honourable member for Pittwater the right to read an article from a newspaper.

Mr BROGDEN: The Premier sought to impugn my reputation by misquoting and lying from a piece of paper in front of him, using words that simply do not exist.

Mr SPEAKER: Order! The honourable member for Pittwater may quote from the newspaper to establish that allegation. If the Premier has misquoted one word the honourable member may quote the correct word from the article. He cannot read the article.

Mr BROGDEN: The difficulty I have is that the words that the Premier used do not exist on this piece of paper. Therefore I must quote the whole section. What I need to make clear to the House is that I did not at any stage in the article to which the Premier referred use the term "decriminalisation". I do not support decriminalisation of drugs.

Mr Gibson: Point of order—

Mr BROGDEN: Just shut up and sit down!

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

Mr BROGDEN: The Premier went on—I quote his words—to assume that the words that he had interceded into this article suggest that I support the total decriminalisation of drugs. That is not the case, and has never been the case. I am not on the public record at any stage as having supported the decriminalisation of drugs, and I do not support it. The Premier lied to the House. If the Premier has a problem with my saying that he lied, he should come into the Chamber and tell us that he did not lie.

Mr SPEAKER: Order! The honourable member for Pittwater will resume his seat. His remarks do not constitute a personal explanation.

Mr BROGDEN: The Premier lied to the House on this matter. I never used the word "decriminalisation". I have never, ever used that word.

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

Mr BROGDEN: The Premier lied to the House on a matter that is personally important to me and to all members.

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

Mr BROGDEN: No. I am not finished.

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

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

OFFICE OF THE OMBUDSMAN**Report**

Mr Whelan tabled the report entitled "Policing public safety—Report under s.6 of the Crimes Legislation Amendment (Police and Public Safety) Act 1998", dated November 1999.

Ordered to be printed.

TABLING OF PAPERS

Mr Whelan tabled the Police and Public Safety Review prepared by the Parliamentary Secretary Assisting the Minister for Police.

Mr Aquilina laid upon the table of the House the following papers:

Report on the Review of the New South Wales Board of Vocational Education and Training Act 1994
Casino Duty and Community Benefit Levy Supplemental and Amending Deed ("GST Amending Deed")
Variations of the Receipts and Payments Estimates and Appropriations in relation to the Roads and Traffic Authority for 1999-2000
Variations of the Receipts and Payments Estimates and Appropriations in relation to the Department of Education and Training for 1999-2000
Variations of the Receipts and Payments Estimates and Appropriations in relation to the Department of Land and Water Conservation for 1999-2000
Variations of the Receipts and Payments Estimates and Appropriations in relation to the Olympic Co-ordination Authority for 1999-2000

Ordered to be printed.

AUDIT OFFICE**Report**

The Clerk, pursuant to the Public Finance and Audit Act 1983, announced receipt of the Performance Audit Report entitled "Ageing and Disability Department: Group Homes for People with Disabilities in New South Wales", dated June 2000.

PETITIONS**Drug Reform**

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

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**.

Surry Hills Policing

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

Genetic Engineering Five-year Freeze

Petition praying that the Government will legislate for a five-year freeze on the release into the environment of genetically engineered organisms, imports of genetically engineered foods and patents on living organisms, received from **Mr Collins**.

Windsor Road Upgrading

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

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**.

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

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

White City Site Rezoning Proposal

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

Daylight Saving Extension

Petition praying for opposition to the extension of daylight saving, scheduled to commence on 27 August 2000, received from **Mr Slack-Smith**.

REGULATION REVIEW COMMITTEE**Reports**

Mr Nagle, as Chairman, tabled the following reports:

Report on the Environmental Planning and Assessment (Savings and Transitional) Amendment (Olympic Co-ordination Authority) Regulation 1999, dated June 2000
Report on the Lord Howe Island (Elections) Regulation 1999, dated August 2000

Ordered to be printed.

[Mr Speaker left the chair at 1.38 p.m. The House resumed at 2.30 p.m.]

BILLS RETURNED

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

Children's Court Amendment Bill
Liquor and Registered Clubs Legislation Amendment Bill
Racing Taxation (Betting Tax) Amendment Bill
Statute Law (Miscellaneous Provisions) Bill

CONSIDERATION OF URGENT MOTIONS

Vocational Education and Training Funding

Mr AQUILINA (Riverstone—Minister for Education and Training) [2.31 p.m.]: This matter is urgent because tomorrow State and Territory training Ministers will meet the Federal Minister for Education, Training and Youth Affairs and Minister Assisting the Prime Minister for the Public Service, Dr Kemp, in Melbourne to discuss the future of the Commonwealth funding for technical and further education [TAFE]. Over the past few years the Commonwealth Government has provided no funding for growth in vocational education and training in this country. It is time that the Commonwealth Minister, Dr Kemp, provided adequate funding to ensure that Australia has a skilled work force and a competitive future. The House should debate this matter today because no matter is more crucial to the future of each and every citizen of New South Wales and, indeed, the nation than ensuring that the future of the national training system is secure.

Allan Baker Life Sentence Redetermination

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [2.32 p.m.]: In less than 24 hours Allan Baker—the murderer of Virginia Morse who has been described by the Premier as "evil incarnate" and by his sentencing judge as "an obscene animal" and a person whom people believe is not entitled to re-enter the community—will apply to the Supreme Court for a redetermination of his sentence. At his trial the trial judge expressed the opinion that Allan Baker and his partner, Crump, should never be released. The Opposition seeks to ensure that the words of the judge, spoken at the time of sentencing, are enacted. Members of the Opposition do not believe that someone such as Allan Baker is entitled to have a second go, get out of gaol and get back into the community.

I am very concerned about the argument presented by the Premier in this House earlier today. The legislation to which the Premier referred is not Kable-style legislation and is not legislation that applies to a particular individual. It is also not legislation which seeks to interfere with the judicial process. Rather, the legislation will take away the right of Allan Baker to go back to court and will not in any way interfere with judicial process. It merely confirms an existing judicial sentence. Moreover, it is not an attempt by Parliament to impose a judicial sentence on an individual. This Parliament is trying to do everything it can to prevent Allan Baker from getting out of gaol at any time in the future.

At Allan Baker's trial the judge said that Baker is "an obscene animal who should never be released". The Opposition is merely trying to debate the matter in the House today to ensure that Baker never is released. This issue affects not just Baker or families and family members such as Mr Morse, who is in the public gallery. It is not just those victims' families who will have to put up with the intrusion into their lives that occurs time and again when offenders of the Allan Baker type put up their hands for a redetermination. This morning I received a letter from the parents of Janine Balding. One of Janine Balding's attackers is still in gaol. The letter states:

Lawns need to be made tougher for repetitive criminals. PLEASE DO SOMETHING ABOUT THIS, as many lives could be saved and families not left to suffer and wonder WHY this happened. These people are just EVIL and do not deserve a second chance.

Just heard on radio, where this proposal was blocked, by the Labor Party, what is wrong with them? This is a real blow for all homicide families.

Indeed, it is a blow. If the legislation to which the Premier referred is not even allowed to be debated in this House today, it will be a blow to the Brian Morses of the world, it will be a blow to the Kerry and Beverley Baldings of the world, and it will effectively state to people such as Baker and Janine Balding's murderers that they will get another go. They do not deserve another go; they do not deserve another chance; they do not deserve to go to the Supreme Court and ask a judge to let them have another opportunity to present a case to convince the courts that they should be out of gaol. No-one in the community believes that such people have a

right to come back into the community after what they have done and in view of the horrendous nature of their crimes. In the case of Virginia Balding, the crimes were so horrendous that not all the details have been released because the community would be shocked beyond belief.

The Opposition is asking the Government to allow debate on this matter to take place today and to allow the legislation to pass in this House. The bill will not contravene a High Court decision in the way in which the Premier suggested in this House. The legal advice to which the Premier referred did not even refer to constitutional issues. The Opposition would happily table that advice but was given only a brief opportunity to read it. The Premier referred to debate in this House compromising the case, but it will not. A judge will not be compromised by any discussion in this Parliament about that matter.

Mr Hartcher: It is not a jury trial.

Mrs CHIKAROVSKI: It is not a jury trial. I ask the Government to let us have a debate. I ask the Minister for Police and the Leader of the House to let honourable members debate the issue to find a way to ensure that the Bakers of the world do not get out of gaol, do not have a second chance, and do not go back to the Supreme Court. Let us confirm the original intention of the sentencing judge that Baker should stay in gaol. Justice Taylor was very firm in his view on Baker. He stated:

I believe you should spend the rest of your lives in gaol and there you should die.

If ever there was a case where life imprisonment should mean what it says—imprisonment for the whole of your lives—this is it.

[Time expired.]

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

The House divided.

Ayes, 43

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

Noes, 34

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

Pairs

Mr Knight
Mr Moss

Mr J. H. Turner
Mr O'Farrell

Question resolved in the affirmative.

VOCATIONAL EDUCATION AND TRAINING FUNDING**Urgent Motion**

Mr AQUILINA (Riverstone—Minister for Education and Training) [2.47 p.m.]: I move:

That this House:

- (1) calls on the Commonwealth Minister for Education, Training and Youth Affairs to demonstrate a genuine and funded commitment to public provision of vocational education and training through a new Australian National Training Authority [ANTA] Agreement, to be negotiated in Melbourne on Friday 30 June 2000; and
- (2) calls on the Leader of the Opposition to publicly support the position of other State and Territory governments in seeking adequate Federal funding for TAFE through a new ANTA Agreement.

Since 1996 the Commonwealth Government has cut more than \$187 million in funding for vocational education and training for New South Wales. An amount of \$138 million has been cut in growth funding, and more than \$50 million in capital funding has been cut by Dr Kemp. Tomorrow the Australian National Training Authority Ministerial Council meets in Melbourne to determine the future of funding for TAFEs for the next three years. This is an historic opportunity for the Commonwealth training Minister, David Kemp, to make amends. It is an opportunity for him to demonstrate a genuine and funded commitment to vocational education and training. It is an opportunity for him to fund both vocational education and training around Australia at a level that guarantees the future of hundreds of thousands of young Australians. Indeed, it is an opportunity for Dr Kemp to fund the very future of a skilled and competitive Australia.

The national training system was established by the former Federal Labor Government. It was established in partnership between the Commonwealth, States and Territories, and industry to build a skilled nation. It was established to provide Federal funding for TAFE systems around the nation to secure national priorities. Importantly, the growth and quality of the system was backed—indeed, it was guaranteed—by significant and rapidly increased funding. But three years ago Dr Kemp embarked on yet another ideological campaign to undermine the public provision of training and education in Australia.

When the first ANTA agreement expired in 1997 Dr Kemp seized the opportunity to change the face of vocational education and training in this nation. He abolished growth funding—that is, if community and industry demand for training increased and enrolments went up, he would not provide a single extra cent. He introduced user choice, which meant that public training organisations, such as TAFE New South Wales, had to compete for funding against commercially established private companies. He forced States and Territories to compete for training business. Dr Kemp slashed capital funding. In a move reminiscent of George Orwell's *1984*, Kemp introduced the absurd notion of growth through efficiencies. Big Brother Kemp's growth through efficiencies obliges the States and Territories to fund growth and his national priorities without an extra cent in funding.

Instead, Dr Kemp wants TAFE institutions to find efficiencies—in other words, cuts to staffing, cuts to courses and, more importantly, cuts to quality—to fund more places for future skilling of young Australians. New South Wales held out as long as it could from signing this so-called agreement. Even Dr Kemp's own Coalition colleagues were appalled at his plans to yet again undermine public education and training. I recall former Victorian training Minister, Phil Honeywood, launching almost daily attacks on Dr Kemp's agenda in the *Melbourne Age*. Indeed, what Phil Honeywood had to say at ANTA Ministerial Council meetings could not be repeated in this place. I dare not repeat them in this place.

Mr O'Doherty: You might not, but that would not stop the Premier from repeating them.

Mr AQUILINA: I make commitments not to repeat publicly what is said in those meetings, and I do not repeat what is said in those meetings. But no-one has to speak for Phil Honeywood because he made his feelings quite plain almost daily in the *Melbourne Age*. After threats of losing our entire Commonwealth

funding, and as the only Labor Minister at the time, I eventually was forced to sign on the dotted line. But the consequences of Dr Kemp's ANTA agreements have been dire. New South Wales alone has lost \$138 million over the past three years, just through the loss of growth funding. TAFE New South Wales has lost a further \$50 million in capital funding. At the same time, demand for TAFE training has been growing strongly. When the Leader of the Opposition was training Minister in 1994, there were only around 406,000 enrolments in TAFE New South Wales. The Carr Government, upon its election, responded to that demand and funded 5,000 additional places in 1997. TAFE New South Wales has had to cut its costs to enable more places to be created so that more people can access the training they want. In 1999 TAFE enrolments increased to a record 450,000. This year enrolments will grow even further.

New South Wales tried to protect the quality of our training to ensure that employers could be guaranteed that their employees had the necessary skills. The Carr Government has increased funding to TAFE New South Wales by \$130 million since coming to power. This year TAFE New South Wales will receive \$1.29 billion in recurrent funding from the Carr Labor Government. Our approach has cushioned the impact of Kemp's cuts. But how much more would we have been able to achieve had those cuts not been put into place? Other jurisdictions did not take the same judicious approach. The former Kennett Government of Victoria, for example, presided over a crisis of lack of quality in its TAFE system. Some Victorian TAFE institutions were on the verge of bankruptcy.

Just this morning my colleague the Victorian training Minister, Lynne Kosky, released the record of an independent review of the state of the Victorian training system. It found that poor quality training was widespread under the former Kennett Government. Fraudulent and unethical training operators were delivering low-quality training and the system had cut corners to save money. No wonder Phil Honeywood was so frustrated in trying to deliver a quality training system when, by sticking to Kemp's agenda, there was cut, cut and cut as far as funding for training in Victoria was concerned. The result was an undermining of both the confidence and skills of apprentices and trainees—all because of Dr Kemp's relentless push for competition and his massive cuts to training funding. The cuts have occurred at a time when there has been unprecedented demand for skilled workers and quality training. If Australia is to become the knowledge nation and compete in the global economy, the Commonwealth Government cannot abandon TAFE for another three years.

Dr Kemp has now presented his proposal for a new ANTA agreement. It is more of the same. He will not provide any growth funding. He has removed the term "growth through efficiencies", but the absurd concept is still there. Without any growth funding, States and Territories will still be forced to meet increased demand through cuts to staff, courses and quality. His refusal to provide funding for growth is in spite of his own department's projection of a growth of at least 2.5 per cent a year for the next five years. A national working group report on "Future Demand for Vocational Education and Training" suggests that growth in demand for vocational education training is likely to be as high as 5.7 per cent per year. The same report costed each percentage point growth in demand at \$26.64 million per year.

In fact, just yesterday in Federal Parliament Dr Kemp launched a feeble attack on Labor States for allegedly failing to implement his New Apprenticeships Scheme quickly enough. But Dr Kemp's hollow rhetoric of a commitment to New Apprenticeships is not matched by a genuine commitment to funding their implementation. If he is fair dinkum and really committed to improving apprenticeships and the quality of training in this country, let him fund those important initiatives. He should put his money where his mouth is. It is not State-based "red tape", as Dr Kemp claims, that is preventing growth in new apprenticeships; it is his lack of funding, that is, lack of Commonwealth funding. Victoria and Queensland have experienced a decline in commencements because Labor will not sacrifice quality for quantity.

Let me set the record straight on what Dr Kemp said in Federal Parliament yesterday. In the first five months this year New South Wales has seen a 103 per cent increase in traineeship applications—16,600 applications in 2000, up by 8,447 on this time last year. This achievement has been in spite of Commonwealth funding cuts. That is an achievement that utterly refutes Dr Kemp's accusation. The person responsible for putting quality training and real jobs in Australia at risk is the Federal Minister. Yet Dr Kemp's proposed agreement presents a limited and untenable vision for Australia. Dr Kemp needs to be exposed for what he is doing and for jeopardising both the growth and quality of training in this nation. [*Time expired.*]

Mr O'DOHERTY (Hornsby) [2.57 p.m.]: I have in my possession the draft Australian National Training Authority [ANTA] agreement to which the Minister referred. One would hardly think that we are looking at the same document, because the agreement that I have in my possession—indeed, a copy of the letter sent recently to the Minister, the Hon. John Aquilina—refers to discussions that will take place at the ANTA

Ministerial Council meeting tomorrow. The second paragraph refers specifically to funding for TAFE across Australia and states that the Commonwealth Government will provide more money between 2001 and 2003 for the vocational education and training sector. That extra money will be in the form of an indexation of the current funding arrangements; in other words, there will be real-terms maintenance of the funding of TAFE from the Commonwealth. That, of course, in anybody's language, is an increase in funds for this year.

The Minister for Education and Training spoke about funding cuts and so on. Nothing could be further from the truth. The Minister also spoke about "growth through efficiencies". I note in the draft ANTA agreement, which the Minister will sit down with his colleagues tomorrow to discuss at the ANTA Ministerial Council [ANTAMINCO] meeting—the draft agreement that the Commonwealth has sent round Australia—"growth through efficiency" has been removed. In fact, it has been replaced by what I think is a good provision—a provision that the New South Wales Minister ought to agree to. One of the principles of the agreement is "transparent and accountable funding arrangements and relationships". The words in the current agreement are "the principles of achieving growth through efficiencies". The Minister said that he does not like those words, so the Commonwealth is taking them out and replacing them with the words, "transparent and accountable funding arrangements and relationships". The words that offend the Minister have been replaced, but he still complains about them.

Mr Aquilina: I just want the money.

Mr O'DOHERTY: The Minister should go to the ANTAMINCO meeting tomorrow with his colleagues and agree to these proposals. The Minister has said that he just wants the money. The Minister will not get the money unless he signs the agreement. Within that agreement is a provision for the ongoing funding of TAFE and real growth, that is, growth according to indexation. There is provision also for the States and the Commonwealth to effect a number of other improvements in vocational education and training throughout Australia. I want to refer to a number of things that will be placed in jeopardy if the Minister and his colleagues, who are threatening the ANTA agreement, have their way. Let us look at the new objectives to be inserted into the ANTA agreement if the States agree to what the Commonwealth Government is proposing. I will mention a few of them. Objective (a) states:

- (a) to expand New Apprenticeships into new areas and to achieve further growth in New Apprenticeships opportunities by maintaining the agreed commitment to resourcing New Apprenticeships as a high priority within the overall VET system.

That is a reference to the vocational education and training system. New South Wales has not only been slow; it has hardly got off the block in relation to implementing new apprenticeships in New South Wales. The New South Wales Government took a long time to even look at the new apprenticeship system. Let us look at the history of the relationship between the New South Wales Minister for Education and Training in the Carr Government and the Commonwealth Minister for Education, Training and Youth Affairs in the Howard Government. Initiatives and new funding arrangements are being proposed and provided by the Commonwealth Government, but all we have seen are sluggish if not dilatory tactics or a lack of action on the part of the New South Wales Government. That has ensured that New South Wales students have not been able to take advantage of the best in Commonwealth policy.

New apprenticeships and full service schools are but two examples. Examples abound of the Commonwealth Government providing services to students and funding for schools. The Commonwealth Government has ensured that students have had an appropriate transition from school to work in the following years. The New South Wales Government, because of its ideological objections, has not allowed the progression of that Commonwealth agenda in this State. The new apprenticeship scheme is one of the things that will be placed at risk if the New South Wales Government does not sign the ANTA agreement. New South Wales will not be able to take advantage of expanding new apprenticeship opportunities. I am here to tell the Government that parents in New South Wales and students leaving schools in New South Wales want those new apprenticeship opportunities. They want to move from school to work in the best manner possible. If the New South Wales Government does anything to stand in their way it will wear the odium of its decision in the community. Objective (e) in the draft agreement states:

- (e) to establish more effective arrangements within the VET sector to facilitate pathways from schools to VET, including recognition of VET outcomes achieved in schools for the purposes of entry to higher education, and between VET and higher education, including through improved credit transfer arrangements.

Let me decode what the Minister has already referred to as the words of the mandarins. That objective means that Commonwealth policy in vocational training will ensure that transitions from school to work operate in a

more efficient way, to provide exactly what the New South Wales Government said it is trying to provide in southern Sydney, on the northern beaches and in western Sydney, although in not one of those places is the Government providing services very efficiently. The Government is attempting to ensure that senior schools are not merely places where students the Higher School Certificate. Senior schools should also be places where students obtain other training relevant to securing a job immediately upon leaving school.

The purpose of that objective is to provide credit transfer points for the Higher School Certificate and for programs such as the Joint Secondary TAFE Schools [JSTS] program, a program initiated under a Coalition Government and cut back under the Labor Government in New South Wales. Through the JSTS and other programs students should be able to accrue credit points while they are at school or while they are studying at TAFE so that when they go to university those credit points count towards a degree there. Only yesterday I was discussing with someone in the VET sector how important it is that Australia has been able to achieve that credit transfer. That has not been achieved in other parts of the world, but it is an issue on which the Coalition has taken leadership.

I remember the Hon. Virginia Chadwick commencing this process when she was Minister for School Education in New South Wales. A great deal of growth occurred in this area under the previous Coalition Government. That growth has been continued by the Commonwealth Government and through the leadership being shown by David Kemp, the Commonwealth Minister. That process of expanding credit transfers and the option available to students to study at school and TAFE and then to move on to university are available to senior students in New South Wales high schools. However, all those options have been placed at risk because the New South Wales Government told us today that it does not want to sign the new ANTA agreement, which provides for indexed and continuing funding of the VET sector.

I turn now to growth through efficiency, a matter about which the Minister spoke and a matter about which the Government speaks with a forked tongue. The New South Wales Government is a signatory to the previous ANTA agreement, which provided for growth through efficiencies. Just as occurred in relation to the GST, the Minister signed documents in Canberra on behalf of the New South Wales Government. The Minister for Education and Training is a signatory to the ANTA agreement and to the principle of growth through efficiency, as are other States. I do not deny for a minute the right of any State—New South Wales, Victoria or any State—to argue forcefully that it wants more funding for the TAFE sector. That is a good argument. There ought to be more funding. The Minister should be providing more funding for the TAFE sector in New South Wales.

The Minister's contribution in the budget was a major cut to the number of TAFE teachers. Seven hundred full-time TAFE teaching jobs will be lost this year under the Carr Government in New South Wales. That is the full-time equivalent, so there are far more people than that. Seven hundred effective full-time positions will be lost in New South Wales from TAFE teaching under the budget handed down by Michael Egan in this House and agreed to by the Minister for Education and Training. That is the record of this Minister—a Minister who has cut funding and who is known for his amalgamations in the TAFE sector.

We have only to look at what is happening in relation to Seaforth TAFE. That campus is being closed down in direct contradiction to the undertakings given by the Government and TAFE management prior to the election. Another broken promise! Growth through efficiency is a process supported by the New South Wales Government. In the interests of ensuring that the Australian vocational education and training sector adopts world's best practice, the States should look towards making TAFE more efficient and flexible. That is exactly what the Minister would agree to if we were in any forum other than this. I move:

That the motion be amended by leaving out all words after the word "That" with a view to inserting following:

- (1) commends the draft ANTA Agreement to all State, Territory and Commonwealth Ministers;
- (2) congratulates the Commonwealth Government for its leadership in VET reform and its commitment to increased TAFE funding; and
- (3) condemns the New South Wales Government for its cuts to TAFE teaching numbers. [*Time expired.*]

Mr STEWART (Bankstown—Parliamentary Secretary) [3.08 p.m.]: After the contribution of the honourable member for Hornsby he should be known as the Pinocchio of the Parliament. I watched his nose grow minute by minute while he told many porkies about the proposals that have been put forward by Dr Kemp. I remind the honourable member for Hornsby that in April 1998, when speaking to an urgent motion moved by the Minister that this House condemn the Howard Government for its massive cuts to education training and

funding, the then shadow Minister for Education and Training, the spokesperson for education for the Coalition—the honourable member for Hornsby—praised the Howard Government's funding scheme for TAFE and said:

Under the Howard Government ... additional places have been made available for 1998 while finding efficiencies in the system.

The honourable member has just told us that the "e" word is a terrible word and that he will not use it any more. In debate on the urgent motion he said that the motion was not about efficiencies; that it had nothing to do with efficiencies in the proposed agreement. That is what the honourable member tried to say. I admit that his speech was a bit garbled but that was the gist of it. I had hoped that he would focus on the positive side of TAFE in New South Wales. It has been a foil for better education in this nation. New South Wales TAFE is rightly recognised for its excellence and for what it has done not just in the present but in the past. TAFE students have won numerous awards. New South Wales TAFE is known not only in New South Wales but also in other States and countries for its excellence in education.

In 1997 a student from the Illawarra Institute was selected as the Australian Trainee of the Year. In a little over a fortnight New South Wales will celebrate TAFE Week, which was introduced by the Government. TAFE Week provides us with the opportunity to celebrate the achievements of TAFE students and teachers across 130 campuses. TAFE New South Wales has proudly played an important part in the development of skills and technical education in the State for many, many years. As the Minister stated, the training market is now fiercely competitive. There are hundreds, if not thousands, of private training companies and enterprises as well as in-house training organisations.

In the Hunter and coastal regions alone there are now more than 200 private training providers. TAFE New South Wales has faced this competition with quality training and accessibility to it. As the Minister said, it is about quality, not quantity, which the Federal Minister is pushing for. Faced with this situation, we now have to look at the consequences of further cutbacks, resulting in the loss of \$138 million over the past three years, which have been made by Dr Kemp, or Dr Razor Blade, as he should be known for his massive cuts to public education.

Mr Aquilina: He has used it.

Mr STEWART: He has used it very effectively. In addition, the Commonwealth has reduced capital funding from \$76.6 million in 1996 to \$61.2 million in 2000. That is absolutely shameful. Public education institutions are being demoralised because of cutbacks in funding. Unless Dr Kemp demonstrates a genuine and funded commitment to the public provision of vocational education and training in Melbourne tomorrow at the ANTAMINCO meeting, his cuts will obviously continue. States and Territories are negotiating with the Commonwealth about the future funding arrangements under the new national training authority agreement. If Dr Kemp gets his way there will be no increase in Commonwealth funding.

That has forced up the costs of the New South Wales Government but, like the Howard Federal Government, the Opposition fobs that off. It is no surprise that the Coalition stood back and watched \$138 million being cut from the TAFE program in the State over the past three years. It is shameful that the Coalition has not progressively lobbied the Federal Government, as the Government has, to try to get this funding reinstituted. If the Coalition is serious about the provision of quality vocational education and training, it can no longer back Dr Kemp's agenda. It needs to tell him what needs to be done in this State in a positive, constructive way.

Other Coalition States and Territory governments are uncomfortable with Dr Kemp's vocational education and training policies, just as the Western Australian, South Australian, Australian Capital Territory and Northern Territory governments are opposed to the enrolment benchmark adjustment. In spite of growing competition and Commonwealth budget cuts, TAFE New South Wales is determined to ensure its standing as Australia's pre-eminent training provider. TAFE New South Wales remains committed to the provision of vocational education and training programs to enable students to reach their full potential and to prepare for jobs. The Carr Government has strongly supported TAFE New South Wales. The Government continues to invest in TAFE for the benefit of the people New South Wales. The Carr Government has worked hard for the TAFE system in this State, and will continue to do so against the odds. TAFE New South Wales is the largest and best training organisation in the country. It must remain so. At tomorrow's meeting Dr Kemp must stand up for public education. [*Time expired.*]

Mr RICHARDSON (The Hills) [3.13 p.m.]: I am absolutely flabbergasted that this motion should be brought before the House. As my colleague the Hon. Patricia Forsythe in another place, the shadow Minister for

Education and Training, said a moment ago, "When all else fails blame the feds." That has been the pattern of behaviour of this Government ever since the Howard Government was elected in 1996. Time and again Ministers move lame-brain motions attacking the Federal Government in every portfolio area. I strongly support the amendment moved by the honourable member for Hornsby to the motion. The urgent motion moved by the Minister For Education and Training does not get to the nub of the issue. It certainly is true that there has been a program of growth through efficiencies through the current ANTA agreement. There is no question about that.

Mr O'Doherty: He signed up for it.

Mr RICHARDSON: My colleague the honourable member for Hornsby reminds me that the Minister signed that agreement. Is the Minister trying to suggest there should be no efficiencies in the public sector? Is that the Minister's idea of how to govern the State? Is that the Minister's idea of how to run his department? We reject that approach. We say it is appropriate for every department to be run as efficiently as possible. The recent letter from the Minister for Education, Training and Youth Affairs, Dr Kemp, to the Minister For Education and Training that was referred to by the honourable member for Hornsby states:

The Commonwealth recognises the substantial achievements made by most States and Territories under the "growth through efficiencies" provisions of the current Agreement. The Commonwealth is not seeking to continue these provisions in an amended Agreement, but is seeking a commitment from States and Territories to strive for ongoing efficiency improvements.

This is an important point:

The Commonwealth is also seeking an assurance that there will be no substitution of Commonwealth-funded effort for State/Territory-funded effort.

In other words, the Minister is saying that he does not want the New South Wales Minister For Education and Training, who does not believe in efficiencies in his own department, to use the Federal Government as a whipping boy for his inability to control expenditure within his department. That is exactly what he is saying in that paragraph. It is true, as the honourable member for Hornsby has said, that the proposed amended agreement is favourable to the Government. There is no question about that. The current agreement states there should be:

... transparent and accountable funding arrangements and relationships which reflect the principle of achieving growth through efficiencies.

That has been deleted from the proposed amended agreement, which will now read:

... transparent and accountable funding arrangements and relationships.

Is the Minister for Education and Training saying he does not agree with that? Is he saying that he does not agree with the new agreement? Does the Minister think the wording should remain as it is? I doubt it. The amended agreement also pursues excellence, and that is extremely important. It is something that we on this side of the House support. The Coalition supports excellence in training and, as the honourable member for Hornsby said, we support the notion that students at high schools should be able to engage in joint programs, and that there should be a seamless transition from TAFE courses into apprenticeships and into the work force.

That is exactly what the Federal Minister for Education, Training and Youth Affairs has been attempting to achieve in the time he has been in office. I am absolutely astounded that the Minister for Education And Training does not realise that and does not understand how important it is for young people to be given some guarantee of employment, some pot of gold at the end of the rainbow. For all those reasons, I oppose the motion and strongly support the amendment moved by the honourable member for Hornsby.

Mr GREENE (Georges River) [3.18 p.m.]: I support the motion moved by the Minister For Education and Training. There is no doubt that the Minister has proven that he runs an extremely efficient department and an efficient education system. It is unfortunate that the Federal Government, with its continued cuts to funding in the education sector, is not expecting efficiency but rather that the system should be run without any substantial funding at all. The Carr Government has worked hard to support the State system in spite of large Commonwealth cuts. The State Government has increased its budget and is building new, state-of-the-art facilities and workshops, with high-tech equipment—the same equipment used in the workplace—in both metropolitan and regional centres. In this year's State budget the Government allocated \$82.1 million to commence 33 new projects.

We are providing new facilities at Armidale, Bathurst, Dubbo, Ultimo and Moree. There will be major refurbishments at North Sydney, Miller and Blacktown. Construction will continue on major developments at

Wetherill Park and Ultimo. Major works will be completed at campuses at Blacktown, Campbelltown, Hornsby, Kingswood, Loftus, Mt Druitt, Yallah and Wollongong. It is pleasing to hear the honourable member for Hornsby indicate his agreement with the works taking place, especially those at Hornsby. Record numbers of students will be studying and training in the world-class campuses, using industry-standard equipment. The first training sessions for the Olympic volunteers have begun.

Mr Richardson: Point of order: My point of order relates to relevance. The motion clearly refers to the level of funding from the Commonwealth Government for TAFE New South Wales. The honourable member for Georges River is straying from the point of the debate. He should return to the subject matter of the motion.

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

Mr GREENE: Before the point of order was taken, I was commenting on the efficiencies undertaken by the State Government. More than one million hours of training will be provided for 110,000 people in Sydney, Canberra, Melbourne, Brisbane, Adelaide and Perth. TAFE New South Wales is managing all the orientation, venue and job-specific training for the Olympic and Paralympic Games to the highest international standards. Much of the success of the smooth running of the Games will depend on the effectiveness of the training which TAFE provides to these volunteers. TAFE has more than 220 partnerships with industry, universities, local government agencies and other countries.

In the institutes, high-profile companies are choosing TAFE New South Wales to skill their employees. For example, in the Hunter, TAFE is working with Tomago Aluminium and Sanitarium; in the Illawarra, with BHP Port Kembla and Monbeef; in New England, with the Australian Cotton Ginning Association and Agrability (Australia); on the North Coast, with Nestle and Opal Cove Resort; in the Northern Sydney Institute, with Nortel and Stadium Australia; in the Riverina, with Visy Industries, the Ricegrowers Co-operative and the Snowy Mountains Hydro Electric Authority; in southern Sydney, with Qantas, Optus, Westpac and Australia Post; in south-western Sydney, with Toyota, Chubb Security and MM Cables; and at the Sydney Institute, with Streets Ice-cream, Fuji Xerox and Carlton.

The Government can proudly say that TAFE New South Wales is responsive to industry needs, provides more flexible delivery patterns and promotes new educational technologies. It provides short courses and customised courses. It provides courses via the Internet. Students can study at home, in the workplace or at college. We send mobile classrooms to remote communities. TAFE teachers go to factories, mines, vineyards and business centres. This innovative delivery is essential to meet the needs of individuals, industry and communities. But how long can this continue without realistic funding support from the Commonwealth? Unless Dr Kemp shows, in Melbourne tomorrow, a genuine commitment to a vibrant and growing TAFE system, the future of a skilled Australia is in jeopardy. I support the Minister for Education and Training in his call for Dr Kemp to demonstrate a genuine and funded commitment, and I hope the Opposition will support this motion.

Mr AQUILINA (Riverstone—Minister for Education and Training) [3.23 p.m.], in reply: I thank the honourable member for Bankstown, the Parliamentary Secretary for Education and Training, and the honourable member for Georges River for their contributions. I thank also the honourable member for Hornsby and the honourable member for The Hills for their contributions, although one could hardly say that were a spirited defence of the Federal Government and, indeed, of what Dr Kemp is trying to do. I can understand the embarrassment of members opposite. However, they should rise above that embarrassment and speak on behalf of the apprentices and trainees in New South Wales and TAFE New South Wales, not try in a mediocre way to defend the ideological hotch-potch of Dr Kemp, who, after all, has been deserted by his Federal colleagues at a rate of knots.

Dr Kemp is an embarrassment to the Federal Government and to his colleagues on many ideological positions that he holds. I receive feedback on that regularly. Dr Kemp is also an embarrassment to many other State education and training Ministers of his political persuasion around this nation because of his insistence upon pursuing ideological endeavours which themselves, in many ways, prove to be irrational. For example, we had quality and consistency versus competition. Dr Kemp introduced a competition policy around the nation to throw all States into competition with each other. Yet at the same time he insisted on consistency of standards. How can there be consistency of standards if all the States are undercutting each another to win projects? If funding for growth is not increased, if deficiencies are introduced, how can there be consistency of standards? The introduction of deficiencies translates, in many ways, to cutting back on quality.

However, that is what has happened. It happened in Victoria to such a degree that it brought a number of Victorian institutes to their knees. A report released this morning by my colleague Lynne Kosky shows

decidedly how the new Victorian Government has had to provide substantial funding to save some of the failing institutes in the Victorian system. That situation threatens all States, and it would threaten institutes in New South Wales if not for the fact that the New South Wales Government has provided \$130 million of taxpayers' money to counterbalance somehow the \$138 million cut by the Federal Government. I am not blaming the Federal Government so much as I am blaming Dr Kemp's failed ideological policies because, basically, he is the one driving them.

The honourable member for Hornsby said that I had a lot of misgivings about the 1997 Australian National Training Authority agreement, although I was a signatory to it. Of course I was a signatory to the 1997 ANTA agreement. But let us go back a little in history. I was the only Labor Minister in the country at that time, and the Federal Government threatened to leave me out in the cold. The Federal Government threatened that New South Wales, which provides 40 per cent of total training in New South Wales, would not receive any funding from the Commonwealth unless I became a signatory to the agreement. Many other Coalition Ministers would have been only too happy to join me, but at the end of the day they had to toe the party line. That was precisely the situation. Dr Kemp's ears would have been well and truly burning if he had heard the comments being made at that time by some of his National Party and Liberal Party colleagues about him and what he was doing to their budgets because of his ideological bent. That was the issue at that time.

We have a few more allies this time round. There are a few more people. Tomorrow I will be presenting a new vision of the national training system which will aim at not only providing funding but also maintaining quality and consistency of standards. The proposal I will present on behalf of the States and Territories to the ANTA Ministerial Council meeting tomorrow will build a broader, stronger and more sustainable arrangement that embraces national imperatives and recognises local diversity. New South Wales is different from Western Australia, South Australia, Queensland and Victoria. We have a unique way of pursuing things, and we should be allowed to do that. The new vision will ensure consistency, quality, inclusiveness, stability and accountability. It calls on Dr Kemp to put his money where his mouth is by funding for growth and for quality. *[Time expired.]*

Question—That the words stand—put.

The House divided.

Ayes, 46

Mr Amery
Ms Andrews
Mr Aquilina
Mr Ashton
Mr Barr
Mr Bartlett
Ms Beamer
Mr Black
Mr Brown
Miss Burton
Mr Campbell
Mr Collier
Mr Crittenden
Mr Debus
Mr Face
Mr Gaudry

Mr Gibson
Mr Greene
Mrs Grusovin
Ms Harrison
Mr Hickey
Mr Iemma
Mr Knowles
Mrs Lo Po'
Mr Lynch
Mr McBride
Mr McGrane
Mr McManus
Ms Meagher
Ms Megarrity
Ms Moore
Mr Nagle

Mr Newell
Ms Nori
Mr Orkopoulos
Mr E. T. Page
Mr Price
Ms Saliba
Mr Scully
Mr W. D. Smith
Mr Stewart
Mr Tripodi
Mr Whelan
Mr Yeadon

Tellers,
Mr Anderson
Mr Thompson

Noes, 32

Mrs Chikarovski
Mr Collins
Mr Debnam
Mr George
Mr Glachan
Mr Hartcher
Mr Hazzard
Ms Hodgkinson
Mr Humpherson
Dr Kernohan
Mr Kerr

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

Mr Slack-Smith
Mr Souris
Mr Stoner
Mr Tink
Mr Torbay
Mr R. W. Turner
Mr Webb
Mr Windsor
Tellers,
Mr Fraser
Mr R. H. L. Smith

Pairs

Mr Knight
Mr Moss

Mr Armstrong
Mr J. H. Turner

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

BUSINESS OF THE HOUSE**Matter of Public Importance: Suspension of Standing and Sessional Orders**

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to postpone the consideration of the matter of public importance until a later hour.

CASINO CONTROL AMENDMENT BILL**In Committee**

Consideration of the Legislative Council's amendment.

Schedule of the amendment referred to in message of 28 June

Page 7, schedule 1 [21], line 25. Omit all words on the line. Insert instead:

- (f) human services or consumer protection,
- (g) community work or the community sector.

Legislative Council's amendment agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

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

INDUSTRIAL RELATIONS AMENDMENT BILL**INDUSTRIAL RELATIONS AMENDMENT (INDEPENDENT CONTRACTORS) BILL**

MR SPEAKER: 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 considered the Industrial Relations Amendment Bill and has divided the Bill into two Bills:

- (1) "An Act to amend the Industrial Relations Act 1996 to make further provision with respect to industrial relations". (Industrial Relations Amendment Bill)
- (2) "An Act to amend the Industrial Relations Act 1996 with respect to independent contractors". (Industrial Relations Amendment (Independent Contractors) Bill)

The Legislative Council returns the Industrial Relations Amendment Bill, consisting of the original Bill with the exception of Schedule 1 [1], [24], [25] and [26], with the amendments indicated by the accompanying schedule.

The Industrial Relations Amendment (Independent Contractors) Bill, consisting of Schedule 1 [1], [24], [25] and [26] of the original Bill is still receiving the consideration of the Legislative Council.

The Legislative Council requests the concurrence of the Legislative Assembly in the action taken by the Council.

Legislative Council
28 June 2000

MEREDITH BURGMANN
President

INDUSTRIAL RELATIONS AMENDMENT BILL**In Committee****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 28 June*

No. 1 Page 10, Schedule 1 [19], lines 31-37. Omit all words on those lines. Insert instead:

- (1A) This Part applies to the dismissal of an employee even if the person was employed in this State under a Federal award. However, this Part does not apply to the dismissal of any such employee if:
- (a) the person is entitled to make an application to the Australian Industrial Relations Commission with respect to the dismissal on the ground that it was harsh, unjust or unreasonable, or
 - (b) the person would have been entitled to make such an application but for the exclusion of the person from the relevant provisions of the *Workplace Relations Act 1996* of the Commonwealth (being an exclusion of a kind referred to in subsection (2)).

No. 2 Pages 19 to 20, Schedule 1 [36], line 32 on page 19 to line 14 on page 20. Omit all words on those lines.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [3.40 p.m.]: I move:

- (1) That Legislative Council Amendment No. 1 be agreed to.
- (2) That Legislative Council Amendment No. 2 be disagreed to.

Amendment No. 2 is disagreed to for the following reasons. The provision in the Industrial Relations Amendment Bill dealing with removal of non-judicial members of the Industrial Relations Commission, which was removed when the bill was before the Legislative Council, was intended to correct a technical error in the present legislation. The status quo which previously was generally considered to exist was that a non-judicial member of the commission could be removed by the same process which applied to judicial members, namely, by the Governor, on the address on both Houses of the Parliament in the same session, seeking removal on the ground of proved misbehaviour or incapacity. However, although the Judicial Officers Act 1986 defines a judicial officer in such a way that it includes a non-judicial member of the commission, the Constitution Act 1902 makes provision for removal of judicial members of the commission only. This means that non-judicial members of the commission could not be removed in the unlikely event of misconduct or incapacity.

It is desirable that this important area of the law be governed by explicit statutory arrangements. The provision in the Industrial Relations Amendment Bill will provide for the removal mechanism that was previously considered to apply and is analogous to the arrangement under previous legislation in this State and the relevant Federal provisions. The Leader of the Opposition suggested in the other place that non-judicial members of the Industrial Relations Commission should be able to be removed in the same way as an unsatisfactory senior public servant is removed. That suggestion ignores the very real difference between the two positions. Senior public servants exist to serve the government of the day. Members of the Industrial Relations Commission need to be impartial and independent of the government of the day. The provision in the bill achieves this necessary independence. I therefore commend the motion to the Committee.

Mr HARTCHER (Gosford) [3.43 p.m.]: The message from the Legislative Council indicates two things. The first point of the message is that the bill has been divided into two parts and I will deal with that part of the message first. The wording of the message, as honourable members have heard, indicates that the Government had a big loss when Part 9A was removed. As the message states, that is why the bill is currently before the Legislative Council. Part 9A was a whole new part of the Industrial Relations Act which was designed to give the Industrial Relations Commission the power, on an application being made by an industrial organisation—that is, essentially, a trade union or a peak council, of which there is only one, namely, the Labor Council, or an employer—to declare subcontractors to be employees. It was the ultimate attempt to force thousands of subcontractors in this State into an employee status, and the provision was so worded for the purposes of the Act. But, of course, the legislation would have had much a wider purpose.

In a very disingenuous—let me use the word dishonest—way, the Government stated that the effect of the legislation would be confined to the purposes of the Act. But the Government knew full well that such matters flow on through judicial interpretation into other areas. The Government has been caught out, and

caught out badly. The trade union movement, the big right wing unions and the Construction Forestry Mining and Energy Union [CFMEU]—the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney's favourite union—all wanted the Act amended as a sop to them. The sole purpose of the amending bill was to ensure that subcontractors could be forced into the union structure, especially in the building industry and the information technology areas, so that they could be declared employees.

The legislation did not protect anybody and there was no public mischief or public need. No report had been done to show that the amending bill was required. It was a sop to the annual conference of the Australian Labor Party to show that this Government was looking after the trade union movement. The Government has been caught out, and caught out badly. The members of the conservative parties comprising the Coalition in the Legislative Council and the crossbench have caught out the Government and have revealed this Government for what it is—simply the cat's paw of right-wing unions and, of course, the CFMEU. That union would be insulted more by being described as a right-wing union than by any other insult that could be ascribed to it.

Mr Yeadon: You want to look over your shoulder on the way home tonight.

Mr HARTCHER: Let that remark be noted. The amending bill has gone down in flames. If the Government intends to reintroduce the legislation, it will go down in flames again. What the Government has done is give itself an honourable exit by introducing the bill, and that has been indicated in the message. While this Government pretends that it will introduce the bill at a later time, it will not do so unless it really thinks that it can do a deal to win over the crossbench members of the Legislative Council. I believe in the integrity of crossbench members; I believe in their responsibilities; I believe that crossbench members know that there is no point in having thousands of subcontractors forced into the trade union movement in this State. I am sure that the crossbench members will maintain their clear position that there is no point in simply pandering to a trade union movement that is in decline.

Only 22 per cent of the work force subscribes to trade union membership and that figure continues to decrease every year. When the Department of Industrial Relations has presented no reason for the introduction of this legislation—and that is probably not the department's fault—it is probably a sop from the Government to the trade union movement. I was shocked when I heard the sheer disingenuousness of the arguments advanced by the Government that this legislation was confined only to the purposes of the Act.

Mr Yeadon: Has this got anything to do with the message?

Mr HARTCHER: I am addressing the message and I am speaking strictly in accordance with the standing orders. The Government's attempt to ignore the whole point of the amending legislation is, as I mentioned earlier, dishonest. It is appropriate that the Government should be caught out. Recently the *Sydney Morning Herald* pointed out that the defeated legislation was a big loss for the Government. The second part of the Legislative Council's message relates to two specific amendments. The Minister has stated that amendment No. 1 has been agreed to and the Opposition has no dispute with that. Once again, the Government knew that that amendment had to be agreed to because its own legislation was flawed and had to be redrafted.

The Government can take no solace from the fact that the amending bill, which the Government forced through this House, has been amended by the upper House, and the Government has been forced to accept that situation. Amendment No. 2 states that various lines will be omitted from pages 19 and 20 of the bill to ensure that if non-judicial officers are removed, they will only be able to be removed in the same manner as judicial officers are removed. The question that must always be asked is: Who does that provision protect? One should always ask oneself what any move by this Government is designed to achieve.

Consideration of the people would include Peter Sams, who is a former secretary of the Labor Council of this State. He now has the same protection as has a judicial officer but that was not the case previously. He was appointed, and as part of the usual deal—namely, doing the right thing as secretary of the Labor Council as Michael Costa did—he would be assured of being looked after and would be given a job in the Legislative Council or in the Industrial Relations Commission. The position of secretary of the Trades and Labor Council is now only a staging post whereas once it was a great honour because it was one of the most powerful positions in this State.

It has only become a staging post in the careers of many people. A lot of them go. Mr Easson jumped too early. He never got a job. The story around Sydney is that he went into the superannuation industry

expecting Labor to give him a job, but because he was out of his position with the Labor Council, and had not made the arrangements before he pulled the pin, he never got one. Peter Sams took over from Easson and served his required three years and then secured a nice job in the Industrial Relations Commission. Now Michael Costa, who has been in his position for four years, will be given a nice job as he has done the right thing and he will be the next right-wing nominee to take over from Jeff Shaw in the Legislative Council. Everybody who lines up, does the right thing and puts up a hand gets a guernsey.

Mr Yeardon: Point of order: I acknowledge that the honourable member was within the terms of the debate earlier, but he has now strayed well beyond it by giving honourable members a history of Labor appointments. I would be fascinated to listen to him later, but I am sure honourable members want to leave; they do not want to sit and listen to this longwinded history of Labor appointments. I would ask that the honourable member for Gosford be brought back to the leave of the debate.

The TEMPORARY CHAIRMAN (Mr Price): Order! The honourable member for Gosford is certainly making a wide-ranging statement. I acknowledge that he has strayed significantly from the subject matter of the debate. He will now return to the amendment before the Committee.

Mr HARTCHER: I was talking about Peter Sams, an Industrial Relations Commissioner, a non-judicial officer to whom this amendment specifically relates. I submit that is very much within the leave of the amendment. I will not deal with other predecessors and successors of Peter Sams. I note with great pleasure the presence of the honourable member for Liverpool, whose side never gets a guernsey in the Labor Council but gets walked all over. The Opposition gets walked over in this Parliament, and he suffers the same at the annual conference.

The TEMPORARY CHAIRMAN: Order! I am sure the honourable member for Gosford is about to return to the subject matter of the amendment.

Mr HARTCHER: I am. The amendment has been moved because the Government wants a process that will deal appropriately with non-judicial officers. The Government is not saying that there are not many ways to deal appropriately with senior public servants—and, as pointed out in the Legislative Council, these officers are senior public servants. However, no precedent entitles a senior officer occupying a non-judicial position, by definition according to the Act, to the protection enjoyed by a judicial office holder. That is especially so, given that a referendum in this State in 1995 entrenched the position of judicial officers. The Government is seeking to take unprecedented action. That is why the Legislative Council rejected it and was so concerned because no explanation was given in the crossbench briefing notes or in speeches in that House.

The Government was anxious to sneak the legislation through to give a major concession to a list of people, many of whom it appointed not on merit but on their Labor Party connections. They will be given a special privilege over and above that given to other non-judicial office holders, such as those in similar positions in the Supreme Court and Land and Environment Court assessors. Land and Environment Court assessors are not being given the same protection because they are not on the list of Labor mates. The various mediators and arbitrators who function within the Supreme Court are also non-judicial office holders and are not being given the same protection.

The honourable member for Liverpool well knows that the range of registrars who exercise semi-judicial powers in determining applications before the court and exercise a whole range of other functions are not given the same protection. There is a vast list of people in the Supreme Court, District Court and the Land and Environment Court who are not Labor mates. This is Labor mates legislation at its worst and that is why it was rejected by the Legislative Council. That is the reason the Opposition does not agree with the Government's motion disagreeing with the amendment. The Opposition supports both the amendment and the correct and appropriate remarks put on the Legislative Council record by the Leader of the Opposition in that House. The Government, in its attempt to look after its own mates, has been caught out not just by the Coalition parties but by the crossbench. That attempt has not worked and will never work.

The Opposition will continue to scrutinise the list of appointments made by this Government. We will wait to see what the new Industrial Relations Minister does after he returns from the Hobart conference. The Minister for Police well remembers the 1955 Hobart conference when he was barracking for the losing side, but I will not remind him of that. When the Minister for Industrial Relations comes back from Hobart as National President we will scrutinise any appointments he makes of judicial and non-judicial officers. The Opposition will never agree to him allowing entrenched positions of privilege to be given to his mates by appointing them as non-judicial officers.

Mr HUMPHERSON (Davidson) [3.56 p.m.]: I will make a number of salient points in relation to the message from the Legislative Council. That House, as the honourable member for Gosford indicated, divided for very good reasons. The Opposition did not have a chance to properly scrutinise and debate this bill because it was gagged several weeks ago in this place. Ironically, if there had been more debate and scrutiny of the bill, perhaps the Government would have seen sense earlier rather than later. Before I was rudely gagged by the honourable member for Rockdale, I said that the bill attacked non-unionists and was a payback by the Labor Party for finance and resources provided to it by the union movement. I said it was also an attack on choice. I acknowledge that at least the crossbenchers—the minor parties in the upper House—recognised it as such and were prepared to support the removal of parts 9 and 9A.

The legislation is a payback to the unions and to a lesser extent a payback to Labor mates. It rewards those people who have provided assistance and support in one way or another to the Labor Party. Frank Belan basically blackmailed the Government to introduce the bill, otherwise he would walk, taking his affiliation and the hundreds of thousands of dollars that his union provides to the Australian Labor Party. The great success of the Liberal and National parties with the bill is an acknowledgment that people ought to have a choice. People have the right to work, whether it be for themselves, as subcontractors, or in small companies. Some might seek success as self-made entrepreneurs in the information technology and building industries. They should all be left alone to make their own work arrangements and determine how they wish to work. They should not be deemed by a union to be working under an award, and they should not be coerced, forced or threatened to become union members.

The Opposition fully endorses the acknowledgment by upper House crossbench members of that basic right, and thanks them for their support. The Opposition acknowledges that in the wider community thousands of employees and contractors are now free of potential threat, if the Government, by not allowing rabid unions to ram their ideology down their throats, acknowledges their right to choose. The Minister would rather gag debate again. There was no consultation with stakeholders in the wider community—only with the unions and the Labor Council.

I have flagged previously a number of other measures in the bill with which I am not entirely comfortable or have reservations about. One matter that I was denied the opportunity to raise previously is that this bill will make it possible for those who do not wish to be a member of a union, those who would take a stand against a strike or have conscientious objection to joining a union, to be victimised and yet have little or no redress. Hopefully—I say this somewhat sarcastically—there will be a change of approach in relation to industrial relations, given the announcement by the Hon. Jeff Shaw that he is to retire. One wonders how long the Hon. John Della Bosca will be allowed to keep the Industrial Relations portfolio, particularly given the conflict of interest he has as the prospective national president of the Australian Labor Party. A conflict of interest he will have. He cannot purport to represent the interests of the workers of this State and at the same time be entirely captive to the unions in this country.

Mr Yeadon: What about the Minister for Small Business in the Federal arena?

Mr HUMPHERSON: The Minister will have the right of reply, and he can take as long as he likes to respond to what has been said.

Mr Yeadon: I prefer to interject on you.

Mr HUMPHERSON: That is your modus operandi, isn't it?

Mr Yeadon: Yes, very much so.

Mr HUMPHERSON: You have no regard for due process and for speaking at the time you should.

Mr Yeadon: Not for you.

Mr HUMPHERSON: It will be interesting to see who replaces the Hon. Jeff Shaw in the upper House. Will it be Michael Costa? Perhaps he could take over some of the portfolios that the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney is so incapable of running properly and efficiently.

Mr Yeadon: You haven't been able to lay one on me, Sunshine.

Mr HUMPHERSON: Stick to breeding goldfish! It will be interesting to see whether Michael Costa does come here before the Olympics, given that he will not want to surrender his accreditation to the Games. I want to acknowledge great support from upper House crossbenchers and members of minor parties for the removal of proposed part 9A from the bill. They fully recognised that the workers and certain subcontractors of this State ought to be able to operate free from the control of unions and have the choice of operating as they would wish in their working environments. Finally, I come to the non-judicial officers provision and the amendment that the Government is not prepared to accept, but which the Liberal and National parties will continue to push for: that is, that non-judicial officers should not be given the protection that the Government wishes to give them.

As the honourable member for Gosford indicated, commissioners such as Peter Sams and many other Labor Party mates know that the Industrial Relations Commission has done basically what the Labor Party has wished on a number of crucial occasions. It is somewhat ironic that the Minister, when introducing this measure a short while ago, suggested that commissioners should be independent of the government of the day. Yes, in principle, they ought to be. In practice, they are not, because Labor has so many of its mates at the commission that, no matter what goes before the Industrial Relations Commission, it is inevitable that the Labor unions of this State will get what they want. There is no genuine independence in the Industrial Relations Commission. The ethic and the culture of the Industrial Relations Commission is basically to roll over and do whatever the unions in this State wish the commission to do.

Mr Orkopoulos: You are attacking the commission.

Mr HUMPHERSON: Yes, indeed. I do not have any great faith in the Industrial Relations Commission. It has a long history of bowing to and looking after the unions and their mates.

Mr Orkopoulos: I suppose you have faith in the GST.

Mr HUMPHERSON: Correct. Nor does the commission place at a high level the interests of the wider community, the public interest, the interests of all the people in this State who do not want unions to have any place in their everyday lives or in their workplaces. Quite simply, the Industrial Relations Commission and the powers that this Government would seek to give the commission are all about undermining the very principles that I have outlined. The Opposition will not move on this. I do not believe the crossbench members and the minor parties in the upper House will move on this. Peter Sams and his mates at the Industrial Relations Commission will have to accept that the basis on which they took up those roles will not change. They will not be given any more rights, entitlements or privileges than they currently have. They are not entitled to them, and they are not going to get them. Under us, they will never get them.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [4.04 p.m.]: I feel compelled to respond to the hypocrites on the other side, particularly the likes of the honourable member for Davidson, who has been in this place for a number of years. We have started to hear from him only in the last six months—now that his preselection is under threat, and as we read about the dramas of the Liberal Party and its organisation, all of a sudden he is contributing to debate on these sorts of bills as part of his preselection campaign. I suggest that that will not save him in the long run. Members such as the honourable member for Davidson are quick to attack institutions of this State and nation. Last night I had the pleasure to watch an ABC documentary on the High Court. It was extremely informative.

Mr Hartcher: Point of order: I enjoy hearing what the Minister has to say, but his television watching is not relevant to this debate. I would ask that his attention be drawn to the motion.

The TEMPORARY CHAIRMAN (Mr Price): Order! I am sure the Minister was making but introductory remarks before speaking to the question.

Mr YEADON: What I was about to say is right at the heart of the debate. The honourable member for Davidson attacked the Industrial Relations Commission of New South Wales, suggesting it was some sort of club rather than a longstanding, worthwhile and productive institution of this State. I am at pains to point out how readily he and his kind from the Liberal side of politics will attack such institutions in an effort to undermine them. That ultimately would be detrimental to our community in every way, shape and form. The documentary on the High Court that I watched last night clearly and explicitly outlined how far Liberal members of Parliament and Ministers have gone to undermine institutions like the High Court, let alone the Industrial Relations Commission.

Might I point out that the former Industrial Relations Act 1991, enacted under the Greiner Government, of which the honourable member for Davidson was a member, contained a provision to enable each House of this Parliament to vote for the removal of a non-judicial member of the Industrial Relations Commission. Similar provisions exist in the Federal Workplace Relations Act 1996, brought in by that great union buster the Minister for Workplace Relations, Peter Reith. Indeed, provisions of the Industrial Arbitration Act 1940 enabled conciliation commissioners, as they were then termed, to be removed from office by a vote of the Parliament. All that the provision in the current bill seeks to accomplish is conformity with generally accepted practice in this area. That is why the preselection campaign of the honourable member for Davidson will not save him; he does no work, then gets up in this Chamber and talks drivel.

Mr HARTCHER (Gosford) [4.07 p.m.]: If the Government were sincere in its stated aim to amend the legislation of this State so that it is in conformity with the Workplace Relations Act, it would introduce the Workplace Relations Act. If it did that, the Coalition would support the Government. Rather, Government members say a section of the bill is taken from the Workplace Relations Act. We have heard that said on at least two occasions, once in relation to the anti-victimisation reversal of the onus of proof onto the employer. On that occasion Government members said that that provision was taken from the Federal Act and therefore the Coalition should support it. But Government members do not support most of the provisions of the Federal Act. Now they have found some other provision of the Federal Act that they like, so they introduce it in a bill and tell us we should support it because it is in the Federal Act. Bring in the whole Federal Act, if that is what the Government is about, and we will support it. We think the Workplace Relations Act is really great legislation. It is the policy of the Liberal Party—as if Government members did not know that.

Mr Yeadon: I knew it was, but you have just confirmed that.

Mr HARTCHER: Absolutely. I am delighted to confirm for the Minister that we in the Liberal Party uphold Liberal Party policy. Does that surprise him? He really has got me over a barrel now!

Mr Whelan: I'm surprised you have got a policy.

Mr HARTCHER: The hypocrisy rests entirely with the Minister for Information Technology. If the Government were genuine, either it would not support the Workplace Relations Act or it would introduce that legislation in this Parliament, as it has been requested to do by Mr Reith. The Opposition stands by its objection. Pursuant to Standing Order 157, Mr Chairman, I ask that you put the question in two parts, as the Opposition agrees with the first part but certainly does not agree with the second part.

Legislative Council amendment No. 1 agreed to.

Question—That Legislative Council amendment No. 2 be disagreed to—put.

The Committee divided.

Ayes, 41

Mr Amery	Mr Gibson	Mr Newell
Ms Andrews	Mr Greene	Ms Nori
Mr Ashton	Mrs Grusovin	Mr Orkopoulos
Mr Barr	Ms Harrison	Mr E. T. Page
Mr Bartlett	Mr Hickey	Ms Saliba
Ms Beamer	Mr Iemma	Mr Scully
Mr Black	Mr Knowles	Mr W. D. Smith
Mr Brown	Mrs Lo Po'	Mr Stewart
Miss Burton	Mr McBride	Mr Tripodi
Mr Campbell	Mr McManus	Mr Whelan
Mr Collier	Ms Meagher	Mr Yeadon
Mr Debus	Ms Megarrity	<i>Tellers,</i>
Mr Face	Ms Moore	Mr Anderson
Mr Gaudry	Mr Nagle	Mr Thompson

Noes, 33

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

Pairs

Mr Knight	Mrs Chikarovksi
Mr Moss	Mr J. H. Turner

Question resolved in the affirmative.

Legislative Council amendment No. 2 disagreed to.

Resolution reported from Committee and report adopted.

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

BILLS RETURNED

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

Lotteries and Art Unions Amendment Bill
 Medical Practice Amendment Bill
 Unlawful Gambling Amendment (Betting) Bill

BUSINESS OF THE HOUSE**Private Members' Statements: Suspension of Standing and Sessional Orders****Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to postpone the taking of private members' statements until after consideration of Government business.

SMOKE-FREE ENVIRONMENT BILL**Second Reading****Debate resumed from 26 June.**

Mrs SKINNER (North Shore) [4.21 p.m.]: I lead for the Coalition on this bill. I indicate that we will be supporting this legislation, the purpose of which is to promote public health by reducing exposure to tobacco and other smoke in public places. The Coalition has not only supported but proactively sought to achieve that. Not that long ago it would have been unbelievable to imagine how far we have come in preventing the exposure of individuals to tobacco smoke. Who would have imagined 20 years ago that smoking would not be allowed in public places, that one would not go to meetings where the smoke was so thick one could cut it with a knife? That is what is happening now. It started with the ban on smoking in workplaces. I pay particular tribute to my colleague the former Minister for Health, who really took the lead on this and never let it go. I refer to the honourable member for Willoughby, Peter Collins, who has always been very proactive in this regard. I know he and others who pushed to prevent harm from either direct tobacco inhalation or indirect tobacco inhalation have a great deal of standing amongst people working in the health sector.

I want to mention some facts surrounding cigarette smoking, and my reference is the report of the New South Wales Chief Health Officer on the health of the people of New South Wales. When the Minister mentioned this report in Parliament not long ago I said to him that it is an excellent publication. It is. I commend it to everyone. It tells us that cigarette smoking is a major cause of death and illness in this State. Smoking causes coronary heart disease, cancers, stroke and chronic lung disease, and is a contributory factor in sudden infant death syndrome and low birth weight. This is a matter of great public importance, not the least those who are related to the 325 people who, in 1998, died from tobacco-related disease. This represents 19 per cent of male deaths and 9 per cent of female deaths. I do not know off the top of my head the number of motor accident related deaths, but they are not as high as that. Yet we have done a great deal to reduce motor accident deaths. I am extremely pleased that we are now moving forward—towards the position the Coalition was in when it was last in government—in reducing the exposure of people to tobacco smoke.

In 1997, the year for which the last figures are available in the Chief Health Officer's report, 53,977 people—which is 792 per 100,000—were hospitalised from tobacco-related diseases. An enormous amount of money was wasted; it could have been put to other good purposes to prevent people from getting sick. Nearly 54,000 people were in hospital in one year due to tobacco-related diseases. Although it is believed that there has been a decline in smoking over the past 10 years, smoking prevalence targets for the year 2000 have not been met. The Commonwealth Department of Human Services and Health found that in 1994-95 smoking cost New South Wales an estimated \$4.2 billion and 245,828 hospital bed days. Of course, that is old data, but if it followed the trends it would have got worse.

I refer briefly to under-age smoking. After a general decline of smoking among students during the 1980s, smoking rates rose during the 1990s, with a greater take-up among girls. A secondary school survey showed that 19 per cent of boys and 21 per cent of girls aged between 12 and 17 reported smoking during the previous week. Smoking increased with age among both sexes, peaking at 27 per cent and 30 per cent among boys and girls during their latter years at school when they were aged around 17. The last available figures—I know they are old, but the Minister has been tardy in releasing the results of surveys of secondary school students—estimate that more than 107,000 secondary school students in New South Wales smoke cigarettes. Of course, they smoke illegally if they are under the age of 17, and the cost of smoking is about \$32 million.

The bill will repeal the Smoking Regulation Act 1997 and will prohibit smoking in enclosed public places, except areas that are specifically exempted. I will not go into great detail in that regard because the Minister did so when he introduced the bill. This bill differs in one major way from previous legislation, but does not change the definitions of "public places", and so on. The difference is that there are bans in all areas of hotels, registered clubs, nightclubs and the casino, except for certain areas that are exempted.

The exemptions are provided in all hotel areas other than the part used as a dining room, where genuine meals are ordered, served and consumed at tables. Exemptions are provided for all areas in registered clubs other than the part used as a dining room, where genuine meals are purchased on the premises and may be consumed at tables, or for a function at which food is served. In nightclubs the exemption applies to all areas other than the part used as a dining room, where genuine meals are purchased on the premises and may be consumed at tables, and any part of the casino used solely for the purpose of gaming machines or for a bar is exempt.

This means that smoking is banned in eating areas and at gaming tables in the casino. The legislation provides for transitional arrangements. Exemptions for restaurants take effect from proclamation of the Act; the part of a restaurant authorised as a reception area, and hotels, clubs and nightclubs will have a further 12 months to comply with certain requirements, including the erection of barriers to prevent penetration of smoke into smoke-free areas, ventilation and designation of smoke-free areas. The Government has indicated that an implementation group will be established to address issues regarding the 12-month phasing-in period. I have consulted broadly with Action on Smoking and Health, the Cancer Council and the Heart Foundation on this bill. Together with the health organisations, they speak with one voice on this matter. They have the common view that they accept this bill as a pragmatic compromise, but they would prefer no exemptions or phasing in, and that the ban be more widespread. Those organisations will continue to campaign for that, and good luck to them. I wish them well in progressing this public health issue.

I consulted the staff at Star City Casino about this bill. I understand their concern that the casino is not included in the list of facilities given 12 months to implement the ban. The gaming machine and bar areas at the casino, unlike other clubs and pubs with gaming machines and bar areas, which have a 12-month time frame, are at risk of losing exempt status because they do not have 12 months in which to erect barriers to prevent smoke drift. I ask the Minister to look at that matter and to ensure that an unfair rule is not being applied to the casino, compared with clubs and pubs.

I have spoken to the Australian Hotels Association about the impact of this legislation on small country hotels. Effectively, small country hotels have one room with a counter where people eat, drink and do everything. Some of my colleagues from country electorates, where small country hotels are more common, have expressed concern about the impact of this legislation on those hotels. What is the definition of "genuine meal"? Perhaps the Minister or the Parliamentary Secretary could indicate what is a genuine meal. Will small country hotels, in which people sit at a counter to drink and eat, be exempt from these provisions? Do these provisions exempt small country hotels from imposing a total ban on smoking?

While one might sympathise with the position of country hotels and want to ensure that their livelihoods are not affected, it is hypocritical for the Government to promote this bill as a public health bill which reduces exposure to tobacco, because it certainly will not do so for patrons and workers in the hospitality industry. During my consultation rounds I spoke to Clubs 2000, which supports the bill. The comments of Mr Peter Doyle, President of the Restaurant and Catering Association, are interesting. While that association, in a sense of pragmatism, supports the bill, it is unhappy with the transitional arrangements because it strongly supports a total ban on smoking. Mr Doyle is very unhappy about what he regards as the Government selling out to the clubs and pubs. He said that the Government is hypocritical in purporting to address this matter as a health issue when it is leaving patrons exposed to smoke in some areas and allowing breaches of the occupational health and safety legislation, which is what allowing workers to be exposed to smoke in work areas amounts to.

The Liquor Hospitality and Miscellaneous Employees Union, which pushed on behalf of its members for a ban on smoking at the casino gaming tables, supports the bill. I would be interested to know how widely the Government negotiated and consulted with the unions of those who work in the areas that will be exempt from the legislation to see how widespread concern for the future health of employees is, given that they will continue to be exposed to tobacco smoke. The Coalition supports this bill as it is a step in the right direction. However, we are on the record as indicating that we would like it to go further, and we will keep an eye on the matter to ensure that that happens.

Mr COLLINS (Willoughby) [4.36 p.m.]: I support the bill. I suppose all of us in this Parliament, and indeed any Parliament, constantly face the accusation from members of the public that the two sides do not co-operate and we refuse to act in unison on a good cause. This bill is an example of a good cause: both sides are prepared to advance the cause to do public good which will benefit the whole community. It is a pity that the passage of the bill this afternoon is likely to receive little attention, other than in trade publications, because it is significant legislation which I believe will save many hundreds of lives. We should all be proud of this legislation.

As the honourable member for North Shore said, my involvement with the issue goes back some years to when I was health Minister in this State from 1988 to 1991. At that time the Greiner Government took a number of initiatives to reduce smoking in public places, for example, the elimination of smoking in public hospitals. It is extraordinary to think that until the 1989 legislation people could smoke in public hospitals. It is a great irony that massively expensive public hospitals were built to correct the health problems arising from smoking while people were still allowed to smoke in those hospitals until 1989. This bill is overdue, but I do not say that critically. We need to understand the incremental approach to legislation in this place. We can refine and improve legislation. This will not be the last time anti-smoking legislation is before the House. Nor should it be, because the bill will not deal with all the problems. However, it is a step in the right direction, which is why the Opposition is prepared to support it.

The last major review of smoking legislation by this Parliament was the Smoking Regulation Act 1997. It calls to mind the dilemma faced by the proprietors of hotels and restaurants and the directors of clubs, and the massive liability claims all of them faced if the issue was not addressed. That was the origin of the 1997 legislation, legislation in which, as Leader of the Opposition at the time, I played a key role in getting the relevant parties—the clubs, pubs and restaurants—together to negotiate an appropriate solution. All of those parties were legitimately concerned about the potential legal claims that would be headed their way. That was inevitable unless the Parliament addressed these issues.

I am delighted that in 1997 a further step was taken by the Carr Government in the form of the Smoking Regulation Act. The Smoke-free Environment Bill is a further advance. Peter Doyle, the President of the Restaurant and Catering Association, is concerned that the bill too readily meets the needs of the clubs and pubs but does not look sufficiently at the needs and individual circumstances of restaurants. The Government will need to look carefully at how restaurants will work their way through this bill. I should like to pay tribute to the co-operative attitude shown by restaurant proprietors in this State. They want this bill to work. They

understand that smoking is injurious to health. They also understand the liability that attaches so far as patrons are concerned and, on a much more regular basis, so far as their staff are concerned. They want to work through those issues with government, but they want to do so in a way that does not disadvantage them in the running of their restaurants.

The financial ability of the proprietors of large clubs and prosperous hotels to accommodate these sorts of changes is far easier than it is for the proprietors of small restaurants. The Government needs to talk to restaurant owners in particular, and to be responsive to the issues they raise. Those issues are not being raised as some kind of last-ditch stand to promote smoking in restaurants; they are being raised because of practical and financial problems that small restaurant owners can encounter in implementing the sorts of changes foreshadowed by this bill. It is good legislation, and it is a further step in the right direction. As the honourable member for North Shore said in passing, everyone needs to understand that people who eat in clubs, pubs and restaurants do not want to eat in a smoking environment. They want to be able to eat their food and enjoy it. That should not be regarded as some draconian prohibition but as an acknowledgement of the wonderful food and produce we have in this country. We have some of the best restaurants in the world, we have the best and cleanest produce in the world, and we should make the most of it.

The bill should not be regarded in a negative way as yet another prohibition on individual liberty. I regard it as an enhancement of the right of the overwhelming majority of citizens to enjoy their meals, and to enjoy the best food and the best produce in the world in the restaurants, clubs and pubs of this State without feeling that their health is being harmed at the same time, and without feeling that there is any potential threat or compromise to personal health as a result of eating in those places. The bill contains a strong assurance. It is telling the patrons of clubs, pubs and restaurants that they will be eating in a safer environment. That is an extremely commendable objective.

As a person who has had a 12-year association with this type of legislation I believe that the Parliament is right to stand up to the tobacco giants, and not to give in and not to be bowed by the financial and political pressure that they may bring to bear on individual members of Parliament or on political parties. This bill is a step in the right direction for the whole community; the whole community wins out of this bill. Everyone who eats in a restaurant, club or pub will benefit from this bill and I commend it to the House.

Dr KERNOHAN (Camden) [4.45 p.m.]: Not being politically correct, I wish to speak on behalf of the one-quarter of Australians and one-quarter of New South Wales people who are smokers. They are the only minority group where the tail is not wagging the dog and they are being discriminated against right, left and centre. I have no objection whatsoever to non-smoking restaurants. However, I have a strong objection to this bill, which prevents a restaurateur who is prepared to provide a separate, well-ventilated area away from the main part of the restaurant from providing food for a smoking community. If a restaurateur wants such an area, and his staff are smokers themselves and are prepared to work in such an environment, the restaurateur should be allowed to do so. This used to be a free country, where people could undertake activities that were legal.

The bill contains provisions that prevent people smoking in enclosed public places, for example, community centres or halls. When is a place a public place? If, for example, a hall is hired by one person for a function and the owner does not mind the group smoking within that hall, and only those who are invited are allowed in and they do not pay, is that hall a public place? If a group of people wish to hire a place for a party or dinner, do all the catering themselves and not employ staff, what place will be available for people to sit at a table and have a cigarette with a cup of coffee without going outside into the cold wind? This legislation does not allow any owner of a smoke-free restaurant to provide a room nearby, a room that is completely separate and not attached to the main restaurant, where patrons can sit and have a cigarette with a cup of coffee. The hypocrisy of the legislation has already been demonstrated by the fact that smoking in bars and clubs does not matter. It is not a health bill at all. If the bill were fair dinkum it would ban smoking everywhere.

I return to the point I was making about smoking in enclosed public places. The bill refers to ferries and other vessels. I do not think that there is a more wind-swept open place than the outside areas on a ferry. The Minister for Transport would have a lot less trouble from his commuters if, in areas such as Central railway station and Circular Quay, where people stand for hours waiting for trains in the blowing gales, they were allowed to have a cigarette to calm their anxiety. A little commonsense might be a little bit useful.

Believe it or not, scientists are still arguing about whether tobacco smoke does cause secondary damage and the issue is not clear-cut. I have been following some of the research but I will not argue about that at this time. Suffice it to say that representatives from the New South Wales Cancer Council came to see me about

under-age smoking, which I am against. I showed them some reports on research that actually measured the amount of smoke that is being taken in by so-called passive smokers. I asked them to take copies back to their scientists and have them show me where those documents were wrong. I am unaware of the techniques and measurements that were used in the research referred to in the documents. I received a letter from the New South Wales Cancer Council stating that the experiments had been carried out with financial assistance from the tobacco industry. Nevertheless, I want to know where all the non-significant results are wrong and I want to know why they are wrong.

I understand that this legislation has received great support from the New South Wales Restaurant and Catering Association. I understand why people who work for restaurants would be worried about their health and I understand that certain restaurant owners are worried about litigation. That is what the anti-smoking campaign is all about. Those people are worried about the cost of litigation and the cost of alterations to their restaurants, if necessary. I still believe that this is a free country, as I said, and that conflicting results establish that there is still no real proof of the damaging effects of passive smoking. Before honourable members begin to laugh and say "Ho, ho," I would like all reformed smokers who used to very much enjoy a cup of tea or coffee and a cigarette to think about what I am about to say. In an article in the *Sunday Telegraph*, Leo Schofield stated under the heading "Filth in the Cross":

Patrick Kavanagh, a Canberra hospitality identity, was recently ambling through the Cross, smoking a cigar and feeling at peace with the world.

He noticed a poor bastard slumped in a doorway with a needle hanging out of his arm.

Further on, in another doorway, was a happier chap with his penis out, indulging in one of the more reprehensible schoolboy activities.

Still further along, an elderly local bailed Kavanagh up, yelling: "Do you have to smoke that filthy thing in public?!"

The public hysteria and hypocrisy about passive smoking is amazing. In conclusion, let me state my belief that when the causes of cancer are discovered, they will have more to do with the genetic make-up of an individual, the efficiency of a person's immune system—particularly the effect of long-term stress on a person's immune system—and many other incidental factors associated with lifestyle than so-called passive smoking.

Mr McMANUS (Heathcote—Parliamentary Secretary), on behalf of Mr Knowles [4.53 p.m.], in reply: I thank all honourable members who participated in this debate—the honourable member for North Shore, the honourable member for Willoughby, and the honourable member for Camden—for their input. I agree with most of the comments that have been made but, as a reformed smoker, I must say that I had not previously been more healthy than I have been in the last 10 years, and I certainly have been more healthy during that period than I was in the 20 years preceding it. For that reason, I must disagree with the views expressed by the honourable member for Camden on smoking and passive smoking.

In common with the honourable member for Willoughby, the Government considers the measures which prevent harm from passive smoking being imposed on the community to be particularly necessary, especially harm which is being inflicted without consent in most circumstances. The bill will provide an easily understandable and enforceable regulatory system to prevent the effects of passive smoking from harming the community. I sincerely appreciate the views expressed by the honourable member for Willoughby, who I know has been an advocate of legislation of this type for some time. I particularly appreciate his comments and his bipartisan approach. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to postpone further Government business until the conclusion of private members' statements.

PRIVATE MEMBERS' STATEMENTS

WESTERN SYDNEY ENVIRONMENT WEEK

Ms HARRISON (Parramatta) [4.57 p.m.]: I acknowledge the Government's commitment to improving the quality of life of the community in western Sydney through the initiatives associated with Western Sydney Environment Week. I congratulate the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney, Kim Yeadon, on his continued effort and dedication to bettering the western Sydney environment. The New South Wales Government through the Office of Western Sydney is working with State, Commonwealth and local government agencies as well as key stakeholders and the community to deliver a safer, cleaner environment for all families of western Sydney.

Environment Week is the perfect medium for showcasing environmental initiatives in western Sydney and thus is a catalyst for further action. It highlights initiatives that are improving the quality of the air that people breathe, the reduction and recycling of waste, the rehabilitation of parks and waterways and protection of the region's biodiversity and heritage values. I applaud the chance that is being given to everyone who lives in the western areas of Sydney to be involved. This special week emerged from the western Sydney environment strategy which was launched by the Minister in November last year.

It was appropriate that this year's launch was held at Bicentennial Park, Homebush Bay, which is an area that has changed radically. It is hard to believe that only a few years ago it was a dump. It is commitment that turns around a place such as Homebush Bay. Kronos Hill, which was originally a rubbish dump, now has 38,000 trees and two million wallaby grass seedlings where once little survived. The sports arena at the Olympic Stadium is irrigated by rainwater that is collected from the arena's roof. All the energy is supplied by green power, saving over 5,000 tonnes of greenhouse gas emissions each year. Bicentennial Park is a prime example of what Western Sydney Environment Week is all about: focusing on clean air and water. It is also about improving the quality of our lives. Many groups, ranging from Greening Australia to State Forests and the Sydney Swans, were part of a varied and exciting program that was held during Environment Week 2000. The activities included more than 70 events ranging from community environment fairs, tree planting and bush tucker adventures to tours of some of the region's top heritage and natural attractions.

My electorate of Parramatta benefited during Western Sydney Environment Week. The local firm Colpro Engineering donated two gas purifiers to Parramatta City Council that will help improve air quality in western Sydney. The purifiers, which will be installed on each of the motors of a council street sweeper, will convert harmful exhaust fumes and gases into a more benign product. Earlier this year Colpro was one of the winners in the environmental management category of the 2000 Western Sydney Industry Awards. It is rewarding to see local companies striving for excellence on behalf of the people of western Sydney.

Colpro has estimated that the gas purifiers will reduce the poisonous gas carbon monoxide by more than 50 per cent and that the black smoke and diesel smells from the street sweeper will be reduced by 20 to 25 per cent. The exact levels of reduction are being confirmed with testing being carried out free of charge by Parson Australia, another local company, specialising in air quality management. The Parson testing facility is the only laboratory in Australia that is capable of doing this type of testing. It is also engaged on a number of major air quality tests for the State and Federal governments through the National Environment Protection Council and Environment Australia.

It is wonderful to have the only facility capable of undertaking such significant, national work located in western Sydney. That is a reflection of the commitment that western Sydney businesses have generally to improving their environment. Western Sydney Environment is a great strategy. It encourages an integrated approach across the region by government, industry, research facilities and the community, and ensures that we celebrate the region's successes. Again, I applaud the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney and the Office of Western Sydney for encouraging the people of western Sydney to learn about and enjoy our environmental achievements.

UNGARIE AND BARMEDMAN POLICING

Mr ARMSTRONG (Lachlan) [5.01 p.m.]: I refer to the manning of police stations at Ungarie and Barmedman in the central west. Barmedman police station has been vacant nearly all of this year and Ungarie

has been vacant for about five months. Both premises are starting to show serious signs of neglect, with gardens overgrown and general decay. They are similar communities in the shire of Bland, and each has two hotels and a licensed club is situated on a through road. Barmedman town also has a 24-hour truck stop. Bearing in mind that SOCOG has estimated that more than one million tickets will be sold interstate for the forthcoming Olympic Games, it is fair to assume that there will be between half a million and three quarters of a million people travelling by motor vehicle from other States to go to the Olympic Games. The two towns are adjacent to the Newell Highway, the major north-south inland trunk route in eastern Australia. In recent weeks a number of questions have been asked on notice and without notice in relation to those two police stations. On 8 June I asked the following question without notice of the Minister for Police:

Are permanent appointments of police officers to the unmanned Barmedman and Ungarie stations being deliberately delayed until after the Olympics—

The Minister for Police replied:

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.

There are 36 hours before the end of the month. He continued:

The general answer to his question is no.

The Minister answered my supplementary question as follows:

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 advise the honourable member that specific attention will be given to the two stations that he asked about and the staffing difficulties he mentioned.

The Minister also indicated that the matter would be referred to the Commissioner of Police. I also wrote to the Commissioner of Police, who responded on 20 June as follows:

In the circumstances, I have referred your letter to the Minister's Office for information and consideration of a more detailed response being issued by that Office in the light of the Minister's examination of the matter.

The Minister indicated in his response in the House that the commissioner was in charge of the matter and would address it before the end of the month. However, nine days ago the commissioner indicated that it is a matter for the Minister. Will the Minister or the Commissioner of Police deal with the vacant positions in Ungarie and Barmedman? The relatively light crime rates in those two towns is attributable to the efforts of the local citizenry. Nevertheless, policing is about prevention of crime, apart from cure. When a problem arises it is often too late. Ungarie and Barmedman are about 35 minutes drive from West Wyalong and at night time they are isolated.

Stock theft has generally increased throughout that part of the State. Indeed, one of the biggest stock thefts in the recent history of New South Wales occurred during the past 12 months adjacent to West Wyalong. A former senior beef cattle officer from the Department of Agriculture lost more than \$90,000 worth of cattle in one hit. Tonight I ask for clarification whether the commissioner or the Minister will make a determination regarding Ungarie and Barmedman. If not, what will happen to those stations? Should the people of those two towns believe the rumour machine that officers have been appointed but will not take up their appointments until after the Olympics? I ask that this matter be cleared up as expeditiously as possible in the interests of safety, truth and good government.

JEWISH BREAD GOODS AND SERVICES TAX

Mr E. T. PAGE (Coogee) [5.06 p.m.]: As honourable members would be well aware, the introduction of the much-publicised GST will occur on Saturday. When the tax was first floated by the Prime Minister he said it would be a simple and fair tax which would benefit everyone. At that time there was no suggestion there would be any discrimination against any religion. However, the Australian Taxation Office [ATO] has decided that challah—a bread used for Jewish religious observances—will attract the GST. It is customary for Jewish families to eat challah with their Friday night Shabbat meal as part of their religious observance. It seems unfair and inequitable that the bread will attract the GST while hot cross buns will not.

The ATO does not recognise the importance of challah to the Jewish community. It claimed that challah is not plain bread, but is the equivalent of brioche, a sweet bread. Challah is just like any other white

bread, while brioche has much more sugar and eggs. I do not understand why the plaiting of dough differs from putting a simple cross and glazing on a bun, which we know as the hot cross bun. The ruling was given following an approach to the ATO by Glicks Bakery in Melbourne. It received this alarming news. It appears that the ingredients of the bread varies somewhat.

I do not believe the Federal Government had any ulterior motive in the making of this decision. I do not think it is setting out to discriminate against the Jewish community or any other religious community. However, this is a very insensitive determination by the Australian Taxation Office. I call on Prime Minister John Howard to address this anomaly and to obtain a general ruling that religious items, whether foods, icons or otherwise, are to be automatically exempt from the GST, so that people who follow one particular religion do not face a government charge that does not apply to the community at large. The Jewish community deserves such a determination. I ask the Prime Minister to address the issue as a matter of urgency.

LISMORE ELECTORATE SCHOOL BUS SERVICE

Mr GEORGE (Lismore) [5.10 p.m.]: I raise a two-fold problem. It relates to schools in the Lismore electorate that have taken on vocational education and training. I congratulate the schools that have taken that initiative in years 11 and 12, such as Kadina High School, under the principalship of Ms Toni Farrell, and Casino High School, under the principalship of Mr Geoff Cousins. The introduction of vocational education and training has meant changes to the school day and to a school's organisation to provide flexibility for the delivery of curriculum to a diverse range of students. What is the need? It is to provide a curriculum that suits the broader school population, and to encourage students' independence, time management and a sense of responsibility for their own learning.

Part of the framework for decision making is the need to maintain an academic senior school; allow students to access TAFE, vocational education, work placement, traineeships, et cetera, without the penalty of missing classes; and to ensure that changes do not impact greatly on the junior school. Unfortunately, this is where the problem arises. It involves both the Department of Education and Training and the Department of Transport. In country areas this is causing serious problems and hardship for families who can least afford them. Now, children attending kindergarten and year 1 are on school buses for 2½ hours to allow senior students to get to school for the extended hours. This is causing great hardship in local communities, especially those in country areas.

Again, country and regional areas are missing out on these educational facilities. We must address this issue. I raised the matter with the Department of Education and Training, only to be told that it is a problem for the Department of Transport. When I approached the Department of Transport I was told that it was the Department of Education and Training that changed the school hours. I hope the Parliamentary Secretary will take this problem on board and have it resolved for me. He has been successful on other occasions, and no doubt he will be successful again.

Parents, particularly the isolated and disadvantaged involved in this case, are most unhappy about the extended length of time that their very young children will be, or are, on buses. In the past, school times were arranged to ensure it was possible to accommodate all children quite satisfactorily, bearing in mind the times that teachers were required to be in attendance. Now, although children are dismissed as usual at 3.20 p.m., no buses will begin to arrive until 3.45 p.m. Children need extra supervision in the afternoon. Some will arrive in the morning with only minutes to spare until bell time. Parents' freedom of choice has been eroded. In some cases they are being forced to send their children to the school at which buses arrive at a more realistic time. That is all right where more than one bus is providing the service but, unfortunately, in country areas that does not happen.

Casino High School is the biggest site for vocational education and training in the Lismore district. However, buses cannot deliver students on time for the early start, meaning that students arrive far too early at small country schools. This poses problems for the students, who have an unacceptably longer day, and for the staff who need to supervise them. The cost of running private transport is about \$15 a day for a 30-kilometre trip. That is far too expensive for parents, quite apart from the strain of performing that sort of duty every school day.

Financial hardship is also experienced by some students who access TAFE courses, particularly those in Lismore. Whilst travel is subsidised by the local education department, parents pay a weekly fee of up to \$5. Because TAFE does not end until 6 o'clock and some students do not arrive back in Casino until 7 o'clock, out

of town students have a problem with accessing a bus home. Though we have all these new ideas with education, there has been an associated problem with buses. It needs to be addressed. I ask the Parliamentary Secretary to approach the Minister for Education and Training and Minister for Transport with a view to having this problem rectified.

Mr McMANUS (Heathcote—Parliamentary Secretary) [5.15 p.m.]: I listened carefully to what was said by the honourable member for Lismore and to his concerns about school students in his area. I assure the honourable member that the Minister for Education and Training and the Minister for Transport will be advised of his concerns at the first possible opportunity.

LIVERPOOL POLICE AND COMMUNITY YOUTH CLUB

Mr LYNCH (Liverpool) [5.16 p.m.]: This evening I wish to deal with an issue that is of great concern to many of my constituents and is of considerable interest to me. I refer specifically to the development of a Police and Community Youth Club [PCYC] at Liverpool. The need to deal with this matter in this forum today arises from announcements made at the beginning of this week by Police and Community Youth Clubs NSW Ltd, the overarching statewide body for PCYCs. Earlier this week an announcement was made by Deborah Mills, chief executive officer of PCYC Ltd, regarding a program of consolidation and development of PCYCs in New South Wales. That followed a briefing in this place last Thursday to which all honourable members were invited. On the same day there was a briefing of a number of community members about the proposed changes.

At the moment, the PCYC movement consists of some 57 clubs statewide. There are some 50,000 members of these clubs, with about 2,500 volunteers. It is said to be the largest youth service in Australia. Whilst the organisation has 57 clubs, not all of those clubs are located in places that one would think would be most appropriate for them at this point of the State's development. I would like at this stage to indicate my very clear and considerable support for the proposals announced by Ms Mills and being pursued by the PCYC movement. Some media attention that has arisen from the announcements made earlier this week has focused on the fact that the premises of three of the present clubs will be sold. Those are a club at Newtown, a club at Paddington called Eastern Suburbs, and a club at North Sydney.

There will be some amalgamation of services. Newtown will amalgamate with South Sydney, and Eastern Suburbs will amalgamate with Maroubra. The proceeds from the sale of those premises will go to expenditure on club development and refurbishment. Club development particularly involves the construction of new clubs. One of the new clubs to be built as a result of these proposals will be at Liverpool—which explains my interest and, more importantly, the interest of my constituents, in the issue. As I understand it, clubs will also be constructed at Kempsey and on the Central Coast at, I think, Gosford. The total cost of refurbishment of currently existing clubs to be maintained is estimated at some \$34 million. So there is considerable pressure on the PCYC to proceed down that path.

There has been a campaign for more than 30 years to have a PCYC constructed in Liverpool. Already, a considerable amount of money has been raised from the community. In the vicinity of \$500,000 or \$600,000 has been raised over a lengthy period. That amount is currently held in trust. However, that amount of itself will not be enough to construct a new club. The council will contribute to the construction of the new club but even when that is added to the money that has already been raised, the total sum will not be sufficient to build the new club. That is why the people of Liverpool are only too happy to support the sale of the current assets, so that we can get the facility that has been sought for such a long time.

It involves a much broader issue. PCYCs were established some 60 years ago. Clubs were first established in places where it was totally appropriate for clubs to be. Since then demographics have changed substantially. Nowadays several inner city clubs do not cater to anything like the youth population that is present in areas of western Sydney. Effectively, this is about a redistribution of assets from the inner city—where it has been shown that the proportion of the population that is young and that would benefit from these clubs is declining—to areas where the need is growing. The sorts of stories that have been told to me about some of the inner city clubs reveal that quite often adults are using those clubs essentially as a cheap gym. That is totally understandable but, frankly, it seems to me to be a misuse of the assets that are locked up in PCYCs.

This week I noted in the *Sydney Morning Herald* that one well-known Sydney identity was referred to as regularly using one of the clubs in the inner city. Of course, he can do what he likes in his spare time, but it seems to me that that is not the purpose of a PCYC. PCYCs should not be used by adults; they should be used by young people. In some areas, such as the inner city, clubs do not have the proportion of young people that

they once did. In some areas, such as western Sydney and, in particular, Liverpool, there are no clubs and there are high youth populations. These changes ought to be supported. The proposed site in Liverpool at McGirr Park, Miller—a site named after a former member for Liverpool and a former Labor Premier—is a perfect site. If money is able to be taken from the inner city and invested in that area it will be a totally appropriate use of that money.

MID NORTH COAST ACID SULPHATE SOILS

Mr STONER (Oxley) [5.21 p.m.]: I draw to the attention of the House an issue concerning acid sulphate soils on the mid North Coast and, in particular, in the Hastings and Macleay areas—although probably to a lesser extent in the Macleay area. On the north shore of Port Macquarie, between the Hastings River and up towards Kempsey shire, is an area greatly affected by acid sulphate soils. The Maria River area has considerable potential for the local economy. There is much oyster farming on the Hastings River and the Maria River. There is also much horticulture and agriculture on land near the Maria River. As I understand it this problem was caused because land in that area was originally substantially wet. It was frequently flooded and often covered by water.

Past policies in land management were directed towards flood mitigation. People were requested to drain those lands and then reclaim them by farming them. As a result of that policy those previously often submerged lands were exposed to the air, which caused a chemical reaction and resulted in acid sulphate soils. I mentioned earlier that the Hastings area is host to a substantial oyster growing industry. The Georges River and other rivers nearer to Sydney are no longer available for Sydney rock oyster growing. The Hastings River area is a major supplier of Sydney rock oysters. However, this acid sulphate soil issue is starting to affect the quality of the oysters. It is even killing some of the oysters growing in the area. The water quality associated with the run-off from those acid sulphate affected soils is becoming a major problem for oyster growing.

Similarly, the soil quality for farmers growing products such as tea-tree, flowers and various other crops is also becoming problematic. Recently I was talking to Mr Jack Bryon of South West Rocks, who was formerly a manager of a lime mine to the west of Kempsey. He informed me that this problem could be overcome in part by treating the soil with lime. He assured me that that had been done in Holland with land substantially reclaimed from the sea. The Dutch are amongst the best farmers in the world on reclaimed land, largely due to the use of lime to neutralise the acidity and to restore the pH balance of the soil. I have not done any further investigation in relation to Mr Bryon's suggestion but, as a gardener, I know that dolomite, which is similar to a lime product, is used to sweeten the soil, which makes a lot of sense to me. That is just one possible solution.

A task force should be established to investigate this issue. I understand that the honourable member for Port Macquarie, the Hon. John Tingle, MLC, and the mayor of Hastings shire have approached the Minister and/or the Premier to request that such a task force be convened. I support that endeavour. Staff and resources should be directed towards developing a solution for this acid sulphate soil problem in the Hastings area, in parts of the Macleay area and, notably, in the Clybucca area. I take this opportunity to invite the Minister to visit the beautiful Hastings area, to talk to farmers and oyster growers and to see the problem first-hand. I am sure that the Government will give this issue the priority it deserves.

Mr McMANUS (Heathcote—Parliamentary Secretary) [5.26 p.m.]: I noted what the honourable member for Oxley said. I am a member of Minister Amery's rural affairs committee and I undertake to raise this issue with the Minister at the next meeting of that committee. One of the groups of people within the Government that would be interested in this problem of acid sulphate soils is Country Labor. I will ensure that the co-ordinator of that group is given information relating to this matter. A lot has been done to address this issue but there should be more treatment and management of this problem. The cane industry has done a great deal to try to resolve some of those problems. Many people are concerned about this problem and they are trying to do something about it.

DUVAL HIGH SCHOOL COMPUTER NETWORK

Mr TORBAY (Northern Tablelands) [5.27 p.m.]: Tonight I congratulate Duval High School—a school within my electorate. Last week I was honoured to be asked to launch the Duval High School network program in Armidale. I congratulate Max Wilson, the principal of the school, and the staff, students and parents on their initiative in creating such an extensive computer network at that school. This process began in 1997 as an initiative of the school community to ensure a build up of technology relevant to teaching and learning at the

school and also to assist in vocational education. This project received a boost with the State Government's general roll-out of computers for schools through the Department of Education and Training. The result is that every student—and there are 810 students at the school—has access to a computer.

There are now four computer laboratories in the school. Between 400 and 500 students have their own email accounts. Students in years 7 and 8 have computer studies interwoven with other subjects in the curriculum. In years 9 and 10 students take computer studies as a subject and it is also included in the curriculum. During the final years 11 and 12 they undertake advanced information technology as well as computer studies. The school now has total intranet and Internet access for students. Every classroom has computer access and students learn word processing from early levels to write their assignments and to assist in research. School principal Max Wilson said that this increased computer activity helps teachers give more individual attention to students and it has increased the enthusiasm of students to participate in educational activities.

The school now employs Mr S. Russo, a certified Novell administrator and qualified cabling technician, who is obviously well qualified in running educational networks. Numerous networked laser printers and scanners have been installed. A staff intranet, a student intranet, email facilities, and an award-winning school web site are all part of the school's network. At Duval the policy has been to encourage the use of network technology by both staff and students. Students now have access to a computing network equivalent to and the envy of a major workplace environment in which they can learn software design, information systems, web site design, and application software, and gain certificate 11 in information technology qualifications.

Computing studies is now the largest non-compulsory subject taught in the junior years at Duval. All areas of the curriculum are now utilising the technology, when appropriate, to enhance the student outcomes and to ensure that the learning environment is dynamic and interactive and students have equity of access to the world's knowledge base. I congratulate Duval. There is a lot of discussion about challenges in the public education system. Duval High School is standing up and delivering and always looking to raise the bar in the form of services to students. Again I place on record my thanks not only to the principal and the staff but also to parents, carers and the students, who are obviously enthusiastic. They were very enthusiastic during my visit when I was privileged to undertake that launch.

Mr McMANUS (Heathcote—Parliamentary Secretary) [5.31 p.m.]: I am pleased to be a part of a Government that is able to provide all those educational services. The honourable member for Northern Tablelands is well known in this House and outside for seeking out things for his electorate. This is a clear indication of that. He has convinced me that tomorrow I should leave my electorate and visit the electorate of Northern Tablelands to examine some health issues. I look forward to that. I congratulate his school, the students and the honourable member for their efforts so far.

NORTH COAST COFFEE INDUSTRY

Mr NEWELL (Tweed) [5.32 p.m.]: Recently I have had cause to raise in this House a number of issues concerning the rural industries on the North Coast, the most recent being an urgency motion on bananas and the threat of imports from the Philippines. The House supported that motion but the Howard Government regrettably has gone ahead with a fast tracking of the assessment of the application from the Philippines. I was very distressed to hear that. As I speak, a meeting of banana growers is being conducted in my electorate to see what further pressure they can put on the Howard Government to halt that nonsense. Today I wish to speak on another important North Coast rural industry: the North Coast coffee industry. This weekend Sydney will host the major Rocks Aroma Coffee Festival. It will showcase several North Coast growers. It will also draw to the attention of families in Sydney that Australia has its own coffee industry.

Coffee consumption in Australia is increasing every year. In the past 10 years it has increased by 60 per cent. Every year Australia imports about 50,000 tonnes of coffee. It is worth about \$483 million or, I could say, it costs the national economy almost half a billion dollars. Almost all of it comes from Brazil, Colombia, Mexico, Indonesia and Central America. But we should be supporting our own North Coast growers. I want to see Australians drinking more Australian coffee, as coffee consumption is increasing every year. About 80 per cent of Australian coffee is grown in Queensland, and the remainder is grown in New South Wales, in the Tweed and Northern Rivers areas. New South Wales Agriculture reports that in 1998 New South Wales' production totalled 55 tonnes from some 130 small growers. Many of those farms are less than 20 hectares in size and are specialist family operations. About 80 per cent of New South Wales North Coast coffee is exported to Japan and Germany.

By 2010 North Coast coffee growers have plans to carve out their own sophisticated niche in the roasted coffee market in Australia. North Coast growers plan to have 2,242 hectares on the North Coast under cultivation for coffee beans. North Coast coffee is Arabica. It has a lower caffeine content, is pesticide free and, in most cases, is organically grown. Coffee was originally grown in Australia in the 1890s and 1920s, but low labour costs overseas led to the demise of the industry here. In the 1980s mechanised harvesting of coffee cut production costs, allowing small specialist coffee growers to emerge in Queensland and northern New South Wales. I have asked the Legislative Council President, the Hon. Dr Meredith Burgmann, and the Legislative Assembly Speaker, the Hon. John Murray, to investigate replacing Parliament House's overseas coffee with a local North Coast variety. The Premier has also agreed to serve New South Wales coffee to overseas investors and business people when he meets them in Parliament House. In addition, I appeal to New South Wales families and businesses to consider purchasing North Coast coffee to support our growers. The President and Mr Speaker have already expressed their support for my North Coast coffee plan.

Last year New South Wales parliamentarians, their staff and guests, bought almost \$40,000 in coffee alone in Parliament House. That is small compared to the \$483 million a year Australians spend on coffee, but if we could shift this by just half a per cent it could secure the future of our North Coast coffee industry. At present members and their guests can purchase North Coast coffee in Parliament House but it is on a request-only basis. They automatically receive Brazilian coffee unless they request otherwise. Unfortunately, few of my fellow members are aware of the North Coast coffee industry. We must change that. I urge members, when they go to the lounge or dining room, to ask for North Coast coffee rather than simply coffee, otherwise they will not be served Australian coffee. We must support our primary producers, especially when they are entering new markets or facing new challenges. I propose that New South Wales Parliament serve North Coast coffee in the first instance. If members want Brazilian coffee, they can ask for it, but we should supply North Coast coffee in the first instance.

POLICE OFFICERS DISCIPLINARY ACTION

Mr ROZZOLI (Hawkesbury) [5.36 p.m.]: I express my concern at the failure of the Minister for Police to answer correspondence I sent to him on 16 September 1999 in relation to a Mr Warren David Newton, who was issued with an order under section 181D of the Police Service Act as a person not suitable to continue as a police officer, the order being effective from 26 May 1998. I do not expect the Minister for Police to be aware of this particular correspondence, but if correspondence is not responded to within nine months, something is wrong with his system. My particular concern about this matter was that while Mr Newton may not have been totally blameless for some level of activity which drew attention to his suitability as a police officer, the events given as the reasons for the issue of the section 181D order were fairly inconsequential in comparison with—and this was the subject of the representations—the allegations that were made about a certain Senior Constable X, who was the subject of a lengthy Ombudsman's report.

When one takes into account the statements made by the Ombudsman in that report regarding Senior Constable X and compares them with the misdemeanours that Mr Newton was guilty of, and one realises that Constable X was given a reprimand while Mr Newton was dismissed from the force, there seems to be some great miscarriage of justice. If both had been dismissed from the force, one might say one was worse than the other but the penalty was equal, but that was not the case. Mr Newton had much more minor offences against his name. The first was the misuse of a credit card, which was at the time regarded as being a behavioural matter because he was under a lot of stress. It was recommended he undertake a rehabilitative program rather than have a penalty imposed.

The next offence was in relation to an alleged insurance fraud, and this matter was not billed because there was no evidence to substantiate the case. The third was a relatively minor matter of some unauthorised secondary employment and an allegation, which certainly had no substance or proof, that he had stolen a small amount of petrol. I do not condone any of the things he did, but when they are compared to the matters in which Senior Constable X was involved—stalking, sexual harassment and a host of things which, by their very nature, constitute a much graver series of potential criminal activities—and that person was merely issued with a performance warning notice, it indicated to Mr Newton and to me that an explanation was warranted as to why one person with relatively minor misdemeanours was dealt with harshly under section 181D and someone who was guilty of more serious offences was given a performance warning notice.

The other interesting thing is that Mr Newton's career spanned 18 years and the events in which he was involved spanned a long period of time, whereas Senior Constable X was an officer who served a much lesser period of time and the offences he committed were concentrated over a much shorter period of time. Some

serious anomalies arise from this matter. I believe Mr Newton is entitled to an explanation about why his case was treated in one fashion and the other treated so differently. Irrespective of the outcomes of the representations, I ask the Parliamentary Secretary to take up that matter with the Minister to ensure that we obtain a response.

Mr McMANUS (Heathcote—Parliamentary Secretary) [5.41 p.m.]: I am concerned about the allegations the honourable member for Hawkesbury has raised. I am sure the Minister for Police will provide a quick response. I have particular concerns with the time span regarding replies to correspondence to which the honourable member referred. As a former Parliamentary Secretary Assisting the Minister for Police, I am very much aware of the correspondence the Minister and the ministry generate each day. One of the priorities of the Minister is to ensure a quick turnaround of investigations and answers to correspondence received. Notwithstanding that, I shall certainly take up the issue with the Minister for Police.

TANILBA BAY AMBULANCE STATION

Mr BARTLETT (Port Stephens) [5.42 p.m.]: I have a good news story from my electorate. I report to the House on the result of a public meeting held on Wednesday 28 June regarding the Tanilba Bay ambulance station. In the lead-up to the March 1999 election, I gave a commitment that the Carr Government would build an ambulance station for the Port Stephens community in this four-year term. I have been working with the Minister for Health and his Parliamentary Secretary to bring this project to fruition. The meeting on Wednesday, which was attended by approximately 200 to 300 residents of the Tilligerry Peninsula—a 1.00 p.m. meeting; many working people were not able to attend—was addressed by two special guests to Port Stephens, the Parliamentary Secretary Assisting the Minister for Health and the Chief Executive Officer of New South Wales Ambulance Services, Mr Greg Rochford.

Their announcement was greeted with acclaim by Tilligerry residents. They announced, first, that a multi-bay ambulance station for the Tilligerry Peninsula for two permanent ambulances and one visiting ambulance would be constructed by September 2001 at a capital cost of \$350,000 and, second, the appointment of 11 ambulance officers and recurrent expenditure of \$950,000 a year for their salaries, vehicles and vehicular running costs would come online at that date. Subsequently, the architect, Mr Edward Duc, requested community input regarding the design of the station. The community greeted this announcement with unanimous support and acclaim. A number of people must be thanked for getting this project off the ground. The local ambulance committee has undertaken an extremely good job over the years in keeping this project in the public eye.

It was evident from the large number of people who attended the meeting how much interest there was in the proposal. I thank also the previous member for Port Stephens, the Hon. Robert Martin, for his support for this project and his role in preparing the ground for the announcement. Through the previous member, the shire council, the local ambulance committee and the Carr Government the Port Stephens electorate now has the announcement of the commencement of a project of which we can all be proud. On 20 March 1998 Port Stephens Council donated a site on the corner of Lemon Tree Passage Road and President Wilson Walk, Tanilba Bay, for the erection of the ambulance station. The council provided that site free of charge to the Ambulance Service. This demonstrates the commitment and teamwork in Port Stephens between the local community, council and the State Government in addressing issues in that electorate.

The State budget debate addressed long-term issues faced by the State and the community's current needs. The \$350,000 for capital works on the project is relatively easy to find in the budget, but the \$950,000 per year forever more for the 11 ambulance officers, their vehicles and the recurrent costs of those vehicles is a long-term cost to the community. The Carr Government put forward a policy to build six ambulance stations in its current four-year term. That commitment is on the table and the Government is working steadily towards fulfilling it. The announcement of the Port Stephens ambulance station is the result of that commitment and puts in place a service for this community covering a 30-kilometre radius. It is a credit to the Government and I am pleased to be part of the process.

Mr McMANUS (Heathcote—Parliamentary Secretary) [5.47 p.m.]: On 6 March the honourable member for Port Stephens invited me, as the Parliamentary Secretary Assisting the Minister for Health, to address the committee in charge of community interest for the Tanilba Bay ambulance station. I listened to its concerns and acknowledged the amount of money the community had raised for the project. Of course, with the honourable member for Port Stephens I took those issues to the Minister for Health who, over the following couple of months, assessed and reassessed those concerns. He came to the conclusion that Tanilba Bay desperately needed this facility. I must first acknowledge the work of the honourable member for Port Stephens.

He has drawn together the commitment, dedication and tenacity of his community, along with the local council which donated the land on which the facility will be placed. An absolute commitment has been given by all concerned to ensure the community receives the services that regional and rural New South Wales so desperately deserve.

APPIN COMMUNITY

Ms SEATON (Southern Highlands) [5.48 p.m.]: I shall present to the House some issues of interest and concern to the people of Appin, which is a town in the northern extremity of my electorate and one I have enjoyed getting to know since the redistribution of boundaries. I have had the pleasure of visiting Appin on a number of occasions, particularly to join the local people in the induction of scouts in the scout group that was newly formed about a year or so ago. That was a great initiative and was a much-needed and much-welcomed activity on the menu for young people in Appin, particularly for community members who look after the scouts and give them worthwhile activities to undertake.

I visited West Cliff colliery and Tower colliery, which is also close to Appin and an employer of many people. The mine manager, Mr Dean Dalla Valle, organised for me to take a tour underground. That was worthwhile and did much to enlarge my knowledge of coalmining, particularly locally. I visited Newstan coalmine some years ago, but I had not seen a local coalmine at close range. I visited the important heath area to the east of Appin with Julie Shepherd, who is a member of the local National Parks Association. Many people in the local community want that area preserved. The issues we discussed recently in Appin covered a wide range of subjects. I met with Lyn Hudson, a local solicitor; Kevin Flanagan, the rector at the Anglican Church; Mr Bob Donald, who represents the chamber of commerce; Maxine Green, who represents the Appin Public School parents and citizens association; and Julian Norcliffe, from the chamber of commerce.

We held our meeting near the school so that we could look at the first agenda item. I have spent several hours discussing this item with the residents and the parents and citizens association. The school has an important master plan that it would like to see completed very soon. That plan includes the provision of permanent buildings, a hall, a covered outdoor learning area, an upgrade to the car park and a permanent library. I have discussed the library previously in this House. The school has suffered the loss of many books through water damage as a result of leaking in the demountable library building that the school has had to use until now. The parents and citizens association will be meeting this week to discuss further how it will set out the plan of action of advocacy to the Minister for Education and Training about the need for these permanent buildings at the school. I will be advising the House further in the future about those particular needs.

Another important issue in Appin is the lack of sewerage infrastructure. Appin has a growing population and is a very desirable place to live. However, like many other villages in my area, it suffers from a lack of sewerage infrastructure, which is causing problems for many residents, particularly those on the downhill areas of Appin where much effluent accumulates. There have been reports of people whose gardens have been sodden and whose grass has been killed as a result of inadequate provision of effluent disposal methods. I am keen to see the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney take up the commitment he made last week when I spoke about the sewerage needs of Bargo. I would like to see him place Appin, as well as Bargo, on the forward plan for the further provision of infrastructure by Sydney Water.

Some health concerns have been indicated to me by members of the community. They are worried about the high incidence of gastroenteritis-related illnesses. I was also shown the effluent storage tank at the school. On a cold day it was surrounded by hundreds of mosquitoes, which is not good to see in a school setting or so close to such a large number of children. It alerted me to one particular problem that we need to address urgently. Insurance continues to be a big issue in Appin. Appin shares a postcode with Campbelltown, although the crime rate in Appin is markedly different from that of Campbelltown. The indicators are very different, and that difference is reflected in insurance premiums for the people of Appin. Having said that, a higher police profile is also required in Appin. The people of Appin would like to see a greater level of highway patrol activity, more patrol cars and the opportunity for bicycle patrols. I have undertaken to take up that matter with the local area commander.

GREENACRE CHAMBER OF COMMERCE

Mr STEWART (Bankstown—Parliamentary Secretary) [5.53 p.m.]: I draw the attention of honourable members to the great work being achieved by Greenacre Chamber of Commerce. I do so in the context of the

difficulties currently faced by strip shopping centres. With larger shopping complexes surrounding strip shopping centres, it is necessary to have an organisation that achieves results not only for the retailers but also for the shoppers. Many shoppers do not want to walk into Bankstown Square or Chullora marketplace, which are huge shopping complexes—they simply want to park close to the shops, buy the local newspaper, go to the bank, go to the local delicatessen, et cetera, and return home. That is what makes strip shopping centres so important. It is commendable that the Greenacre Chamber of Commerce has promoted its own shopping area, which is a strip shopping centre, in the context of these difficulties.

Although Chullora marketplace, which is a huge shopping complex that was constructed about a year ago, is only half a kilometre down the road from Greenacre shopping centre, Greenacre shopping centre is surviving and viable. Bankstown Square is a well-known shopping centre. Strip shopping centres still fulfil a purpose. That is so because the Chamber of Commerce, which has existed for only one year, had a huge impact on the local area. The Greenacre Chamber of Commerce was established at a time when Greenacre was often in the news for the wrong reasons. I have spoken previously in this House about some of those concerns, particularly law and order matters. Over several years the small shopping centre has experienced increased crime and the loss of banking services. Most recently, Westpac has decided to close its Greenacre branch—indeed, that branch is closing tomorrow. That is a great disappointment.

Nearby Chullora marketplace had the potential to severely undermine retail businesses in Greenacre shopping centre. A year ago when Australia Post announced that it was considering closing the post office in Greenacre the retailers said enough is enough. They wanted to reclaim their shopping centre and do something about it. I am pleased to report to the House that as a result of activity which led to the formation of the Greenacre Chamber of Commerce, the post office in Greenacre was retained—against the odds, I might add, because there is a post office only half a kilometre away in Chullora marketplace. Greenacre has also lost its banks. Only this week Westpac has closed its Greenacre branch, and both the Commonwealth Bank and the State Bank have closed their Greenacre branches. That is a great shame, but those decisions demonstrates that the banks do not care about communities. In the words of the President of the Greenacre Chamber of Commerce, Ms Petroula Arthur:

The move by Australia Post to close down Greenacre Post Office was the straw that broke the camel's back.

It was also the catalyst for the retailers taking action. Most recently, the Chamber of Commerce has achieved a great deal for Greenacre. New litter bins have been installed throughout the shopping centre. All street furniture has been upgraded as a result of the chamber's activities. Bankstown Council has been very supportive as well. The car park behind Greenacre shopping centre has been resurfaced, parking police regularly patrol the Waterloo Road strip where parking problems have developed, beat patrols have increased, and new modern bus shelters have been erected by Bankstown Council in consultation with the Chamber of Commerce. Also, a derelict house which was a problem in the area has been demolished. The Chamber of Commerce has had local street signs upgraded, and the plaza in the area has been upgraded and landscaped.

Greenacre shopping centre was decorated for the first time in many years for the Christmas 1999 festive season. That was done by the Greenacre Chamber of Commerce. It is great to have a chamber of commerce working in the local area. I commend the President of the Greenacre Chamber of Commerce, Petroula Arthur, for her work. Also, Helen Williamson has worked supportively with the chamber. The retailers, member of the Chamber of Commerce, have made it a success, because they have ownership of their retail area. They have taken the ball in their hands and said, "We will change things for the better." Even if the banks close local branches, the local credit union, Punchbowl Credit Union, still exists. The Chamber of Commerce urges the local community and all retailers to join Punchbowl Credit Union. People are doing that en masse. Westpac has lost many customers in Greenacre as a result, and I applaud people for moving their accounts to the credit union.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [5.58 p.m.]: I add my congratulations to the Greenacre Chamber of Commerce. The defining difference between successful communities and those that are not successful is the presence of people with get-up-and-go, people who realise that the community has a need and do something constructive about it. The Greenacre Chamber of Commerce is worthy of great commendation. I congratulate it. Many other chambers of commerce could take a leaf out of its book.

LEURA TO SYDNEY TRAIN SERVICE

Mr MERTON (Baulkham Hills) [5.59 p.m.]: I raise a matter that was brought to my attention by a Baulkham Hills resident, Mr Jack Minchin, who telephoned my electorate office and related to me problems

concerning his sister, Barbara Milford of Leura, and her experience on a train on Wednesday this week. She was travelling to Central on a train that departed from Leura at 8.29 a.m. It reached Parramatta without problems—the journey was uneventful—but after pulling out of Parramatta the train slowed through Harris Park and stopped between Harris Park and the M4 Freeway. It then started very slowly. A voice came over the public address system saying, "We are having a longer trip this morning. We are taking you via Fairfield as the driver went through the wrong signal." The train stopped near the old brickyards at Merrylands before proceeding slowly through Merrylands, Guildford and Yennora stations.

There was then an announcement, "Do not leave the train. Stay on the train. We will be reversing. Do not get off the train." The train then went into reverse and travelled all the way to Central in reverse. Many elderly folk on board were concerned about what was happening. People had entered the train's front carriages so that they did not have to walk all the way along the platform at Central but because the train had reversed they had to walk the length of the station. As Fairfield is not on the normal route from Leura to Central the trip took longer, because the driver went through the wrong signal.

The old people were distressed and concerned as to what was happening. The recent Glenbrook tragedy and the almost daily litany of derailments, assaults and problems facing State Rail in recent months would not have helped their frame of mind. My constituent's sister was very concerned about the incident. Sadly, it would appear that rail services have reached a new low when a Blue Mountains train arrives at Central backwards via a Fairfield detour because the driver went through a wrong signal. Mr Jack Minchin is an elderly man and his sister is obviously not young. They are both distressed about the experience endured by his sister. She certainly did not want the Fairfield detour and she was concerned about the way in which the journey took place, particularly about travelling backwards all the way to Central. I ask the Minister to look into the matter to see what the problem is. It would appear that State Rail needs better driver education, signals, lines and upgraded services so that it can provide the people of New South Wales with a reasonable, adequate and safe train system.

CESSNOCK BYPASS

Mr HICKEY (Cessnock) [6.04 p.m.]: I draw the attention of the House to the ongoing problem of heavy vehicles traversing the Cessnock main street to connect with the federally funded New England Highway. Funding of the F3 bypass of Cessnock has a long and sordid story. Older men and women who come into my office talk about the Cessnock bypass being discussed 20 to 25 years ago. It is now the year 2000, the new millennium, and it is time that the good people of Cessnock saw some action from the Federal Government to ensure that the Kurri Kurri corridor is built without delay. The Hon Carl Scully, Minister for Roads, has allocated \$10 million to Cessnock City Council to alleviate some of the problems caused by the internal route used by trucks in Cessnock. This is only a short-term answer to a long-term problem. I understand that the council resolved only last week to pursue my representations in this House to procure an extra \$7 million of funding to make some attempt at bypassing Vincent Street with an internal bypass.

If this request is honoured it will bring the total allocation by the State Government to \$17 million. Unfortunately, Cessnock council is not in a position to provide the funds required. It argues that the previous Government promised to build the bypass by 2003. I argue that the three extensions known as the Kurri Kurri corridor have been highlighted by all adjoining councils, except Maitland, from the Cessnock electorate through to the Upper Hunter. I have canvassed the councils of Cessnock, Scone, Merriwa, Gulgong, Muswellbrook, Singleton, Newcastle, and Lake Macquarie asking them to provide me with documentation on the best option. All agree that the Kurri Kurri corridor, the F3 federally funded freeway extension, is the only way of ensuring the future transport needs of the Hunter. This bypass will link two major highways that are the lifeblood of the eastern seaboard. It will link the Pacific Highway and the New England Highway in such a manner that no town will be disadvantaged. It will shorten travel times to the Upper Hunter from Freemans Waterhole turnoff by 10 to 15 minutes. This 10 to 15 minutes is all important for interstate truck drivers.

Cessnock has suffered at the hands of the vehicles traversing its main shopping centre and the central business district [CBD] for far too long. We are not a backward country town; we are a progressive town and a locality on the move. We have proposed large-scale developments such as the Tomalpin industrial estate that will require adequate transport access. When battling for the bypass several options are on offer. The two outstanding are the Kurri Kurri corridor and the outer Maitland bypass. I quote Dungog Shire Council, which is on the outer perimeter of Maitland:

I am pleased to support your proposal for Option C on the basis that this provides the most benefit for the Maitland-Cessnock areas by reducing the heavy vehicle traffic in built-up areas.

Option D, the outer Maitland bypass, will assist Maitland only and will be of no benefit to the communities of Kurri Kurri, Branxton, Cessnock, Freemans Waterhole and West Wallsend [and Singleton].

The council lays its trust in me to represent it and, hopefully, gain success. Muswellbrook council says that option C, the Kurri Kurri corridor, will knock 14 kilometres off the trip to Sydney and link the port of Newcastle to the Upper Hunter. It will benefit everybody. The residents of Stanford, Merthyr and Pelaw Main have had to live with through traffic movements in the order of 12,000 a day. Again, trucks represent a large percentage of that traffic. The situation has led to catastrophic traffic problems in the two villages. Council believes that option C would alleviate the majority of the problems in the Cessnock CBD and much of the heavy heavy vehicle traffic, thus allowing the main street to reinvent itself and become more attractive, not only for the locals but for tourists in the area as well.

I commend the Minister for providing \$10 million for an inner-city bypass but I ask him on behalf of Cessnock council to consider providing an extra \$7 million to ensure that we gain the best benefit for the Cessnock community. This in no way absolves the Federal Government and Mr Anderson from responsibility for providing the necessary funding for Maitland and Cessnock to have an outer bypass—that is, option C, the Kurri Kurri corridor. That will take a large commitment from the Federal Government. I request that this House make strong representations to the Federal Minister for Transport in that regard. I hope that the Minister for Transport, and Minister for Roads will find \$7 million to top up funding for the outer Maitland bypass.

SUPPORT CO-ORDINATION PILOT PROGRAM

Mr OAKESHOTT (Port Macquarie) [6.09 p.m.]: I acknowledge the presence at the table of the Minister for Community Services, Minister for Ageing, and Minister for Disability Services because the issue I raise relates to the Department of Community Services [DOCS] and the Ageing and Disability Department [ADD]. I refer to a support co-ordination pilot program which was established in Hastings in the Port Macquarie electorate 13 months ago. I understand that five such programs were to be set up throughout New South Wales. However, only one other of those programs has been set up, that being the program at the Northcott Society in south-western Sydney. However, I stand to be corrected on that.

I understand that it was intended that the support co-ordination pilot program was to involve a whole-of-government approach to overseeing particular cases in which individuals were experiencing difficulty fitting into, for want of a better word, the pigeonholes and were falling through the cracks of the various government departments. Unfortunately, that is continuing: there are still cases of people who do not fit into the various pigeonholes of government departments and are falling through the cracks. I encourage the Minister to be vigilant in supporting the support co-ordination pilot program and any broader version of it that may be on the horizon. It is a positive direction for a government to take: prioritising individuals and making sure that all government departments are working for them.

I should like to cite the example of one person in my area. I refer to a male client, aged 17, with a borderline intellectual disability and a brain injury since the age of 13. Mental health issues are obviously involved. The client has been through the whole range of the various government bodies: Christo House, JPET, the Department of Juvenile Justice, the Public Guardian, the Office of the Protective Commissioner, the Mid North Coast Head Injury Service, the Department of Housing, James Fletcher Hospital, the Police Department, Priority One Employment Service, Mid North Coast Support Co-ordination, community options, community health and drug and alcohol counselling, mental health, and Community Housing Mid North Coast. At various stages those various bodies have all been in touch with this individual to try to help. However, due to a lack of early or mid-term intervention and long-term casework support, this individual is now in a fairly serious state in James Fletcher Hospital with significant mental health problems.

That is but one example of the continuing problem. It is an example of circumstances in which the Government can do more and be much more vigilant in making the support co-ordination pilot program and other programs work for people such as the young man I have referred to. In the time available to me I would like to also refer to respite services on the mid North Coast. I acknowledge that the Government is moving to provide some respite services to the area, and I understand that Coffs Harbour has been announced as the chosen location. I am pleased that there is some action from the Government on that issue. I encourage the Minister to also look at the role DOCS is playing at Sea Breezes in the Hastings area, and whether there is a long-term role for improved respite services in the Hastings area.

I did not give the Minister prior notice of my private member's statement. However, the support co-ordination pilot program was hailed as a significant step forward in our local area. Whilst the program looks good on paper, 13 months down the track there are questions about the practical success of the program. If in practice the program does not deliver in circumstances such as those I have outlined to the House, I urge the

Minister and the Government to do everything they can to ensure that people such as the young man I have referred to do not fall through the gap merely because they do not fit into the pigeonholes.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [6.14 p.m.]: I may need documentation to follow up the case of the young man the honourable member for Port Macquarie has referred to, because I am not sure that I am aware of his circumstances. If the honourable member provides me with the documentation I will be happy to look at the matter. There are many people in similar circumstances, having dual diagnoses and so on. I also need to look at the pilot program that the honourable member has referred to.

With regard to respite services, last Tuesday the Government announced funding of a little over \$1 million for respite services: \$500,000 for the Coffs Harbour area and about \$500,000 for the Maclean area. That is a roll-out of services that are desperately needed. As the honourable member knows, when families do not receive respite care they spiral down into crises. That creates a great many difficult problems that the department then must deal with. Families who care for family members with disabilities 24 hours a day cannot go out for dinner, to the movies, or even to family weddings because their first thought is who will look after the person they care for. People who do not have to care for a family member with a disability do not understand the difficulties faced by those who care for such people. The community and I were both pleased to receive the respite care funding. As the honourable member for Port Macquarie said, we need to give further consideration to respite services.

PEATS ELECTORATE HEALTH SERVICES

Ms ANDREWS (Peats) [6.16 p.m.]: I wish to inform the House of the opening of two improved health facilities I recently had the privilege of presiding over within my electorate of Peats. The first was the opening of the refurbished endoscopy unit of Gosford Hospital, which took place on Wednesday 14 June. The refurbishment, which cost in the vicinity of \$150,000, will enable the medical and nursing staff to work in a much-improved atmosphere. The technology in the unit is ever-changing. An overview of directions in endoscopy techniques was given by Dr Darryl Mackender, the staff specialist in endoscopy at Gosford Hospital. The medical and nursing staff of the unit, led by Vijay Wark—the divisional nurse manager, anaesthetics and theatres—are dedicated and hard-working. Each year they tend hundreds of patients, many of whom are senior citizens.

I was interested to learn at the opening that the Central Coast has a high proportion of persons suffering from stomach ulcers. I understand that the reason for that is that the Central Coast has an above average proportion of persons aged 60 years and over. I am pleased that the unit has been improved, because the people who work there take great pride in the work that they do. They have been quietly working away for years, and it was great to learn that the board had recognised that the unit needed to be refurbished. I am sure that the improvement of the unit will make a great difference to the staff's working conditions and also to the care of the patients who come into the unit.

On Monday 19 June I had the honour of officially opening the newly refurbished rehabilitation unit at Woy Woy Hospital. This 30-bed unit is one of the best rehabilitation units to be found anywhere in the State. That is undoubtedly due to the professionalism and devotion to duty by the nursing staff, headed by Sister Van Baarle; the doctors; the occupational therapists; the physiotherapists; the speech pathologists; the social workers and the dieticians. In addition, the ancillary staff and the pink ladies also do a marvellous job in assisting both patients and staff. The total cost of the refurbishment of the rehabilitation unit was \$440,000. It includes new kitchen areas, bathrooms and toilets in the wards, a new nurses' work station, new flooring, and paintings throughout. In addition, a new hot water reticulation system was installed at Woy Woy Hospital. Given that all that work was achieved for an outlay of \$440,000, it was money well spent indeed. The refurbishment has helped to lift the morale of the staff, as well as provide more comfort for the patients, most of whom are senior citizens. In many cases their stays are for quite lengthy periods.

The outcomes at the rehabilitation unit are excellent. The unit assists people to look after themselves and regain their independence so that they can resume as normal a life as possible after suffering a stroke, accident or other sickness. Both openings were attended by Dr Vasco de Carvalho, who spoke highly of the quality of medical care and attention provided at the endoscopy unit at Gosford Hospital and the rehabilitation unit at Woy Woy Hospital. Dr Vasco de Carvalho is the Director of Medical Services for the Central Coast Area Health Service. Dr Don George, who is the Chairman of the Central Coast Area Health Service board, also participated at both opening ceremonies, as did Mrs Georgia Sidiropoulos, a long-term resident of Mangrove

Mountain and the first person from a non-English-speaking background to serve on the board. Mr Paul Tonkin, who is a long-serving board member and resident of the Woy Woy peninsula, attended the opening of the rehabilitation unit, as did Mr Vince Martin, who is also a Woy Woy resident, a former Federal member for the Sydney metropolitan seat of Banks, and a person who takes a particularly keen interest in health issues within the local community.

Ms Helen Merkenhof, director of nursing and executive officer at the Woy Woy Hospital, takes much pride in the improvements to the rehabilitation unit. Helen ensured that the staff who work in the unit had an input into the planning and refurbishment. The involvement was most successful and all members of the staff are pleased with the final outcome. Both Gosford and Woy Woy hospitals have very active women's hospital auxiliaries. The ladies who staff the auxiliaries, many of whom are in their seventies and eighties, work very hard to raise funds for the respective hospitals. They, too, can take much pride in these improvements being declared open at the Gosford Hospital and the Woy Woy Hospital. I pay tribute to the professional manner in which the chief executive officer, Jon Blackwell, the chairman, Professor Don George, and all board members have managed health services throughout the Central Coast, which is one of the most rapidly growing areas, if not the most rapidly growing area, in the State. That fact has been acknowledged by the Minister for Health, Craig Knowles, who recently announced the provision of increased funding for health services for the Central Coast Area Health Service.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [6.20 p.m.]: I congratulate the honourable member on her understanding of her local electorate. It is great to hear somebody give praise to people who do the hard yards, namely, the doctors and nurses without whom we would all be in dire straits.

CONSUMER PRIVACY

Mr HARTCHER (Gosford) [6.21 p.m.]: I draw to the attention of the House a predicament faced by one of my constituents, who I am sure is not alone in his experiences. Late last year my constituent completed a lifestyle survey that was sent to him by Australia Post. He filled it out in good faith, assuming that the information would be used by Australia Post only and that it was somehow related to postal administration. The survey asked questions about subjects ranging from health, lifestyle, gardening and travel. It also included requests for information about spending patterns in leisure, shopping, travel and motoring. There was the usual carrot offer, of course—households were offered the chance to win a BMW and other worthy prizes on completion of the survey. Warren Bluff filled out the survey in good faith. He included his home address and silent telephone number and he indicated that the telephone number was silent. The survey contained a confidentiality declaration.

However, my constituent did not see it. Nor, I am informed, did countless other householders who subsequently made complaints. This information, including survey results, names, addresses, phone numbers and email addresses, was sold to direct marketing firms. Over the past six months, my constituent has received phone calls and unsolicited mail from as many as six different companies. He is greatly concerned that these companies use his silent telephone number in a manner that is completely outside his control. My constituent asked me how it could be the case that such information could be disseminated and sold without his consent.

As a result, Mr Bluff has had to contact every company that contacted him by telephone or mail and ask that his name, address and, in particular, his silent telephone number be removed from their files. In one case he was told that his name would be removed for two years only and that after that time the company was entitled to place his name on its contact lists again. Mr Bluff would like to know why his name and details cannot be permanently removed, considering that they were collected in a manner that he considers to be improper.

The practice of direct marketing companies gaining access to lists of household phone numbers, even when these telephone numbers are silent telephone numbers, is becoming a gross invasion of privacy. The telephone numbers are used indiscriminately to advertise products in a manner that many people consider to be offensive, inappropriate or unnecessary. It should also be remembered that mere contact can constitute intrusion. Mr Bluff has made many requests to many different companies and has asked that his name and details be removed from their directories. However, on his supposedly silent telephone number, he continues to receive unsolicited calls from direct marketing telecentres.

I mention Mr Bluff's unfortunate experience as a warning to other householders, especially those who live on the Central Coast, to be careful when completing any survey or form that requests personal information.

Consumers need to be conscious that this information, however attractively requested, may be used for business or marketing purposes by others. In an information age where personal privacy takes second place to the global availability of knowledge, it is imperative that consumers are aware of these pitfalls and take appropriate steps to ensure that they are not subject to unwarranted solicitations.

Private members' statements noted.

BILL RETURNED

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

Industrial Relations Leave Legislation Amendment (Bonuses) Bill

ASSENT TO BILLS

Assent to the following bills reported:

Child Protection (Offenders Registration) Bill
Crimes Legislation Amendment Bill
Intergovernmental Agreement Implementation (GST) Bill
Public Authorities (Financial Arrangements) Amendment Bill
Workplace Injury Management and Workers Compensation Amendment (Private Insurance) Bill
Appropriation Bill
Appropriation (Further Budget Variations) Bill
Appropriation (Parliament) Bill
Appropriation (Special Offices) Bill
State Revenue Legislation Amendment Bill
Unclaimed Money Amendment Bill

RETIREMENT OF ALLEN HANDS

Mr WHELAN (Strathfield—Minister for Police) [6.25 p.m.]: I have asked Allen Hands, who has been employed at Parliament House for 32 years, to come into the Chamber, the honourable member for Gosford and manager of Opposition business also being present, while I take this opportunity on behalf of all members of this Government—indeed, on behalf of all members of this Parliament—to wish Allen well in his retirement after 32 years of dedicated, committed and faithful service to the Parliament. Allen is retiring on 7 July. He commenced employment at Parliament House as an attendant on 25 March 1968, having been educated at Hurstville Technical Boys High School and Carleton Central Public School.

Allen worked in all attendant's positions, commencing at the base grade and progressing to Chamber duties. He currently holds the position of Supervisor, Front of House Services. I understand that although Allen is retiring, he has indicated that it is not so much retirement as being redeployed to undertake duties at home. I am sure that the honourable member for Gosford will speak on behalf of the Opposition. On behalf of members of the Government, I offer Allen all the best for his retirement. I take this opportunity to thank him for his contribution to the Parliament. This is one of the rare cases in which a member of the public is mentioned favourably in Parliament.

Mr HARTCHER (Gosford) [6.26 p.m.]: I join with the Leader of the House in acknowledging, on behalf of all Coalition members, that Allen has performed his service in this House faithfully and well. I know that Allen had a reputation in his youth of being a fine athlete and he has certainly always been courteous, obliging and approachable in this House. Never has anybody had an unkind word to say about him. Every request that members have made of him has been fulfilled. It is a very worthy observation to make about anybody upon retirement that he has discharged his duties and discharged them with great ability.

I also acknowledge Allen's deep interest in the Olympic Games. I hope that that interest will carry over to September when the Games take place. I know that Allen is devout adherent to the Christian faith and that his Christian faith has been a great support to him throughout the years. I hope it continues to be a great support in the years ahead. I acknowledge, on behalf of all members of the Opposition parties, Allen's service to this House and express the good wishes of the Coalition for the years ahead. I know that it is not really a retirement but simply, as the Leader of the House has said, a redeployment to further activities. I hope that Allen finds that redeployment fruitful and enjoyable.

[Mr Acting-Speaker (Mr Lynch) left the chair at 6.28 p.m.. The House resumed at 7.38 p.m.]

ADOPTION BILL

Second Reading

Debate resumed from 21 June.

Mr ORKOPOULOS (Swansea) [7.38 p.m.]: I am pleased to speak on the Adoption Bill, and indicate my support for it. Adoption is a very sensitive matter and, as we all know, when the history of this country is written, adoption practices over many generations will show many changes. From the early years of this century up until 30 or 40 years ago, the cruel and shameful forcible removal of children from indigenous parents, just because they were indigenous, was practised. That practice has been well documented and clearly that is a much larger issue than those contained in the scope of this bill.

In the 1940s, 1950s and 1960s young women who had children but were too young according to the social mores of the time signed away—and some would say forcibly signed away—their rights to their children, who were then put out for adoption. This bill replaces the Adoption of Children Act 1965 and the Adoption Information Act 1990. It is a timely bill. Clearly there is a level of urgency about adopting this legislation. There is widespread community interest in this bill and, in so many quarters, agitation for its speedy passage. The Hon. Jan Burnswoods is the chair of the Legislative Council social issues committee, which has before it a reference on issues pertaining to this bill. I look forward to a report coming from that committee this year.

I turn to the objects of the bill, set out in clause 7. The first object emphasises that the best interests of the child concerned, both in childhood and later life, must be the paramount consideration in adoption law and practice. Clearly, that is a universal creed that I am sure we all support. The second object makes clear that adoption is to be regarded as a service for the child concerned, again emphasising that the child is to be the centre of attention. The third object is to ensure that adoption law and practice assist the child to know and have access to his or her birth family and cultural heritage. That is a vast improvement on the practices of old.

The fourth object is recognition of the changing nature of practices of adoption, of the history of change in adoption practices and of the need to adapt. The fifth object is to ensure that equivalent safeguards and standards to those that apply to children from within New South Wales apply to children adopted from overseas. Another object is to encourage openness in adoption. I have not had any experience of adoption in my family, but I listened with interest to the honourable member for Illawarra, who spoke very movingly about her situation and her concerns about foster parents, adoption and children in general. A further object is to provide, in certain circumstances, for the giving of post-adoption financial and other assistance to adopted children and their birth and adoptive parents. That is paramount for continued development of healthy families and families that are not dysfunctional. That is the level of support that is needed.

The bill replaces adoption legislation that has been in place for more than 35 years. That legislation reflected outdated practices and community expectations for the protection of children through permanent care options. Obligations that arise out of the United Nations Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption have been addressed in this bill. Clearly, this bill can be benchmarked against any other comparable legislation in the world. Jurisdiction for the making of orders in connection with matters relating to the adoption of a child remains with the New South Wales Supreme Court. The protection of the New South Wales Supreme Court is still available. Critically, a child's Aboriginality and cultural heritage is to be identified and preserved, and arrangements are to be put in place to ensure children have the opportunity to experience their cultural heritage in their upbringing. I noted the contribution of the honourable member for Wollongong—

Mr SPEAKER: Order! The honourable member for Wakehurst and the Leader of the House will conduct their conversation outside the Chamber or resume their seats.

Mr ORKOPOULOS: I listened with interest to the contribution of the honourable member for Wollongong, who devoted his contribution to the concerns of the Aboriginal population and to the importance of maintaining their cultural heritage, which is a feature of the bill. The requirements for consent to an adoption have been clarified. Every person who is a parent or guardian of a child is required to consent. Consent cannot be taken until at least 30 days following the birth of a child. That is certainly much longer than the three days provided for in the previous legislation. An order cannot be made for a further 30 days. There is a lot of time to consider matters and get services in place. Adoption counselling and mandatory adoption information is required prior to a consent, including information on alternatives to adoption.

There are many other features of the bill but I would like to touch on one that was addressed at a meeting I attended yesterday of the Union of Australian Women in my electorate of Swansea. The women at that meeting were aware, because of newspaper reports, that this debate was taking place, and I gave them copies of the Minister's second reading speech. I took that along because I anticipated they would be interested in this and other issues. One of the concerns they expressed was to do with a provision in this bill that allows for children to be permanently and legally removed from their birth parents.

Their concern was that, in a society that suffers a large amount of poverty, socio-economic considerations should be taken into account when making a final determination under clause 54. I indicated to them, from my understanding of the bill, that such a provision exists under current legislation, though it is rarely used and is subject to a very narrow band of considerations or heads of considerations before a determination may be made. I undertook to express those concerns to the Minister and pass on the Minister's response to those concerns. I have great pleasure in supporting the bill and welcome further debate.

Mr HAZZARD (Wakehurst) [7.49 p.m.]: At the outset let me make it clear that this is one of the most serious bills to come before this House, and that the Government has been deceptive, dishonest and despicably low on undertakings that this bill would not come on today. Only a few hours ago the Leader of the House gave me an undertaking that this bill would not be debated in this House today. That is extremely significant, bearing in mind that this bill was introduced only last week. The Adoption Bill was introduced with a package of bills relating to children's care and protection and permanency planning. The Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women was out in the public arena—

Mrs Lo Po': Be careful!

Mr HAZZARD: Do not tell me to be careful! I do not want to be told to be careful. Instead of talking to me across the Chamber on this issue when I am furious about what she and the Leader of the House are doing, the Minister should tell the Leader of the House to back off. This is the wrong thing to be doing, and the Minister knows it.

Mrs Lo Po': I am waiting to hear the debate. Get on with it!

Mr HAZZARD: The Minister is waiting to hear the debate. She should be leaving the House and telling the Leader of the House that the undertaking given last week was clear: that this package of bills would not be put through the House without full public consultation and debate. On top of that, the Minister should be telling the Leader of the House—

[Interruption]

The Minister should not flick her fingers at me.

Mr SPEAKER: Order! The Minister for Community Services will remain silent.

Mr HAZZARD: That is the trivial level at which the Minister treats this adoption legislation—by flicking her fingers at me when I am putting on the record the Opposition's concern that this legislation is being rammed through the Parliament in the face of specific undertakings given to the public that there would be full debate. Although the Minister gave an undertaking last week that the package of child care and protection and permanency planning legislation would be open to public consultation, the Minister tried to guillotine debate on the legislation. There is a link between the Adoption Bill and the Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill and the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill, which is open to public consultation. What has the Minister done? The Minister gave an undertaking that the package would be open to public consultation.

Mrs Lo Po': That's right—and it is.

Mr HAZZARD: If the legislation is out for public consultation, why did the Minister use Standing Order 100 to try to guillotine the legislation last week?

Mrs Lo Po': We did not. The legislation is still there.

Mr HAZZARD: Of course you did. What do you mean you did not? It is there in the notice of motion. This legislation is too serious to play silly games. The Minister for Community Services and the Minister who

purports to lead this House are playing stupid games over very serious legislation. I ask the Minister and the Leader of the House to acknowledge and honour the undertaking that this legislation would be open to public debate for the next three months.

Mr W. D. Smith: How long do we have to listen to this?

Mrs Lo Po': About 30 minutes.

Mr HAZZARD: No. You will listen to this for as long as I want to talk about it. And there is quite a bit I could say about the breach of faith. I know that the Minister finds this boring. However, that reality is that the community is concerned about this legislation. The honourable member for Swansea said that some people in the community want this legislation to be rushed through the Parliament. The Minister knows that that is rubbish.

Mr W. D. Smith: He didn't say that.

Mr HAZZARD: That is what the honourable member for Swansea said at the beginning of his contribution. Members opposite should have been listening. I listened to the honourable member for Swansea. I was in my office listening to this debate, because the Minister did not have the courtesy to tell me that this bill was being brought on. The Government was trying to skulk it through the House. This bill should be taken off the agenda today and put out for public debate for at least three or four months. There is a great level of concern in the community about this bill. Is the Minister aware of that concern? She does not seem to be aware of it; nor does the Leader of the House seem to be aware of the concern in the community that people want to debate this legislation. Some people want to get this bill right.

This legislation is the first rewrite of adoption legislation in 35 years, since 1965. There is a high level of concern in the community that this legislation has been introduced more to satisfy the Minister's political whims than to take any substantive approach to adoption. The Minister has received phone calls and correspondence from the Council of Social Service of New South Wales [NCOSS] on this matter. She has also received correspondence from the Association of Child Welfare Agencies [ACWA]. Both of those organisations, amongst others, have expressed concern that this bill should be open for public discussion and debate. On 28 June 2000 the Council of Social Service of New South Wales wrote to me in my capacity as shadow Minister for Community Services. The letter stated:

I refer to the Adoption Bill and the Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill, which were introduced into Parliament last week by Community Services Minister, the Hon Faye Lo Po' MP.

NCOSS is requesting that you seek to have both these Bills deferred for debate until Parliament is scheduled to resume in late August 2000.

The Adoption Bill, whilst important in its intent, is a document of nearly 200 pages—

in fact, it has 155 pages—

which key children's welfare and community organisations have had little, or no time to assess.

It is also important to assess the Adoption Bill in conjunction with the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill, which the Government has agreed to have lie on the table until the next session.

The Children and Young Persons (Care and Protection) Miscellaneous Amendment Bill does not deal with some key shortcomings in the 1988 legislation concerning kinship care and out of school hours care. NCOSS is proposing amendments to address this situation.

NCOSS hopes that you will give our request your favourable consideration.

Obviously the Opposition gave NCOSS the courtesy of supporting its view that this package of legislation, including the Adoption Bill, should be put out for public discussion, debate, scrutiny and input. The Council of Social Service of New South Wales also wrote to the Minister, but she has made no mention of that thus far. She has not acknowledged that she has received phone calls and correspondence from NCOSS. She is quite happy to ignore the fact that these requests have been made and she let members such as the honourable member for Swansea, probably in all innocence, say that various peak groups want this legislation to be pushed through when the opposite is the case. This morning the Minister received a fax from ACWA, which stated:

ACWA welcomes the opportunity to discuss, debate and make submission in relation to the amending Bills and the Adoption Bill introduced in the Parliament last week.

The amendments, particularly the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill includes substantial changes to the Act. The Adoption Bill is a major piece of legislation which will have far reaching effects.

We endorse your statements that there should be an extended period of time to allow consideration and debate of these proposed legislative changes. We strongly believe that this should apply in the case of the Adoption Bill as well as the Permanency Planning Bill and urge you to ensure that the period of extended consideration and debate should be safeguarded for both these pieces of legislation.

I will write again shortly to convey ACWA's response to the legislation.

Yours sincerely

Nigel Spence
Chief Executive Officer

Of course, the Minister did not comment—neither did the honourable member for Swansea—that ACWA, a peak group which should have input, the opportunity to go through this bill in detail, and the opportunity to provide feedback on the bill, has had no opportunity whatsoever to provide input on the bill. The Minister indicates that that is not true. I assure her that that is not what the association says.

Mrs Lo Po': It has been in the public arena for four years.

Mr HAZZARD: The Minister says that the bill has been in the public arena for four years. I would like to think that the Minister does not tell lies.

Mrs Lo Po': I don't.

Mr HAZZARD: I would like to think you don't. I think we have a better relationship than we had when we first came to Parliament in 1991. However, at the moment I am beginning to see perhaps a different side to the Minister. The fact of the matter is—and the Minister's adviser made this clear to us last week—that this bill was drafted only six weeks ago.

Mrs Lo Po': Adoption law review was recommended by your side when in government.

Mr SPEAKER: Order! The Minister will have the opportunity to reply at the appropriate time to any proposition put forward by the Opposition.

Mr HAZZARD: The Minister's competency and truthfulness as a Minister must be challenged, given her statement that this bill has been around for four years, because it is not true. I am quite happy to acknowledge in this place the history of this legislation. In 1992 it was considered appropriate to review the 1965 legislation. The then Attorney General, John Hannaford, made a decision that the legislation would be referred to the Law Reform Commission, and the Law Reform Commission undertook a study of the issues to do with the adoption legislation. That is all true.

The Law Reform Commission produced its paper No. 81, which was presented to the Government approximately four years ago. Then the Government did very little for about three years and seven months. About six or eight weeks ago, when the Minister started making pronouncements based on what she had seen on some television show—I think it was *Four Corners*; the new way the Carr Government develops its policy is to watch *Four Corners* and then come to work emboldened to make decisions—she issued directions to her adoption agency to produce the legislation.

The gentleman who drafted that legislation for the Minister is sitting in the House today. I have no argument with him. He presented a draft bill as well as he could, I am sure, based on the Minister's instructions. However, that draft bill never saw the light of day until it hit this Chamber last week. The Minister cannot say that this bill has been in the public arena for discussion for four years. That is rubbish. That claim trivialises very important adoption issues in New South Wales, and it trivialises the way we deal with children's lives.

Ms Saliba: You're trivialising adoption. What are you talking about?

Mr HAZZARD: This bill has not had public exposure. I acknowledge that the honourable member for Illawarra has just walked into the Chamber. The honourable member feels chuffed that she has been called on to

back up her Minister in this House. Having heard her speak last week, I acknowledge that she knows something about foster children and adoption, and I acknowledge her sincere contribution. I also acknowledge that, if we had more people such as the honourable member for Illawarra looking after foster children, or for that matter adopting children, we would be a much happier society. Having said that, I ask her not to take that step from making a sincere statement last week to backing what is essentially an erroneous presentation of legislation in this place this evening.

This legislation has not been around for four years—it has been around for about six to eight weeks. When it was drafted, the only people who saw it were Cabinet Ministers. The Cabinet had the Minister's submission, which was based on the Minister's political imperatives, and felt it was appropriate, having been out in the public arena talking about a different way of protecting children and dealing with abuse, to support the bill. Of course, that is entirely right and proper for the Minister's Government.

Ms Saliba: What about the children, Brad?

Mr HAZZARD: The honourable member for Illawarra asks, "What about the children?" I totally agree. We have been waiting 35 years for this legislation. I am sure that if the honourable member for Illawarra was not a member of the Labor Party and it was not necessary for her to back this Minister, she would say that it is a good idea to wait a few more weeks to get the legislation absolutely right. This legislation has not been available for public debate. The honourable member for Illawarra missed the earlier part of tonight's debate, when it was said that the Association of Children's Welfare Agencies and NCOSS, two peak groups, have implored the Minister not to continue with this legislation in this place this week—in fact, not until at least the end of August—so that there is time for consultation. The Coalition absolutely supports that request, because we would like to get this legislation right.

I remind the Minister that this measure has introduced an element that did not exist in 1998. In 1998 the care and protection of children legislation, when it was introduced into this place, received bipartisan support. It received bipartisan support because the legislation package was put out for public discussion, public debate and public input. All of those in the community entitled to have a say about how our children are looked after in adoption and foster care had the opportunity to look at the legislation and to support it. They came to speak to the Coalition, and the Minister gave proper briefings to the then shadow Minister. The result was that the legislation received bipartisan support. This time around, on the very last day of this session of Parliament, the Minister seeks to get this legislation through by, in effect, deceit and deception.

Let me outline exactly what has happened today. This place has been in a bit of turmoil because the dairy industry legislation and the industrial relations legislation have been debated in the upper House for some hours, and the sitting has been suspended for the last couple of hours while members waited for legislation to return to this place, which is an entirely appropriate course. The House resumed on the ringing of one long bell just after 7.30 p.m. Did the Minister for Police or the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women call to tell me, the shadow Minister, "All of the undertakings we gave you last week, and in fact only a few hours ago, that this bill would not proceed in this place today are about to be overturned. Would you like to come down to speak on the bill?". Nothing like that was said. The introduction of the legislation was all about stealth, dishonesty and deception—all the hallmarks of this Government operating at its zenith. I am quite sure that the honourable member for Illawarra is not a conspirator in this arrangement; I am quite sure that she was sincere about what she had to say.

Ms Saliba: And very supportive of the bill.

Mr HAZZARD: The honourable member for Illawarra said that she is very supportive of the bill. That is good, because she has obviously had a good opportunity to go through it. But, of course, the honourable member for Illawarra, as a caring, fostering parent, would be the first to say that many peak groups are entitled to look at this legislation to ensure that it works for everyone, not just for the honourable member.

Ms Saliba: It's for the children, Brad, remember that. Focus on the children; don't worry about the peak groups.

Mr HAZZARD: Whilst I want to be generous to the honourable member for Illawarra, I do not want to get caught up in those sorts of clichés and trivialisations. This legislation is certainly about the children, but it is also about a Government that will not allow this legislation to be debated, discussed and worked through. The way in which this legislation has been introduced today—through deception and dishonesty—leaves me with no choice but to move an amendment to the motion. Therefore I move:

That the motion be amended by deletion of the word "now" and substitution of the words "on or after 1 November 2000"

I move that amendment reluctantly, but I do so because, as the honourable member for Illawarra said, this legislation is about getting it right for children and making sure that whatever this House does is in the best interests of children. I will not have on my conscience—nor will any member of the Coalition—the fact that legislation that will affect the way in which children are cared for and the way that the adoption process works in relation to them passed through this House without having had the benefit of input from public debate.

The Minister has it within her power to adjourn this legislation to allow that necessary debate to take place. If she does not adjourn the debate, the Coalition will take the proceedings to a vote. If the Minister wants to vote down the amendment, the record will show that she opposed discussion of the legislation in a public forum to enable input from the public and various groups. Representatives of the Council of Social Service of New South Wales are unable to attend Parliament tonight. If Gary Moore knew how the Minister was carrying on during this debate, he would be in this Chamber in a flash. He is very concerned about the state of this legislation.

Mrs Lo Po': He will be even more concerned when he reads your speech. There is no substance to it. We are waiting to hear you discuss the bill.

Mr HAZZARD: It is obvious from the response of the Minister that she is quite happy to debate the bill tonight, and that her purpose is to have the bill passed tonight.

Mrs Lo Po': That is not true.

Mr HAZZARD: That is the Minister's purpose. The Minister should have ensured that the Opposition had every opportunity to discuss this bill with NCOSS, the Association of Child Welfare Agencies and all the other groups that want to discuss it. However, the Minister has indicated that not only can the Opposition not have those discussions but she has not sought to undertake such discussions. The Minister has introduced legislation in this House knowing full well that it has not been examined by the groups or the people who know most about the adoption issues associated with children.

Mrs Lo Po': That is not true.

Mr HAZZARD: It is true.

Mrs Lo Po': It is not true.

Mr HAZZARD: If what I am saying is not true, the Minister should list in her reply the various people who have had an opportunity to consider the bill. I challenge the Minister to put those names on the record. On the basis of what the Minister has been saying—she has been giving undertakings to the House that NCOSS and ACWA have been spoken to—it would appear that she is doing nothing more than misrepresenting the position. The Minister has been lying to the House and she has been lying to the Parliament. As I said earlier, this legislation is now being considered subject to the Coalition's amendment. The Coalition's only purpose in moving the amendment is to provide an opportunity for public debate and input. As I indicated earlier, the legislation is born of this Minister's desire—and quite properly, I add—to focus on trying to do the job better for the sake of children. The Coalition agrees that there are major issues associated with adoption strategies and policies.

Ms Saliba: It provides for contact with the children. Have you read the bill?

Mr HAZZARD: I would be willing to bet that the honourable member for Illawarra has not read the bill. This Minister's position is born more of a desire to put in place confirmation that she is actually doing something to address fundamental issues concerning children than anything else. If the Minister had approached members of the Coalition and said, "We recognise and you recognise that there are major issues to do with adoption and with fostering and we as a Parliament should be ensuring that we are making things better", bipartisan discussion and debate would have resulted in a bill being brought before this House that would have attracted Coalition support. I am sure that a contribution from both sides would produce good legislation, as it did in 1998.

The problem is that the Coalition has serious doubts about whether the legislation addresses the great concern that exists in relation to adoption processes. On 19 February an article was published in the *Sydney Morning Herald* wherein the Minister at the table acknowledged that the reversal of her approach in leaving

children with their families came as a result of watching a British documentary last November on the ABC program *Four Corners*. While it is obviously worthwhile to obtain information from any source possible and while I acknowledge, together with other members of the Opposition, that *Four Corners* conducts excellent in-depth research on a variety of issues, it should be a source of concern to everybody—including the honourable member for Illawarra—that the Minister embarked upon a reversal of policy regarding the approach to children within families as a result of watching a television program. The article cited the Minister at the table and stated:

"The community is sick and tired of families being given chance after chance", she said. "I'm trying to find the circuit breaker."

Heaven only knows that this legislation is a circuit-breaker for the Minister, but is it going to do the job? That is the question. A circuit-breaker actually stops the current. The Opposition wants to make sure that the current flows.

Mrs Lo Po': Point of order: The honourable member for Wakehurst is speaking about the wrong bill. He is speaking about the permanency planning legislation, but the Adoption Bill is before the House. He is discussing the wrong bill.

Mr SPEAKER: Order! The honourable member for Wakehurst should confine his remarks to the bill before the House.

Mr HAZZARD: I think the Minister is more concerned about trying to avoid the debate.

Mrs Lo Po': What debate? We are waiting for it.

Mr HAZZARD: This bill was presented as part of a package. There is a linkage between the Adoption Bill and the permanency planning legislation.

Mrs Lo Po': No, it is not a package.

Mr HAZZARD: The Minister should not tell me that there is no linkage—of course there is.

Mrs Lo Po': It is not a package.

Mr HAZZARD: It is not?

Mrs Lo Po': No. There are four distinct bills.

Mr HAZZARD: Good. That is excellent. The Minister went on to state:

If that means getting them out of abusive families into safe, secure, protected and loving environments, I'll do that.

Mrs Lo Po': That is the foster children legislation. It is not the Adoption Bill. Read the bill.

Mr HAZZARD: The Minister—

Ms Saliba: You are misleading this Parliament.

Mr HAZZARD: I am happy to let the honourable member for Illawarra talk about foster children and I am happy to let her talk about adoptions.

Ms Saliba: What about the bill? Talk about the bill.

Mr HAZZARD: I am happy to listen to the honourable member for Illawarra's substantive input, but if all she is going to do is behave like a bad little kindergarten kid, she should pull up her socks and leave the Chamber. The article about adoption written by David Humphries and Geesche Jacobsen stated:

A Carr Government plan to set abusive parents a short deadline in which to mend their ways, or to have their children sent to adoption, is meeting some of its most entrenched opposition from the State's welfare bureaucracy.

Ms Saliba: Adoption is an option for foster children and has nothing to do with this bill. Read the bill!

Mr HAZZARD: The honourable member for Illawarra now says that it is about adoption—that it is an option for foster children.

Ms Saliba: No, that is a different bill. Read the bill!

Mr HAZZARD: The two bills are linked. The article noted:

In a State with 7,000 children in foster care, only 19 were adopted last year.

The Minister would like to increase adoption as a preferred method of looking after children who come from dysfunctional families or abuse.

Ms Saliba: Point of order: The honourable member for Wakehurst is not debating the correct bill. He is talking about permanency planning for foster children in another bill, not about the Adoption Bill. He ought to get it right.

Mr SPEAKER: Order! It is a longstanding tradition in this House that a degree of latitude is extended to shadow ministers when they lead in debate on a bill. That is why they have unlimited time in which to speak. The honourable member for Illawarra has made a valid point, but it is a matter for the honourable member for Wakehurst whether he wants to confine his remarks strictly to the subject matter of the bill or to refer to associated matters.

Mr HAZZARD: I am addressing the issue of adoption because, as the Minister knows, the legislation is interlinked. To that extent, I carefully place on record that the Opposition does not at this stage oppose the Adoption Bill because of any particular provision contained in it. I have read the 155-page bill and the Opposition will oppose it because it has not been released for public debate. The Minister leaves the Opposition with no choice, even though it shares her genuine care and concern about children. Because the Opposition would like the bill to be debated in the community it will oppose the bill tonight. The Opposition wants to ensure that the various groups that would have liked to have had a say know that the Opposition supports their right to have a say and to have some input into the legislation. Another concern is that the bill contains a fundamental shift in policy. That is in accord with the Minister's public pronouncements—that is, that this legislation and the permanency planning legislation that the Minister and the honourable member for Illawarra keep jumping up and down about say that it is better to get children out of dysfunctional families and place them in foster care and put them up for adoption.

Ms Saliba: That is right.

Mr HAZZARD: The honourable member for Illawarra says that is right, but the Opposition understands that to be the issue in both pieces of legislation. The Opposition is concerned that learned observers on social policy issues say that we should give the 1998 legislation, which had bipartisan support, an opportunity to work. That legislation should be proclaimed and allowed to work. Honourable members should ensure that officers in the field are properly resourced to support families. No-one on the Opposition benches says that there is not a point where it is appropriate to take a child away from its family, however reluctantly. It is very difficult to determine when that point is reached, but officers of the Department of Community Services have to address that daily. No-one in this place could actually make the decision as to the correct time. For some it may be appropriate and necessary on the very first visit to the family to get the child out of an abusive situation. However, in other families it may be desirable perhaps not to take that child out until after maybe 20 visits.

Ms Saliba: Just leave them until they are injured beyond repair!

Mr HAZZARD: It is not a question for us or for the honourable member for Illawarra, who is sitting opposite, pontificating with facile stupidity about the issue. The Opposition wants to give workers some degree of direction from the Parliament. The honourable member for Illawarra should just keep quiet. You can giggle, laugh and babble like a little she-cat, but this is a serious issue. Perhaps you should leave the Chamber.

Mr ACTING-SPEAKER (Mr Lynch): Order! The honourable member for Wakehurst will direct his remarks through the Chair and the honourable member for Illawarra will stop provoking him.

Mr HAZZARD: I would be happy if I could address this important issue without the honourable member for Illawarra continually interjecting, giggling and carrying on.

Mr ACTING-SPEAKER: Order! That is a two-way street. I suggest that the honourable member return to the leave of the bill.

Mr HAZZARD: No, it is not. I am addressing a serious issue. During this debate I have not interjected on the honourable member for Illawarra, nor have I sought to have any discussion with her. She is continually interrupting me on this serious issue and she should be sent from the Chamber if she persists. The problem is that there is no clear-cut answer. Honourable members will remember the headlines generated by the Minister for Community Services. They basically said, "Three strikes and you're out." No-one on this side of the Chamber has any idea how the Minister can determine that. Every family and every situation is different. There has to be a direction in this legislation which supports the concept that as far as is practicable, without putting a child in danger, the family and the child should receive support. The child should, as far as is possible, reasonable and sensible, without risk to safety, get maximum support to keep the family together.

The Opposition believes that the family unit is the basis of a stable society. The Opposition recognises that, sadly, within our society there are many dysfunctional families in which children are abused. The Opposition happily supports any legislation that is talked through carefully, moderately and wisely to find a balance to address that issue. Unfortunately, the Opposition has not had a chance to seek the counsel of people who are knowledgeable in these areas, who work with abused children and dysfunctional families. Such people have not seen this legislation. They pleaded with the Government not to proceed with debate on the Adoption Bill today. The Minister should understand that the Opposition is not opposed to the substance of the legislation at this stage, because we simply—

Mrs Lo Po': Have not read it.

Mr HAZZARD: We have read it. What is more, we have some concerns about individual issues. The Minister has not read it. There are typographic errors that are so blatant that, if she had read it carefully, even she would have worked that out. But she has not. So she should keep quiet and listen. The Opposition would like to ensure that any adoption provisions put in place in this first rewrite of the Act in 35 years have appropriate focus on the family and ensure that sufficient is done to make families work, to give the children the chance to have their natural families around them if that is at all humanly possible, without putting the children at risk of physical or mental harm. As I said a few minutes ago—and I do not think the Minister was listening—the Opposition would like the package of care and protection legislation that was put up in 1998 given time to work. We would like that legislation proclaimed and the workers resourced.

Then, with the benefit of hindsight and reflection on whether what we did in 1998 was the right thing to do, we could make up our minds on what steps are necessary to make the Adoption Bill workable. That would allow us time to have a look at other parts of legislation regarding permanency, planning and fostering issues that was introduced last week. As I said earlier, a number of experts and specialists in social policy research would like to have input to this legislation. They would like the opportunity to discuss in a public forum the issues underlying this legislation. In that respect I quote one of those experts, Judy Cashmore, a member of the Social Policy Research Centre at the University of New South Wales. An article in the *Sydney Morning Herald* of 23 February refers to Judy Cashmore warning the Minister and the Government. In effect, Judy Cashmore said that if the Government is to introduce new policies that develop from a *Four Corners* television program, or from anywhere else for that matter, it needs to consider those policies in the light of history and experience. I quote from the article:

The Minister for Community Services, Mrs Lo Po', has provocatively suggested that NSW should follow the British example and encourage the practice of having young children who have been abused and neglected by their parents adopted rather than fostered.

I stress that Judy Cashmore is saying that what the Minister is suggesting, what the Minister is trying to ram through this House tonight, what the Minister tried to guillotine under Standing Order 100 last week, provocatively suggests following the British example of encouraging the practice of having young children taken from their parents and adopted rather than fostered. The Minister can criticise the Opposition for expressing its concern and for wanting a debate, but she cannot criticise specialists in the field who would like more input than she has allowed them thus far. Judy Cashmore went on to say something in which the Opposition finds currency:

The laudable aim is to give these children a secure and loving home and to prevent the psychological damage that results from abuse and neglect and from being bounced between home and foster placements.

The Opposition supports that as an intent. We certainly are not happy with the number of children who are effectively bounced from foster home to foster home, being moved from one stable environment to another

stable environment, because of a whole host of reasons that can contribute to those moves. Again I say to you, Minister, we are not convinced that this legislation is necessarily the answer. Judy Cashmore went on to say:

However well intentioned it may be, this policy needs to be assessed in the light of history, overseas experience and implementation of [other legislation].

History provides a number of examples where apparently well intentioned policies of removing children from their families have had disastrous consequences for children. This is especially clear for indigenous children.

The House would be aware that I am also shadow Minister for Aboriginal Affairs. Many motions before this House in the past five years have been dealt with in a bipartisan way. One of my abiding concerns during that time has been the issue of the stolen generation: indigenous children of Australia who were taken from their families, in many cases with all of the right intents, but in some cases not with the right intents. The result was that a whole generation of indigenous Australians suffered immeasurable pain. If we adopt this package of legislation, including this Adoption Bill, if we go down the path that the Minister is suggesting of being more ready to remove children from their families rather than necessarily supporting them, I worry that we might create another stolen generation, another group of children who will grow to be adults who will feel very upset about what life has dished out to them. The Opposition acknowledges that major problems occur through fostering. Having said that, I should point out that many of the 7,000 children in foster care are very happy and well looked after. But, if something does go wrong, the children do not have the huge problem of having been adopted—

Ms Saliba: What a load of rubbish! I have never heard so much garbage in all my life. They don't belong either, unfortunately, at that stage.

Mr HAZZARD: The honourable member for Illawarra is saying that they do not belong. She should not trivialise what I am saying. I have in my home children who have been fostered. I know the support and love that their foster mother and parents can give them. I also know that those children have the benefit of knowing their biological mother as well as the benefit of having a stable foster care relationship. The Coalition acknowledges that that is a very viable option for many children. We acknowledge that in many instances adoption may well be a preferred option. Because of the way in which this bill has been presented to this House the Opposition is not convinced that the Government is getting it right. Judy Cashmore goes on to state:

Of course, children should not remain within their families at all costs, but we need to learn from history about the long-term consequences of depriving children of contact with and information about their families of origin.

I do not know whether the Minister heard that statement because she does not seem to be paying attention.

Mrs Lo Po': I do not have to look at the honourable member to hear him.

Mr HAZZARD: I am glad that the Minister is not looking but listening. Judy Cashmore also states:

The critical issue is what works best for children in both the short- and long-term to meet children's needs and rights to safety, a secure identity and stability—all important foundations for children's intellectual, emotional and social development.

As the Minister quite properly said, major issues need to be debated and major details in this bill must be discussed. Agreement may have been reached with the Leader of the House. If I agree to adjourn debate on this bill I believe that I will be allowed to continue my speech when the House resumes in August. Does the Minister give me that undertaking?

Mr Whelan: The Government does not intend to gag debate on this bill. I indicate to the honourable member for Wakehurst that he will have pre-audience when the House resumes on 8 August.

Debate adjourned on motion by Mr Hazzard.

DAIRY INDUSTRY BILL

Mr ACTING-SPEAKER (Mr Lynch): I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council has considered the Legislative Assembly's Message, dated Thursday 29 June 2000, relating to the Dairy Industry Bill, and does not insist on its amendments Nos 1 to 7 disagreed to by the Assembly in the Bill.

Legislative Council
29 June 2000

MEREDITH BURGMANN
President

INDUSTRIAL RELATIONS AMENDMENT BILL

Mr ACTING-SPEAKER (Mr Lynch): I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council has considered the Legislative Assembly's message dated Thursday 29 June 2000, relating to the Industrial Relations Amendment Bill, and does not insist on its amendment No. 2 disagreed to by the Assembly in the Bill.

Legislative Council
29 June 2000

MEREDITH BURGMANN
President

DEATH OF Mr KENNETH ALFRED RILEY, FORMER SPEAKER'S ATTENDANT

Mr WHELAN (Strathfield—Minister for Police) [8.43 p.m.]: I advise honourable members that today several members, including former Speaker Rozzoli, attended the funeral of Ken Riley. Honourable members will recall that Ken started in the Parliament as a waiter in the late 1960s and he later became an attendant. Ken's gentlemanly manner and his wicked humour lent themselves perfectly to his position as Speaker's attendant. He commenced that duty in 1976 with Speaker Kelly. Ken's reign lasted through other Speakers, namely, Ellis, Cameron and Rozzoli, until he retired in 1993. Ken will be missed dearly, especially by the attendants, as he had much to offer in both his working life and his life in retirement. As I said earlier, former Speaker Rozzoli attended Ken's funeral. Ken's death was sad and tragic.

Mr ROZZOLI (Hawkesbury) [8.45 p.m.]: I acknowledge the service to this Parliament of Kenneth Alfred Riley, who passed away last weekend after a battle with cancer. Ken served this Parliament for a long period as a good and faithful servant. He had an amazing capacity to understand many of the nuances of the Parliament. He served Speaker Kelly, who also attended the funeral today, faithfully and loyally for 12 years. He then served me as Speaker until his retirement. As the Minister for Police said earlier, Ken had some remarkable attributes. In some respects he had a wicked sense of humour. Ken was prone to liking those whom he chose to like, and he had a hearty dislike for those he did not like. He had a remarkably discerning judgment in relation to people. I am pleased on that basis that I was one of those whom he included as a friend.

My wife Carol and I became close friends of Ken during the time he worked with me. No greater indication of his devotion to duty is evident than that famous day and night when we sat for 33 hours without a break. Ken stayed on duty and did not seek to be relieved throughout that time. In the small hours of the morning from about 2.00 a.m. until about 6.30 a.m., which was a deadly time for everyone, Ken soldiered on and continued working for the rest of the day until the Parliament rose. Although I offered him the opportunity of being relieved by someone else he felt that his duty was with the Parliament and with me, as Speaker. That sort of dedication to the job is rare indeed. In this day and age it is becoming an even rarer commodity.

The funeral was attended by a number of former parliamentary attendants, Graham Cooksley, a former Clerk of the Legislative Assembly, and number of others who worked in Parliament House. That was a tribute to Ken's popularity and the regard with which he was held. Ken was an extremely private person. He was never very noticeable in what he did, though over time his actions brought him to notice. Nonetheless, he was a private person. He certainly would not appreciate a fuss being made over him. I know that he would have very much appreciated the fact that the Parliament chose tonight to acknowledge his passing and to honour his service to the Parliament.

SPECIAL ADJOURNMENT**Retirement of the Honourable J. W. Shaw**

Mr WHELAN (Strathfield—Minister for Police) [8.48 p.m.]: I move:

That the House at its rising this day do adjourn until Tuesday 8 August 2000 at 2.15 p.m.

Honourable members would be aware of the resignation of former Attorney General Jeff Shaw. I believe it is appropriate for me to refer to some of the great legal and industrial relations reforms that were introduced by the former Attorney General, and Minister for Industrial Relations in the New South Wales Parliament. I hope that I have the support of the Opposition in referring briefly to Jeff Shaw's most distinguished career. Jeff Shaw introduced public sector privacy laws, he reformed the Administrative Decisions Tribunal, he introduced

sentencing guidelines and he codified the powers of public arrest and detention. He introduced juvenile conferencing, including police warnings and cautions and non-discriminatory property relations legislation. He enhanced the State's legal aid budget and streamlined the State's criminal committals process. He reformed the apprehended violence order system and introduced video link evidence and uniform evidence law. He introduced legislation to protect confidential communications and he implemented sentencing law reform.

In 1996 the former Attorney introduced industrial relations laws which were broadly supported by unions and employees and effected the substantial enhancement of occupational, health and safety laws. He implemented higher penalties and introduced legislation which resulted in more prosecutions, more WorkCover inspectors and a strong educational and publicity campaign. The Attorney created the Charter of Victims Rights to enshrine a victim's right to be treated with courtesy, compassion and respect by government agencies. He established the Victims of Crime Bureau. He created the youth justice conferencing scheme, which brings young non-violent offenders face to face with their victims. He reformed evidence laws so that confidential sexual assault counselling records were not admissible in sexual assault trials except in special circumstances. He strengthened the Bail Act by removing the presumption in favour of bail for a range of serious offences.

In an initiative that will be regarded in the future as trailblazing, he established Australia's first Drug Court, located in Sydney's west. Although no wealth of statistics is available on the number of young people going through the Drug Court, early indications are that 60 per cent of the first offenders to go through the Drug Court have not reoffended. The Attorney introduced sentencing guidelines which enabled the Attorney to ask the Court of Criminal Appeal to issue guideline judgments. He reformed the Supreme Court and the District Court so that more civil matters could be heard quickly by the District Court. He introduced a streamlined appeals system from the Local Court to the District Court. The list goes on.

I am sure I speak on behalf of all members of the Government in wishing him well. When I saw him last night he asked me, "Are you bringing me my first brief?" Nothing would give me greater satisfaction. I do not think anyone in the Legislative Council or, indeed, in the Government has such an intimate knowledge of industrial law. He is a man who understood both industrial and criminal law. He had a powerful sense of the protection of civil liberties in our community. He will certainly be missed by the Government. I am sure all honourable members extend to him every good wish for the future, as I do. He will have an industrial and legal career, and it will be as illustrious as his parliamentary career, which was the highest of all.

Mr HARTCHER (Gosford) [8.51 p.m.]: On behalf of the Opposition I acknowledge the resignation of the Attorney General, and Minister for Industrial Relations. As I said in my press release honouring his resignation, he is a decent man. He was a Minister whose word was his bond, and everybody who dealt with him respected him as a fine human being and a person for whom integrity was a mark of his personality. With the Leader of the House, I acknowledge that he has made a fine contribution to law reform in this State. Obviously, from an Opposition point of view not all of those reforms were welcomed or supported by us, but his own position was well known. He was consistent, firm, always fair to deal with and, as I said, always courteous.

I remember very well my dealings with him during the Drug Summit when he presided very fairly over his section of the Summit. He was anxious that every opinion be expressed, and that everybody's view be sought, and he always had a judicial temperament in the sense that he remained calm, courteous and fair-minded. That is probably one of the highest tributes that can be paid to any person who leaves this place. It is not usual when a politician indicates that he intends to leave this place that both sides of Parliament join in a tribute to him. The fact that that has happened is an acknowledgement of the esteem in which the former Attorney is held. As he said at his press conference to mark his resignation, he probably was a better lawyer than he was a politician. That is probably why he was so well respected. Had he been a better politician, different remarks might well have been made about him.

He was first and foremost a lawyer. When he came to Parliament he had a distinguished career at the bar behind him, and his presentations to Parliament were always those of a learned man, and of a man learned in the law. As the Leader of the Opposition said at her press conference, the Government will be the worse for his absence. All members of the House should acknowledge the contribution he has made and the courtesy he has shown. Every member of the House will wish him well in his new career at the bar.

Motion agreed to.

House adjourned at 8.55 p.m. until Tuesday 8 August 2000 at 2.15 p.m.
